

## 20 LOCAL AGENCY COMMENTS

## 20 LOCAL AGENCY COMMENTS (Part 1)

# Submission 1173 (Greg Nudd, Bay Area Air Quality Management District, September 23, 2020)

**San Francisco - San Jose - RECORD #1173 DETAIL**

**Status :** Unread  
**Record Date :** 9/23/2020  
**Interest As :** Local Agency  
**First Name :** Greg  
**Last Name :** Nudd  
**Attachments :** 2020-09-23 SF\_SJ HSR DEIR\_EIS Letter\_gn.pdf (147 kb)

**Stakeholder Comments/Issues :**

Hello,  
 The following is being submitted on behalf of Greg Nudd, Deputy Air Pollution Control Officer of the Bay Area Air Quality Management District.

Please find enclosed a comment letter regarding the California High-Speed Rail Authority San Francisco to San Jose Project Section Draft EIR/EIS.

Thank you,

[cid:image003.jpg@01D69196.D85B1CA0]Justine Buenaflor  
 Executive Assistant I, Executive Office  
 Bay Area Air Quality Management District<<http://www.baaqmd.gov/>>  
 Office: 415-749-4649 | Mobile: 415-715-7003



**BAY AREA  
 AIR QUALITY  
 MANAGEMENT  
 DISTRICT**

**ALAMEDA COUNTY**  
 John J. Bauters  
 Pauline Russo Cutter  
 Scott Haggerty  
 Nate Milley

**CONTRA COSTA COUNTY**  
 John Gioia  
 David Hudson  
 Karen Mitchoff  
 (Secretary)  
 Mark Ross

**MARIN COUNTY**  
 Katie Rice

**NAPA COUNTY**  
 Brad Wagenknecht

**SAN FRANCISCO COUNTY**  
**VACANT**  
 Shamann Walton  
 Tyrone Jue  
 (SF Mayor's Appointee)

**SAN MATEO COUNTY**  
 David J. Canepa  
 Carole Groom  
 Davinia Hurt

**SANTA CLARA COUNTY**  
 Margaret Abe-Koga  
 Cindy Chavez  
 (Vice Chair)  
 Liz Kniss  
 Rod G. Sinks  
 (Chair)

**SOLANO COUNTY**  
 James Sperring  
 Lori Wilson

**SONOMA COUNTY**  
 Teresa Barrett  
 Shirlee Zane

Jack P. Broadbent  
**EXECUTIVE OFFICER/APCO**



September 23, 2020

Mark A. McLoughlin  
 California High-Speed Rail Authority  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113

Re: California High-Speed Rail Authority San Francisco to San Jose Project Section Draft EIR/EIS

Dear Mr. McLoughlin,

Bay Area Air Quality Management District (Air District) staff has reviewed the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the California High-Speed Rail Authority's (the Authority) San Francisco to San Jose Project Section (Project). The proposed California High-Speed Rail (HSR) will connect the major population centers of Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego using state-of-the-art, electrically powered, high-speed, steel-wheel-on-steel-rail technology, including contemporary safety, signaling, and automated train-control systems, with trains capable of operating at up to 220 miles per hour over a dedicated track alignment.

The Project would construct approximately 49 miles of blended system infrastructure with Caltrain and HSR service sharing tracks; up to 6 miles of dedicated HSR infrastructure; stations at 4th and King Street, Millbrae, and San Jose Diridon; a light maintenance facility (LMF) in Brisbane; and an additional passing track option. Two Project alternatives (Alternatives A and B) were evaluated and Alternative A has been identified as the preferred alternative.

**Additional Construction Emissions Reduction Measures**

The DEIR/EIS anticipates that Project construction-related nitrogen oxides (NOx) emissions will lead to a significant and unavoidable impact after incorporating all best available on-site control measures (Impact AQ#1). The impact would be reduced to less than significant by funding off-site emissions reduction projects in San Francisco Bay Area Air Basin (AQ-MM#1). The Air District is aware of the proposed mitigation and looks forward to working with the Authority to reduce NOx emissions in the Bay Area.

The Air District strongly supports the implementation of all available on-site emission reduction measures before relying on off-site mitigation measures. As Project construction is scheduled for years 2021 through 2026, the Air District believes that additional on-site emission reduction measures are possible through equipment improvements that will be made available during Project construction.

375 BEALE STREET, SUITE 600 • SAN FRANCISCO CA • 94105 • 415.771.6000 • [www.baaqmd.gov](http://www.baaqmd.gov)

# Submission 1173 (Greg Nudd, Bay Area Air Quality Management District, September 23, 2020) - Continued

Mark A. McLoughlin  
Page 2

September 23, 2020

1173-1855 | The Air District recommends the Authority make a commitment to use only zero-emission on-road and off-road trucks and construction equipment or otherwise use equipment with the best available NOx control technology offered at the time of construction. This requirement could include, but is not limited to, dump, water, boom, and concrete trucks, and off-road material and equipment hauling equipment.

1173-1856 | In addition, the DEIR/EIS anticipates that the fine particulate matter (PM<sub>2.5</sub>) and particulate matter (PM<sub>10</sub>) from construction emissions will lead to a significant and unavoidable impact after incorporating all best available on-site control measures (Impact AQ#3). Implementation of zero-emission equipment as recommended above to reduce NOx emissions will also reduce PM and PM<sub>2.5</sub> emissions. Air District staff further recommends incorporating additional measures to further reduce and control fugitive dust in AQ-IAMF#1. Examples of additional measures to be considered include, but are not limited to:

- Install dust curtains, plastic tarps or windbreaks, or plant tree windbreaks on the property line on windward and down windward sides of station and light maintenance facility construction areas, as necessary, and
- Establish a hotline for surrounding community members to call and report visible dust problems so that the Authority can promptly fix those problems; post signs around the site with the hotline number and ensure that the number is given to adjacent residents, schools and businesses.

### Ban Use of Diesel Generators During Construction and Operations

1173-1857 | The DEIR/EIS Appendix 3.3-A Appendix C Construction Emissions Assumptions does not include the use of diesel generators on the equipment list. If diesel generators will be used during construction, this equipment should be included in equipment lists and the DEIR/EIS analysis. The Air District recommends that the Project use grid power whenever possible rather than relying on diesel generators at the construction sites. If grid power is not available, the Authority should require the use of alternatives to diesel power, such as battery storage, fuel cell, and natural gas generators. Regardless of the type of power used to power construction activities, these emissions should be accounted for in the air quality analysis. If not included, the DEIR/EIS underestimates the air quality emissions from the Project. Diesel generators should also be banned during operations at the stations and light maintenance facility. At these sites, the Authority also should require the use of cleaner backup power.

### Health Risk Assessment Methodology

1173-1858 | Air District staff recommends that the DEIR/EIS include a breakdown of all sources included in the HRA completed for the project that contribute to cumulative health risks, for example those from the Project (e.g., from generators), nearby permitted facilities, and mobile sources such as SR-87, I-280, SR-82, SR-92, I-880, US-101, Caltrain, Altamont Corridor Express, Transit America Services, San Jose airport, San Francisco airport, and activity along the Caltrain corridor.

1173-1859 | To address cumulative impacts and potential health risks from the Project's operations, Air District staff recommends the DEIR/EIS include an analysis of potential local risks and hazards associated with

Mark A. McLoughlin  
Page 3

September 23, 2020

1173-1859 | toxic air contaminants (TACs) and PM<sub>2.5</sub>, including emissions from the Project itself and nearby stationary and mobile sources. If the Project chooses to pursue using emergency generators, staff recommends that the DEIR/EIS address how the Project will comply with Air District Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants.

1173-1860 | Air District staff recommends that the Authority evaluate construction and operation activities to determine health risk to the maximum exposed individual as well as the nearest sensitive receptors. The DEIR/EIS HRA analysis should clearly state the maximum exposed individual from Project impacts.

1173-1861 | The Air District can provide technical assistance and support to the Authority to ensure that best available data and methodologies are used in the Health Risk Assessment; please contact Alison Kirk (contact information below) to discuss further.

### Compliance with Air District Regulations and Permitting Requirements

1173-1862 | The Project may require compliance with Air District Regulation 6, Rule 6: Prohibition of Trackout for construction sites where the total land area covered by construction activities and/or disturbed surfaces at the site are one acre or larger. Due to the long linear nature of the Project, with up to 49 miles of embankment or trench expected, the DEIR/EIS should discuss Regulation 6, Rule 6 as it applies to the Project. To discuss the Project application, please visit <https://www.baaqmd.gov/rules-and-compliance/rules/regulation-6-rule-6-prohibition-of-trackout> and consult with the Compliance and Enforcement section at (415) 749-4795 or [compliance@baaqmd.gov](mailto:compliance@baaqmd.gov).

1173-1863 | In addition, the Project may require permits (Authority to Construct/Permit to Operate) from the Air District for emergency standby generators (diesel engines). Because the Project also includes an automatic train control system that requires communication towers, the Authority should discuss with the Air District any additional equipment that may require permits. To apply for an Authority to Construct/Permit to Operate for engines, please visit: <https://www.baaqmd.gov/permits/apply-for-a-permit/engine-permits>. To apply for an Authority to Construct/Permit to Operate for any other equipment, please visit <https://www.baaqmd.gov/permits/apply-for-a-permit>. If you have any questions regarding the Air District's permits, please contact Barry Young, Senior Advanced Projects Advisor, at [byoung@baaqmd.gov](mailto:byoung@baaqmd.gov) or (415) 940-9641 to discuss permit requirements.

We encourage the Authority to contact Air District staff with any questions and/or to request assistance during the environmental review process. If you have questions regarding these comments, please contact Alison Kirk, Principal Environmental Planner, at (415) 749-5169 or [akirk@baaqmd.gov](mailto:akirk@baaqmd.gov).

Sincerely,



Greg Nudd  
Deputy Air Pollution Control Officer

Cc: Air District Board of Directors

## Response to Submission 1173 (Greg Nudd, Bay Area Air Quality Management District, September 23, 2020)

### 1173-1853

The comment is noted. It does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS.

### 1173-1854

The Authority has incorporated additional on-site mitigation measures suggested by BAAQMD into the Final EIR/EIS, as part of a new mitigation measure AQ-MM#1. With the new AQ-MM#1, the Authority will prioritize use of electric or hybrid-electric off-road construction equipment and heavy-duty vehicles over diesel counterparts. Additionally, as discussed in the Final EIR/EIS, project features (AQ-IAMF#3 through AQ-IAMF#5) would also minimize localized criteria pollutant emissions through application of best available on-site controls to reduce exhaust emissions, including use of renewable diesel, Tier 4 off-road engines, and newer haul trucks.

### 1173-1855

Please refer to the response to submission FJ-1173, comment 1854.

### 1173-1856

Please refer to the response to submission FJ-1173, comment 1854. In addition, the Authority has incorporated into AQ-IAMF#1 the additional on-site emissions control measures suggested by BAAQMD to reduce fugitive dust into the Final EIR/EIS.

### 1173-1857

The Authority does not anticipate that diesel-fueled generators would be used for construction of the project because construction would occur in a populated area, and there are ample locations to make temporary connections to utility electric lines to supply grid power if needed for a specific construction activity. Additionally, the Authority has included a new mitigation measure, AQ-MM#1, in the Final EIR/EIS that prioritizes the use of electric or hybrid-electric off-road construction equipment (including generators) over diesel counterparts.

As described under Impact AQ#14 of the Final EIR/EIS, the Authority has assumed for the purposes of the environmental analysis that diesel generators would be used at stations and the LMF as emergency backup in the event of a power outage. Diesel generators would not be used at stations or the LMF for normal operations.

### 1173-1858

The Authority has modified the format of Appendix C, Construction Emissions Assumptions, of the Air Quality and Greenhouse Gases Technical Report (Final EIR/EIS Volume 2, Appendix 3.3-A ) in response to this comment. The appendix now includes a breakdown of all sources included in the cumulative HRA that was conducted for the Draft EIR/EIS.

### 1173-1859

A cumulative health risk analysis is included in Section 3.18.6.2, Air Quality and Greenhouse Gases, of the Draft EIR/EIS. The cumulative health risk analysis includes TAC and PM2.5 emissions from the project and nearby stationary and mobile sources.

In response to the comment, additional discussion of Air District Regulation 2, Rule 5 has been added to Section 3.3.4.3, Methods for Impact Analysis, of the Final EIR/EIS.

### 1173-1860

As defined in CAPCOA guidance, the MEI is a hypothetical person who lives an entire lifetime outdoors at the point where pollutant concentrations are highest. For emissions sources that are elevated above the ground (e.g., an industrial stack), the emissions may be transported by wind for some distance before dispersing to ground level. As a result, concentrations at receptors nearest the source may be low, and the maximum pollutant concentration can occur at a receptor at a greater distance from the source than the nearest receptor. However, for sources that are near or at ground level (e.g., construction equipment and vehicles), the emissions will disperse near or at ground level and concentrations will decrease with increasing distance from the source. Thus, for ground-level sources, the maximum concentration will occur at the nearest receptor. Because the project emission sources are near or at ground level, the maximum concentrations will occur at the nearest receptor. Hence, for the project sources, the nearest receptor and the MEI (receptor) are the same. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1173 (Greg Nudd, Bay Area Air Quality Management District, September 23, 2020) - Continued

### 1173-1861

The Authority appreciates the air district's support. The comment is noted but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1173-1862

The comment noted that the project may be subject to BAAQMD Regulation 6, Rule 6. Compliance with Regulation 6, Rule 6 is included in the provisions of the fugitive dust control plan required by AQ-IAMF#1. Please refer to Section 3.3.2.3, Regional and Local, of the Draft EIR/EIS for a statement on air district rules applicable to the project. This section of the Draft EIR/EIS refers readers to Volume 2, Appendix 3.3-A, Air Quality and Greenhouse Gases Technical Report. Section 3.3.1, Bay Area Air Quality Management District, of Appendix 3.3-A lists the potential BAAQMD rules to which the project may be subject. The Authority has modified the list of rules in Appendix 3.3-A of the Final EIR/EIS to include Regulation 6, Rule 6, in response to this comment.

### 1173-1863

The comment is noted but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1038 (Thomas Yeager, Brisbane Sanitary District, August 11, 2020)

## Bayshore Sanitary District

36 INDUSTRIAL WAY  
BRISBANE, CALIFORNIA 94005  
(415) 467-1144

BOARD OF DIRECTORS:  
RICHARD CONSTANTINO  
IRIS GALLAGHER  
NORMAN RIZZI  
MAE SWANBECK  
KENNETH TOMPKINS

28 July 2020

JOHN BAKKER, A. GRNEY  
RICH LANDI, MAINTENANCE INSPECTOR  
TOM YEAGER, DISTRICT ENGINEER

San Francisco to San Jose: Draft EIR/EIS California  
High-Speed Rail Authority  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113

RECEIVED  
AUG 03 2020

BY: *TR*

Re: Draft EIR/EIS --- Brisbane Light Maintenance Facility (LMF)

To whom it may concern:

1038-104

The LMF lies in the service area of the Bayshore Sanitary District (BSD). The BSD operates a collection and pumping station in this area and discharges the wastewater to San Francisco for treatment. Treatment is provided by the San Francisco Public Utilities Commission (SFPUC) at their Southeast Plant. The District's office and Carlyle Pump Station (CPS) is located at 36 Industrial Way near the west option for the LMF. The District also serves the site of the east option. See attached exhibit.

The District has not been consulted regarding our ability to handle this wastewater flow and wastewater is dismissed with the comment "Wastewater would be disposed of properly and handled safely and would not exceed the available treatment capacity of local wastewater treatment plants." While this may be true with respect to treatment capacity, it is may not be true with respect to the capacity of the CPS or of the Tunnel Avenue collection system. This entire area is part of the Brisbane Baylands development and the overall wastewater capacity of the District must be evaluated in the context of these two projects.

Specific questions that the District has include:

1038-105

- What is the maximum daily discharge from the LMF?
- Will there be any industrial discharges associated from this facility or are the discharges domestic only?
- Have you consulted with the developers of Brisbane Baylands and how does the discharge from the LMF impact the overall site discharge?

1038-106

1038-107

The District's website ( <http://www.bayshoresanitary.com/> ) contains information on the District as well as the District Ordinance and Standard Specifications. Additional information can be provided by contacting the District Engineer, Tom Yeager ([teveagerpe@gmail.com](mailto:teveagerpe@gmail.com)). The District should be contacted before finalizing this document.

Very truly yours,  
BAYSHORE SANITARY DISTRICT

*Tom Yeager*

Thomas E. Yeager  
District Engineer

cc: Joann Landi - Bayshore Sanitary District  
Iris Gallagher- Board President  
John Bakker - District Legal Counsel

c:\users\user\documents\2020\bsd\brisanne baylands 2020\ca hsr\eir comments 072820.doc

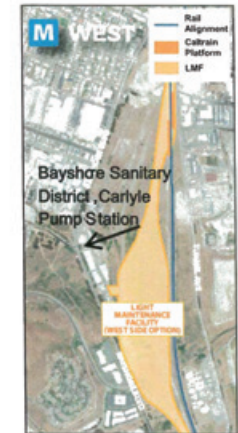


### FOCUS ON BRISBANE

The Brisbane Bayshore East and West sites met all siting criteria. As a result, the Authority moved both sites forward for environmental review in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/S).



**M The East Brisbane LMF** would minimize the impact to the planned mixed-use development (including housing) on the west side of the Caltrain tracks, as envisioned in the Brisbane General Plan. Tunnel Avenue and Lagoon Road would be relocated to be adjacent to the LMF. The East site would have fewer permanent impacts on wetlands than the West site and would avoid impacting eight acres of habitat for threatened and endangered butterfly species on Icehouse Hill.



**M The West Brisbane LMF** would have the greatest impact to mixed-use development, where up to 2,200 residential units (including affordable housing units) are planned. The West site would have more permanent impacts on wetlands than the East site and would impact threatened and endangered butterfly species on Icehouse Hill.

In 2019, the Authority identified the East Brisbane LMF as the preferred location. The East site would be more compatible with planned land uses and have fewer environmental impacts. Both options will be studied in full in the Draft EIR/EIS planned for release in the summer of 2020.

HOW TO STAY INVOLVED [www.hsr.ca.gov](http://www.hsr.ca.gov) 800-435-8670 [san francisco\\_san\\_jose@hsr.ca.gov](mailto:san francisco_san_jose@hsr.ca.gov)

Submission 1038 (Thomas Yeager, Brisbane Sanitary District, August 11, 2020) - Continued





## Response to Submission 1038 (Thomas Yeager, Brisbane Sanitary District, August 11, 2020)

### 1038-104

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment states that the Bayshore Sanitary District has not been consulted regarding the ability of its facilities to handle increased wastewater flow from the project and that the project impacts must be considered in the context of the proposed Brisbane Baylands development project.

As explained in Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, the proposed Brisbane Baylands development is not considered in the existing conditions environmental baseline for the impact analysis in the Draft EIR/EIS. Regarding the capacity of Bayshore Sanitary District facilities to handle wastewater originating at the LMF (either option), the Authority notes that the Bayshore Sanitary District owns and operates the Carlyle Pump Station but does not own or operate its own wastewater treatment facilities. As noted in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS, wastewater generated at the LMF (either option) would ultimately be directed to the SFPUC treatment facility (Southeast Wastewater Treatment Plant). It is assumed that wastewater originating at the LMF would in turn be collected and transmitted through City of Brisbane facilities (including the Carlyle Pump Station) en route to the SFPUC treatment facility. According to the Brisbane Baylands Draft EIR (City of Brisbane 2013), the Bayshore Sanitary District contracts with the SFPUC for the treatment of peak wastewater discharge of 6.7 mgd at SFPUC's Southeast Wastewater Treatment Plant; annual Bayshore Sanitary District discharges to the SFPUC were approximately 0.41 mgd. The Bayshore Sanitary District contract with the SFPUC does not have a maximum capacity allocation for wastewater discharge to the Southeast Wastewater Treatment Plant.

According to the Bayshore Sanitary District's website the Carlyle Pump Station typically sees dry weather flows of 260,000 gpd; wet weather flows typically increase to up to 400,000 gpd. The Bayshore Sanitary District's website notes that "on rare occasions the maximum daily flow can exceed 2,000,000 gallons per day. The CPS is capable of handling this peak flow" (Bayshore Sanitary District 2021).

As stated in Impact PUE#9, the amount of wastewater assumed to be generated by the

### 1038-104

LMF would be 100 percent of its water use, or up to 106,000 gpd. As stated in the Brisbane Baylands Draft EIR (City of Brisbane 2013), estimated wastewater generation for the Baylands project would range from 0.733 mgd to 1.606 mgd. The Brisbane Baylands Draft EIR concluded that with the Baylands project, the Bayshore Sanitary District's wastewater flows would increase to a maximum of 2.012 mgd and concluded a less-than-significant impact due to the total being well within the capacity of the SFPUC facility to treat. No impact was identified concerning any of the City of Brisbane's wastewater conveyance facilities, including the Carlyle Pump Station.

In sum, based on information published by the Bayshore Sanitary District as well as the Brisbane Baylands Draft EIR (City of Brisbane 2013), it is anticipated that the Carlyle Pump Station has adequate capacity to handle the additional wastewater flow that would be added by the LMF, even with the addition of the Brisbane Baylands Development. The Authority will continue to coordinate with Bayshore Sanitary District as set forth in Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, which addresses the Authority's process of coordinating with local government entities. The comment did not result in any revisions to the Draft EIR/EIS.

### 1038-105

As shown in Impact PUE#9 in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS, the expected maximum daily discharge into the SFPUC system—from both the LMF and the 4th and King Street Station—would be 108,000 gpd. As shown in Table 3.6-14, the estimated daily water use at the LMF would be 105,732 gpd. The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are required.

### 1038-106

As described under Impact PUE#9 in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS, the sources of wastewater generated from the project, including the LMF, would be a mixture of domestic and industrial. The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are required.

## Response to Submission 1038 (Thomas Yeager, Brisbane Sanitary District, August 11, 2020) - Continued

### 1038-107

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

As noted in Draft EIR/EIS Chapter 9, Public and Agency Involvement, the Authority has met with the developers of the Brisbane Baylands. Specifically, the Authority met in November 2018 with Universal Paragon Corporation, now doing business as Baylands Development Inc.

Regarding wastewater discharge, please refer to the responses to submission FJ-1038, comments 104 and 105. As explained in Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, the proposed Brisbane Baylands development is not considered in the existing conditions environmental baseline for the impact analysis in the Draft EIR/EIS.

The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020)

**San Francisco - San Jose - RECORD #1139 DETAIL**

**Status :** Unread  
**Record Date :** 9/10/2020  
**Interest As :** Local Agency  
**First Name :** Anna  
**Last Name :** Harvey  
**Attachments :** 090920.CAHSR.F-J.DEIR.Comment.Letter.pdf (218 kb)

**Stakeholder Comments/Issues :**

Good afternoon,

Please see attached for the City and County of San Francisco's comment letter and subsequent table of comments on the DEIR/EIS.

1139-893

Regards,

Anna Harvey, PE  
 Rail Program Manager, Citywide Planning Division

San Francisco Planning Department

Please note my new address as of August 17, 2020.

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

1139-894

415.672.2852 (c) |  
[www.sfplanning.org<https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.sfplanning.org%2F&data=02%7C01%7Cnile.ledbetter%40flysfo.com%7C76549402c1ac4694733008d82f39345c%7C22d5c2cfce3e443d9a7fdcc0231f73f%7C0%7C0%7C637311270021164785&sdata=lf17BUyMSKeOuC1FFYNIVKinCZ8ubA8fwpj2X9dyE7Q%3D&reserved=0>](https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.sfplanning.org%2F&data=02%7C01%7Cnile.ledbetter%40flysfo.com%7C76549402c1ac4694733008d82f39345c%7C22d5c2cfce3e443d9a7fdcc0231f73f%7C0%7C0%7C637311270021164785&sdata=lf17BUyMSKeOuC1FFYNIVKinCZ8ubA8fwpj2X9dyE7Q%3D&reserved=0)

Due to COVID-19, San Francisco Planning is not providing any in-person services, but we are operating remotely. Our staff are available by e-mail<<https://sfplanning.org/staff-directory>>, and the Planning and Historic Preservation Commissions are convening remotely. The public is encouraged to participate<<https://sfplanning.org/node/1978>>. Find more information on our services here<<https://sfplanning.org/covid-19>>.

1139-895

September 9, 2020

Brian Kelly, Chief Executive Officer  
 California High-Speed Rail Authority  
 770 L Street, Suite 620  
 Sacramento, CA 95814

Subject: San Francisco comments on the Draft Environmental Impact Report on the San Francisco-to-San Jose project section

Dear Mr. Kelly,

We are pleased to provide this letter of support for the subject document. As emphasized in our August 2019 letter on the Staff Recommendation for the Preferred Alternative for the San Francisco-to-San Jose section as well as our April 2020 letter on the Draft 2020 Business Plan, San Francisco strongly supports the high-speed rail project and views it as an integral part of a multi-pronged effort to address significant challenges faced by our city and the Bay Area as a whole. In conjunction with the electrification of Caltrain, the addition of high-speed rail service to the Peninsula corridor will alleviate congestion on our streets and freeways, reduce greenhouse gas emissions and provide reliable, fast access to jobs and opportunities for housing in the region. We look forward to playing an active role to help with project development and addressing the funding gap to make high-speed train service between Silicon Valley and the Central Valley a reality by 2031. With that in mind, we have attached our comments on the draft environmental document to this letter, with two major items highlighted below.

Grade Separations

As we commented on the Alternatives Analysis (AA) in 2010 and the Notice of Preparation (NOP) in 2016, the proposed service pattern of six to eight Caltrain trains and four high-speed rail trains at peak hour would result in untenable amounts of gate down time at the existing 16<sup>th</sup> Street and Mission Bay Drive at-grade crossings. It is the City's position that the closure of the two at-grade intersections at 7th/Mission Bay Drive and 16th Street for 20-30 minutes during the peak hours is an unacceptable condition, particularly in view of the existence of three medical facilities in Mission Bay for which access would be dramatically curtailed. Furthermore, maintaining the at-grade crossing at 16th Street directly conflicts with policy 4.1.10 in the San Francisco General Plan Showplace Square/Potrero Area Plan, "consider grade separation of the Caltrain tracks at 16th Street as part of a future high-speed rail project". The AA and the NOP both proposed depressing 16<sup>th</sup> Street as a means for providing grade separation at those locations.

In San Francisco, work is currently underway to advance design for the Downtown Rail Extension (DTX), which will extend Caltrain and future California High-Speed Rail service from the existing 4th and King railyard to the Salesforce Transit Center. In September 2018, San Francisco Planning Department concluded the Rail Alignment and Benefits (RAB) Study, which determined that the preferred configuration to grade-separate the rail alignment from the street network south of 4<sup>th</sup> and King was for the DTX to continue via tunnel along 7<sup>th</sup> Street and then Pennsylvania Avenue, thus improving vehicular and pedestrian safety as well as travel times for transit and other modes. This alignment, termed the Pennsylvania Avenue Extension (PAX), was adopted and recommended by both the Transportation Authority Board as well as the Mayor of San Francisco. The Transportation Authority allocated \$1.6M in funds in November 2019 to advance this preferred concept to readiness to enter environmental clearance by summer 2021. Coordination and cooperation to

Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

1139-895 | advance the DTX and PAX projects to accomplish the grade separations and improve, rather than degrade, these intersections is a high priority. Considering that the need for grade separation is precipitated in part by the proposed CHSRA service and, having determined that neither the CHSRA's proposed mitigation for these at-grade crossings nor other alternatives will result in a solution acceptable to the City, we propose that the CHSRA contribute a fair share of the cost of the PAX project as its mitigation for impacts at the 16<sup>th</sup> Street intersection. San Francisco will continue to coordinate with the CHSRA and other project partners as we advance project development conceptual designs and cost estimates, to support further collaboration on this topic.

1139-896 | 4<sup>th</sup> and King Railyards  
We note that CHSRA has proposed to use 4<sup>th</sup> and King as an interim terminus in 2029. San Francisco is coordinating closely with the Transbay Joint Powers Authority, Caltrain and the site's owner, Prologis, Inc. to lead discussions about the future of the passenger experience, rail operations, and any potential development on or around the station site. We commit to coordinating with CHSRA on maximizing benefits through a shared approach to implementing our respective projects going forward.

1139-897 | Light Maintenance Facility in Brisbane  
We understand that the storage, operations and maintenance needs of Caltrain and high-speed rail sharing a track in a blended system are complicated and still being explored by both entities. We appreciate that the large footprint of the proposed Light Maintenance Facility (LMF) could support the long-term needs of regional/statewide rail operations in the Bay Area and anticipate opportunities to right-size this facility through future planning and coordination with all stakeholders. San Francisco requests being included in facilities planning for any potential future storage and maintenance site in the region, whether at this and/or other locations along the blended service corridor.

1139-898 | The alternatives proposed in the California High-Speed Rail Authority's Draft EIR for San Francisco to San Jose represent the most effective way to realize the significant benefits that fast, clean, electrified high-speed rail service holds for San Francisco. We thank you once again for your collaboration on projects in San Francisco, especially DTX and PAX, and look forward to working with you to advance this once-in-a-generation project and the arrival of high-speed trains at the Salesforce Transit Center.

Sincerely,

  
Tilly Chang  
Executive Director  
San Francisco County Transportation Authority

  
Rich Hillis  
Planning Director  
San Francisco Planning Department

  
Jeffrey Tumlin  
Director of Transportation  
San Francisco Municipal Transportation Agency

San Francisco's overall concerns regarding the environmental analysis presented in the draft EIR/EIS are as follows:

#	Section	Comment
1139-899	1 Transp. (3.2)	The draft EIR/EIS identifies significant and unavoidable impacts to transit (Muni routes 30, 45, and 55) and to emergency access due to gate down time at the 16th Street at-grade crossing and near the 4th and King Street Station. The City is also concerned that the additional gate down time at at-grade crossings would exacerbate project-generated impacts on pedestrians and bicycles under Impact TR#17, as their access to the area would be severely limited by the projected gate down time. As currently proposed the project would also disrupt and divide the community in this area and disproportionately affect marginalized communities which would exacerbate Environmental Justice impacts. The project would also be incompatible with existing and proposed land use patterns in this area, such as development within the Visitacion Valley/Schlage Lock Special Use District near the Bayshore Caltrain Station. The Rail Alignment and Benefits (RAB) Study recommended grade separation at these at-grade crossings. The City has also shared in prior comment letters (June 17, 2016: Comment Letter on the Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement for the California High-Speed Rail System, San Francisco to San Jose Project Section, Blended System; August 22, 2019: San Francisco comments on the State's Preferred Alternative for the San Francisco-to-San Jose segment) that grade separation is the only feasible, long-term solution to avoid impacts at these at-grade crossings. The EIR/EIS should identify a mitigation measure that includes grade separation of the high-speed rail line at those locations as this would reduce the significant and unavoidable impacts to transit and emergency access identified in the EIR/EIS and the significant impacts to pedestrians and bicycles and environmental justice and land use impacts that would occur due to this project.
1139-900		
1139-901		
1139-902		
1139-903		
1139-904	2 Noise and Vibration (3.3)	Noise and Vibration (Section 3.3): Mitigation measure NV-MM#3: Implement Proposed California High-Speed Rail Project Noise Mitigation Guidelines includes a component to install building sound insulation in areas where severe noise impacts from project operations could occur and noise barriers are not proposed or found to be infeasible. The Planning Department recommends that the selection process for building noise insulation prioritize locations where existing noise levels are already high and communities of concern identified by the Metropolitan Transportation Commission. However, the City is concerned about the proposal to construct noise barriers at the Bayshore Caltrain Station. We would likely not support noise barriers at locations because they impede pedestrian and bicycle access, particularly from the Schlage Lock transit-oriented development site, the terminus of the Muni Metro line, the Muni lines 8 and 9, and land uses planned in Brisbane, and are otherwise incompatible with land uses in the city.
1139-905		
1139-906	3 AQ and GHG (3.4)	The Planning Department recommends that the emissions reduction projects selected by the Bay Area Clean Air Foundation as part of AQ-MM#1: Offset Project Construction Emissions in the SFBAAB be located in or as close as

## Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

1139-906			possible to those communities that would be directly impacted by the project's construction emissions, particularly communities within the city's Air Pollutant Exposure Zone. In addition, whenever possible, emissions reduction projects selected as part of AQ-MM#1 should come from existing efforts to improve air quality in the San Francisco Bay Area.
1139-907			
1139-908	4	Cul. Res. (3.16)	The Planning Department should be consulted on any additional evaluations that are carried out within San Francisco under CUL-MM#1: Mitigate Adverse Effects on Archaeological and Built Resources Identified during Phased Identification and Comply with the Stipulations Regarding the Treatment of Archaeological and Historic Built Resources in the PA and MOA to ensure that they are consistent with our standards for cultural resources evaluation and consider all applicable contexts. We should also be consulted on future archaeological sensitivity assessments within San Francisco.

Additional, detailed comments on the draft EIR/EIS are provided below:

1139-909	5	p. S-8, Footnote 5	Revise footnote 5 to does not address platforms at STS, which need to be at the same height for maximum capacity and resilience of the system
1139-910	6	p. S-13, S5.4.1	The project proposes 110 acres for a light maintenance facility, which appears to exceed the project needs. San Francisco requests that where possible, the footprint of the proposed LMF not be decreased or restricted such that potential future storage and maintenance needs for other rail operators would be precluded.
1139-911	7	p. S-49, SOCIO# 2	The draft EIR/EIS mentions the need to relocate Bayshore station. Where are the drawings showing the relocation? They are not in Volume 3, Stations.
1139-912	8	p. S-53 LU#4	The Draft EIR/EIS states that construction would result in the permanent conversion of 1.9 acres for the HSR modifications to the 4th and King Street Station. The City has plans to potentially develop that site (cite them or reference those plans), and thus any conversion or use of the 4th and King Railyard should be temporary.
1139-913	9	p. S-66 EMF/EM I#4	States that there are six medical facilities that will be exposed to a magnetic shift that may interfere with sensitive equipment. Are UCSF Mission Bay, UCSF Children's Hospital and Kaiser Medical three of them? Have they been contacted and made aware?
1139-914	10	p. S-73 S&S#14	On Regarding Impact S&S#14 (Permanent Exposure to Rail-Related Hazards) and Impact S&S#17 (Permanent Safety Hazards for Schools), the project it proposes intrusion detection system for dedicated HSR facilities as a safety mitigation. Since the mainline will be shared with Caltrain under the Blended System, and therefore not dedicated, does this mean that the intrusion system will not be installed on the mainline?
1139-915	11	p. S-92	Under Safety and Security, Temporary Impacts on Emergency Access and Response Times does not mention UCSF Mission Bay, UCSF Children's Hospital or Kaiser Medical, which would be affected by any disruption on 16th Street

1139-916	12	p. 6, Appendix 6-A	The allocated contingency for most elements, at 15%, and even some at 10%, seems very low for the current level of design.
1139-917	13	Volume 3, p. 13-57	The last paragraph needs to be updated. It refers to various alignment alternatives being considered for connecting to the STC. The alignment for the DTX is set and environmentally cleared, and the RAB study, which considered options to effect at grade separation at 16th St and Mission Bay Drive was completed on April 2018. On September 2018, the SFCTA board adopted Pennsylvania Avenue as the preferred route to extend the DTX south (as a separate project, since it has independent utility from the DTX) and provide the desired grade separation.
1139-918	14	Volume 3, PE Drwgs	Drawings TT-D0101 and AR-J0101 illustrate proposed track alignments at the 4th and King Station and mainline approach tracks. The track alignment as shown poses significant constructability conflicts with the environmentally-cleared DTX retained cut and U-wall.
1139-919	15	p. 3.18-B-3	The project status of several of the San Francisco projects listed in the cumulative section is out of date. Central Subway completion should be updated to 2021. Geneva-Harney BRT is listed as completed in 2015 (should be changed to say that's when the feasibility study was completed). Fulton Rapid should be listed as completed. Geary BRT should be listed as under construction. F-Line extension should be shown as an ongoing study.
1139-920	16	Section 3.2 (Transportation), pg. 3.2-9	In addition to the provisions included in TR-IAMF#2: Construction Transportation Plan, we recommend the plan include a program to reduce construction worker trips by vehicles within San Francisco and incentivize use of sustainable modes of travel. For example, this could include local contractors providing the City's Commuter Benefits Program, subsidizing transit fares, or implementing a parking cash out program in lieu of providing free parking. Is the site within the APEZ and possibly subject to SERs for air quality (if/when those are adopted)?
1139-921	17	Section 3.2 (Transp.), p. 3.2-79-3.2-81 (Impact TR#11)	The draft EIR/EIS found that increased congestion around the 4th and King Station and gate down time at at-grade crossings due to additional high-speed rail trains would result in significant and unavoidable impacts to Muni routes 30, 45, and 55 at the 16th Street at-grade crossing and near the 4th and King Street Station. An at-grade crossing at 16th Street conflicts with policy 4.1.10 in the San Francisco General Plan Showplace Square/Potrero Area Plan: consider grade separation of the Caltrain tracks at 16th Street as part of a future high speed rail project. Please include this policy in the EIR/EIS. Identify the total length of time a bus (or pedestrian or bicyclist) would be delayed at the intersection of 16th Street and Seventh Street during the pm peak hour. The impact statement states there would be a 72 second increase from the project and its unclear how that was calculated given the >180 second increase in delay during peak hours. The impact analysis also doesn't say what the existing delay is. For example, is the total delay during the pm peak hour for is 30 minutes out of 60 minutes and the bus is assumed delayed, instead of 29 minutes out of 60 minutes without the project. If the total pm peak hour delay substantial, the project would exacerbate Impact TR#17 on pedestrian and bicycle access (which doesn't even mention 16th Street or Mission Bay Drive) and Impact

Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

1139-921			SOCIO#3 on disruption or division. The City requests additional information about how these impacts will be reduced as it becomes available and future coordination in order to minimize the impacts to San Francisco's travelling public.
1139-922	18	Section 3.2 (Transp.), p. 3.2-97-3.2-98 (TR-MM#2)	Provide more information about how the proposed transit priority treatments could reduce transit delay on Muni routes 30 and 45. State in the text of the draft EIR/EIS approximately how much of a reduction in delay is anticipated due to implementation of this mitigation measure. This would assist in understanding the overall effectiveness of the mitigation measure. In addition, the draft EIR/EIS should explore a mitigation measure that includes grade separation of the high-speed rail line at 16th Street and near the 4th and King Street Station. The City does not agree that quad gates at the at-grade crossings are an acceptable long-term solution to reduce the significant impacts of additional gate downtime. Grade separation of the high-speed rail line would reduce the significant and unavoidable impacts. Prior comment letters from San Francisco (June 17, 2016: Comment Letter on the Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement for the California High-Speed Rail System, San Francisco to San Jose Project Section, Blended System; August 22, 2019: San Francisco comments on the State's Preferred Alternative for the San Francisco-to-San Jose segment) identified the potential for an impact due to an at-grade crossings at 16th Street and near the 4th and King Station and feasible mitigation and alternatives to address it. CEQA requires lead agencies to explore mitigation measures and alternatives to address significant impacts. If this type of mitigation measure was considered but found to be infeasible, explain why in the text of the draft EIR/EIS.
1139-924	19	Section 3.3. (Air Quality and Greenhouse Gasses)	We support the application of Impact Avoidance and Minimizations Features and AQ-MM#1: Offset Project Construction Emissions in the SFBAAB to reduce the project's impacts. Although AQ-MM#1 addresses air quality emissions at a regional level, the people who would be most affected by the project's construction-related emissions are those who will live closest to where the project's construction activities would occur. In addition, the City has identified areas of San Francisco where people already experience poor air quality, known as the Air Quality Exposure Zone and portions of the San Francisco to San Jose project section would be located within this zone. Therefore, the City recommends that the emissions reduction projects selected by the Bay Area Clean Air Foundation as part of AQ-MM#1 be located in or as close as possible to those communities that would be directly impacted by the project's construction emissions, particularly communities within the APEZ. The City also recommends that, whenever possible, emissions reduction projects selected as part of AQ-MM#1 come from existing efforts to improve air quality in communities already experiencing poor air quality in the San Francisco Bay Area. The California Air Resources Board (CARB) established the Community Air Protection Program in response to Assembly Bill 617. The San Francisco Bay Area communities selected for the Community Air Protection Program are developing and implementing emissions reduction plans, such as the West Oakland Community Action Plan. The Bay Area Clean

1139-925			Air Foundation should look to these community-led efforts to identify projects to reduce the proposed project's construction emissions.
1139-926	20	Section 3.4 (Noise and Vibration)	We support the application of Impact Avoidance and Minimizations Features and mitigation measures to reduce the project's noise impacts. Mitigation measure NV-MM#3: Implement Proposed California High-Speed Rail Project Noise Mitigation Guidelines includes a component to install building sound insulation in areas where severe noise impacts from project operations could occur and noise barriers are not proposed or found to be infeasible. The City supports the building sound insulation mitigation measures, and request that the Authority provide more information about the process for selecting buildings for sound insulation and who would be responsible for paying. The City recommends that the selection process prioritize locations where existing noise levels are already high and communities of concern identified by the Metropolitan Transportation Commission, including neighborhoods near the Bayshore Caltrain Station. However, the City would likely not support building noise barriers at this location as proposed, given that they impede pedestrian, bike and vehicular access to the Bayshore Caltrain Station, in particular from the Schlage Lock TOD site, the terminus of the Muni Metro line, the Muni lines 8 and 9, and land uses planned in Brisbane. The City would prefer that High Speed Rail orient noise mitigation measures in ways that support multi-modal access to the Bayshore Caltrain station, consistent with Visitacion Valley/Schlage Lock Special Use District; the Bayshore Multi-modal Facility Study; and this DEIR, p. 3.4-88*. *(Potential noise barriers are not recommended at existing Caltrain passenger stations because they could restrict access.)
1139-927			
1139-928	21	Sec. 3.1 (S&S), p. 3.11-60-65 (Impact S&S#6)	The draft EIR/EIS found that increased gate down time at at-grade crossings due to additional high-speed rail trains would result in significant and unavoidable impacts near the 4th and King Street Station. The Planning Department supports the implementation of mitigation measure SS-MM#3: Install Emergency Vehicle Priority Treatments near HSR stations.
1139-929	22	Sec. 3.1 (S&S), p. 3.11-84 (SS-MM#3)	In addition, the draft EIR/EIS should explore a mitigation measure that includes grade separation of the high-speed rail line at at-grade crossings near the 4th and King Street Station. Grade separation of the high-speed rail line would reduce the significant and unavoidable impacts to emergency access. If this type of mitigation measure was considered but found to be infeasible, explain why in the text of the draft EIR/EIS.
1139-930	23	Sec. 3.16 (CR)	Archaeological Resources - Request to consult on MOA: San Francisco Planning Department archaeologists (cpc.archeology@sfgov.org) request to be a consulting party on the MOA for the identification and treatment of cultural resources within the APE boundary in San Francisco. In addition, please consider the modifications to the mitigation measures in the EIR/S suggested in Attachment 1.A, Request to Consult on MOA, below. We look forward to the consultation.
1139-931			
1139-932	24	Sec. 3.16 (CR)	Archaeological Resources - Methodology: In several instances, information presented in support of methodology, archaeological sensitivity and impact assessment are insufficient for the reader to judge whether the conclusions are correct. Incorrect or insufficiently elaborated statements also leave some

Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

1139-932			conclusions in question. For example, please briefly summarize the information presented in the Archaeological Survey Report as it relates to San Francisco and to the extent disclosure would not affect the confidentiality of site locations. In addition, the APE in SF is paved and provides no surface visibility. Further, even near-surface sites may not be detectable from the surface. Survey therefore cannot provide conclusive information regarding whether undiscovered sites are present. CUL-IAMF#3 avoidance and minimization measure therefore would not reduce the area with the potential to contain unknown resources. The survey should be augmented with archaeological testing to the maximum depth of soil disturbance should be conducted in areas of high sensitivity and where known sites close to the APE.	1139-939			Our usual practice would be to evaluate all buildings that will be age-eligible at the time of project completion. In light of this, SF Planning recommends that Mitigation Measure CUL-MM#1 be modified to so that, if the APE does change during design development, the required evaluations of additional potentially affected properties include all properties that would be age-eligible at the time of project implementation, even if they are not age-eligible at the time that the evaluation is conducted (see below).
1139-933				1139-940	26	Section 3.16 (Cultural Resources)	Requested Improvements to CUL-MM#2: Different protocols apply to the treatment of Native American burials on federal vs non-federal land in California. Please provide a figure to show any federal land within the APE to indicate where California Health and Safety Code provisions vs NAGPRA provisions for burial consultation would apply. Regarding stop work provisions in the event of a discovery: Please add a specific requirement for minimum width of protective buffer (generally 25-50 feet). The statement, "The MLD would be empowered to reenter the remains..." does not accurately summarize the legal requirement. Consider the following edit: "The MLD is charged with inspecting the remains and providing recommendations on respectful treatment and disposition of the remains once agreed upon archaeological treatment (if any) has been implemented." The EIR/EIS states, "If human remains are part of an archaeological resource..." Under archeological best practices, human remains would always be considered an archaeological resource, even if discovered in isolation from other archaeological materials, and would be subject to archaeological treatment in mitigation of the archaeological impact if the MLD is amenable.
1139-934	25	Sec. 3.16 (CR)	Archaeological Resources - Data gaps and inaccuracies: At least two sites within the buffer or within or very near the APE in San Francisco were overlooked, and additional testing at another site has resulted in a substantial expansion of its boundaries relative to those shown in confidential mapping: 1) Table 3.16-2: Inaccuracies in the list of resources and resources identified as within the APE in San Francisco. Two additional known sites are within or likely extend into the APE in San Francisco, SFR-191/H (at Schlage Lock property, within LMF footprint) and SFR-220 (near Mission Creek channel, vicinity of a proposed tower). Correct number and discussion of affected resources throughout. Possibly out-of-date records search. 2) SFR-171 is much more extensive than illustrated on mapping in confidential appendix. 3) Identified sensitivity (pg. 3.16-22) is not consistent with San Francisco's sensitivity model for prehistoric resources (Meyers and Brandy 2019) and appears to consider only buried resources. Near surface prehistoric resources are common in the Bayview district, directly under paving. Many undocumented historic period archaeological resources also are present in SF. Submerged resources are present at Mission and Islais Creeks in San Francisco and suspected just south of San Francisco in the Area of Potential Effects for the Light Maintenance Facility. The 501 Tunnel Road SF/Brisbane project is conducting geoarchaeological coring to assess for submerged resources in that vicinity. Towers with deep footings also could affect submerged resources in SF. 3) The information presented is not sufficient to understand the impact potential for submerged and deeply buried resources and how it is being addressed.	1139-941			
1139-935				1139-942			
1139-936				1139-943	27	Section 3.16 (Cultural Resources)	Requested Improvements to CUL-MM#3: Identification efforts should include pre-construction archaeological testing in the vicinity of known sites and sensitive areas, including sensitivity for submerged resources. Please add pre-construction testing to the resource identification efforts in areas of anticipated soil disturbance more than 2-4 feet deep, including geoarchaeological testing where project requires deep piles or soil improvements. As MOA and ATP identification and treatment protocols have not been developed yet ,performance standards should be included in the MM (e.g. ATP shall include research design against; how, when and by whom determination of need for testing will be made; requirements regarding review, reporting and public interpretation of significant finds). The San Francisco Planning Department considers all pre-contact resources in San Francisco to be potential tribal cultural resources based on Ohlone consultation under AB 52 and mitigated through TCR preservation or data recovery and public interpretation. Please consider adding public interpretation with tribal input to MM-3
1139-937	25	Section 3.16 (Cultural Resources)	Requested Improvements to CUL-MM#1: Archaeological Resources Please specify at what point in process additional identification efforts will occur (e.g. after paving has been removed and before additional ground disturbance). Historical Resources The Planning Department also requests to be consulted on any additional evaluations that are carried out within San Francisco under CUL-MM#1 to ensure that they are consistent with our standards for evaluation and consider all applicable contexts, such as the African American Arts and Cultural District. Per our comment in this letter about age eligibility, these additional evaluations should also consider all potentially-affected properties that would be age-eligible by the time of plan implementation, even if they are not eligible at the time that the evaluation occurs. "The surveys conducted in the APE identified 553 built resources that were 50 years old or older at the time the intensive survey was initiated (i.e., built prior to 1966)."	1139-944			
1139-938				1139-945	28	Section 3.16 (Cultural Resources)	Requested Improvements to CUL-MM#4: "The Authority-prepared MOA and BETP may identify historic properties/historical resources for relocation to avoid their destruction and minimize adverse effects resulting from physical damage or alteration ... Under CEQA, moving a historical building or structure to avoid demolition is considered mitigation that would result in a less-than-significant impact." We would recommend that proposed relocation plans be reviewed by a qualified historic preservation consultant to confirm that relocation is feasible.
1139-939							

Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

1139-946	29	Section 3.16 (Cultural Resources)	Requested Improvements to CUL-MM#6 and CUL-MM#7: Similar documentation, reporting and interpretation requirements should be provided for archaeological resources as for historic built environment resources.
1139-947	30	Section 3.16 (Cultural Resources), Pg. 3.16-15	The historic built resources area of potential effect (APE) does not include the customary 50- to 100-foot buffer zone that would have captured a larger number of potentially affected historic resources. SF Planning recommends re-analyzing the historic resource impacts with a larger buffer zone.
1139-948	31	Section 3.16 (Cultural Resources), pg. 3.16-15	The APE extends east of the 4th & King Station along Townsend Street, potentially coming into contact with the Clyde and Crooks Historic District and other historic resources, although it is not clear what work is actually being performed in this location, considering that the Downtown Extension Project has been reviewed separately. The Planning Department requests clarification on the work being performed in this area and how it may affect historic resources.
1139-949	32	Section 3.16 (Cultural Resources), Pg. 3. 16-25 to 3.16-26, various	The historic resources identified in the EIR/S do not match Planning Department records. Specifically, the boundaries of "Central Waterfront, a.k.a. Potrero Point, Historic District" correspond to our Central Waterfront Survey Area, which did identify a few smaller historic districts that should be included in the EIR/EIS. Conversely, the EIR/S does not identify a number of different resources that the Planning Department has identified that are either adjacent or very close to the APE, such as the Clyde & Crooks Historic District, 228 Townsend Street, the Union Iron Works/Bethlehem Steel Co. Hospital at 331 Pennsylvania Ave., and the Little Hollywood Historic District (see attached SF Planning Maps 1-4). The EIR/S also does not recognize the African American Arts and Cultural District, although it is not a historic district for the purposes of CEQA review. However, this district could inform the identification of new historic resources under CUL-MM#1.
1139-950			
1139-951	33	Section 3.18 (Cumulative Impacts), pg. 3.18-49:	The draft EIR/EIR analyzed the potential cumulative impacts from multiple projects requiring dewatering within the San Francisco portion of the project area, including the DTX and Central Subway Project. The DTX and Central Subway Project's subsurface construction, including any dewatering, would be complete by the time the high-speed rail project is constructed. Please clarify the rationale for including these projects in the cumulative analysis for groundwater impacts.
1139-952	34	Appendix 3.18-A	Is consistency with the SFPUC Central Bayside Project analyzed in the EIR/S? 900 7th Street project is not listed in cumulative and 901 16th St/1200 17th Street is currently proposed for relocated Flower Mart
1139-953	35	Page S-11, Section S.5.3.1	Draft EIR/EIS should acknowledge that Bayshore Caltrain Station and platforms are also located in San Francisco.
1139-954	36	Section 3.2 (Transportation), pg.	The draft EIR/EIS alternatives are inconsistent with General Plan, Transportation Element Policy 21.7: Make convenient transfers between transit lines, systems and modes possible by establishing common or closely located

1139-954		3.2-6 and Appendix 2-J, pg 2-J-2	terminals for local and regional transit systems by coordinating fares and schedules, and by providing bicycle access and secure bicycle parking. The addition of a noise wall and the relocation of the southbound platform of the Bayshore Caltrain Station would physically separate the Schlage Lock Transit-oriented Development as well as several communities of concern in Visitacion Valley from a convenient, safe pedestrian and bicycle route to the Caltrain Station.
1139-955	37	Section 3.2 (Transportation), pg. 3.2-6 and Appendix 2-J, pg 2-J-2	The draft EIR/EIS alternatives are inconsistent with General Plan, Transportation Element Policy 21.9: Improve pedestrian and bicycle access to transit facilities, which states: Pedestrian access to and from major destinations and the serving transit facility should be direct, uncomplicated, safe, accessible, and inviting. Bicyclists should be accommodated on regional and trunkline transit vehicles - including light rail vehicles - wherever feasible, and at stations through the provision of storage lockers and/or secured bicycle parking. The addition of a noise wall and the relocation of the southbound platform of the Bayshore Caltrain Station would physically separate the Schlage Lock Transit-oriented Development as well as several communities of concern in Visitacion Valley from a convenient, safe pedestrian and bicycle route to the Caltrain Station.
1139-956	38	Section 3.13.3.3 (Station Planning, Land Use & Development), pg 3.13-7; Section 3.2 (Transportation), pg. 3.2-6 and Appendix 2-J, pg 2-J-2	The draft EIR/EIS alternatives are inconsistent with the Visitacion Valley/Schlage Lock redevelopment plan, incorporated into the General Plan, Commerce and Industry Element, Map 5 - Generalized Neighborhood Commercial Land use and Density Plan and Transportation Element map 6, Vehicular Street Map. The addition of a noise wall and the relocation of the southbound platform of the Bayshore Caltrain Station conflicts with the direct pedestrian and bicycle connection from the Schlage Lock site; and the extension of Sunnysdale Avenue connecting existing Caltrain platforms to the terminus of the T-Third Muni Metro line, Muni Bus Routes 8 and 9, and Samtrans.
1139-957	39	Section 3.18 (Cumulative Impacts), pg. 3.18-73	The draft EIR/EIS refers to the Schlage Lock site, within the City and County of San Francisco, as part of the Brisbane Baylands, which is within the City of Brisbane. The Schlage Lock site is a specific plan incorporated into the San Francisco General Plan and special use district of the San Francisco Planning code. The Schlage Lock project was entitled in 2014 and is under construction, including a pedestrian and bicycle connection to the Bayshore Caltrain Station as part of Phase I.
1139-958	40	Figure 3.13-1, pg 3.13-15	Existing land use should reflect "commercial" or "mixed-use" in most of Mission Bay where purple is shown; "Planned development" on Mission Rock; Open space all along Mission Creek;



## Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

1139-959	41	Figure 3.13-2, pg. 3.13-7	Existing land use should reflect "mixed use" on Executive Park; and "Planned Development" throughout Schlage Lock site. Please resolve discrepancy.
1139-960	42	Chapter 2, pg 2-80 and pg 2-100; pg 3.13-17, pg. 3.13-45 (and elsewhere "relocated bayshore station" is assumed).	Relocation of Bayshore Station is not consistent with Plans from San Francisco. The Schlage Lock Master Plan is currently constructing a ped/bike connection to existing Bayshore Station platforms. The Bayshore Multi-modal Study recommends extending Sunnydale Avenue directly to existing Bayshore Station. Existing Land Use map should reflect existing Bayshore Caltrain Station and platforms, rather than "Relocated Bayshore Station."
1139-961	43	Section 3.13.5.2 (Station Planning, Land Use & Development), pg. 3.13-22	The section does not address Central SoMa plan, yet it's discussed on page 3.13-38.
1139-962	44	Section 3.13.5.2 (Station Planning, Land Use & Development), pg. 3.13-25	The draft EIR/EIS implies the Schlage Lock site, within the City and County of San Francisco, is part of the Brisbane Baylands, which is within the City of Brisbane. The Schlage Lock site is a specific plan incorporated into the San Francisco General Plan.
1139-963	45	Section 3.13.5.2 (Station Planning, Land Use & Development), pg. 3.13-25	There are also plans for a bus rapid transit (BRT) line along Geneva Avenue, relocation of the Bayshore Caltrain Station to north of a planned Geneva BRT stop, and a MUNI T-Line extension to the relocated Bayshore Caltrain Station.
1139-964	46	pg 3.13-27	The footprint for the extension of Sunnyvale Avenue is included in the relocated Bayshore Station footprint because this extension would provide access to the relocated Bayshore Caltrain Station. - Where is this footprint

12

1139-964			drawing? It's not likely consistent with Bayshore Multi-modal study or Schlage Lock Master Plan.
1139-965	47	Figure 3.13-6, pg 3.13-26 and Figure 3.13-7, pg 3.13-28	Brisbane Baylands "planned development" are townhomes, at densities significantly lower than the Schlage Lock Master Plan residential areas. Colors should be consistent or convey the higher intensity of development in Schlage. Executive Park is indicated differently between the two figures.
1139-966	48	pg 3.13-28	The Schlage Lock project includes direct pedestrian and bicycle connection from the Schlage Lock site; and the extension of Sunnydale Avenue connecting existing Caltrain platforms to the terminus of the T-Third Muni Metro line, Muni Bus Routes 8 and 9, and Samtrans.
1139-967	49	pg 3.13-28	EXCERPT FROM DEIR: The following proposed transportation projects are in the conceptual planning phase or are undergoing a feasibility study: the Geneva-Harney BRT line along Geneva Avenue, relocation of the Bayshore Caltrain Station to just north of the Geneva BRT terminus, the US 101/Candlestick Point interchange (also known as the Geneva Avenue extension and interchange), and a MUNI T-Line extension to the relocated Bayshore Caltrain Station.
1139-968	50	pgs. 3.13-44-46	The southward shift of the Bayshore Station under Alternative A adds to the walking distance from transit connections at Sunnydale/Bayshore. The additional walk puts the station further from transit-oriented development at Schlage Lock site. The temporary and permanent project footprint includes an easement on and parts of the Schlage Lock site. With this in mind, we want to prioritize the ease of intermodal transfers, pedestrian and bicycle safety and accessibility in any future design. As a Community of Concern, transit access to Schlage and Visitacion Valley is paramount. It is important for the Bayshore Station provide quality transit access to Sunnydale, Visitacion Valley, and Little Hollywood. What are the temporary measures that will enable direct pedestrian access from Schlage (currently under construction)?
1139-969	51	Table 3.2-22, pg. 3.2-86	The Schlage Lock project is constructing a direct pedestrian and bicycle connection from the Schlage Lock site; and the extension of Sunnydale Avenue will create a pedestrian/bike route from existing Caltrain platforms to the terminus of the T-Third Muni Metro line, Muni Bus Routes 8 and 9, and Samtrans.
1139-970	52	p. 3.2-88	Impact TR#16: Permanent Impacts on Pedestrian and Bicycle Access - does not identify the added walking distance from Schlage Lock, Visitacion Valley, and planned west-side dropoff area for the Bayshore Caltrain Station to the Southbound platforms. The City of San Francisco prioritizes intermodal transfers and access to Bayshore Station from adjacent communities of concerns. The City would seek to design a station that maintains platform proximity and ease of transfer from Caltrain to Muni Metro, express and local bus lines, and local bike routes.
1139-971	53	Section 5.6.3 (Environm	The noise barrier seems to create a physical barrier along the pedestrian and bicycle connections under construction and proposed for the Schlage Lock Site,

13

Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

1139-971		which were intended to provide west-side pedestrian, bicycle and transit access to the Bayshore Caltrain Station.
1139-972	54 Section 5.6.3 (Environmental Justice), p. 5-61	As the design of the Brisbane Light Maintenance Facility advances, San Francisco looks forward to close coordination to accommodate the planned extension of Geneva Avenue as a component of the Geneva/Harney BRT project and Sunnydale Avenue as a component of the Schlage Lock project. As proposed, the current lead track appears to conflict with the proposed Geneva extension. This could create an additional barrier or impact to accessing transit.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020)

### 1139-893

Refer to Standard Response FJ-Response-GEN-2: General Support of the Project and the California High-Speed Rail System.

Thank you for your comment.

### 1139-894

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The comment states that the added gate-down time at the 16th Street and Mission Bay Drive at-grade crossing would result in untenable delays. Please refer to Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS, which acknowledges that there would be adverse NEPA effects from permanent congestion/delay at intersections adjacent to the 16th Street and Mission Bay Drive at-grade crossings in San Francisco. As discussed in Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic, the Authority developed site-specific mitigation for the Final EIR/EIS for certain locations where adverse traffic effects were identified. However, no feasible mitigation was identified that could address the adverse NEPA effects at the 16th Street/Seventh Street/Mississippi Street intersection due to increased gate-down time at the 16th Street at-grade crossing or to address effects at the Mission Bay Drive/Seventh Street and Mission Bay Drive/Berry Street intersections due to increased gate-down time at the Mission Bay Drive at-grade crossing.

The comment requests that the Authority consider grade separation of the tracks at 16th Street as part of a future HSR project. As discussed in Standard Response FJ-Response-GS-1: Requests for Grade Separations, the Authority has not identified that grade separations are a feasible mitigation option to address adverse traffic effects under NEPA or to address any significant impacts under CEQA, primarily due to cost.

The commenter notes that maintaining the 16th Street at-grade crossing would be inconsistent with Policy 4.1.10 of the Showplace Square/Potrero Area Plan. To address this comment, updates have been made to Final EIR/EIS Section 3.2.3, Consistency with Plans and Laws and Volume 2, Appendix 2-J, Policy Consistency Analysis, to reflect the project's inconsistency with this policy.

The commenter correctly states that the 2010 alternative analyses prepared for the fully grade-separated four-track system between San Francisco and San Jose included a covered trench/tunnel option between Mission Bay Drive and 16th Street. However, these underground options were removed from consideration in 2012 with the adoption of the blended system and its codification through Senate Bill 1029. Accordingly, when the Authority issued a new NOI and NOP to evaluate a predominately two-track blended

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-894

system in May 2016, the proposed project alternatives did not include grade separation of Mission Bay Drive or 16th Street. Refer to Draft EIR/EIS Section 2.5.2, Alternatives Consideration Process and Chronology, for additional information regarding the transition from a fully grade-separated four-track system to the two-track blended system.

### 1139-895

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The Draft EIR/EIS analyzed impacts relative to increasing passenger rail service levels crossing the 16th Street at-grade crossing in San Francisco, including with respect to traffic (Section 3.2, Transportation) and safety (Section 3.11, Safety and Security). Additional delays would be experienced at the 16th Street at-grade crossings due to added HSR trains, as the number of peak hour round trips would increase from 6 train round trips with Caltrain service initially to 8 train round trips and ultimately to 10 train round trips with HSR service. The NEPA LOS effects resulting from the added gate-down time occur at signalized intersections adjacent to the at-grade crossings. As disclosed in the EIR/EIS, the project would have an adverse NEPA effect on traffic delay but would not have a significant safety impact relative to the at-grade crossing.

As discussed in Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic, the Authority developed site-specific mitigation for the Final EIR/EIS for certain locations where adverse traffic effects were identified. However, no feasible mitigation was identified that could address the effects at 16th Street due to increased gate-down time.

As discussed in Standard Response FJ-Response-GS-1: Requests for Grade Separations, the Authority has not identified that grade separations are a feasible mitigation option to address adverse traffic effects under NEPA or to address any significant impacts under CEQA, primarily due to cost.

If the PAX project is advanced, the Authority will work with the City of San Francisco, PCJPB, and any other relevant parties to review how the HSR project and the PAX project can both be advanced appropriately. The Authority supports the efforts of the City to advance the PAX project, but at this time, the Authority is not able to commit funding to that project given the challenges of funding the HSR project itself.

### 1139-896

The comment is noted but did not result in any revisions to the Draft EIR/EIS. The Authority is committed to continued consultation with these parties.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-897

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment is noted and will be presented to Authority decision makers as part of the Final EIR/EIS when considering project approvals. As explained in the standard response referenced above, the size of the Brisbane LMF is based on Authority's maintenance facility design criteria. The LMF size criterion is based on the best available ridership projections and fleet size estimates sufficient to handle projected system growth to 2040. The Authority is committed to continued consultation with agencies and local jurisdictions along the alignment throughout final design. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-898

Refer to Standard Response FJ-Response-GEN-2: General Support of the Project and the California High-Speed Rail System.

The commenter's support for the project alternatives and ongoing collaboration are noted.

### 1139-899

The comment summarizes information from the Draft EIR/EIS but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS. Accordingly, the comment did not result in any revisions to the Draft EIR/EIS.

### 1139-900

The comment expresses concern that the additional gate-down time at at-grade crossings in San Francisco would exacerbate project-related impacts on pedestrians and bicycles under Impact TR#17. Impact TR#17 in Section 3.2, Transportation, of the Draft EIR/EIS evaluates pedestrian and bicycle impacts based on whether the project would conflict with a program, plan, ordinance, or policy regarding bicycle or pedestrian facilities, or otherwise materially decrease the performance of such facilities. The gate-down time for HSR trains at the 16th Street at-grade crossing in San Francisco would be 60 seconds for a single HSR train crossing. The addition of eight HSR trains during weekday peak hours would not have an effect on travel by pedestrians or bicyclists crossing at 16th Street about 85 percent of the time during peak hours when the crossing gates are not affected by HSR trains. For pedestrians or bicyclists arriving at the 16th Street crossing during the times when the gate is down for an HSR train, the wait time of up to 60 seconds is less than the wait at many traffic signals and is not considered a significant impact. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-901

The comment refers to impacts caused by gate-down time at the 16th Street at-grade crossing and near the 4th and King Street Station, including permanent impacts on pedestrian and bicycle access. As described under Impact SOCIO#3, increases in vehicle congestion and delay at intersections would result from increases in train service with a corresponding increase in the total time that railroad crossing four-quadrant gates are down at at-grade crossings. The increased gate-down time would make it take longer for vehicles, bicycles, and pedestrians to cross the right-of-way, and would increase the time required for the crossing, thus increasing congestion and delay. The increased delays at intersections would weaken community cohesion in these communities because it would make travel more difficult and increase the time it would take to cross the right-of-way. However, the project would provide safety improvements in the form of four-quadrant gates at at-grade crossings and would complete the perimeter fencing of the Caltrain right-of-way. These project elements would have a beneficial effect on vehicular and pedestrian safety and would reduce traffic hazards by minimizing potential for conflicts between trains and motor vehicles, pedestrians, and bicycles. Pedestrian and bicycle accessibility would be maintained. While project operations would increase congestion and delay at at-grade crossings, the project alternatives would not physically divide communities because the project would operate within the existing Caltrain corridor and because access across the corridor would be maintained. Therefore, the project's impacts related to disruption and division of communities were determined not to be disproportionately high and adverse for minority populations or low-income populations (refer to Section 5.6.3.1, No Adverse Effects). The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-902

The comment asserts that the project would be incompatible with existing and planned land use patterns in the area near the Bayshore Caltrain Station, near the Visitacion Valley/Schlage Lock Special Use District. The Final EIR/EIS provides an analysis of the project's potential impacts on existing and planned land use patterns, including the existing and planned land use patterns near the Visitacion Valley/Schlage Lock Special Use District. Please refer to Impacts LU#5 and LU#6, in Section 3.13, Station Planning, Land Use, and Development, in the Final EIR/EIS, which identify the direct and indirect potential impacts on existing and planned land use patterns in the area near the Visitacion Valley/Schlage Lock Special Use District. Since the preparation of the Draft EIR/EIS, the design of the lead track for the East Brisbane LMF under Alternative A has been updated. A small portion of the footprint for the East Brisbane LMF would be located in a portion of the proposed Schlage Lock Development. Impact LU#5 has been updated in the Final EIR/EIS to describe the potential impacts on this planned development. Nonetheless, due to the small area of impacts on the Schlage Lock Development, the direct impacts from the project would not prohibit the development of Schlage Lock. Impact LU#6 identifies the indirect impacts on land use patterns from noise, light, and glare. The conclusions under the Noise, Light, and Glare—Track Alignment and Stations (except near Brisbane) subsection would apply to the Visitacion Valley/Schlage Lock Special Use District. Impact LU#6 identifies that the indirect impacts on land use patterns would be less than significant under CEQA because the changes in noise, light, and glare would be similar to existing levels and would not affect the habitability of existing land uses.

### 1139-903

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-904

As stated in NV-MM#3, where noise barriers are not proposed, building sound insulation would be considered as a potential measure to mitigate severe noise impacts. If substantial noise reduction cannot be completed through installation of noise barriers or sound insulation, the Authority would consider acquiring a noise easement. Residual severe noise impacts that cannot be mitigated with noise barriers would be by their nature locations with high noise levels. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-905

The construction of a noise barrier at the Bayshore Caltrain Station does not necessarily mean that pedestrian and bicycle access would be restricted. Noise barriers can be designed with gaps to allow access through them without reducing the noise mitigation efficiency by overlapping separate sections of barriers. The City and County of San Francisco's concerns are noted. If noise barriers are planned, they would be designed in consultation with the community and jurisdiction. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-906

Offsets under AQ-MM#2 (formerly designated AQ-MM#1 in the Draft EIR/EIS) for emission reduction projects are intended to address regional emissions impacts due to construction. Therefore, the emission reduction projects are not limited to specific locations, but instead may occur anywhere within the SFBAAB. The emission reduction projects would be developed and implemented by the Bay Area Clean Air Foundation, and the Authority does not have control over the selection or locations of specific projects. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-907

Please refer to the response to submission FJ-1139, comment 906. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-908

The City and County of San Francisco has formally requested to be a consulting party and the Authority has accepted this request. As such, Section 3.16.4.2, Agency, Native American, Interested Parties, and Public Outreach Efforts, of the Final EIR/EIS has been updated to include the City and County of San Francisco in the list of consulting parties.

### 1139-909

The commenter's requested revision is unclear. If the commenter is requesting that footnote 5 in the Summary of the Draft EIR/EIS be revised to add a discussion of platforms at SFTC, that revision would be beyond the scope of the Project Section EIR/EIS. SFTC is a separate project under the jurisdiction of the TJPA, which has undergone a separate environmental review process, and therefore is not addressed in this EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-910

The commenter's request that the Authority maintain the current proposed size of the Brisbane LMF is noted. The East and West Brisbane LMF designs are in accordance with the Authority's engineering criteria for maintenance facilities, as described in greater detail in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration. The LMF size criterion is based on ridership projections and fleet size estimates sufficient to handle projected system growth to 2040. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-911

The comment notes that the Volume 3 files identified as depicting stations do not show the relocated Bayshore Caltrain Station. Volume 3, Preliminary Engineering Plans (Books A3, B3, B5, and B6) depict the proposed HSR stations (4th and King Street, Millbrae, and San Jose Diridon).

Relocations of and modifications to other existing Caltrain stations where HSR trains would not stop are shown in the composite plan and profile sheets. For plans depicting modifications to the Bayshore Caltrain Station, please refer to the Final EIR/EIS Volume 3, Preliminary Engineering Plans, Book A1, sheets 3 and 4 (Alternative A) and Book B1, sheets 3 and 4 (Alternative B). These sheets reflect revisions to Alternative A following publication of the Draft EIR/EIS due to engineering refinements for the LMF lead track.

In addition, the modifications to the Bayshore Caltrain Station can be seen in Figures 3.13-11 and 3.13-12 in the Final EIR/EIS Section 3.13, Station Planning, Land Use, and Development.

### 1139-912

The comment states that the Draft EIR/EIS identifies the permanent conversion of 1.9 acres for the project at the 4th and King Street Station. The comment expresses concern about this permanent conversion due to potential plans to develop the 4th and King Street Station site. Please refer to Impact LU#4 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS, which explains that the 1.9 acres of land in the environmental footprint of the 4th and King Street Station entails the roadway rights-of-way along Townsend Street and Fifth Street. This text further explains that no improvements are proposed within these roadway rights-of-way and there would be no permanent alteration of the existing land use patterns on these roadways. Therefore, the City's plans to redevelop the 4th and King Street Station site would not be impaired by the project alternatives. Further, it is important to note that any improvements to the 4th and King Street Station (track shifts, platform modifications) would only occur if DTX is not in place at the time of HSR construction. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-913

The comment requests clarification regarding whether UCSF Mission Bay, UCSF Children's Hospital, and Kaiser Medical facility are among the six medical or industrial/research facilities identified within the RSA as having sensitive equipment that would be exposed to a magnetic shift that may cause interference and, if so, whether they have been contacted to be made aware of this.

In the Final EIR/EIS, Tables 3.5-11 and 3.5-13 have been revised to include the Kaiser Permanente facility, as well as a second facility (Gladstone Institute) on the list of potentially sensitive receptors within the RSA for Alternatives A and B. The tables do not include the UCSF Children's Hospital or other UCSF Mission Bay medical facilities because they fall outside the RSA for Alternative A or B and would not be affected.

The medical facilities identified as having sensitive equipment that would be exposed to potentially adverse magnetic shifts from operations under either project alternative are: (1) UCSF Mission Bay, Orthopaedic Institute (2) Kaiser Permanente, (3) Health Diagnostics, (4) Valley Radiological, and (5) Palo Alto Medical. The potentially affected industrial/research facilities are: (1) Gladstone Institute, (2) Intermune, (3) Genentech, and (4) Evans Analytical.

To date, the Authority has not expressly contacted these facilities concerning potential magnetic field changes. The potential for interference with sensitive equipment in use at medical facilities and high-technology facilities would be addressed through the Authority's EMCPP and project design criteria. As required by EMF/EMI-IAMF#2, the EMCPP will define the HSR system's EMC objective, which provides a performance standard of compatibility with equipment of all neighboring facilities. In conformance with the EMCPP and ISEP (TM 300.10), the Authority and its contractors would coordinate with third-party owners of sensitive facilities and equipment in the vicinity of the HSR system and, if necessary, take specific steps to avoid any potential interference.



## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-914

The comment requests confirmation that an intrusion detection system is proposed on dedicated HSR tracks but not on the blended system. Please refer to Impact S&S#16 in Section 3.11, Safety and Security, of the Final EIR/EIS which explains that an intrusion detection system would be included as part of the project for dedicated HSR portions of the track in the San Jose Diridon Station Approach Subsection, but would not be installed as part of the HSR project on the blended portions of track under either alternative. The blended system operations would be within the Caltrain corridor and the PCJPB is responsible, as the host railroad, to comply with FRA and CPUC safety requirements for the corridor in consideration of the operating speed and track classifications.

While the Authority will install four-quadrant gates at the at-grade crossings that comply with CPUC requirements, it would be up to Caltrain, as the host railroad and operator of the signaling system, to determine if intrusion detection would be integrated with the railroad signaling system for blended system track. The discussion under Impact S&S#14 in the Final EIR/EIS reflects updates since the Draft EIR/EIS regarding Caltrain's progress in implementing PTC and other measures to improve corridor safety.

Separately, since the project includes the installation of four-quadrant gates, it will also include the installation of vehicle presence detection at the at-grade crossings since CPUC regulations require such detection systems whenever exit gates are used. "Intrusion detection" refers to something above and beyond the mandatory vehicle presence detection at the at-grade crossings when exit gates are used.

### 1139-915

The comment notes that the Draft EIR/EIS's discussion of temporary impacts on emergency access and response times does not mention UCSF Mission Bay, UCSF Children's Hospital, or Kaiser Medical that would allegedly be affected by disruptions on 16th Street. The project would install four-quadrant gate improvements at the 16th Street at-grade crossing. Installation of these improvements would take up to 4–6 months but would only require limited lane closures that would occur during off-peak periods to minimize effects on emergency vehicle access along 16th Street. As discussed under Impact S&S#1 in Section 3.11, Safety and Security, of the Draft EIR/EIS, the Authority's contractor would prepare a construction safety transportation management plan and would coordinate with local jurisdictions to maintain emergency vehicle access during construction. For these reasons, temporary road closures associated with the installation of four-quadrant gates at 16th Street would not result in inadequate emergency access for these medical facilities. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-916

As described in Appendix 6-A, San Francisco to San Jose Project Section: PEPD Record Set Capital Cost Estimate Report, of the Draft EIR/EIS, the Authority allocated contingency for each cost category based on professional judgment and experience related to the cost variability typically seen for items of work within a particular cost category. The allocated contingency is generally higher for stations, terminals, storage yard facilities, and utilities because their design progress is still in the conceptual level and identification of all the utilities are not yet determined. The cost estimate, including the allocated contingency percentages, was prepared consistent with the Authority's Capital Cost Estimating Methodology for the 15% Design Level TM 1.1.19 (Authority 2011a). No revisions to the Draft EIR/EIS have been made as a result of this comment.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-917

The comment requests that the Draft EIR/EIS be updated to reference the environmentally cleared extension of Caltrain and HSR into the SFTC. To address this comment, the Authority revised the text in Impact LU#4 in Section 3.13, Station Planning, Land Use, and Development, in the Final EIR/EIS to reflect the environmentally cleared extension of Caltrain and HSR into the SFTC.

### 1139-918

The Draft EIR/EIS has evaluated the impacts of an interim station at 4th and King Street because the DTX project is not fully funded. The improvements at the 4th and King Street Station (track shifts, platform modifications) would only occur if DTX is not in place at the time of HSR construction. The Authority will coordinate with TJPA during final design to address design, construction, and operational conflicts and to integrate HSR with the DTX project. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-919

To address this comment, Volume 2, Appendix 3.18-B, Cumulative Transportation Plans and Projects, in the Final EIR/EIS has been revised as suggested.

### 1139-920

The comment requests that TR-IAMF#2 be revised to include a program to reduce construction worker trips by vehicles within San Francisco by requiring the contractors to provide the City's Commuter Benefits Program including subsidizing transit fares. The Authority recognizes the need to provide flexibility to construction workers needing to access construction sites and the importance of encouraging sustainable modes of transportation. TR-IAMF#2 minimizes impacts from construction traffic through preparation of a CTP that would identify activities to maintain traffic flow and institute traffic controls. The CTP would be developed in close consultation with the local jurisdiction having authority over the site and would provide the opportunity for local input on the activities to be performed under the plan. The Authority will take this comment into consideration during development of the CTP specified in TR-IAMF#2. Regarding whether the project is within the Air Pollutant Exposure Zone designated by the City of San Francisco Department of Public Health, this zone covers most of the eastern part of the City. Accordingly, most of the Caltrain corridor in the City is in the Air Pollutant Exposure Zone. The Air Pollutant Exposure Zone is used by the City to determine when new residences require filtration or other exposure reduction measures, but the project does not include any residences. Regarding whether the project is subject to the City of San Francisco Standard Environmental Requirements for air quality (if/when these are adopted, which has not occurred as of July 2021), as the HSR project is a state project, it is not subject to local permitting or conditions of local government policies as explained further in Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations. Section 3.3, Air Quality and Greenhouse Gases, of the Draft EIR/EIS analyzes impacts relative to air quality and identifies feasible mitigation to address significant air quality impacts in Section 3.3.7, Mitigation Measures. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-921

Refer to Standard Response FJ-Response-TR-3: Gate-Down Time Calculation Details.

The comment notes that Impact TR#11 found that the project would result in significant impacts on three high-frequency bus routes in San Francisco and requests additional information. Please refer to Standard Response TR-3: Gate-Down Time Calculation Details. The effects on high-frequency bus routes would occur as a result of the effect of congestion/delay consequences on intersection operations identified in Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS due to added vehicle traffic generated by HSR riders accessing the system at the 4th and King Street Station and due to added gate-down time at the 16th Street at-grade crossing as a result of added HSR trains. The added vehicle traffic generated by HSR riders accessing the 4th and King Street Station is reported for 2029 conditions as the station is an interim location until the DTX is completed, at which time all HSR riders in San Francisco would access the system at the SFTC. MUNI Route 55 would be affected by increased delays at the 16th Street at-grade crossing because of increased gate-down time from added HSR trains. This effect is identified based on delay analysis at the intersection of 16th Street and 7th Avenue, located immediately west of the at-grade crossing. The intersection is forecast to experience an average delay during the PM peak hour of 123 seconds under 2029 No Project conditions and 196 seconds during 2029 Plus Project conditions. The gate-down time for an HSR train at the 16th Street at-grade crossing is estimated to be 59 seconds, resulting in a cumulative added gate-down time of approximately 8 minutes per hour for HSR trains during peak conditions when 8 trains per hour (four in each direction) would be operational. Based on this data, the average increase in delay per vehicle at the 16th Street at-grade crossing would be approximately 1 minute without mitigation. For pedestrians or bicyclists arriving at the at-grade crossing during the times when the gate is down for an HSR train, the wait time of up to 59 seconds is not considered a significant impact requiring mitigation. TR-MM#2 would reduce added delays but is not estimated to reduce the effects on transit to a less-than-significant level. No feasible intersection mitigation was identified to address traffic delays at 7th Street or 16th Street, as discussed in revisions to Section 3.2 of the Final EIR/EIS.

The comment requests that the Draft EIR/EIS include a discussion of Policy 4.1.10 of the Showplace Square/Potrero Area Plan. Policy 4.1.10 is as follows: "Consider grade separation of the Caltrain tracks at 16th Street as part of a future high speed rail

### 1139-921

project." To address this comment, updates have been made to Section 3.2.3, Consistency with Plans and Laws; Appendix 2-I, Regional and Local Plans and Policies; and Appendix 2-J, Policy Consistency Analysis, of the Final EIR/EIS to reflect this policy and the project's inconsistency with this policy. Please refer to Standard Response-GS-1: Requests for Grade Separations.

The City and County of San Francisco is a key local agency, and the Authority has engaged and is committed to continuing engagement with the City during final design and construction.

### 1139-922

The comment requests the EIR/EIS include more information about how the proposed transit priority treatments in TR-MM#2 could reduce transit delay to MUNI routes 30 and 45. TR-MM#2 calls for the contractor to prepare all materials necessary for the transit signal priority treatments and to seek the approval of MUNI for implementation of the improvements. Since the process of defining transit signal priority treatments would not occur until a few years before HSR operations are scheduled in 2029, and the improvements are subject to approval by MUNI, the precise reduction in delay cannot be provided at this time. The Transit Capacity and Quality of Service Manual (Third Edition) presents examples of North American Transit Signal Priority applications and their reported benefits (Transportation Research Board 2013: Exhibit 6-42). The bus traffic signal delay reductions reported by transit agencies in the western United States range from 20 percent (Portland) to 35 percent (Los Angeles) to 57 percent (Seattle). The CEQA impacts in the Draft EIR/EIS related to transit delay were determined to be significant and unavoidable for MUNI Routes 30, 45, and 55. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-923

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-924

Offsets under AQ-MM#2 (formerly designated AQ-MM#1 in the Draft EIR/EIS) for emissions reduction projects are intended to address regional emissions impacts due to construction. Therefore, the emission reduction projects are not limited to specific locations, but instead may occur anywhere within the SFBAAB. The emission reduction projects would be developed and implemented by the Bay Area Clean Air Foundation and the Authority does not have control over their selection or locations. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-925

Please refer to the response to submission FJ-1139, comment 924. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-926

Please refer to the response to submission FJ-1139, comment 904. Additional information on the Authority's noise and vibration mitigation guidelines is available in Appendix 3.4-B, Noise and Vibration Mitigation Guidelines. The Authority would be responsible for funding noise barriers, sound insulation, or acquisition of noise easements. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-927

Please refer to the response to submission FJ-1139, comment 905. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-928

The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS. The comment is noted and will be presented to Authority decision makers when considering project approvals.

### 1139-929

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-SS-2: Emergency Vehicle Response Times.

The comment notes that the Draft EIR/EIS should explore a mitigation measure that includes grade separation of the high-speed rail line at at-grade crossings near the 4th and King Street Station. These concerns are addressed by the standard responses referenced above. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-930

Please refer to the response to submission FJ-1139, comment 908.

### 1139-931

Consistent with the Section 106 PA, mitigation measures identified in the EIR/EIS and FOE will form the basis for stipulations in the subsequent MOA. Throughout development of the Section 106 MOA and associated treatment plans, the Authority will continue to discuss concerns with consulting parties.

In subsequent individual comments, the City and County of San Francisco provided specific suggestions regarding modification to mitigation measures. Each of these specific comments is addressed below.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-932

This introduction to a multi-part comment suggests the discussion of methodology in the EIR/EIS is insufficient. Each component of the comment raised by the commenter is addressed below.

The commenter also requests that the EIR/EIS summarize additional detail from the ASR relevant to archaeological resources in San Francisco. The Authority believes Section 3.16, Cultural Resources, of the Draft EIR/EIS provides information at an appropriate level of detail and consistent across all geographies through which the Project Section extends. More detailed information about archaeological resources is provided in Appendix 3.16-C, Archaeological and Built Resources, in Volume 2 of the Draft EIR/EIS, as well as in the ASR and FOE, which are available to the public. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-933

Refer to Standard Response FJ-Response-CUL-5: Archaeological Treatment Plan.

The ASR acknowledges that poor visibility conditions may exist in some areas, and alterations to survey methods will be developed to account for these conditions as needed. Accordingly, the Authority has proposed CUL-MM#1, which calls for the treatment of archaeological resources in accordance with the stipulations provided in the PA and MOA. The PA stipulates the development of an archaeological treatment plan for the investigation and treatment of both known and unknown archaeological resources. The archaeological treatment plan includes methods for subsurface testing to the maximum depth of ground disturbance or until sediments with limited sensitivity for containing archaeological deposits are encountered in areas defined as having a high degree of archaeological sensitivity (including areas in the vicinity of known archaeological sites). CUL-MM#2 calls for adherence to the MOA, PA, and ATP in the event of an archaeological discovery. Therefore, the cultural mitigation measures identified in the Draft EIR/EIS are consistent with the commenter's requests. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-934

Refer to Standard Response FJ-Response-CUL-2: Changes to the Archeological Survey Report.

The Authority appreciates the comments on the Draft EIR/EIS. The comment asserts that at least two sites within or near the APE were overlooked, and that the boundary of a third site is larger than depicted in the ASR mapping.

In response to this comment, the Authority conducted further review of these resources. Regarding SFR-220, this site is outside the APE; while the Final EIR/EIS has been updated to include SFR-220, the inclusion of this resource would not affect the conclusions of the impact analysis or mitigation measures presented in Section 3.16, Cultural Resources. With respect to SFR-191/H, it appears that this resource was documented after the Authority completed a records search for this project. The Final EIR/EIS has been updated to include SFR-191/H, but the inclusion of this resource would not affect the conclusions of the impact analysis or mitigation measures presented in Section 3.16.

Please also refer to the response to submission FJ-1139, comment 935, which addresses the expansion of the site boundary for SFR-171.

### 1139-935

Refer to Standard Response FJ-Response-CUL-2: Changes to the Archeological Survey Report.

In response to this comment, the Authority reviewed the latest site boundaries for SFR-171. While it is evident that the site boundary for SFR-171 was expanded after the Authority's original records search for this project in May 2016, the size of the portion of the site located in the APE has not changed. As a result, the change in the dimensions of SFR-171 would not affect the conclusions of the impact analysis or mitigation measures presented in Section 3.16, Cultural Resources. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-936

Refer to Standard Response FJ-Response-CUL-2: Changes to the Archeological Survey Report.

Given the City and County of San Francisco did not complete its geoarchaeological sensitivity analysis until July 2019, that model was not available for the ASR analysis and the best available data was used to assess sensitivity for pre-contact, submerged, and deeply buried archaeological sites during the environmental baseline period of 2016–2017. In addition, focused historical research was conducted to inform the sensitivity of the APE for historic-period subsurface archaeological resources and documented in the ASR (Authority 2019b).

Based on the detailed technical analysis presented in the ASR, as well as the input provided by the California SHPO, there is substantial evidence to support the findings presented in the EIR/EIS. As described in Section 3.16.8, Mitigation Measures, of the Draft EIR/EIS, Mitigation Measures CUL-MM#1, CUL-MM#2, and CUL-MM#3 would mitigate impacts to unknown archaeological resources. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-937

Refer to Standard Response FJ-Response-CUL-5: Archaeological Treatment Plan.

Consistent with the Section 106 PA, details specifying at what point in the process additional identification efforts will occur are provided in the ATP. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-938

The request for consultation on additional evaluations carried out within San Francisco under CUL-MM#1 is noted. The Authority has accepted the City and County of San Francisco's formal request to be a consulting party and will take into consideration the concerns of the consulting parties in determining implementation of mitigation measures.

### 1139-939

Refer to Standard Response FJ-Response-CUL-1: Baseline for Identification of Historic Properties.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-940

While there are different treatment protocols for Native American burials discovered on federal land as compared to nonfederal lands, there are no federal lands within the APE. As such, no revisions to the Draft EIR/EIS have been made to include a map differentiating federal versus nonfederal land.

### 1139-941

Refer to Standard Response FJ-Response-CUL-5: Archaeological Treatment Plan.

The comment recommends revisions to CUL-MM#2 to clarify the legal requirement. To address this comment, the requested revisions have been made to CUL-MM#2 in the Final EIR/EIS. However, consistent with the Section 106 PA, detailed protocols associated with unanticipated discovery of archaeological resources are addressed by the ATP.

### 1139-942

Thank you for your comment. The "if" component of this language intends to differentiate between human remains that are recent, and therefore require a different response protocol, from human remains that are archaeological. Language in the Final EIR/EIS under CUL-MM#2 has been revised to make this differentiation clearer.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-943

Refer to Standard Response FJ-Response-CUL-5: Archaeological Treatment Plan.

Consistent with the Section 106 PA, detailed protocols associated with unanticipated discovery of archaeological resources are addressed by the ATP, which has already been developed. These protocols include the investigation and treatment of both known and unknown archaeological resources. The archaeological treatment plan includes methods for subsurface archaeological testing in areas defined as having a high degree of archaeological sensitivity (including areas in the vicinity of known archaeological sites) and where archaeological resources have been previously documented. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-944

Refer to Standard Response FJ-Response-CUL-4: Continued Tribal Consultation.

The Authority will take into consideration the concerns of the consulting parties in determining implementation of mitigation measures, including CUL-MM#3. The consultation procedure through which the MOA is developed will address resolution of the adverse effects with stipulations that elaborate on specific approaches to mitigation fulfillment. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-945

The Authority will take into consideration the concerns of the consulting parties in determining implementation of mitigation measures, including CUL-MM#4. The consultation procedure through which the MOA and BETP are developed will address resolution of the adverse effect of any undertaking on historic properties with stipulations that elaborate on specific approaches to mitigation fulfillment. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-946

The Authority will take into consideration the concerns of the consulting parties in determining implementation of mitigation measures, including CUL-MM#6 and CUL-MM#7. The consultation procedure through which the MOA, ATP, and BETP are developed will address resolution of the adverse effect caused by the HSR project on historic properties with stipulations that elaborate on specific approaches to mitigation fulfillment. This comment did not result in any revisions to the Draft EIR/EIS.

### 1139-947

Refer to Standard Response FJ-Response-CUL-3: Changes to the Historic Architectural Survey Report.

Delineation of the APE was consistent with the Authority's Section 106 PA, including selection of buffer zone distances. Section 3.16.5.1, Definition of Resource Study Areas/Area of Potential Effects, of the Final EIR/EIS, provides an explanation of the approach and justification for delineation of the APE. To assess the potential for the project to affect historic properties, QIs developed a thorough understanding of the project description, reviewed the preliminary engineering plans and project footprints, and discussed the project details with the project engineering team. The nature of the project was taken into account when delineating the APE such that portions of the APE are restricted to the rail right-of-way when project activities do not have potential to affect adjacent historic properties. This comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-948

Chapter 2, Alternatives, of the Draft EIR/EIS describes and illustrates project improvements at the 4th and King Street Station. As shown in the 4th and King Street Station site plan in Figure 2-29, there would be no project improvements along Townsend Street, east of Townsend Street, or north of 4th Street. Station improvements would be limited to installing a booth for HSR ticketing and support services, adding HSR fare gates, and modifying existing tracks and platforms, all of which would occur within the existing Caltrain right-of-way. As noted by the reviewer, the DTX project underwent a separate environmental review process and is not evaluated in this EIR/EIS. No project improvements are proposed within the Clyde and Crooks Warehouse Historic District, and as such, an expansion of the APE and consideration of effects on adjacent properties is not warranted. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-949

Refer to Standard Response FJ-Response-CUL-3: Changes to the Historic Architectural Survey Report.

Identification of known built environment resources reflected in the HASR, including presence, locations, and boundaries, represents the most accurate data available from a May 2016 record search conducted during the environmental baseline period for the APE (Authority 2019f).

The Central Waterfront Historic District was considered in the EIR/EIS and findings included no effects on the historic property. Refer to Impact CUL#4 in Section 3.16, Cultural Resources, of the Draft EIR/EIS, for additional information about the project's impact on this resource. Consistent with the APE delineation approach outlined in Section 3.16.5.1, Definition of Resource Study Areas/Area of Potential Effects, the smaller historic districts within the boundaries of the Central Waterfront Survey Area were not included in the APE because project activities would not have potential to cause alterations in the character or use of these properties.

Please refer to the response to submission FJ-1139, comment 948 regarding potential effects on the Clyde and Crooks Historic District. The same rationale applies to 228 Townsend Street, which is located north of Fourth Street, outside the APE. No project improvements are proposed in this location, and the nature of the project activities within the APE adjacent to 228 Townsend Street do not represent a potential to result in visual, audible, or atmospheric intrusions or vibration-induced damage that would affect this historic property. Therefore, an expansion of the APE and consideration of effects on adjacent properties is not warranted.

While the Union Iron Works/Bethlehem Steel Co. Hospital (331 Pennsylvania Avenue) is adjacent to the project footprint, this parcel was not included in the APE because the existing Caltrain tracks are in tunnel at this location and no project improvements are proposed within the existing tunnels. Therefore, project activities did not represent a potential for effect on the property.

The existing Caltrain tracks are in tunnel for half the length of the northern portion of the Little Hollywood Historic District's west boundary and, for the southern portion of the



## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-949

district's western boundary, is separated from the historic district by Tunnel Avenue. As such, the historic district is not within or immediately adjacent to project activities that would result in physical effects or potential for visual, audible, or atmospheric intrusions, or the potential for vibration-induced damage. Therefore, project activities at this location did not represent a potential to effect the Hollywood Historic District and it was not included in the APE for analysis.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-950

The African American Arts and Cultural District, which is primarily identified by contemporary activities that occur within the district (commerce, services, arts, events, and social practices), is not considered in the EIR/EIS because it is not a historic property for the purposes of NEPA, Section 106, or Section 4(f), or a historical resource for the purposes of CEQA. Regardless, CUL-IAMF#3 will be applied to implement pre-construction cultural resources survey for the purpose of identifying historic properties in the APE that were unknown at the time of the environmental baseline, including areas of the APE that overlap with the boundaries of the African American Arts and Cultural District.

The comment is noted and will be presented to Authority decision makers when considering project approvals and implementation of CUL-MM#1. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-951

To address this comment, Volume 2, Appendix 3.18-B, Cumulative Transportation Plans and Projects, in the Final EIR/EIS has been revised as suggested in regards to Central Subway, but the schedule for completion of DTX is uncertain given the project's uncertain funding, so no change has been made concerning DTX.

### 1139-952

Volume 2, Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, in the Final EIR/EIS has been revised as suggested regarding the three referenced projects.

Regarding the SFPUC Central Bayside System Improvement Project, the proposed alignment is primarily in areas far from the Caltrain right-of-way where the HSR project would be located. There is only one location where the two project areas are very close to each other, which is at the intersection of Mission Bay Drive and Berry Street. At this location, the HSR project would include installation of four-quadrant gates east of the tracks and west of Berry Street. The Central Bayside System Improvement Project includes a microtunneled Northern Connection Tunnel from the Channel Pump Station along Berry Street connecting to the Berry Street Shaft and then under I-280 to the northern terminus of the new Channel Tunnel (SFPUC 2021b). The installation of four-quadrant gates would require relatively shallow foundations that do not appear to be over the Central Bayside System Improvement Project force main so there is no apparent conflict between the two projects. There may be adjacent construction activities depending on timing, but construction access can be managed through coordination between the construction contractors. This information has been added to Section 3.18, Cumulative Impacts, of the Final EIR/EIS.

### 1139-953

While a portion of the Bayshore Station parking lot and platform is located in San Francisco, the majority of the station, and where the station modifications would occur, is located in Brisbane. To address the comment, the reference to the location of the Bayshore Station has been removed in the Final EIR/EIS.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-954

The comment asserts that the Draft EIR/EIS project alternatives are inconsistent with the San Francisco General Plan and suggests that the addition of a noise barrier and relocation of the southbound platform at the Bayshore Caltrain Station would physically separate the Schlage Lock Development as well as several communities of concern in Visitacion Valley from a convenient, safe pedestrian and bicycle route to the Bayshore Caltrain Station. As noted in the response to submission FJ-1139, comment 905, the identification of a potential noise barrier at the Bayshore Caltrain Station does not necessarily mean that pedestrian and bicycle access would be restricted, as noise barriers can be designed with gaps to allow access through them without reducing the noise mitigation efficiency by overlapping separate sections of barriers. In addition, the decision to implement noise barriers would be made in consultation with the community and local jurisdiction. To address concerns raised by the City and County of San Francisco on the Draft EIR/EIS about the relocation of the southbound platform of the Bayshore Caltrain Station, the Authority has revised the design of Alternative A (the Preferred Alternative) to extend the southbound platform further south, rather than relocate it. The northern portion of the extended platform would serve as a walkway to access trains stopped on the southern portion of the platform. Revisions have been made throughout the Final EIR/EIS to reflect this design change. This would provide for convenient and safe pedestrian and bicycle route to the Caltrain Station. For these reasons, the HSR project would not be inconsistent with Transportation Element Policy 21.7 of the San Francisco General Plan.

### 1139-955

Please refer to the response to submission FJ-1139, comment 954, which addresses the potential noise wall and modifications to the Bayshore Caltrain Station. For the same reasons provided in that response, the HSR project would not be inconsistent with Transportation Element Policy 21.9 of the San Francisco General Plan.

### 1139-956

The comment states that the Draft EIR/EIS project alternatives are inconsistent with the Visitacion Valley/Schlage Lock redevelopment plan and that the addition of a noise barrier and relocation of the southbound platform at the Bayshore Caltrain Station would conflict with direct bicycle and pedestrian connections from the Schlage Lock Development, as well as with the extension of Sunnydale Avenue. As noted in the response to submission FJ-1139, comment 905, the identification of a potential noise barrier at the Bayshore Caltrain Station does not necessarily mean that pedestrian and bicycle access would be restricted, as noise barriers can be designed with gaps to allow access through them without reducing the noise mitigation efficiency by overlapping separate sections of barriers. In addition, the decision to implement noise barriers would be made in consultation with the community and local jurisdiction. To address concerns raised by the City and County of San Francisco on the Draft EIR/EIS about the relocation of the southbound platform of the Bayshore Caltrain Station, the Authority has revised the design of Alternative A (the Preferred Alternative) to extend the southbound platform further south, rather than relocate it. The northern portion of the extended platform would serve as a walkway to access trains stopped on the southern portion of the platform. Revisions have been made throughout the Final EIR/EIS to reflect this design change. Additionally, both project alternatives would extend Sunnydale Avenue to the relocated Bayshore Station platforms. For these reasons, the HSR project would not be inconsistent with the Visitacion Valley/Schlage Lock redevelopment plan.

### 1139-957

To address this comment, the title of the bullet in the corresponding text in Section 3.18.6.14, Aesthetics and Visual Quality, has been revised to clarify that it addresses "San Francisco/Brisbane Baylands" in the Final EIR/EIS.

### 1139-958

The comment requests that Figure 3.13-1 be revised to indicate commercial, mixed-use, open space, and planned development existing uses. To address this comment, the Authority revised Figure 3.13-1 in the Final EIR/EIS.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-959

The comment requests that Figure 3.13-2 be revised to indicate the existing mixed-use on Executive Park and planned development throughout the Schlage Lock site. To address this comment, the Authority revised Figure 3.13-2 in the Final EIR/EIS.

### 1139-960

The comment states that relocation of the Bayshore Station is not consistent with plans from San Francisco. The comment is noted. Please refer to the response to submission FJ-1139, comment 956, which describes revisions made to Bayshore Caltrain Station platforms under Alternative A (Preferred Alternative) for the Final EIR/EIS based on concerns raised by the City and County of San Francisco. As described in response to submission FJ-1139, comment 956, the Bayshore Caltrain Station would not be relocated under Alternative A but there would still be some modifications. Accordingly, Figures 3.13-2, 3.13-6, 3.13-7, and 3.13-11 have been revised to identify a “Modified Bayshore Station” and not a “Relocated Bayshore Station.”

### 1139-961

The comment states that the Draft EIR/EIS does not address the Central SoMa Plan. The Central SoMa Plan is located just north of the 4th and King Street Station and is discussed in Section 3.13.5, Affected Environment, and under the No Project Impacts subheading in Section 3.13.6, Environmental Consequences, of the Draft EIR/EIS to provide context for the impact analysis. However, no project features would be located within the Central SoMa plan; therefore, the project would not have any direct impacts on the Central SoMa Plan. Potential impacts from the HSR stations introducing an incompatible land use are covered under Impact LU#4, and the Draft EIR/EIS concludes that there would be no permanent alteration of the planned land use patterns due to the proposed 4th and King Street Station improvements. The comment did not result in any revisions to the Draft EIR/EIS.

### 1139-962

The comment states that the Draft EIR/EIS implies that the Schlage Lock site is within the city of Brisbane; however, this site is in fact located within the City and County of San Francisco. To address this comment, the Authority revised the text under the Brisbane Light Maintenance Facility Area subheading in Section 3.13.5.2, Planned Land Uses, of the Final EIR/EIS to clarify the location of the Schlage Lock site.

### 1139-963

The comment quotes text from Section 3.13.5.2, Planned Land Uses, of the Draft EIR/EIS, but does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS. Accordingly, the comment did not result in any revisions to the Draft EIR/EIS.

### 1139-964

Please refer to the response to submission FJ-1139, comment 956, which describes revisions made to Bayshore Caltrain Station platforms under Alternative A (Preferred Alternative) for the Final EIR/EIS based on concerns raised by the City and County of San Francisco. The Bayshore Caltrain Station would not be relocated under Alternative A but there would still be some modifications. Please refer to Final EIR/EIS Volume 3, Preliminary Engineering Plans, Book A1, Sheets 3 and 4 (Alternative A) and Book B1, Sheets 3 and 4 (Alternative B). These reflect revisions following publication of the Draft EIR/EIS due to engineering refinements for the LMF lead track. Neither HSR project alternative would preclude construction of a multi-modal facility near the Bayshore Caltrain Station. The Authority will coordinate with all appropriate agencies and stakeholders as necessary to integrate the selected Bayshore multi-modal facility alternative into the Sunnydale Avenue extension.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-965

The comment requests that Figures 3.13-6 and 3.13-7 be revised to convey the higher intensity of development in the Schlage Lock development compared to the planned development in Brisbane. Different colors were used for the planned development designation in Brisbane to match the land use designations identified in the Brisbane General Plan. The intensity of each planned development is described in the text of the Draft EIR/EIS by identifying the number of residential units and the area of commercial uses that are planned for each planned development. In addition, no planned land uses are indicated for Executive Park in Figure 3.13-7 and no inconsistencies between Figures 3.13-6 and 3.13-7 have been identified relative to planned land uses at Executive Park. Therefore, no revisions are needed to Figures 3.13-6 and 3.13-7 in the Draft EIR/EIS.

### 1139-966

Please refer to the response to submission FJ-1139, comment 956.

### 1139-967

The comment includes an excerpt from the Draft EIR/EIS but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS. Accordingly, the comment did not result in any revisions to the Draft EIR/EIS.

### 1139-968

Please refer to the response to submission FJ-1139, comment 956, which addresses revisions to the Bayshore Caltrain Station platforms under Alternative A that have been implemented in the Final EIR/EIS to address concerns raised by the City and County of San Francisco on the Draft EIR/EIS.

As discussed in greater detail in the response to submission FJ-1139, comment 970, the Authority revised the discussion in Impact TR#16 in Section 3.2, Transportation, in the Final EIR/EIS to address the increased walking distance for Caltrain riders walking or biking to the Bayshore Caltrain Station from the west side of the tracks via the planned extension of Sunnydale Avenue.

### 1139-969

The comment notes that the Schlage Lock development project is constructing a direct pedestrian and bicycle to the Bayshore Caltrain Station via an extension of Sunnydale Avenue. Updates have been made to Table 3.2-22 in the Final EIR/EIS to include this planned pedestrian and bicycle improvement.

### 1139-970

The comment states that the Draft EIR/EIS does not identify or discuss the added walking distance from the Schlage Lock development, Visitacion Valley, and other areas resulting from the relocated southbound platform at the Bayshore Caltrain Station. Both project alternatives would modify the southbound platform at the Bayshore Caltrain Station: Alternative A (as revised in the Final EIR/EIS) would extend the southbound platform while Alternative B would relocate the southbound platform. Under both project alternatives, the active platform for boarding/alighting would be approximately 1,000 feet south of its current location. Accordingly, the walking or biking distance to the southbound Bayshore Caltrain Station platform would be extended by 1,000 feet for Caltrain riders walking or biking to the Bayshore Caltrain Station from the west side of the tracks via the planned extension of Sunnydale Avenue. To address this comment, updates have been implemented to Impact TR#16 in Section 3.2, Transportation, of the Final EIR/EIS to include this information.

### 1139-971

Please refer to the response to submission FJ-1139, comment 905, which addresses how construction of a noise barrier at the Bayshore Caltrain Station would not necessarily restrict pedestrian and bicycle access. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1139 (Anna Harvey, City and County of San Francisco, September 9, 2020) - Continued

### 1139-972

The Authority met with SFCTA and SFMTA to coordinate ways the planned Geneva Extension, planned BRT service, and connections with the LMF could all be realized in the Baylands area during the development of the Brisbane LMF design, and will continue ongoing coordination with these agencies during final design. Neither Brisbane LMF alternative would preclude future development of the Geneva Avenue extension or create an additional barrier to accessing transit. The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1145 (Carlos de Melo, City of Belmont, September 9, 2020)

<b>San Francisco - San Jose - RECORD #1145 DETAIL</b>	
Status :	Unread
Record Date :	9/10/2020
Interest As :	Local Agency
First Name :	Carlos
Last Name :	de Melo
Attachments :	Draft HSR EIR-EIS Comments - City of Belmont - 9-9-20.pdf (193 kb)

**Stakeholder Comments/Issues :**

Good afternoon-

The City of Belmont appreciates the opportunity to provide comments (see attachment) on the San Francisco to San Jose Section High Speed Rail (HSR) Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

The City looks forward to working with CAHSR staff on an ongoing basis to review alternatives, impacts and mitigation measures for the project in Belmont.

Feel free to get back to me with any questions.

Thanks

Carlos de Melo  
 Community Development Director  
 City of Belmont  
 One Twin Pines Lane, Suite 310  
 Belmont, CA 94002  
 Direct Line: (650) 595-7440  
 Mobile: (415) 990-1143  
 cdemelo@belmont.gov<mailto:cdemelo@belmont.gov>



## CITY OF BELMONT

C/O One Twin Pines Lane, Suite 310, Belmont, CA 94002  
 Community Development Department  
 (650) 595-7417 • Fax (650) 637-2982  
 www.belmont.gov

September 9, 2020

Sent Via Email

Draft San Francisco to San Jose Project Section EIR/EIS  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113

RE: City of Belmont Comments  
San Francisco to San Jose Section High Speed Rail (HSR) Project  
Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS)

The City of Belmont appreciates the opportunity to provide comments on the San Francisco to San Jose Section High Speed Rail (HSR) Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

Specific Expertise of the City of Belmont

CEQA Guidelines section 15086(c) requires that a city's comments be within an "area of expertise" of the city. The City of Belmont, as an agency responsible for general governmental functions, has expertise in all of the impact areas reviewed in a Project-Level Environmental Impact Report/Environmental Impact Statement (EIR/EIS), including, but not limited to, land use, population, employment and housing, transportation and circulation, public services and utilities, hazardous materials, hydrology and water quality, noise, air quality, and energy.

In addition, as an entity that frequently acts as a lead agency in completing environmental documents, the City of Belmont has specific expertise in the requirements imposed by the California Environmental Quality Act and CEQA Guidelines.

General

1145-684

- The California HSR project will have a significant impact on the City of Belmont. The selected HSR alignment along the current Caltrain right-of-way is located in the eastern portion of the City and provides a clear demarcation of the City from east to west. It is important that the HSR project include urban design and engineering solutions to minimize impacts and potentially reduce community divisions or barriers.

1145-685

- The City of Belmont concurs with the California High-Speed Rail Authority's (Authority) Preferred Alternative for the San Francisco to San Jose Project Section of the California High-Speed Rail (HSR) System – Alternative A. This Preferred Alternative consists of a predominantly two-track blended system but with no additional passing track.

Submission 1145 (Carlos de Melo, City of Belmont, September 9, 2020) - Continued


- 1145-686 • Incorporation of Alternative B would include a six-mile passing track through the Cities of San Mateo, Belmont, San Carlos, and Redwood City. This alternative would have significant impacts to the Belmont Village Specific Plan area – a key downtown redevelopment area, and adjacent/abutting residential neighborhoods.
- 1145-687 • The EIR does not adequately evaluate the impacts to existing Belmont properties associated with Alternative B to determine how the businesses will be affected.
- 1145-688 • The EIR does not adequately contemplate Caltrain’s planned growth and therefore underestimates the impacts of HSR. The EIR does not adequately evaluate the need for passing tracks and therefore the potential impacts of either alternative.
- 1145-689 • The report states that there has been a reduction in the ridership projections from the base data used in the EIR/EIS analysis. The EIR’s use of the higher ridership projections results in supposed benefits that allow the project to avoid mitigating project impacts. The EIR is inadequate in that it does not utilize accurate ridership projections and overestimates the benefits (e.g., reduced vehicle miles traveled, reduced greenhouse gas [GHG] emissions, reduced energy consumption) from the project.
- 1145-690 • Updated aerial/graphics are necessary for the project to provide accurate information regarding changes that have occurred since 2016. Without accurate imagery, it is not possible to evaluate the information provided.
- 1145-691 • Clarify in legend whether areas are existing rights of way or right of way acquisition is still required.
- 1145-692 • Construction Viability Impacts
  - The EIR does not provide enough detail in the passing track design (wall heights, embankment work) in Alternative B for Belmont to evaluate the extent of impact.
- 1145-693 • Details of proposed staging areas identified in the document are unclear in accommodating construction worker parking. A Belmont objective would be avoidance of impacts to adjacent neighborhood parking areas.
- 1145-694 • Noise
  - Noise impacts are not consistent with Belmont’s 2035 General Plan. The EIR is inadequate because it does not address the City’s General Plan polices. Construction activity could potentially exceed vibration tolerances which should require vibration monitoring during construction and property assessments prior to construction.

- 1145-695 • Alternative B impacts more Belmont businesses, and will create aesthetic impacts due to significant required retaining walls.
- 1145-696 • The EIR does not explain how Alternative B has fewer sensitive noise receptors than Alternative A when other parts of the report mention greater noise in Alternative B caused by more construction activities and longer duration.
- 1145-697 • Public Services/Utilities
  - The project EIR/EIS does not adequately evaluate the HSR electrification impact on 1) Belmont utility rates, and 2) the City’s current P.G.E. substation (which may be outdated and has provided inadequate and non-timely service restoration during power outages).
- 1145-698 • Belmont is approximately 50% complete with a full utility undergrounding project (via PGE Rule 20A Funds) along the entire length of Old County Road within the City. The EIR/EIS does not adequately evaluate the resulting impact of the HSR project on the *Old County Road Undergrounding Project*.
- 1145-699 • Traffic
  - The EIR Level of Service analysis does not adequately consider future Belmont growth via specification of which projects are included in the existing conditions.

The City of Belmont appreciates the opportunity to provide these comments on the San Francisco to San Jose Section High Speed Rail (HSR) Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

The City looks forward to working with CAHSR staff on an ongoing basis to review alternatives, impacts and mitigation measures for the project in Belmont.

If you have any questions about this letter, feel free to contact me at (650) 595-7440 or via email at [cdemelo@belmont.gov](mailto:cdemelo@belmont.gov)

Sincerely,  
  
 Carlos de Melo  
 Community Development Director

## Response to Submission 1145 (Carlos de Melo, City of Belmont, September 9, 2020)

### 1145-684

The comment asserts that the HSR project would have a significant impact on the city of Belmont and calls for measures to reduce community impacts.

At present, the Caltrain corridor has no at-grade crossings in the City of Belmont. The Caltrain corridor is fully grade separated as it crosses over Ralston Avenue and Harbor Boulevard. Detailed project plans are available for review in Volume 3, Preliminary Engineering Plans, of the EIR/EIS.

Alternative A, the Authority's Preferred Alternative, would require track shifts within the existing Caltrain corridor in Belmont. These track shifts would require the acquisition of several commercial parcels along Old County Road. Refer to Volume 3, Book A1, sheet 13 and Book A2, sheet 14. Ralston Avenue and Harbor Boulevard would continue to have underpasses beneath the rail corridor; no road closures in Belmont are contemplated. The only other Belmont improvements associated with Alternative A would be a stand-alone radio tower near the rail alignment between Ralston Avenue and Waltermire Road.

Alternative B, however, would involve widening the rail right-of-way through Belmont to accommodate additional tracks associated with the passing track. Alternative B would require additional right-of-way in Belmont, as well as modifications to both the Belmont Caltrain Station as well as both underpasses (at Ralston and Harbor Avenue) to accommodate a wider rail right-of-way. Alternative B would also involve a stand-alone radio tower; two sites are contemplated along the rail alignment south of Ralston Avenue. Alternative B would displace 65 businesses in Belmont due to the passing tracks. Refer to Volume 3, Book B1, sheet 13 and Book B2, sheet 14.

Draft EIR/EIS Section 3.12, Socioeconomics and Communities, considers the potential for each alternative to result in community division impacts. Within that section, please refer to Impacts SOCIO#1 through SOCIO#3. As discussed in these impacts, the project alternatives would not divide communities because rail infrastructure would occur within an existing transportation corridor. Access to communities and community facilities would not be disrupted, nor would community interactions change. Minor inconveniences to residents and businesses during construction may result from roadway realignments or closures, although these changes would not disrupt access or

### 1145-684

divide a community. Established social engagement patterns within communities would not change from permanent changes to the transportation system. Therefore, the permanent transportation features associated with the project alternatives would not physically divide an established community, and mitigation measures are not required. However, as noted in Section 3.12.7, Mitigation Measures, the Authority has identified mitigation measures for other resource sections (e.g., transportation, noise and vibration, and aesthetics and visual quality) which would also help to reduce impacts on socioeconomics and communities.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1145-685

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-GEN-2: General Support of the Project and the California High-Speed Rail System.

The City's preference for Alternative A is noted. The City's preference expressed in the comment letter will be presented to Authority decision-makers as part of the Final EIR/EIS for their consideration as part of the project approval process. As described in Chapter 8, Preferred Alternative, of the Draft EIR/EIS, the Authority identified Alternative A as the Preferred Alternative because it minimizes impacts on communities and natural resources while maximizing the transportation and safety benefits of the HSR system at the lowest cost. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1145 (Carlos de Melo, City of Belmont, September 9, 2020) - Continued

### 1145-686

The comment makes assertions regarding Alternative B, which is not the Authority's Preferred Alternative. The comment correctly notes that Alternative B would include the addition of passing track through the entirety of Belmont, and asserts that such passing track would result in significant impacts on the Belmont Village Specific Plan area.

The Draft EIR/EIS disclosed that Alternative B would be inconsistent with the adopted Belmont Village Specific Plan.

Please refer to the response to submission FJ-1145, comment 684 regarding community impacts. Please also refer to Draft EIR/EIS Section 3.12, Socioeconomics and Communities. In that section, potential impacts on communities and existing land uses from the passing tracks are fully disclosed under Impact SOCIO#1 through Impact SOCIO#3. Also refer to Draft EIR/EIS Section 3.13, Station Planning, Land Use, and Development, Impacts LU#1 and LU#3. Regarding the Belmont Village Specific Plan, relevant goals and policies were reviewed for consistency with the proposed project. Volume 2, Appendix 2-J, Policy Consistency Analysis, identifies that the proposed project would be inconsistent with one policy of the Belmont Village Specific Plan regarding the mix of commercial services available in the Station Core District.

Appendix 2-J notes that both alternatives would displace businesses along Old County Road; Alternative A (the Authority's Preferred Alternative) would displace 10 primarily auto-oriented businesses, whereas the passing track construction associated with Alternative B would displace a total of 65 businesses in Belmont. These displacement estimates are intended to be conservative or worst-case scenarios. In sum, the Draft EIR/EIS adequately disclosed the policy inconsistency with the Belmont Village Specific Plan. The comment did not result in any revisions to the Draft EIR/EIS.

### 1145-687

Impacts on properties in Belmont are discussed throughout Section 3.12, Socioeconomics and Communities, of the Draft EIR/EIS. Impact SOCIO#1 and Impact SOCIO#2 discuss permanent construction effects, including impacts from business displacements in Belmont and the effect on the community. Impact SOCIO#7 and Impact SOCIO#8 discuss the residential and business displacements that would result in Belmont from both alternatives. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1145 (Carlos de Melo, City of Belmont, September 9, 2020) - Continued

### 1145-688

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The comment requests consideration of additional passing tracks to provide reliable service for current and future Caltrain service levels. Please refer to Section 2.5, Alternatives Considered during Alternatives Screening Process, of the Draft EIR/EIS for a discussion of the process that resulted in the transition from a fully grade-separated four-track system envisioned in 2009 to the predominantly two-track blended system that was evaluated in the Draft EIR/EIS. As described in Section 2.5.2.2, Transition to a Predominantly Two-Track Blended System (2011–2012), SB 1029 mandates that any funds appropriated for projects in the San Francisco to San Jose corridor, consistent with the blended system strategy identified in the 2012 Business Plan, would not be used to expand the blended system to an independently dedicated four-track system.

Alternatives A and B were developed with sufficient passing capabilities to accommodate the blended service operations (six Caltrain trains and four HSR trains per peak hour per direction) planned through 2040. As explained under Impact TR#14 in Section 3.2, Transportation, of the Draft EIR/EIS, the Authority completed an operational analysis of blended service that showed a very limited effect of Alternative A on Caltrain average operational service time (Alternative B would result in several minutes of additional average operational service time) and both project alternatives would allow a “clock-face” regular internal service for Caltrain. Caltrain, as the host railroad, will work with the Authority on joint scheduling for both Caltrain and HSR service to optimize both services, including Caltrain’s local service.

Future ridership increases beyond 2040 that could require additional capacity, and therefore changes to the passing track configuration in the Project Section, are currently undefined and speculative. Please also refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan, which addresses Caltrain’s long-term vision for the Caltrain corridor. The comment did not result in any revisions to the Draft EIR/EIS.

### 1145-689

Section 2.7, Ridership, of the Draft EIR/EIS provides a detailed description of the differences between the ridership forecasts from the 2016 Business Plan, the 2018 Business Plan, and the Draft 2020 Business Plan. To the extent that the lower ridership levels projected in the 2018 Business Plan or the 2020 Business Plan would result in fewer trains operating in 2040, the impacts associated with the train operations in 2040 would be somewhat less than the impacts presented in the Draft EIR/EIS and the benefits accruing to the project (e.g., reduced VMT, reduced GHG emissions, reduced energy consumption) also would be less than the benefits presented in the EIR/EIS. As with the impacts, the benefits would continue to build and accrue over time and would eventually reach the levels discussed in this EIR/EIS for the Phase 1 system.

The commenter incorrectly asserts that the use of higher ridership projection results in benefits that allow the project to avoid mitigating project impacts. Consistent with the requirements under NEPA and CEQA, the Draft EIR/EIS identifies feasible mitigation measures to avoid, minimize, rectify, reduce, eliminate, or compensate for an adverse physical change in the environment. The mitigation measures identified in the Draft EIR/EIS directly relate to project impacts that have been determined to be significant; these measures are not influenced by project benefits.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1145-690

The commenter recommends that the Draft EIR/EIS be revised to provide updated aerials/graphics to reflect changes that have occurred since 2016, but does not identify specific figures where outdated aerials/graphics made it difficult to understand the environmental impacts of the project. The Authority has updated Appendix 3.1-A, Parcels within the HSR Project Footprint, in Volume 2, Technical Appendices, of the Final EIR/EIS to reflect the most recent aerial imagery (captured in 2020) from the National Agriculture Imagery Program and April 2021 parcel data from Santa Clara, San Mateo, and San Francisco Counties. However, the extensive set of figures in Volume 1, Report, of the Draft EIR/EIS have not been updated with more recent aerial imagery, because the Authority believes the figures provide sufficient information for the public to understand the environmental impacts of the project and updates would not affect the impact analysis or conclusions in the EIR/EIS.

## Response to Submission 1145 (Carlos de Melo, City of Belmont, September 9, 2020) - Continued

### 1145-691

The comment requests revisions to the legend of a figure but is not specific about which figure is being referred to. Refer to Appendix 3.1-A, Parcels within the HSR Project Footprint, which depicts the boundaries of the existing Caltrain right-of-way in relation to the project footprint (consisting of proposed HSR right-of-way, roadway right-of-way, permanent easements, and TCEs). Right-of-way acquisitions are required where the project footprint extends beyond the existing Caltrain right-of-way. Refer to Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS for additional information about the temporary and permanent land use impacts associated with the project alternatives. The comment did not result in any revisions to the Draft EIR/EIS.

### 1145-692

Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS provides detailed engineering drawings for both project alternatives, including the passing track design. In addition, the passing track is described on pages 2-101 to 2-103 in Volume 1, Report, of the Draft EIR/EIS and in Appendix 2-H, Constructability Assessment Report (see Appendix D.6, Passing Tracks Report and Exhibits –Alternative B) in Volume 2, Technical Appendices, of the Draft EIR/EIS. The level of detail provided is standard for an EIR/EIS and provides enough information to evaluate environmental impacts consistent with CEQA and NEPA requirements. The final engineering design would be completed by the contractor chosen to build the project after the project is approved. The comment did not result in any revisions to the Draft EIR/EIS.

### 1145-693

The comment asserts that the Draft EIR/EIS does not clearly identify proposed staging areas for construction worker parking and that construction worker parking should be secured to avoid parking near neighborhoods. As described in Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Draft EIR/EIS, TR-IAMF#3 calls for the contractor to identify adequate off-street parking for all construction-related vehicles throughout the construction period to minimize impacts on public on-street parking areas. If adequate parking cannot be provided on the construction sites, the contractor would designate a remote parking area and arrange for use of a shuttle bus to transfer construction workers to and from the job site. This measure would be addressed in the CTP (TR-IAMF#2) that would be prepared in close consultation with the local jurisdiction having authority over the site. The comment did not result in any revisions to the Draft EIR/EIS.

### 1145-694

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The Authority assessed the project's consistency with local plans, policies, and ordinances. Refer to Section 3.4.3, Consistency with Plans and Laws, and Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS, which identify the project's inconsistencies with the Belmont 2035 General Plan and Belmont codes of ordinances. However, as stated in Section 3.4.2.3, Regional and Local, of the Draft EIR/EIS, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. The project is subject to the FRA noise and vibration impact criteria, and the noise and vibration impact assessments were conducted following FRA methodology and criteria. Please refer to Section 3.4.7, Mitigation Measures, for a discussion of the measures identified to avoid or reduce significant noise and vibration impacts. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1145 (Carlos de Melo, City of Belmont, September 9, 2020) - Continued

### 1145-695

The commenter is correct that Alternative B would have greater business displacements and aesthetics impacts in Belmont, as disclosed under Impact SOCIO#8 in Section 3.12, Socioeconomics and Communities, and Impact AVQ#8 in Section 3.15, Aesthetics and Visual Quality, of the Draft EIR/EIS. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS.

### 1145-696

As explained under Impact NV#2, operational noise impacts differ between Alternative A and B in the San Mateo to Palo Alto Subsection because the new four-track configuration associated with the passing track under Alternative B would result in different track alignments and distances to noise-sensitive receptors. Additionally, construction of the passing track under Alternative B would require the acquisition of additional rights-of-way and the displacement of some sensitive-receptor buildings; in certain locations, these same sensitive-receptor buildings would remain in place under Alternative A and would be affected by operational noise impacts. The comment did not result in any revisions to the Draft EIR/EIS.

### 1145-697

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

As described in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS, power demands for the OCS would predominantly be met for the San Francisco to San Jose project alternatives on the blended system, using the electrical infrastructure proposed by Caltrain as part of PCEP. As shown on Figure 3.6-3 in Section 3.6 of the Draft EIR/EIS, no electrical infrastructure is proposed as part of PCEP in the City of Belmont. However, the Authority proposes to install a standalone radio tower in the City of Belmont, which may be powered from the OCS, battery backup, solar, wind, or from the nearest utility (Authority 2010). If a local utility connection is needed, the Authority would first coordinate with the utility, as set forth in Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners. The energy requirements of the standalone radio tower would be relatively limited, and it is not anticipated that Belmont utility rates would increase if the standalone radio tower were to draw on local energy sources. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1145 (Carlos de Melo, City of Belmont, September 9, 2020) - Continued

### 1145-698

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure.

The impacts on utilities were based on existing utility information the Authority obtained from utility companies prior to March 2019 in its preparation of Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. Based on the nature of the undergrounding project, the Authority does not expect construction of HSR to prevent completion of the Old County Road Undergrounding Project. The Authority anticipates that as-built plans for the Belmont undergrounding project cited by the commenter will be made available when the undergrounding project is fully completed.

As part of final design, the Authority will review as-built plans from the utility companies to confirm conflicts would not occur. If utility conflicts are identified, pursuant to utility agreements negotiated between the Authority and the utility service providers, the Authority would work with utility owners to relocate utilities to outside of the right-of-way, abandon the utilities in place within the right-of-way, or protect the utilities in place within the right-of-way. Project features (IAMFs) minimize utility interruptions by requiring identifying utilities prior to construction, coordinating with service providers in advance, notifying the public and affected service providers of any planned outages, and verifying that new facilities are operational prior to disconnecting the original facility. The comment did not result in any revisions to the Draft EIR/EIS.

### 1145-699

The comment states that the Draft EIR/EIS forecasts used for the LOS analysis do not adequately consider future Belmont growth. Analysts developed forecasts of vehicles that would travel on the freeways and roads for the Draft EIR/EIS using the VTA model developed by VTA staff for the C/CAG. This forecasting tool was identified as the most appropriate for the project because it was designed and calibrated for that purpose. The VTA model reflects land use, travel demand, and infrastructure changes within the RSA for the Draft EIR/EIS's horizon years. The land use forecasts were based on the current ABAG land use forecasts available at the time of NOP/NOI release. Evidence that the models were used in the development of conclusions of the Draft EIR/EIS is provided via summaries of the model assumptions, inputs, scenarios, means/methods, and detailed reporting of the results provided throughout Section 3.2, Transportation, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

## Submission 1132 (Cheron McAleece, City of Brisbane, part 1 of 6, September 9, 2020)

**San Francisco - San Jose - RECORD #1132 DETAIL**

**Status :** Unread  
**Record Date :** 9/10/2020  
**Interest As :** Local Agency  
**First Name :** Cheron  
**Last Name :** McAleece

**Stakeholder Comments/Issues :**

1132-1069

The City of Brisbane's comment letter sent on September 8, 2020 inadvertently omitted two paragraphs of text from page 7 of The Sohagi Law Group, PLC letter (p. 17 of the entire pdf). The City hereby resubmits the entire City's comment letter on September 9, 2020 that includes the inadvertently-omitted text and revisions to pages the cover letter. This September 9 submittal constitutes the City's comments on the Draft EIR/EIS.

Unzipped: <https://spaces.hightail.com/receive/P9UBaPrh7e>  
Zipped: <https://spaces.hightail.com/receive/PgNCtOzEFN>

Cheron J. McAleece  
Paralegal  
The Sohagi Law Group, PLC  
11999 San Vicente Boulevard, Suite 150  
Los Angeles, California 90049-5136  
C: (323) 382-3600  
T: (310) 475-5700  
F: (310) 475-5707  
E: [cmcaleece@sohagi.com](mailto:cmcaleece@sohagi.com)<<mailto:msohagi@sohagi.com>>  
[www.sohagi.com](http://www.sohagi.com)<<http://www.sohagi.com>>

IMPORTANT NOTICE: Pursuant to the Governor's "Stay at Home" Order, The Sohagi Law Group, PLC, is CLOSED TO THE PUBLIC. Packages requiring signatures will be returned undelivered - do not serve papers by this method. First Class U.S. Mail will be collected at least once weekly. For all matters, serve by U.S. Mail and by electronic mail to [cmcaleece@sohagi.com](mailto:cmcaleece@sohagi.com)<<mailto:cmcaleece@sohagi.com>> AND to Margaret Sohagi at [msohagi@sohagi.com](mailto:msohagi@sohagi.com)<<mailto:msohagi@sohagi.com>>. Please provide additional notice beyond the code minimums. We reserve the right to object to any notice or delivery of any kind if not actually received by counsel prior to all statutory deadlines.

Please consider the environment before printing this email.

**CONFIDENTIAL - ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT DOCTRINE**

The information contained in this e-mail message, including attachments, is intended only for the confidential use of the designated addressee named above. The information transmitted is subject to the attorney-client privilege and/or represents confidential attorney work product and/or other applicable privileges. Recipients should not file copies of this email with publicly accessible records. If you are not the designated addressee named above or the authorized agent responsible for delivering it to the designated addressee, or you received this document through inadvertent error, any further review, dissemination, distribution or copying of this

communication by you or anyone else is strictly prohibited. If you received this communication in error, please delete this e-mail and any attachments and notify us immediately by e-mailing or telephoning the sender named above at (310) 475-5700. Thank you.

---

## Response to Submission 1132 (Cheron McAleece, City of Brisbane, part 1 of 6, September 9, 2020)

### 1132-1069

This comment is noted. The Authority has considered and responded to comments within the City of Brisbane's comment letter resubmitted on September 9, 2020.

## Submission 1163 (Thomas McMorrow, City of Brisbane, part 2 of 6 (SFSJ-1132), September 9, 2020)



### City of Brisbane Comments

*California High Speed Rail Project: San Francisco to San Jose Project Section*  
*Draft Environmental Impact Report/Environmental Impact Statement*  
State Clearinghouse No. 2016052019

### City of Brisbane Comments

*California High Speed Rail Project: San Francisco to San Jose Project Section*  
*Draft Environmental Impact Report/Environmental Impact Statement*  
State Clearinghouse No. 2016052019

### Table of Contents

- I. Manatt, Phelps, & Phillips, LLP Letter
- II. The Sohagi Law Group, PLC Letter
  - a. Exhibit 1: Letter from Brian P. Kelly, HSR Chief Executive Officer to the Honorable Terry O'Connell, Mayor of the City of Brisbane, August 13, 2020
  - b. Exhibit 2: Prior City of Brisbane Comment Letters
    - i. Exhibit 2-A: August 25, 2010 City Letter to HSR Authority
    - ii. Exhibit 2-B: September 28, 2010 HSR Response to City
    - iii. Exhibit 2-C: October 5, 2010 City Response to HSR Authority
    - iv. Exhibit 2-D: June 9, 2016 City Comment Letter to HSR
    - v. Exhibit 2-E: August 21, 2019 City Comment Letter to HSR
  - c. Exhibit 3: Vartabedian, Ralph, "California's scaled-back high-speed rail plan faces doubts amid financial crunch," Los Angeles Times, September 8, 2020
- III. Metis Environmental Group Report
  - a. Attachment A: Metis Environmental Group Resumes
  - b. Attachment B: Hexagon Transportation Consultants Transportation Comments and Resumes
  - c. Attachment C: EK1 Hazardous Materials and Wastes Comments and Resumes
  - d. Attachment D: Entech Northwest Noise and Vibration Comments and Resumes
  - e. Attachment E: Ten Over Studio Fire Station Site Design Comments and Resumes
  - f. Attachment F: City of Brisbane Public Works Department, Brisbane LMF Evaluation and Alternatives Review
    - i. Appendix A: Figures
    - ii. Appendix B: Draft EIR/EIS References
  - g. Attachment G: Brisbane Baylands Project Water Supply Assessment, May 24, 2013
  - h. Attachment H: Page & Turnbull Memorandum and Resume
- IV. Letter from Chief Elizabeth Macias, City of Brisbane Police Department, September 4, 2020
- V. Letter from Todd Johnson, Deputy Fire Chief, North County Fire Authority, September 4, 2020



Submission 1163 (Thomas McMorrow, City of Brisbane, part 2 of 6 (SFSJ-1132), September 9, 2020) - Continued

manatt

Thomas R. McMorrow  
Manatt, Phelps & Phillips, LLP  
Direct Dial: (916) 552-2310  
tmcorrow@manatt.com

manatt

Northern California Regional Office  
CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
September 8, 2020  
Page 2

September 8, 2020

Client-Matter: 23890-032

1163-1123

VIA EMAIL AND SUBMISSION TO THE HSR WEBSITE  
San.Francisco San.Jose@hsr.ca.gov and www.hsr.ca.gov  
**SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION**  
**DRAFT EIR/EIS COMMENT**  
100 Paseo de San Antonio, Suite 300  
San José, CA 951413

Re: Comments by the City of Brisbane, California, on the Draft Environmental Impact Report/Environmental Impact Statement for the San Francisco to San Jose Section of the California High-Speed Rail Project

To Whom It May Concern:

**INTRODUCTION**

On behalf of the City of Brisbane, California (the "City"), we hereby submit comments on the Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS" or "Draft") for the San Francisco to San Jose section ("Project") of the California High-Speed Rail Project under the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA").<sup>1</sup>

We conclude that the Draft EIR/EIS is fatally defective under CEQA and NEPA, implementing regulations, and governing case law. Further, the Draft is unusable as a matter of law. It should and must be abandoned in favor of a new, independent, and comprehensive environmental analysis. Anything less would be illegal and a disservice to the environment and to the people of California, the Bay Area, and the City.

The City did not come to this conclusion lightly. The City's Comments are born of a thorough analysis of the Draft EIR/EIS by subject matter experts. These experts were tasked with independently reviewing the full record that led the California High-Speed Rail Authority ("Authority") to recommend locating the Light Maintenance Facility (LMF) on the Baylands and only the Baylands. The experts' reviews conclude that the Draft EIR/EIS does not come close to meeting the requirements of CEQA and NEPA.

<sup>1</sup> "We" or "us" includes Manatt, Phelps & Phillips, LLP, the Sohagi Law Group, PLC, Metis Environmental Group, and numerous discipline-specific subcontractors referenced herein and in supporting materials. The "City's Comments" or "Comments" include this cover letter and its attachments, including the detailed subject matter analyses and independent reports upon which these analyses are based.

1215 K Street, Suite 1900, Sacramento, CA 95814 Telephone: 916.552.2300 Fax: 916.552.2323

Albany | Boston | Chicago | Los Angeles | New York | Orange County | Palo Alto | Sacramento | San Francisco | Washington, D.C.

1163-1124

1163-1125

1163-1126

1163-1127

1163-1128

1163-1129

1163-1130

This left the City with a nagging question. In a state and region that are perhaps more committed to environmental responsibility and sustainability than any others in the nation, why would the Authority publish a legally inadequate Draft EIR/EIS? Perhaps because, as critics of the Project have long said, the objective is not to satisfy the law but to satisfy a deadline.

The City is unwilling to yield to a process that is driven by something other than compliance with environmental law and science.

**EXECUTIVE SUMMARY**

The Draft EIR/EIS is legally and materially insufficient as a matter of law and must be set aside and the environmental review process restarted.

The deficiencies in the Draft defy core principles of CEQA and NEPA, including:

- fatally relying throughout the document upon a Project Description that is much too general for a project-level EIR, as well as being inaccurate, imprecise, and uncertain;
- using inaccurate existing conditions and future baselines that effectively hide the Project's significant impacts;
- consistently failing to identify and quantify specific impacts in Brisbane and other localities attributable to the Project—especially noise, land use, biological resources, and hazardous waste impacts—precluding the ability to identify meaningful and enforceable mitigation measures;
- hiding behind so-called impact avoidance and minimization features purportedly incorporated as Project features, thus short-circuiting the CEQA process and avoiding its responsibilities for impact identification and mitigation imposition;
- presenting a cumulative analysis that is so general and inadequate as to be meaningless; and
- failing to identify any meaningful range of potential Project alternatives other than one predetermined location, thereby precluding any evaluation whatsoever of such other potential alternatives, including alternative LMF sites with less environmental impact on the region and the City.

Beyond failing to meet the most rudimentary CEQA and NEPA requirements, the Draft EIR/EIS also disregards core California state policy priorities, environmental protection regimes, and agency regulatory oversight functions.

1163-1123

Submission 1163 (Thomas McMorrow, City of Brisbane, part 2 of 6 (SFSJ-1132), September 9, 2020)  
 - Continued

manatt

Northern California Regional Office  
 CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
 September 8, 2020  
 Page 3

1163-1130

For all these reasons, the Authority must abandon the Draft document and approach that are fatally deficient under governing precedents and prepare and recirculate a completely rewritten Draft EIR/EIS.

1163-1131

**THE PROJECT IGNORES THE CITY'S CRITICAL RESPONSE TO THE CALIFORNIA HOUSING CRISIS**

Few issues have activated both state legislators and local elected officials statewide more than California's housing crisis. It is a crisis of both accessibility and affordability, impacting the entire state.<sup>2</sup> And yet, production of more residential units remains highly contentious and polarizing, making progress difficult. And an era of coronavirus threatens to only make things worse.<sup>3</sup>

One of very few shining success stories of collaboration and compromise by local leaders, Sacramento lawmakers, and on-the-ground advocates is Brisbane.<sup>4</sup> After years of study, often contentious public hearings, and tireless negotiation, Brisbane's City Council partnered with housing champions in the Legislature to find a compromise solution whereby thousands of residential units would be sited in immediate proximity to existing transit, local oversight and control would be maintained, and fundamental decision-making authority would be vested in local residents.

The result, local ballot Measure JJ, was put on the ballot in 2018 and passed by the City's voters. It is heralded in Sacramento, and indeed statewide, as a model for bringing proactive housing solutions to critical locations in an environmentally responsible manner.<sup>5</sup>

The Authority has been fully aware for years of the critical interest of both Sacramento legislators and local stakeholders in Brisbane's abundant supply of vacant but environmentally impacted land immediately adjacent to an existing Caltrain station—the so-called Baylands. And the Authority is fully aware of the City electorate's vote to support environmentally responsible housing and related development on the Baylands.

Nonetheless, the Authority has forged ahead myopically, determined to site its 100-acre LMF on the Baylands with no regard whatsoever for the implications for the provision of housing on those same lands. So focused has been the Authority that, as its plans moved forward and the need for housing on the Baylands grew, the Authority evolved its criteria analysis for the LMF to exclude virtually any potential site other than the Baylands. Among many other fatal

<sup>2</sup> <https://sanfrancisco.cbslocal.com/2019/06/02/housing-crisis-california-legislators/>.  
<sup>3</sup> <https://www.latimes.com/socal/daily-pilot/opinion/story/2020-07-22/commentary-a-housing-crisis-may-be-the-next>.  
<sup>4</sup> <https://www.kqed.org/news/11704646/plan-to-build-housing-on-toxic-landfill-site-looks-likely-to-pass>.  
<sup>5</sup> <https://www.mercurynews.com/2018/04/15/sacramento-leans-on-cities-to-solve-the-housing-crisis/>.

manatt

Northern California Regional Office  
 CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
 September 8, 2020  
 Page 4

1163-1131

deficiencies, the blatant failure to meaningfully consider the impact of its proposed LMF on both existing and proposed future housing, as well as the failure to evaluate potential alternative sites for the LMF, dooms the Draft EIR/EIS under well-established precedents for both CEQA and NEPA.

1163-1132

**THE DRAFT EIR/EIS FATALLY IGNORES STATE PROTECTIONS OF AQUATIC RESOURCES**

The Draft EIR/EIS makes no effort to even identify, let alone mitigate, impacts to aquatic resources such as wetlands and other waters protected under state law. Instead, the Draft EIR/EIS erroneously and illegally purports to take an over-inclusive approach to protecting waters that "may" be jurisdictional federally, apparently insinuating that such a casting of the regulatory net would necessarily catch resources protected under state law. This is wrong and legally impermissible. In fact, California prides itself on a robust and distinct regime of resource identification and protection specifically because of perceived deficiencies in federal regimes.

1163-1133

To highlight the unjustifiable disregard of state regulatory regimes for waters of the state, we note that the Draft EIR/EIS fails to even mention the most recent regulatory enactment by the State Water Resources Control Board, the product of over a decade of evaluation and negotiation with the regulated community and environmental NGOs. The "State Wetland Definition and Procedures for Discharges of Dredge or Fill Materials to Waters of the State" ("State Waters Policy") was adopted on April 2, 2019, and became effective on May 28, 2020. The Draft EIR/EIS never mentions, let alone seeks to demonstrate future compliance with, the State Waters Policy.

1163-1134

**THE DRAFT EIR/EIS CONCLUDES "FULLY PROTECTED" SPECIES WILL BE ILLEGALLY KILLED**

California law identifies a small universe of species that are fully-protected. Statute and California Supreme Court precedent make clear that as to these "fully protected species," no negative implications are permissible. None. They may not even be "caught" by agency biologists for relocation purposes. And yet, two such species are in the path of the Project, and the technical analysis underlying the Draft EIR/EIS says plainly that there is no strategy to ensure the avoidance of potentially fatal harm to members of these species. It is illegal to harm fully protected species, and the Authority acknowledges that locating the LMF on the Baylands will result in harm. Consequently, the Draft cannot be certified.

Submission 1163 (Thomas McMorrow, City of Brisbane, part 2 of 6 (SFSJ-1132), September 9, 2020) - Continued

manatt

Northern California Regional Office  
 CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
 September 8, 2020  
 Page 5

1163-1135

**THE DRAFT EIR/EIS FAILS TO MEANINGFULLY ADDRESS HAZARDOUS MATERIALS AND AN ABANDONED LANDFILL ON THE SITE**

The presence of hazardous wastes and materials on the Baylands is not a secret to anyone. Nor is one of the primary priorities embodied in Measure JJ that local officials and the local community must remain in a position of oversight for remediation of the site prior to any housing being approved. The planning documents for the Baylands, in fact, require adoption of a landfill closure plan and remediation plan for the site in advance of any approvals for construction activities.

Despite the agreement between Sacramento and Brisbane, the Draft EIR/EIS—though readily recognizing the contamination on the proposed West location for the LMF and the historic abandoned landfill on the East location—makes no effort to identify, let alone quantify, the measures and costs implicated in remediating either site to the satisfaction of governing regulatory agencies. Included with these Comments is an analysis by EKI Environment & Water (“EKI”), experts in the remediation of contaminated sites and the handling of hazardous wastes. In its general introductory comments, EKI notes the glaring omission of any consideration of remedial measures and costs for either site:

The description of the East Brisbane [maintenance facility] (p. 2-77) does not acknowledge the fact that the 100-acre facility would be located at an existing landfill site that has active oversight by the Water Board and would require closure by the Water Board and CalRecycle prior to construction of the [maintenance facility]. Rather, the description focuses on nearby track modifications and realignments but does not indicate that millions of cubic yards of landfill would have to be excavated to achieve the grade of the railroad tracks. While Section 3.10 of the Draft EIR/EIS (Hazardous Materials and Wastes) acknowledges that the East Brisbane [maintenance facility] would overlie the former Brisbane Landfill, the Draft EIR/EIS never presents the full regulatory closure process that would have to be implemented as part of the project (see comments on Impact HAZ#10).

...

The description of the West Brisbane [maintenance facility] (p. 2-98) does not acknowledge the fact that the 110-acre facility would largely be located at an existing remediation site that has active oversight by the Water Board and the DTSC, and construction of the LMF would require planning and oversight by those agencies.

manatt

Northern California Regional Office  
 CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
 September 8, 2020  
 Page 6

1163-1135

The open acknowledgment of the contamination and unclosed landfill on the Baylands and an absolute failure to address in any way what would be required to remediate either site sufficiently to allow construction of the proposed LMF are fatal defects in the Draft EIR/EIS. In fact, the implications of an LMF on either portion of the Baylands are sufficiently complex that a freestanding, project-level CEQA/NEPA analysis of its own is legally warranted.

1163-1136

**THE DRAFT EIR/EIS IGNORES SIGNIFICANT TRAFFIC AND INFRASTRUCTURE IMPACTS**

The Draft EIR/EIS failed to include in its alternatives the Gilroy LMF described in Table 1 and Table 2 of Draft EIR/EIS Appendix 2-F. In addition, the Authority published a fact sheet describing the reasons that Brisbane was selected for the LMF. The fact sheet added a site requirement that was not actually part of the Authority’s Supplemental Alternative Analysis: (Site Availability (Avoid conflicts with built improvements). the notion that the Brisbane LMF would “avoid conflicts with built improvements” is belied by the fact that its construction would require:

- Demolition and relocation of the existing Tunnel Avenue bridge, resulting in 1-3 months of unacceptable emergency response within a portion of the community;
- Demolition and realignment of both Tunnel Avenue and Lagoon Road, as well as realignment of City streets providing access to the community’s downtown area;
- Demolition and relocation of the City’s existing fire station;
- Excavation into the former Brisbane Landfill requiring disposal of an unknown amount of hazardous and non-hazardous waste placed in the landfill before operations ceased in 1967 (East LMF);
- Demolition and removal of the City’s existing corporation yard (East LMF); and
- Demolition of the historic Machinery & Equipment building, along with demolition of the Mission Blue Nursery.

1163-1137

**THE DRAFT EIR/EIS IGNORES UNIQUE NOISE ISSUES IN THE AREA**

There has long been a perception by Brisbane residents that noise is amplified in the City compared with other communities, and this concern was raised by residents in multiple public meetings. In addition, the Final Brisbane Baylands Program EIR analyzed this phenomenon and confirmed it—the City’s terrain does, in fact, have an effect on ambient noise and sound propagation in the community.

# Submission 1163 (Thomas McMorrow, City of Brisbane, part 2 of 6 (SFSJ-1132), September 9, 2020) - Continued

manatt

Northern California Regional Office  
CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
September 8, 2020  
Page 7

1163-1137

This phenomenon is attributable to many factors, but the most obvious is that the slopes on which most City residents reside form a natural amphitheater that gives those residents the "best seats in the house."

The Draft EIR/EIS's failure to evaluate noise impacts to existing homes given these unique acoustic dynamics of the City, coupled with the complete ignoring of future housing approved for the immediate vicinity, renders the analysis of noise impacts fatally deficient under both CEQA and NEPA requiring full re-analysis of impact significance and formulation of appropriate mitigation measures and alternatives.

1163-1138

**THE DRAFT EIR/EIS IMPROPERLY SEEKS TO JUSTIFY  
A SINGLE, PREDETERMINED OUTCOME**

The Draft EIR/EIS is legally inadequate as a matter of law for the reasons discussed in this letter and more fully documented in the City's Comments. The Draft is also legally deficient because it is born of a process that was changed in odd ways that virtually ensured elimination of any site but the Baylands for the LMF. Specifically, although a 65-acre site was determined to be adequate to accommodate all specified functions for the LMF, the Authority surprised the City by announcing at least 100 acres is required. Though "stub-ended" facilities are standard in the industry and are functionally commensurate, the Authority also mandates that the LMF have double-ended access at both ends of the facility.

These changes and other disqualifying criteria—some added only after the initial criteria were published—made other alternative sites appear to be infeasible while ensuring only the Baylands could meet all of the criteria. Yet even with this unduly and illegally narrow focus, as noted above and otherwise addressed in the City's Comments, the analysis of the Baylands makes clear that the Draft EIR/EIS are fatally deficient and cannot be certified.

1163-1139

**CONCLUSION**

As thoroughly documented herein, the fatal deficiencies in both the factual content of and methodological approach to the Draft EIR/EIS are so foundational, systemic, and pervasive throughout the entirety of the document that the Draft cannot be certified as a matter of law on multiple grounds.

We anticipate the Authority will offer to correct deficiencies in the Draft with minor revisions, but that is legally insufficient. The Draft must be set aside.

We also anticipate the Authority will argue that the Project is incredibly complex and can be changed over time to address the City's legal and environmental concerns. Respectfully, the

manatt

Northern California Regional Office  
CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
September 8, 2020  
Page 8

1163-1139

Authority had more than a decade to get this Draft right and failed. Giving the Authority more time will accomplish nothing.

It is obvious to the City that the Authority failed because it focused on a location and tried to justify it, rather than let the law and science guide the site selection process as CEQA and NEPA require. It is time for the Authority to rule out the Baylands and instead focus on safe and legal alternatives.

Very truly yours,

*Thomas R. McMorrow*

Thomas R. McMorrow

cc: Governor Gavin Newsom  
State Senator Jerry Hill  
Assembly Speaker Pro Tempore Kevin Mullin  
Brisbane City Council  
Clay Holstine, City Manager  
John Swiecki, Community Development Director

Attachments

205845464.1

## Response to Submission 1163 (Thomas McMorrow, City of Brisbane, part 2 of 6 (SFSJ-1132), September 9, 2020)

### 1163-1123

The Authority disagrees with the commenter's conclusion that the Draft EIR/EIS is defective and must be abandoned in favor of a new analysis. The Draft EIR/EIS was prepared in compliance with CEQA and NEPA. The Authority believes the Draft EIR/EIS provides sufficient information to inform the public and decision makers of the significant environmental effects of the project and reasonable project alternatives, and identify possible ways to minimize or avoid the significant effects, when feasible.

In subsequent individual comments, the commenter raised specific concerns about inadequacy of the Draft EIR/EIS under CEQA and NEPA. Each of these specific comments is addressed below.

### 1163-1124

The project description provided in the EIR/EIS is of a sufficient level of detail needed to adequately analyze the environmental impacts of the project. Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS includes detailed engineering drawings sufficient for analyzing environmental impacts. The project description is not inaccurate, imprecise, or uncertain, and the comment does not provide any evidence of this. Within this comment letter, the commenter provided detailed comments on the project description in the Draft EIR/EIS. Each of these specific comments has been addressed.

### 1163-1125

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment asserts that the Draft EIR/EIS relies on inaccurate baselines to minimize the project impacts. This comment is addressed by the standard response referenced above, which addresses the consideration of plans and projects, including the proposed Brisbane Baylands development, in the Draft EIR/EIS.

### 1163-1126

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

In subsequent individual comments, the commenter raised more detailed concerns about the level of detail and specificity of the impact analysis and mitigation measures throughout the Draft EIR/EIS. Each of these specific comments is addressed below.

### 1163-1127

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1163-1128

This comment is introductory in nature. The specific concern is responded to in the more detailed responses regarding the cumulative impact analysis.

### 1163-1129

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

## Response to Submission 1163 (Thomas McMorrow, City of Brisbane, part 2 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1163-1130

The Draft EIR/EIS was developed in compliance with CEQA and NEPA. The project is being undertaken by a state agency (the Authority) and the Authority is acting as the federal lead agency pursuant to the NEPA Assignment MOU executed by the FRA and the Authority on July 23, 2019. The project must conform to the policies and objectives of the statutes and regulations under which the Authority operates, including all applicable state and federal regulations. Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Draft EIR/EIS discusses applicable federal, state, and local laws, regulations, and plans for each resource topic. The more detailed comments regarding compliance with applicable state and federal laws and regulations are addressed in the specific comments below. The comment did not result in any revisions to the Draft EIR/EIS, and recirculation based on the concerns identified in this letter is not required.

### 1163-1131

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment provides background on the City of Brisbane's plan to provide housing in the area where the LMF would be sited under Alternatives A and B. The comment also asserts that the Draft EIR/EIS is deficient in considering the impacts of the LMF on housing. Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. As there is no existing housing at the proposed LMF sites, the project would not result in the direct removal of any existing housing at those sites. Please refer to Impact LU#5 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS, which considers the potential impacts associated with the LMF sites as it relates to the alteration of land use patterns due to acquisitions of lands designated for planned development in the Brisbane Baylands. Impact LU#5 identifies a significant and unavoidable land use impact under both project alternatives due to the permanent acquisition of lands designated by the Brisbane 2018 General Plan Amendment as planned development (residential permitted) and planned development (residential prohibited). The impact analysis explains that construction of the Brisbane LMF would reduce the amount of land available for development on the Brisbane Baylands site and quantifies these impacts (see Table 3.13-14 of the Final EIR/EIS). However, the Brisbane LMF would not preclude future development in the area and development has and will continue to occur near train tracks and facilities due to the limited supply of land in the Bay Area.

The comment also asserts that the Draft EIR/EIS failed to consider potential alternative sites for the LMF. Please refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Considered regarding the LMF site evaluation conducted by the Authority. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1163 (Thomas McMorrow, City of Brisbane, part 2 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1163-1132

The comment states that the Draft EIR/EIS ignores state protections of aquatic resources. Please refer to Section 3.7.8.5, Aquatic Resources, and Table 3.7-14 in the Draft EIR/EIS, which include an analysis of all potential impacts on waters of the state. Please also refer to Section 3.7.9, Mitigation Measures, of the Draft EIR/EIS, specifically BIO-MM#36 and BIO-MM#37, which identify mitigation for impacts on waters of the state. The comment did not result in any revisions to the Draft EIR/EIS.

### 1163-1133

The comment notes that there is no mention of the State Wetland Definition and Procedures for Discharges of Dredge or Fill Materials to Waters of the State in the Draft EIR/EIS. To address this comment, Section 3.7.1.1, Definition of Terminology, and Section 3.7.2, Laws, Regulations, and Orders, in the Final EIR/EIS have been revised to incorporate these policies.

The comment also asserts that the Draft EIR/EIS did not seek to demonstrate future compliance with the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. The Authority disagrees with this assertion. The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State were adopted in April 2019. Implementation Guidance for the Procedures was published in April 2020. Although the Aquatic Resources Delineation Report (Authority 2020c) and PJD were completed prior to this rule becoming effective, the Authority, in consultation with SWRCB anticipated this forthcoming change in definitions and procedures. Consequently, the delineation of aquatic resources is consistent with the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Under the State's new wetland definition, wetlands include all features meeting the USACE' three-parameter criteria (hydric soils, hydrology, hydrophytic vegetation) plus all features that lack vegetation but have hydric soils and wetland hydrology. The Aquatic Resources Delineation Report mapped all aquatic resources in the Project Section given that the Authority requested a PJD including both three-parameter wetlands as well as any two-parameter wetlands, and as such it is in compliance with both the USACE Guidance and the new State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Since all aquatic features meeting the new definitions and procedures are included in the delineation, the impact analysis has assessed impacts to all these features and the impact analysis is in compliance with the new definition and procedures.

## Response to Submission 1163 (Thomas McMorrow, City of Brisbane, part 2 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1163-1134

The comment states that the Draft EIR/EIS allows for illegal take of two fully protected species. The Authority disagrees with this assertion. Although the Draft EIR/EIS identifies potential impacts on fully protected species that could result from the project without the implementation of the mitigation measures, the mitigation measures identified to address these impacts would avoid take. Please refer to Section 3.7.8.2, Special-Status Species, in the Draft EIR/EIS, which addresses this topic. As addressed under Impacts BIO#5, BIO#9, and BIO#10, the CEQA conclusions state, "Mitigation measures to address this impact and avoid take of this fully protected species are identified in Section 3.7.11."

In response to this comment, Impact BIO#10 has been updated in the Final EIR/EIS to be consistent with the conclusions for the other two fully protected species so that it explicitly states that the mitigation measures will avoid take of ringtail because it is a fully protected species. As such, the existing mitigation measures for fully protected species would avoid take of fully protected species. Additionally, BIO-MM#12 has also been updated in the Final EIR/EIS to clarify that relocation of fully protected species is not allowed, and fully protected species would be allowed to move out of the work area of their own volition.

### 1163-1135

The Authority disagrees with the commenter's assertion that the Draft EIR/EIS fails to meaningfully address hazardous materials.

The Authority's proposed project is development of a high-speed rail system. Refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS, including environmental remediation. Site remediation and landfill closure approvals have been added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

Please refer to Section 3.10.6.2, Hazardous Material and Waste Sources, of the Draft EIR/EIS, which includes information related to construction in the landfill and site remediation. As indicated in Section 3.10.6.1, Overview, construction activities in the vicinity of sites with potential environmental concerns would be conducted with the proper due diligence, including Phase I, Phase II, and Phase III Environmental Site Assessments (ESA) as necessary, and coordination with site remediation activities, to minimize impacts on human health and safety or the environment from the disturbance of in-situ hazardous materials.

The comment indicates that the Draft EIR/EIS does not address local oversight and consideration of remediation and handling of hazardous waste. Please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements. In response to this comment, Impact HMW#10 in the Final EIR/EIS has been clarified as it relates to the requirements of Title 27. With respect to the commenter's concern that the Draft EIR/EIS does not provide sufficient analysis of the Brisbane LMF facilities, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF facilities, has been added to Sections 3.10.5.2, 3.10.5.10, and 3.10.6.2 of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

With respect to the commenter's concern regarding costs associated with cleanup of the Brisbane LMF sites, the Authority conducted additional review of the capital cost estimates for the East and West Brisbane LMFs, which resulted in revisions to the capital cost estimates in Chapter 6, Project Costs and Operations, and Appendix 6-A,



## Response to Submission 1163 (Thomas McMorrow, City of Brisbane, part 2 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1163-1135

San Francisco to San Jose Project Section: PEPD Record Set Capital Cost Estimate Report, of the Final EIR/EIS.

### 1163-1136

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment asserts that the Draft EIR/EIS failed to consider feasible LMF alternatives and did not take into consideration conflicts with built infrastructure required to construct the Brisbane LMF sites. Please refer to Standard Response FJ-Response-ALT-3: LMF Alternatives Consideration, which describes the LMF site evaluation conducted by the Authority and explains why the Authority does not consider the Gilroy LMF site raised by the commenter to be a feasible site location.

The comment also asserts that the Brisbane LMF would not avoid conflicts with built improvements. As discussed in Standard Response FJ-Response-ALT-3, the Authority considered site availability and whether a location would conflict with a regionally important facility or use. For the purposes of the Authority's outreach factsheet on the Brisbane LMF, this criterion was simplified to "Site Availability (Avoid conflicts with built improvements)." Refer to Standard Response FJ-Response-ALT-3 for additional information as to why the Brisbane LMF sites were carried forward for further evaluation in the Draft EIR/EIS.

Analysis of the project's construction and operation impacts, including those associated with the Brisbane LMF, are presented within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures; Chapter 4, Section 4(f)/6(f) Evaluation; and Chapter 5, Environmental Justice, of the Final EIR/EIS.

### 1163-1137

Section 3.4, Noise and Vibration, in the Draft EIR/EIS summarizes the noise analysis results, which were based on an evaluation of impacts to all noise-sensitive receptors affected by either project alternative. Detailed tables and figures disclose the number and location of sensitive receptors that would have moderate or severe noise impact before mitigation, with noise barriers, and with a combination of quiet zones and noise barriers. Additional detail regarding the specific noise assessment methodology, criteria, impacts, levels, and locations before mitigation can be found in Appendix 3.4-A, Noise and Vibration Technical Report. As explained in Section 4.1.5.2, Operations Noise, of Appendix 3.4-A, the noise impact assessment followed the FRA guidelines for a detailed noise analysis that accounts for ground propagation attenuation effects, cross-sectional geometry, and shielding. Appendix 3.4-A has been updated for the Final EIR/EIS to clarify that terrain and elevation of receptors was also considered in the noise analysis. Noise reflections off nearby hills would produce lower noise levels than the direct noise from the trains themselves to residences, due to the significantly longer path. Additionally, noise reflecting off nearby hills would not be reflected perfectly, and therefore would experience some reflection loss, further decreasing the noise levels from reflected noise. The terrain in the Brisbane area would not amplify noise from the project materially enough to affect the projected noise impact results. Direct noise from trains in the corridor would be the dominant noise sources at affected locations. Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. Reanalyzing the noise impacts of the project and mitigation measures is not warranted based on this comment.

## Response to Submission 1163 (Thomas McMorrow, City of Brisbane, part 2 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1163-1138

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

As explained in the standard response, the Authority evaluated 15 LMF alternatives, including four LMF alternatives suggested by commenters, and the selection of the alternatives for evaluation in the Draft EIR/EIS was not artificially narrowed or predetermined as the commenter suggests.

Refer to the Light Maintenance Facility Site Location Criteria subsection within the standard response for additional information regarding the Authority's site design criteria, including site size and lead track configuration. While the commenter asserts that the Authority surprised the City by announcing a 100-acre size requirement and by specifying the preferred lead track configuration for the LMF, these criteria were identified in the Supplemental Alternatives Analysis Report for the San Francisco to San Jose Section (Authority and FRA 2010) and were key factors in the elimination of the approximately 65-acre stub-ended Port of San Francisco site from further consideration in 2010.

Please also refer to the response to submission FJ-1163, comment 1123, which addresses the commenter's claim of inadequacy of the Draft EIR/EIS.

### 1163-1139

The commenter's conclusion remarks are noted. The specific comments regarding the adequacy of the Draft EIR/EIS are addressed above. Please also refer to the responses to submission FJ-1163, comment 1123, which addresses the commenter's claim of inadequacy of the Draft EIR/EIS, and submission FJ-1163, comment 1138, which addresses selection of the LMF alternatives.

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020)

MARGARET MOORE SOHAGI  
NICOLE HOEKSMAN GORDON  
R. TYSON SOHAGI

MARK J.G. DESROSIERS  
MILJA M. MIRIC

ALBERT I. HERSON  
ANNE C.H. LYNCH  
OF COUNSEL



The Sohagi Law Group, PLC  
11999 San Vicente Boulevard  
Suite 150  
Los Angeles, California 90049

Sacramento Office  
1104 Corporate Center  
Sacramento, California 95831

310.475.5700 T  
msohagi@sohagi.com E

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT

September 8, 2020

Page 2

September 8, 2020

VIA EMAIL AND SUBMISSION TO THE HSR WEBSITE  
[San.Francisco\\_San.Jose@hsr.ca.gov](mailto:San.Francisco_San.Jose@hsr.ca.gov) and [www.hsr.ca.gov](http://www.hsr.ca.gov)  
SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
100 Paseo de San Antonio, Suite 300  
San José, CA 951413

Re: *Comments by the City of Brisbane, California, on the Draft Environmental Impact Report/Environmental Impact Statement for the San Francisco to San José Section of the California High-Speed Rail Project (State Clearinghouse No. 2016052019)*

To Whom It May Concern:

**I. INTRODUCTION**

On behalf of our client the City of Brisbane (“City”), The Sohagi Law Group is submitting these comments on the Draft Environmental Impact Report/Environmental Impact Statement (“Draft EIR/EIS”) for the High-Speed Rail San Francisco to San José Project Section (“Project”). As this letter demonstrates, the Draft EIR/EIS fails to meet the requirements of the California Environmental Quality Act (“CEQA,” Pub. Resources Code, § 21000 et seq.), the National Environmental Policy Act (“NEPA,” 42 U.S.C. § 4321 et seq.), and numerous other environmental laws.

**II. SUMMARY OF MAJOR DRAFT EIR/EIS DEFICIENCIES**

The Draft EIR/EIS totally fails to meet an EIR’s fundamental objective: to provide a sufficient degree of analysis to provide decision makers with information that enables them to make a decision which intelligently takes account of environmental consequences. As demonstrated below, the Draft EIR/EIS suffers from many deficiencies, including the following:

- The project description is opaque and fails to accurately describe the proposed Project features at a project-level, or even a programmatic-level in many instances.
- The Draft EIR/EIS fails to analyze any alternatives to the proposed alignment and ignores the recommendations of the California High-Speed Rail Authority’s

1164-1385

1164-1386

1164-1387

1164-1388

1164-1389

1164-1390

(“Authority”) own consultants to study alternative sites for the light maintenance facility (“LMF”) proposed in Brisbane. There are numerous potentially feasible alternative sites that would reduce significant environmental impacts and must be studied in detail.

- The Authority prejudicially abuses its discretion by failing to disclose critical information relied upon in the Draft EIR/EIS, including dozens of reports, studies, and memoranda omitted from the appendices and not available on the Authority’s Project website.
- The Authority has prematurely committed to approving the sole alignment evaluated in the Draft EIR/EIS regardless of its significant environmental effects or the availability of feasible alternatives.
- Reliance on inaccurate baselines skews the Draft EIR/EIS’ impact analyses to minimize Project impacts. Existing conditions baselines – e.g., for noise levels and biological resources – are woefully outdated. Future 2029 and 2040 baselines omit the proposed Brisbane Baylands development (“Brisbane Baylands” or “Baylands”)<sup>1</sup>, even though the Baylands project is called for by the City’s General Plan and recognized as a reasonably foreseeable project in Draft EIR/EIS Appendix 3.8-A, thereby ignoring substantial Project impacts on future Baylands residents.
- The impact analyses are far too generalized and vague, downplaying or simply ignoring significant impacts in Brisbane for most resource topics analyzed, including noise, land use, biological resources, and hazardous materials/waste. Major deficiencies include:
  - The Draft EIR/EIS fails to analyze the unacceptably high noise levels that future Baylands residents will experience and does not quantify noise impacts from the LMF at all, even through it is planned to operate 24 hours a day, seven days a week and LMF noise would be audible to much of the community during the day and throughout the night even when no trains are passing by.
  - The land use impact analysis minimizes the substantial land use conflicts and General Plan inconsistencies that the proposed LMF sites cause in Brisbane. These inconsistencies are simply unacceptable given the state’s housing crisis and will compound the negative impacts of this crisis on the region, including housing affordability, displacement, quality of life, and traffic congestion. The Project would significantly impact residential Baylands areas on a 24/7 basis, while offering no mitigation for such impacts.
  - The biological resources impact analysis omits site-specific analysis and mitigation for many sensitive biological resources in Brisbane. For example,

<sup>1</sup> See <https://brisbanebaylands.com/event/project-updates/>.

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 3

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 4

- 1164-1390 | the analysis minimizes significant impacts on special status species and wetlands found on Icehouse Hill from West LMF construction. Similarly, nowhere does the Draft EIR/EIS analyze or mitigate the serious environmental impacts caused by the proposed relocation of Visitacion Creek, despite the fact that one option involves constructing a new 2,300-foot open channel that would discharge the Creek into Brisbane Lagoon rather than San Francisco Bay.
- 1164-1391 |
  - The hazardous materials/waste analysis fails to analyze site-specific hazards associated with LMF construction on either the former Brisbane Landfill or Brisbane Rail Yard remediation sites. Construction at either location could expose existing and future Brisbane residents to unacceptably high concentrations of methane, and toxic air and water pollutants. In addition, the Draft EIR/EIS fails to acknowledge or commit to the site remediation that would be required as a prerequisite for the West LMF or the Title 27 compliant landfill closure procedures required as a prerequisite for construction of the East LMF.
- 1164-1392 |
  - The Draft EIR/EIS fails to recognize that LMF construction would require truck-hauling of up to 3 million cubic yards of spoils including at least 432,000 cubic yards of contaminated soils for the West LMF and an undisclosed amount of and hazardous waste for the East LMF, causing significant impacts on transportation, air quality, greenhouse gas (“GHG”), and solid waste disposal systems.
- 1164-1393 |
  - The impact analyses improperly rely on Impact Avoidance and Minimization Measures (“IAMFs”), many of which are not physical design features at all but rather poorly disguised mitigation measures lacking in any performance standards. Many of these IAMFs also defer analysis of the Project’s impacts, including identification of emergency access routes during temporary road closures identified in the document, as well as hydrology and geotechnical studies. This short-circuits the CEQA process, making it impossible to understand the nature of the Project’s site-specific impacts, whether they are significant pre-mitigation, whether the IAMFs would be effective, and whether other more effective measures exist in violation of the court’s ruling in *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645 (“*Lotus*”).
- 1164-1394 |
  - Many IAMFs and mitigation measures are improperly deferred, unenforceable, and/or ineffective. Many IAMFs and mitigation measures call for vague future studies, plans, or memoranda to define the extent of impacts and provide mitigation details without performance standards. The Draft EIR/EIS does not explain why it is impractical or infeasible to include mitigation details in the Draft EIR/EIS now.
- 1164-1395 |
  - The cumulative impact analysis approach does not comply with basic CEQA requirements. It is so high-level as to be meaningless, fails to disclose the impacts

sohagi.com

- 1164-1395 | of related future projects such as the Baylands development, and fails to recognize that the Project has cumulatively considerable contributions to many significant cumulative impacts.
- 1164-1396 |
  - The Draft EIR/EIS does not demonstrate compliance with other environmental laws, as required by CEQA. For example, it fails to recognize the existence of California’s recently enacted state wetlands regulatory program, fails to identify state-protected wetlands and waters affected by the Project, and admits that that the Project may result in the illegal taking of at least two species designated as “fully protected” under state law.
- 1164-1397 |
 

These deficiencies can be remedied only by *discarding and completely rewriting* the Draft EIR/EIS to comply with CEQA requirements. The rewritten Draft EIR/EIS must then be recirculated for additional public review, pursuant to CEQA Guidelines section 15088.5. After completing a thorough project-level analysis based on site-specific investigations of the Brisbane LMF sites and a CEQA-compliant analysis of potentially feasible alternative LMF sites, it will be clear that Brisbane is an undesirable and infeasible location for the LMF.

The comments below demonstrate why the Draft EIR/EIS fails to meet many CEQA requirements, especially for a project-level EIR, and why it must be substantially revised and recirculated for another round of public comments. The comments are organized as follows:

  - Statement of general standards for EIR adequacy
  - Summary of major Draft EIR/EIS deficiencies
  - Project description and alternatives analysis deficiencies
  - Impact analysis and mitigation measures inadequacies
  - Cumulative impact analysis inadequacies
  - Draft EIR/EIS recirculation requirements
  - Lack of compliance with other environmental laws

These legal comments are supported by the following consultant reports prepared by experts, which further demonstrate why the Draft EIR/EIS is inadequate. These consultant reports are hereby incorporated into this letter by reference. The consultant comments represent separate City technical comments on the Draft EIR/EIS, for which the City expects the Authority to provide separate responses.

  - Metis Environmental Group (“Metis”) letter, including the following consultant reports as attachments to the Metis letter:
    - Attachment Metis-A: Metis Environmental Group Resumes

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 5

- o Attachment Metis-B: Hexagon Transportation Consultants Comments and Resumes
- o Attachment Metis-C: EKI Hazardous Materials and Wastes Comments and Resumes
- o Attachment Metis-D: Entech Northwest Noise and Vibration Comments and Resumes
- o Attachment Metis-E: Ten Over Studio Fire Station Site Design Comments and Statement of Qualifications
- o Attachment Metis-F: City of Brisbane Public Works Department, Brisbane LMF Evaluation and Alternatives Review
- o Attachment Metis-G: Brisbane Baylands Project Water Supply Assessment, May 24, 2013
- o Attachment Metis-H: Page & Turnbull Memorandum and Resume
- Letter from Chief Elizabeth Macias, City of Brisbane Police Department, September 4, 2020
- Letter from Todd Johnson, Deputy Fire Chief, North County Fire Authority, September 4, 2020

The legal comments and consultant reports emphasize inadequacies of the Draft EIR/EIS in analyzing impacts within Brisbane but also point out many flaws affecting local areas along the entire San Francisco to San José Section.

**III. STANDARDS FOR EIR ADEQUACY**

““The EIR is the heart of CEQA” and the integrity of the process is dependent on the adequacy of the EIR. [Citations.] [Citation.] ‘The purpose of an [EIR] is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.’” ([Pub. Resources Code,] § 21061.)” (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1045 (“*Treasure Island*”).)

The Draft EIR/EIS utterly fails to meet the following general standards for EIR adequacy established by case law the CEQA Guidelines (Cal. Code Regs., tit. 14., § 15000 et seq.; hereafter “Guidelines.”).

- An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which “intelligently takes account of environmental consequences.” (Guidelines, § 15151.)

1164-1398

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 6

- A lead agency preparing an EIR must use its “best efforts to find out and disclose all that it reasonably can.” (Guidelines, § 15144.)
- An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. ... The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.’ (Guidelines, § 15151.)” (*Treasure Island, supra*, 227 Cal.App.4th 1036, 1045.)
- The level of detail of an EIR should match the level of detail of a proposed project. An EIR prepared on a construction project such as the High-Speed Rail (“HSR”) Project will necessarily more detailed in the “specific effects” of the project than an EIR for a local plan or zoning ordinance. (Guidelines, § 15146.)
- An EIR must present a fact-based analysis, not just the lead agency’s conclusions or opinions. (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 522 (“*Friant Ranch*”).) Specific data must be presented when it is required for a meaningful analysis of a significant impact and it is reasonably feasible to provide the specific data. (*Id.*, at 519.)

**IV. INADEQUATE PROJECT DESCRIPTION**

**A. Project Description is Insufficiently Detailed to Allow Meaningful Environmental Review**

“An accurate, stable and finite project description is the Sine qua non of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192–193.) “[A] project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading. [Citation.] ‘Only through an accurate view of the project may affected outsiders and public decision makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal i.e., the “no project” alternative[ ], and weigh other alternatives in the balance.’ [Citation.]” (*Treasure Island, supra*, 227 Cal.App.4th 1036, 1052.)

Here, the Draft EIR/EIS fails to meet basic CEQA standards for describing a proposed project accurately and with sufficient detail to allow for meaningful analysis.

**1. Lack of detail and precision in the project description violates CEQA.**

A project description that fails to adequately describe a project’s technical characteristics prejudicially violates CEQA’s requirements to provide an accurate, stable, and finite description of the project. (*Stoephemillinniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 18—19 (“*Stoephemillinniumhollywood.com*”).)

1164-1398

1164-1399

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 7

1164-1399 | The Draft EIR/EIS states that the project is “designed to a preliminary level of engineering,” which the Authority claims is “sufficient to identify and analyze potential environmental impacts.” (Draft EIR/EIS, p. 2-1.) However, the level of detail provided in the project description is far from sufficient as discussed throughout this letter and the letter from Metis, incorporated into this letter by reference. In many ways, this is due to the inherent, and potentially insurmountable, challenge of attempting to analyze this 49-mile, multi-jurisdictional, multi-faceted behemoth of a project in a single project-level document. This is most apparent with respect to the proposed 100-acre LMF in the City of Brisbane, which the Draft EIR/EIS fails to describe in sufficient detail to allow for meaningful review as demonstrated throughout this letter and discussed in [Section IV.A.2, infra](#).

1164-1400 | It is also apparent that the project description is subject to change in potentially dramatic ways. Specifically, the EIR/EIS explains:

Portions of the Project Section with blended Caltrain and HSR operations would be implemented on facilities owned by the Peninsula Corridor Joint Powers Board (PCJPB).<sup>2</sup> **While the alternative descriptions have been developed based on planning assumptions and preliminary engineering conducted by the Authority for the purposes of environmental analysis, the ultimate implementation of the project (both physical infrastructure and service operations) on PCJPB-owned facilities would be subject to further joint blended system planning and agreement with PCJPB as governed through existing and future interagency agreements.**

(Draft EIR/EIS, p. 2-4, emphasis added.)

Thus, there is no certainty that the “planning assumptions and preliminary engineering” upon which the project description is based will be anything like the project that the PCJPB may ultimately agree to, and the Draft EIR/EIS does not explain, much less analyze, what types of changes might result from “further joint blended system planning” with PCJPB. This leaves the public and the decision makers with no confidence that the project described and analyzed in the Draft EIR/EIS will be anything like the final project design, and it gives them no clues as to how that final design might differ from the project analyzed in the Draft EIR/EIS. This is fundamentally unacceptable.

1164-1401 | The Draft EIR/EIS also explains that “geotechnical investigations to define precise geologic, groundwater, and seismic conditions along the alignment” would not occur until final design, despite the fact that “[t]he results of this work would guide final design and construction methods for foundations, stations, and aerial structures.” (Draft EIR/EIS, p. 2-130.) Thus, the Authority admits that it does not currently have sufficient information about the design and construction methods for the Project’s foundations, stations, and aerial structure. These are critical components of the Project. By not defining these technical

<sup>2</sup> PCJPB is the owner and managing authority for the Peninsula Corridor.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 8

1164-1401 | characteristics now, the Draft EIR/EIS cannot meaningfully evaluate and disclose their impacts. Further, by waiting for final design to undertake geotechnical investigations, the Authority is depriving the public of information about whether the proposed design is feasible or requires revisions, the extent to which adverse geotechnical conditions would be encountered at specific locations, and their severity. Within the East LMF in Brisbane, for example, it cannot be known what would need to be done to create a stable platform for the LMF.

1164-1402 | One of the more egregious features of the project description is its discussion of stations. The Draft EIR/EIS admits that “Station design is developed at a conceptual level” and only provides examples of other existing stations, acknowledging that actual station design would be developed much later. (Draft EIR/EIS, p. 2-8.) This is insufficient for project-level review, and it squarely falls within the type of conceptual project description found to violate CEQA in *Stoepmillinniumhollywood.com*. There, the court found that conceptual scenarios that fail to describe the siting, size, mass, or appearance of proposed buildings do not satisfy CEQA. (*Stoepmillinniumhollywood.com, supra*, 39 Cal.App.5th 1, 18.) The Draft EIR/EIS’s description of stations clearly fails this test.

1164-1403 | The description of station-area parking suffers from the same fatal flaw. The Draft EIR/EIS acknowledges that “[b]ecause of the uncertainty regarding the need for station-area parking, this Draft EIR/EIS conservatively identifies parking facilities based on the maximum forecast for parking demand at each station, the local conditions affecting access planning, and practical means for delivering required parking. This approach identifies the upper range of actual needs and the maximum potential environmental impacts of that range.” (Draft EIR/EIS, p. 2-114.) This is, again, the type of conceptual, worst-case-scenario analysis that the court specifically rejected in *Stoepmillinniumhollywood.com*.

1164-1404 | Another example of the Draft EIR/EIS’s failure to adequately describe the Project is its brief and high-level discussion of acquisition of “excess property” that is not intended to be part of the operation right-of-way. Without identifying any particular property with specificity, the Draft EIR/EIS explains that “activities required on a given parcel would depend on site conditions including the presence of buildings or other structures, existing land uses, and habitat conditions.” (Draft EIR/EIS, p. 2-131.) Such activities may include structure demolition, vegetation management, pest management, site security, and structure maintenance. (*Id.*, pp. 2-132 to -133.) Yet these activities are not analyzed anywhere in the Draft EIR/EIS, and the Draft EIR/EIS gives no indication that the Authority plans to analyze these activities at some future point. Troublingly, in its analysis of socioeconomics and communities, the Draft EIR/EIS indicates that “[p]artial acquisitions that would not result in displacement or relocation are not included in this analysis because they would consist of minor sliver acquisitions of parcels that are currently adjacent to the Caltrain corridor, which would not substantially affect communities and neighborhoods.” (Draft EIR/EIS, p. 3.12-12.) However, this is not the case in Brisbane where the East LMF would remove Golden State Lumber’s existing lay-down area for off-loading and storing lumber shipped by rail. Loss of its lay-down area would require Golden State Lumber to block Tunnel Avenue

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 9

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 10

1164-1404 | while it unloads lumber shipments from rail cars. The Draft EIR/EIS also does not address displacement of the City’s corporation yard under the East LMF. Thus, in clear violation of CEQA and NEPA, the Authority has simply failed to analyze major components of its proposed project. The environmental impacts from acquisition of excess property must be analyzed and disclosed now in a recirculated Draft EIR/EIS.

1164-1405 | **2. There is insufficient detail about the LMF in Brisbane to allow for meaningful evaluation.**

The LMF proposed for Brisbane would consume between 100 and 110 acres and include 17-yard tracks adjacent and parallel to a maintenance building containing eight (8) shop tracks with interior access and inspection pits for underside and truck inspections. The maintenance building would provide storage areas for reserve equipment, workshops, and office space. A power generator, sewage system, cistern, collection point, and electrical substation would be north of the maintenance building with a 400-space surface parking lot for automobiles and trucks east of the maintenance building. (Draft EIR/EIS, pp. 2-77, 2-98.)

In many respects, due to its size, scale, and potential for impacts unique to its location, the LMF is a large industrial project unto itself. Yet the Draft EIR/EIS seems to treat it as just another part of the track.<sup>3</sup> Critically, the project description fails to mention that the proposed locations of both the West and East LMFs are within areas undergoing active site remediation and Title 27 of the California Code of Regulations landfill planning and regulatory review.<sup>4</sup> This fact is also ignored in the Draft EIR/EIS’s evaluations of potential impacts to hazards and hazardous materials, water quality, erosion, air quality, and land use impacts. (See, *infra*, comments specific to these resource topics.)

1164-1406 | A large portion of the East LMF is located on the former Brisbane Landfill. As explained in detail in the attached Metis letter, the project description fails to disclose the fact that, as a result, construction of the East LMF would require removal of a large portion of the former landfill and completion of Title 27 landfill closure procedures. It also fails to address whether the proposed excavation and offsite hauling of over 2.2 million cubic yards of materials would leave sufficient soil for a landfill cover over the remaining portions of the landfill or provide sufficient cover material for use in remediation of Operable Unit San Mateo (“UPC-OU-SM”), which is in the northwestern portion of the Baylands and is under the jurisdiction of the California Department of Toxic Substances Control (“DTSC”) and Operable Unit 2 (“UPC-OU-2”), which is in the southwestern portion of the Baylands and is under the jurisdiction of the Regional Water Quality Control Board (“RWQCB”).<sup>5</sup>

1164-1407 | <sup>3</sup> For example, the analysis of temporary construction impacts on utilities never discusses water or wastewater impacts from the LMF, only electrical impacts.

<sup>4</sup> See Metis discussion of project description and setting’s failure to adequately analyze hazards and hazardous materials.

<sup>5</sup> See Figures Metis-1 and Metis-2.

1164-1408 | Information regarding site remediation for UPC-OU-SM and UPC-OU-2 as well as Title 27 landfill closure needs to be incorporated into the Draft EIR/EIS, including its description of the Project and its analyses of hazards and hazardous materials, water quality, erosion, air quality, odor, biological resources, public health, land use, and other relevant impacts.

1164-1409 | The Draft EIR/EIS also fails to disclose that the LMF in Brisbane is proposed to function in conjunction with an LMF proposed in Gilroy, approximately 20 miles south of the San José Diridon Station, as part of the Merced to San José Section. This information is buried in Appendix F-2 of the Draft EIR/EIS, frustrating the public’s ability to understand the relationship between the proposed Brisbane LMF and the entirety of the line. Critically, Appendix F-2 reveals that the LMFs at Brisbane and Gilroy are “envisioned to work together” and that “[m]aximum maintenance level at Brisbane could be lowered to Level I if the facility in Gilroy is built with the Level III capability.” (Draft EIR/EIS, Appx. 2-F, pp. 7-8.) This information must be included in the body of the Draft EIR/EIS and is essential to the discussion of the Project’s purpose and need as well as alternatives, as further discussed below.

1164-1410 | Additionally, the Draft EIR/EIS does not include adequate detail about the LMF facility to allow for meaningful analysis. For example, the analysis of aesthetic impacts states, “The LMF would be integrated into the surrounding commercial and industrial visual environment to the extent feasible. The Authority would solicit input from local jurisdictions and incorporate local aesthetic preferences into final design and construction of the LMF with regard to vegetative screening, the design of the realigned Tunnel Avenue overpass, and modifications to the Bayshore Station (AVQ-IAMF#1, AVQ-IAMF#2).” (Draft EIR/EIS, p. 3.15-100.) In other words, there is no current proposal for what the LMF will actually look like, making analysis of its aesthetic impacts virtually impossible. As a related issue, the analysis of aesthetics fails to address the loss of Icehouse Hill that would occur with construction of the West LMF. It also does not address impacts of night lighting for an over 100-acre operation proposed to operate 24 hours a day, seven days a week in an area that is currently largely devoid of light. While AVQ-IAMF#1 refers the reader to the Authority’s Aesthetic Options for Non-Station Structures, that document does not actually have any standards or guidelines related to light trespass or dark night sky. This is just one example; many others are identified throughout this letter and in the attached letter from Metis.

1164-1411 | As further detailed in the attached letter from Metis, the Draft EIR/EIS also lacks information regarding emergency access during the closure of the Tunnel Avenue bridge and Tunnel Avenue in the vicinity of the East and West Brisbane LMF sites, the location of the East and West LMFs in relation to ongoing site remediation and Title 27 landfill closure plans, site grading, and construction activities, and emergency access during LMF construction.

1164-1413 | In sum, because the project description is so general and imprecise, the level of analysis presented in the Draft EIR/EIS is even more general than a program-level analysis.

1164-1414 |

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 11

1164-1414 Before the Authority could approve any portion of the Project, including the LMF, it must analyze its impacts at a project-level to ensure full disclosure of impacts and informed decision making.

1164-1415

**B. The Draft EIR/EIS Fails to Clearly Identify the Proposed Project, Frustrating Public Participation**

The Draft EIR/EIS presents the proposed project as “Alternative A.” This use of NEPA terminology is likely to confuse and mislead the public, which is far more familiar with CEQA terminology. (See *Washoe Meadows Community v. Dept. of Parks and Recreation* (2017) 17 Cal.App.5th 277, 288 (“*Washoe Meadows*”) “[F]ailure to identify or select any project at all ... impairs the public’s right and ability to participate in the environmental review process.”).) The body of the Draft EIR/EIS should be revised to clearly identify Alternative A as the proposed Project. This naming convention also gives the impression that there are two Project alternatives, A and B. In fact, and as discussed in [Section V, infra](#), the Draft EIR/EIS actually analyzes only one proposed project, with extremely minor variations described as “Alternative B.”

1164-1416 Additionally, the Draft EIR/EIS discusses a design variant within the San José Diridon Station Approach Subsection (“Diridon Design Variant”) but fails to inform the public whether this design variant is part of the Authority’s Preferred Alternative. Confusingly, there is no mention of the Diridon Design Variant in Chapter 8, *Preferred Alternative*, and discussion of the Diridon Design Variant in Chapter 2, *Alternatives*, and Section 3.19, *Design Variant to Optimize Speed*, sheds no additional light on this question.

1164-1417 Further obscuring the issue is the statement in the Draft EIR/EIS that “[t]he ongoing multi-agency Diridon Integrated Station Concept planning process is a separate planning process and decisions about future changes to the San José Diridon Station and the surrounding, PCJPB ed rail infrastructure and corridor are the subject of multiple planning and agreement processes that are proceeding independently from this environmental process.” (Draft EIR/EIS, p. 2-4.) The Draft EIR/EIS does not elaborate on the referenced “ongoing multi-agency Diridon Integrated Station Concept planning process,” but it appears there is significant additional planning work to be done on the Diridon Station before it could possibly be analyzed at a project-level under CEQA as the document purports to do. Thus, the Draft EIR/EIS presents the Diridon Design Variant “without the designation of a stable project [which is] an obstacle to informed public participation” and is prejudicial error. (See *Washoe Meadows, supra*, 17 Cal.App.5th 277, 290.) The Draft EIR/EIS must be revised and recirculated to clearly describe the proposed Project’s Diridon Station design in sufficient detail to allow for meaningful analysis and to ensure adequate public participation on the Authority’s selection of the Diridon Design Variant.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 12

1164-1418

**C. Certain Project Features are Assumed in Impact Analyses, But Not Included in Project Description**

“[A]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” (*San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) Where an EIR includes conflicting, shifting, or incomplete information about a project, it fails to comply with CEQA. (*Ibid.*)

Throughout this letter and that of Metis, there are examples of information about the Project’s characteristics that have only been gleaned through careful review of the individual resource sections, appendices, and technical reports requested from the Authority. That violates CEQA. Instead, they ought to have been located up front in the document’s description of the Project and included on the Authority’s website, so that the EIR’s analysts, the public, and the decision makers would have a complete picture of the Project without having to resort to making special requests for documents to the Authority.

1164-1419 As one example, Impact BIO#19 in Section 3.7, Biological and Aquatic Resources, discloses that the Project would be “relocating a portion of Visitacion Creek and filling several wetlands.” (Draft EIR/EIS, p. 3.7-71.) It would appear, therefore, that the Project includes relocation of Visitacion Creek, but that fact is not mentioned in the Project description. As a result, this significant project element is not analyzed in the other resource areas and its full impacts have not been disclosed.

1164-1420 Other examples include (1) the fact that the Authority is proposing to modify the street pattern that provides access to Brisbane’s downtown area, which is never mentioned in Chapter 2 or elsewhere in the EIR and can only be discerned with a careful review of Draft EIR/EIS graphics such as Figure 2-32 and 2-43; (2) the fact that construction of the West LMF would excavate approximately 432,000 cubic yards of soils that may be contaminated and require special disposal as hazardous waste, which is only mentioned in Section 3.6, Public Utilities and Energy and is inexplicably ignored in Section 3.10, Hazards Materials and Wastes; (3) the fact that the Brisbane LMF is proposed to be a 24-hour per day, 7 days per week operation requiring night lighting for worker safety and security (only disclosed in Section 3.15, Aesthetics and Visual Quality); (4) the fact that the East LMF would remove Golden State Lumber’s existing lay-down area for off-loading and storing lumber shipped by rail; (5) the lack of any information regarding emergency and public access during the closure of the Tunnel Avenue bridge and Tunnel Avenue in the vicinity of the East and West Brisbane LMF sites and during LMF construction; and (6) other issues discussed in detail in the incorporated Metis letter.

1164-1421

1164-1422

1164-1423

1164-1424

1164-1425

**D. Project Purpose, Need, and Objectives are Inadequate**

Under CEQA, an EIR’s statement of objectives should include the underlying purpose of the project and should be clearly written to guide the selection of mitigation

sohagi.com



# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 13

1164-1425

measures and alternatives to be evaluated in the EIR. (Guidelines, § 15124(b).) A clear statement of project objectives is critical to the evaluation of project alternatives in an EIR since CEQA requires that alternatives should be consistent with attaining most of the basic objectives of the project. (Guidelines, §§ 15126.4(a)(l), 15126.6(a).)

The Draft EIR/EIS identifies ten “CEQA Project Objectives.” (Draft EIR/EIS, pp. 1-13 to -14.) There are at least two major issues with these objectives.

First, Draft EIR/EIS Section 2.5.2.1 explains that the April 2010 *Preliminary Alternatives Analysis Report for the San Francisco to San José Section* (“PAA”)<sup>6</sup> documents the 2009 scoping process that “informed the initial range of alternatives for the Project Section.” (Draft EIR/EIS, p. 2-31.) The PAA identified eight (8) project objectives, which generally align with the first eight objectives identified in the Draft EIR/EIS. Notably, however, the Draft EIR/EIS includes *two additional* objectives, including an objective to “[p]rovide [a] blended system infrastructure that supports a viable operations plan for HSR, while also minimizing environmental impacts and maximizing compatibility with Peninsula communities.” (Draft EIR/EIS, p. 1-14.) Because the Authority has identified two additional project objectives since its 2009 scoping process, it is possible that additional alternatives may now meet “most” of the project objectives and should be analyzed in the Draft EIR/EIS. It is also apparent that the Brisbane LMF site thwarts the Project’s ability to meet the objectives of maximizing compatibility with Peninsula communities. The Authority must reevaluate previously dismissed alternative sites in light of these new objectives.

1164-1426

Second, none of ten project objectives address maintenance or apply to the proposed LMF facility. Thus, there is no connection between the project objectives and the evaluation of alternatives to the proposed LMF in Brisbane. This is unacceptable and renders the Draft EIR/EIS’s list of project objectives and analysis of alternatives inadequate. When the Authority revises this list of project objectives, it should not fail to account for the fact that maintenance objectives for the San Francisco to San José Section are intrinsically linked to the Merced to San José Section and the proposed Gilroy LMF. (See Draft EIR/EIS, Appx. 2-F.)

1164-1427

Moreover, the Draft EIR/EIS’s identification of three “siting criteria for maintenance facilities” is misleading, incomplete, and unstable. Specifically, while the Draft EIR/EIS mentions the criteria of (1) site size, (2) proximity to the mainline tracks, and (3) double-ended lead tracks (Draft EIR/EIS, p. 2-35), the “fact sheet” presented at the July 20, 2020 Online Open House adds two more criteria: (4) proximity to the San Francisco Terminal Station, and (5) site availability.<sup>7</sup> Adding and/or disclosing new criteria for the first time at this late stage shifts the floor beneath the public’s feet during the Draft EIR/EIS review

1164-1428

<sup>6</sup> The PAA is not included as an appendix to the Draft EIR/EIS and is not available on the Authority’s website for public review.

<sup>7</sup> Available at <https://www.meethsmorcal.org/light-maintenance-facility.html?locale=en>.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 14

1164-1427

period, fails to ensure that all stakeholders have an opportunity to review and understand the criteria, and frustrates public participation. It also opens the possibility of additional alternatives to the LMF that could meet the Authority’s criteria if a proper scoping and analysis process is allowed to take place. As discussed below, there are a number of potentially feasible LMF alternatives that the Authority must evaluate.

1164-1429

## E. Ridership Projections Justifying the Project are Inflated Given COVID-19

The Draft EIR/EIS relies on ridership forecasts developed for the 2016 Caltrain Business Plan with some consideration of Caltrain’s 2018 Business Plan and the Draft 2020 Business Plan. (Draft EIR/EIS, pp. 2-111 to -112.) This data obviously pre-dates the onset of the ongoing COVID-19 pandemic in the United States and the significant changes in behavior it has introduced. The severity and duration of the pandemic are still unknown, but it is clear it will have a major, lasting effect on human behavior, including huge declines in transit ridership in the Bay Area.<sup>8</sup> In fact, on July 27, 2020 Caltrain published a COVID-19 Rider Survey, which reveals that 79% of riders are not currently riding Caltrain, 45% of riders do not know when they will start riding Caltrain, and 45% of riders anticipate they will ride Caltrain less than before COVID-19 or not at all.<sup>9</sup>

Despite the dramatic decline in transit ridership, the Draft EIR/EIS makes no mention of the pandemic. This is a critical mistake because reduced ridership forecasts call the entire purpose of the Project into doubt. The public and the decision makers must be given an accurate picture of the demand for the Project that supposedly justifies its construction despite its significant environmental impacts. Further, it is not the case that lower ridership levels would result in fewer impacts than presented in the Draft EIR/EIS, as the Authority claims. (See Draft EIR/EIS, p. 2-112.) In fact, lower ridership numbers may open the door to new potentially feasible alternatives with even fewer impacts overall. This is particularly true of the LMF in Brisbane, the size of which the Authority admits is dependent on ridership. (Draft EIR/EIS, p. 2-113.)

These issues are perhaps symptomatic of a larger crisis facing the Authority, calling the viability of the entire HSR system into question.<sup>10</sup>

## V. INADEQUATE RANGE AND ANALYSIS OF ALTERNATIVES

CEQA requires an EIR to identify feasible alternatives that could avoid or substantially lessen a proposed project’s significant environmental effects. (Pub. Resources

<sup>8</sup> See California Transit Association, *Bay Area in Transit Crisis*, July 27, 2020, available at <https://caltransit.org/resources/coronavirus-awareness/bay-area-fact-sheet/>.

<sup>9</sup> Caltrain COVID-19 Rider Survey, June 22 – July 12, 2020, available at <https://www.caltrain.com/Assets/MarketDevelopment/pdf/Caltrain+COVID-19+Rider+Survey+Topline+Results.pdf>.

<sup>10</sup> See SLG, Exh. 3, Los Angeles Times Article.

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 15

Code, § 21002.) The discussion of alternatives is “core” to an EIR. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) An EIR must include a “reasonable range” of alternatives to the proposed project, or to its location, that would feasibly attain most of the project’s basic objectives while reducing or avoiding any of its significant effects. (Guidelines, § 15126.6(a).) The discussion of alternatives “shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” (Guidelines, § 15126.6(d).)

Further, “[u]nder CEQA, the range of alternatives that an EIR must study in detail is defined in relation to the adverse environmental impacts of the proposed project. An EIR must include a description of feasible project alternatives that would substantially lessen the project’s significant environment effects.” (*In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1167, citing Pub. Resources Code, § 21061 and Guidelines, § 15126.6(d), (f).) An EIR must focus on alternatives that would avoid or substantially lessen a project’s significant environmental effects. (Pub. Resources Code, § 21002; Guidelines, § 15126.6(a)-(b).) An EIR should not exclude an alternative from detailed consideration merely because it “would impede to some degree the attainment of the project objectives, or would be more costly.” (Guidelines, § 15126.6(b).)

The Draft EIR/EIS fails to meet these basic requirements for alternatives analysis, as explained below.

### A. The Tiered Nature of the Draft EIR/EIS Does Not Excuse the Authority from Analyzing Alternatives to the Proposed Alignment

As a preliminary matter, it is important to understand the context of the Draft EIR/EIS within the larger HSR system and its environmental analysis. The Authority has used a “tiered” system of environmental review, addressing the broad HSR program in a series of Tier 1 environmental documents, then analyzing the details of sections of the system in subsequent, project-level Tier 2 documents. (See Draft EIR/EIS, pp. 1-3 to 1-4.)

Specifically, in 2005, the Authority and the Federal Railroad Administration (“FRA”) programmatically analyzed a statewide HSR system in a Tier 1 environmental document: the *Final Program EIR/EIS for the Proposed California High-Speed Train System* (“*Statewide Program EIR/EIS*”).<sup>11</sup> At the conclusion of this Tier 1 process, the Authority and FRA selected “preferred corridors” for the statewide HSR system to be studied in more detail in Tier 2 EIR/EISs. (Draft EIR/EIS, p. 1-3.)

In 2008, after completing the Statewide Program EIR/EIS, the Authority and FRA prepared additional Tier 1 environmental analysis of the HSR system: the *Bay Area to*

<sup>11</sup> California HSR Authority, Statewide Program EIR/EIS, located, in part, at [https://hsr.ca.gov/programs/environmental/eis\\_eir\\_statewide.aspx](https://hsr.ca.gov/programs/environmental/eis_eir_statewide.aspx).

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 16

*Central Valley High-Speed Train Program EIR/EIS*.<sup>12</sup> In that EIR/EIS, the Authority evaluated corridor and station locations for the HSR connection between the Bay Area and the Central Valley within the broad corridor between and including the Altamont Pass and Pacheco Pass. The *Bay Area to Central Valley High-Speed Train Program EIR/EIS* analyzed only one alignment between San Francisco to San José – the shared alignment with Caltrain, i.e., the same alignment evaluated in the Tier 2 Draft EIR/EIS under review today.<sup>13</sup> At the conclusion of this process, the Authority approved the “Pacheco Pass Network Alternative with San Francisco and San José Termini, including the shared-Caltrain alignment between San Francisco and San José.”<sup>14</sup> Following certification of the *Bay Area to Central Valley High-Speed Train Program EIR/EIS*, project opponents including the Town of Atherton, the Planning and Conservation League, the City of Menlo Park, Transportation Solutions Defense and Education Fund, the California Rail Foundation, and the Bayrail Alliance petitioned for a peremptory writ of mandate to set aside certification of the *Bay Area to Central Valley High-Speed Train Program EIR/EIS*. The history of that litigation is discussed in *Town of Atherton v. California High Speed Rail Authority* (2014) 228 Cal.App.4th 314 (“*Town of Atherton*”).<sup>15</sup>

In 2012, as a result of that litigation, the Authority performed additional programmatic environmental review for the Bay Area and the Central Valley section and again selected the Pacheco Pass connection (in the *Bay Area to Central Valley High-Speed Train Partially Revised Final Program EIR*). The Authority advanced the existing Caltrain corridor in the San Francisco to San José Section for Tier 2 study, including the four station locations included in the current Tier 2 Draft EIR/EIS that is the subject of this letter.

While it is appropriate for the Tier 1 decisions to have guided the Authority to advance this alignment for further study, nothing in CEQA or NEPA excuses the Authority from identifying and analyzing geographic alternatives that would reduce or avoid the significant environmental impacts that arise along the alignment. Similarly, nothing in CEQA or NEPA prevents the Authority from reexamining the statewide system, including alignment alternatives that could completely avoid impacts in the City of Brisbane and throughout the San Francisco Peninsula.

<sup>12</sup> California HSR Authority, Project Section Environmental Documents, Bay Area to Central Valley: Partially Revised Final Program EIR, list of documents, located at [https://hsr.ca.gov/programs/environmental/eis\\_eir/bay\\_area.aspx](https://hsr.ca.gov/programs/environmental/eis_eir/bay_area.aspx).

<sup>13</sup> HSR Authority, Staff Report to *Bay Area to Central Valley High Speed Train Program EIR/EIS*, June 2008, available at

[https://hsr.ca.gov/docs/programs/bay\\_area\\_eir/HSR%20Staff%20Report\\_Jun08.pdf](https://hsr.ca.gov/docs/programs/bay_area_eir/HSR%20Staff%20Report_Jun08.pdf).

<sup>14</sup> HSR Authority, Resolution No. 08-01, available at [https://hsr.ca.gov/docs/programs/bay\\_area\\_eir/resolution-08-01.pdf](https://hsr.ca.gov/docs/programs/bay_area_eir/resolution-08-01.pdf).

<sup>15</sup> Notably, the *Town of Atherton* decision indicates that the Authority promised to study a proposed alternative to use an elevated structure over the Highway 101 corridor from the Dumbarton Bridge to San Francisco at the project-level for the San Francisco to San José Section. (*Town of Atherton, supra*, 228 Cal.App.4th 314, 359.)

1164-1430

1164-1430

sohagi.com

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 17

1164-1430

Despite this, the Draft EIR/EIS concedes that the Tier 2 “alternatives analysis primarily addressed the potential vertical configurations of the alignment alternatives with the Caltrain shared-use corridor.” (Draft EIR/EIS, p. 2-31.) It does not analyze any alternatives to the alignment selected at the Tier 1 phase. The Draft EIR/EIS identifies two so-called “alternatives” for the San Francisco to San José Project Section – Alternative A and Alternative B – in addition to the No Project Alternative. The idea that either of these are true alternatives as that term is used in CEQA, however, is a farce. As explained above, Alternative A is really the proposed Project, though this is difficult to discern from the text of the Draft EIR/EIS. By default, then, Alternative B is the only “build” alternative addressed in the Draft EIR/EIS. For a project of this size and scope, it is patently unreasonable to analyze only one build alternative.

1164-1431

Compounding this problem is the fact that Alternative A and Alternative B follow the exact same alignment for all 49 miles of track. (See Draft EIR/EIS, Fig. 2-1.) There are only three minor variations between these “alternatives”:

- Alternative B would locate the LMF just west of the Caltrain corridor within the Brisbane Baylands; Alternative A would place it just east of the Caltrain corridor in the same general location in the Brisbane Baylands;
- Alternative B would include six miles of additional passing tracks between the cities of San Mateo and Redwood City; Alternative A would have no additional passing tracks; and
- Alternative B includes viaduct options to Diridon Station; Alternative A does not.

Other than that, Alternatives A and B include the same three rail stations, the same alignment, and the same technology. In fact, the Draft EIR/EIS concedes that Alternatives A and B are both “consistent with and built from the train technology, alignment corridor, and station locations selected ... at the end of the Tier 1 EIR/EIS process for the HSR system” (Draft EIR/EIS, p. 2-1) and that the “alternatives analysis primarily addressed the potential vertical configurations of the alignment alternatives within the Caltrain shared-use corridor” (Draft EIR/EIS, p. 2-31).

Further, there is no indication that any of the three minor variations between Alternatives A and B were developed to avoid, or are capable of avoiding, the environmental impacts of the proposed Project. They are merely design options. In fact, Alternative B would not reduce any of the proposed Project’s significant and unavoidable impacts to traffic, air quality, noise and vibration, safety and security, land use, and cultural resources. This reveals the backwards approach the Authority has taken to analyzing the proposed Project and confirms that the Authority has pre-committed to approving the Project in violation of CEQA (see [Section VI, infra](#)). It also fundamentally violates CEQA requirements to analyze alternatives that that would reduce or avoid the significant environmental impacts of the proposed Project. Since the Authority has already made up its

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 18

1164-1431

mind to approve Preferred Alternative A, it apparently sees no point in bothering to identify alternatives that would reduce the significant impacts of that project.

In short, Alternative A and Alternative B are actually one project with minor design variations. In violation of CEQA, the Draft EIR/EIS does not analyze even one true alternative.

1164-1432

## **B. The Authority Must Analyze Alternative Locations for the LMF Outside of the City of Brisbane**

The Authority’s Tier 1 review did not evaluate alternative maintenance facilities. As the Authority’s 2008 *CEQA Findings on the Bay Area to Central Valley Program EIR* explain, “The need for a maintenance facility was generally considered and will be further addressed in project-level studies when more detailed engineering information is available concerning facility design and specific alignments.”<sup>16</sup>

The 2012 *Bay Area to Central Valley High-Speed Train Partially Revised Final Program EIR* provided the following summary of the Authority’s approach to maintenance facilities at the program level:

### **D. MAINTENANCE FACILITIES Preferred Location within study area Merced Area (Castle AFB)**

#### *Analysis*

The Program EIR previously identified a preferred maintenance and storage facility location to support the HST fleet in the study region in the Merced area (Castle AFB). For purposes of this Program EIR, two locations were considered for “Fleet Storage/Service and Inspection/Light Maintenance” within the study region: (1) West Oakland; and (2) Merced (near or at Castle AFB). There is strong support in the Merced region (Merced County, U.C. Merced, Congressman Cardoza, Merced County HSR Committee, and the Merced County Association of Realtors) for the maintenance facility. The West Oakland site would not serve the preferred Pacheco Pass alternative but should be considered as a part of future Regional Rail/HST project via the Altamont corridor. **Program-level evaluation considered only a site in the Bay Area at West Oakland as representative of system maintenance needs in the Bay Area. Possible Bay Area locations and sites for fleet storage/service and inspection/light maintenance facility along the preferred HST alternative between Gilroy and San Francisco will be considered as part of project-level**

<sup>16</sup> California HSR Authority, Bay Area to Central Valley HST, *CEQA Findings of Fact and Statement of Overriding Considerations*, Resolution No. 08-01, June 2008, available at [https://hsr.ca.gov/docs/programs/bay\\_area\\_eir/2%20A1a-Exhibit%20A-%20CEQA%20Findings%20and%20Override.pdf](https://hsr.ca.gov/docs/programs/bay_area_eir/2%20A1a-Exhibit%20A-%20CEQA%20Findings%20and%20Override.pdf).

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 19

1164-1432

**engineering and environmental review. In conclusion, for purposes of the Program EIR process, the Merced area remains preferred.**

Over the past two years, additional study and consideration of the heavy maintenance facility for the high-speed train system has been explored as part of project-level EIR/EIS documents for the Merced to Fresno and Fresno to Bakersfield sections. The Authority released a Request for Expression of Interest in 2009, which resulted in multiple potential sites for a heavy maintenance facility in the Central Valley being evaluated, including sites outside the study area for the Bay Area to Central Valley. Accordingly, while the Merced area is preferred at the program level, a wide range of alternatives is being examined as part of project-level EIR/EIS documents.

(2012 Bay Area to Central Valley High-Speed Train Partially Revised Final Program EIR, p. 6-29, emphasis added.)

In other words, the Authority's Tier 1 documents did not identify a proposed site for maintenance facilities or any alternative sites. They left that for Tier 2. Unfortunately, the current Tier 2 Draft EIR/EIS fails to evaluate any sites outside of the Brisbane LMF.

1164-1433

Tier 2 planning for the San Francisco to San José Section began in 2008, including development of alternatives for the Project Section. Some of this process is documented in the April 2010 PAA and the August 2010 *Supplemental Alternatives Analysis Report for the San Francisco to San José Section* ("2010 SAA").<sup>17</sup> As described on Draft EIR/EIS page 2-35, alternative LMF sites were preliminarily addressed in the 2010 SAA. "Sites that could potentially accommodate an LMF were subjected to an initial screening process, which focused on the capacity of the sites to meet engineering and design guidelines established through the Authority's Technical Memoranda. This assessment resulted in the identification of four sites that were analyzed in the 2010 SAA." These include the East and West Brisbane sites that are now incorporated into Alternatives A and B,<sup>18</sup> as well as two additional sites: Port of San Francisco (Piers 90-94) and San Francisco Airport ("SFO"). The Authority conducted additional assessment of these four sites as part of its 2019 *San Francisco to San José Project Section Checkpoint B Summary Report*.<sup>19</sup>

1164-1434

<sup>17</sup> The SAA is not included as an appendix to the Draft EIR/EIS and is not available on the Authority's website for public review.

1164-1435

<sup>18</sup> Although the East Brisbane LMF site is evaluated as part of the Alternative A and the West Brisbane LMF site is evaluated as part of Alternative B, the Draft EIR/EIS makes clear that these are really just "site options for the Brisbane LMF." (Draft EIR/EIS, p. 2-70.)

1164-1436

<sup>19</sup> The *Checkpoint B Summary Report* is not included as an appendix to the Draft EIR/EIS and is not available on the Authority's website for public review and had to be specially requested from the Authority.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 20

1164-1433

Importantly, the Technical Memorandum on which the 2010 SAA relied summarized requirements and guidelines for HSR maintenance facilities<sup>20</sup> and requirements for its operations and maintenance facilities ("O&M Requirements Memorandum").<sup>21</sup> The stated purpose of the O&M Requirements Memorandum was to "develop a comprehensive listing of requirements for O&M facilities throughout the Phased Implementation of the California High-Speed Train ("CHST") System. This memorandum describes the characteristics of the facilities: dimensions, overall acreage requirements, special environmental considerations, and considerations for interface to the rest of the CHST System. Environmental, business, commercial, and economic impacts of the facilities on the local communities will be described. The goal is to better inform at the preliminary design phase the decisions associated with engineering and environmental clearance." Though the Memorandum does not specifically discuss the term "Light Maintenance Facility," it discusses a Terminal Storage and Maintenance Facility ("TSMF") with similar operations, which is equivalent to what is described in the San Francisco to San José Section Draft EIR/EIS as the LMF. Critically, the Memorandum does not address any proposed locations for O&M facilities. Instead, the Memorandum concludes that **"to ensure a satisfactory range of alternatives under State and Federal law, multiple site alternatives for the [Heavy Maintenance Facility] sites and TSMF sites should be developed and fully analyzed in project-level EIR/EIS documents."**

Despite this, for the San Francisco to San José Section, the Authority has failed to develop or fully analyze multiple site alternatives. Instead, it provides only a cursory explanation for why the Port of San Francisco and SFO sites were withdrawn from full evaluation. (Draft EIR/EIS, p. 2-35.) The 2019 *San Francisco to San José Project Section Checkpoint B Summary Report* provides a few additional, but still insufficient, details. That report also fails to demonstrate why other sites beyond the four mentioned in the Draft EIR/EIS would not be feasible. Instead, it simply refers to unspecified "sites throughout the Peninsula" that it claims were assessed and determined to be unsuitable for a host of vague reasons. The *Checkpoint B Summary Report* devotes no more than a page to summarizing these issues, without identifying any site specifically. (See *San Francisco to San José Project Section Checkpoint B Summary Report*, p. 3-13 to 3-14.)

1164-1437

The Draft EIR/EIS makes no mention of other sites at all except in a footnote where it indicates it "recently reviewed and reassessed the 11 sites it considered during its initial

1164-1438

<sup>20</sup> The referenced technical report is not included as an appendix to the Draft EIR/EIS and is not available on the Authority's website for public review and had to be specially requested from the Authority. The report is entitled *TM 5.3: Summary Description of Requirements and Guidelines for: Heavy Maintenance Facility ("HMF"), Terminal Layout/Storage & Maintenance Facilities & Right-of-Way Maintenance Facilities*, August 25, 2009.

1164-1439

<sup>21</sup> The O&M Requirements Memorandum is not included as an appendix to the Draft EIR/EIS and is not available on the Authority's website for public review and had to be specially requested from the Authority. The report is entitled *Summary of Requirements for O&M Facilities*, August 25, 2019.

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 21

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 22

1164-1437 screening process” and cites to a 2020 evaluation that is not included in the Draft EIR/EIS and is not available on the Authority’s website. (Draft EIR/EIS, p. 2-27, fn.12.) This is the only time the Draft EIR/EIS mentions the existence of other potential alternative LMF sites. Upon request, the Authority provided its May 4, 2020 *Light Maintenance Facility Site Selection Evaluation: San Francisco to San José Project Section Memorandum*, which finally identifies nine other potential LMF sites the Authority eliminated from review. As an initial matter, the failure to disclose these potential alternative sites in the Draft EIR/EIS violates CEQA Guidelines section 15126.6(c), which requires an EIR to “identify any 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.”<sup>22</sup> The Authority must circulate for public review and comment its rationale for rejecting these nine potential LMF sites. When it does, it must remember that “the feasibility of the alternatives must be evaluated within the context of the proposed project. ‘The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.’” (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 599.) For example, the May 4, 2020 memorandum includes cost estimates for the rejected alternatives, but it does not compare these to the cost of constructing the LMF in Brisbane.<sup>23</sup> Absent that comparison, the expense of building the LMF in other locations is meaningless and does not render an alternative infeasible.

1164-1440 The Authority must also consider the other elements of CEQA’s definition of feasibility. “‘Feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (Pub. Resources Code, § 21061.1.) CEQA Guidelines section 15364 generally repeats this definition verbatim and adds “legal” considerations to those which may be taken into account in determining the feasibility of mitigation measures.

The Authority completely ignores this definition. Rather than evaluating LMF alternatives for their feasibility, the Authority has impermissibly limited its consideration to only those alternatives it deems “optimal” – a term that never appears in CEQA or NEPA. Indeed, Draft EIR/EIS Appendix 2-F, Summary of Requirements for Operations and Maintenance Facilities, explains its purpose as analyzing “the optimal siting of facilities” for maintenance across the high speed rail network and explains that only the “optimal locations [for maintenance facilities] have been identified.” But even this appendix recognizes that

1164-1441 <sup>22</sup> Mysteriously, the header of the May 4, 2020 memorandum is marked “privileged and confidential” despite the lack of anything indicating it would be subject to any privilege.

1164-1442 <sup>23</sup> Nor does the Draft EIR/EIS provide a cost estimate for the LMF in Brisbane, lumping it all into the total preliminary Project cost estimate. (See Draft EIR/EIS, p. 8-16.) Importantly, the cost of constructing the LMF in Brisbane is likely to be much greater than preliminarily estimated once the Authority properly considers the geotechnical challenges of construction on a former landfill and other related issues.

sohagi.com

1164-1440 “less optimal” maintenance configurations “**must be analyzed further in order to evaluate the trade-off of the additional yearly operating costs versus the increased capital construction costs and the potential increase in environmental impacts.**” (Draft EIR/EIS, Appx. 2-F, p. 15, emphasis added.) Despite this recognition, the Draft EIR/EIS refuses to look at any “less optimal” options, focusing exclusively on the Brisbane site, which meets its “optimal” criteria.

1164-1443 In the absence of an appropriate inquiry into potentially feasible alternative LMF sites by the Authority, the City took it upon itself to evaluate the Draft EIR/EIS’s dubious claim that only Brisbane will do. The City’s September 8, 2020 *Brisbane LMF Evaluation and Alternatives Review* (Attachment Metis-F) shows this to be false. In fact, both the Port of San Francisco (Piers 90-94) site and the SFO site that the Authority neglect to carry forward for analysis in the Draft EIR/EIS are potentially feasible under the Authority’s “less optimal” siting criteria. (See Attachment Metis-F, pp. 13-14.) The Authority may consider these potential layouts less than optimal, but what matters for purposes of CEQA is that they are potentially feasible, would reduce and avoid significant environmental impacts, and, therefore, should have been studied further. The Draft EIR/EIS must be recirculated to include additional analysis of these sites.

1164-1444 The *Brisbane LMF Evaluation and Alternatives Review* identifies four other potentially feasible locations for the LMF that must be analyzed in the Draft EIR/EIS. These include:

- The Bayview Industrial District in San Francisco
- The Newhall Yard in San José
- Coyote Valley in Santa Clara County
- The City of Gilroy

As explained in detail the *Brisbane LMF Evaluation and Alternatives Review* and in Metis’ comments regarding alternatives, these sites meet, at a minimum, the Authority’s “less optimal” criteria, would reduce and avoid significant environmental impacts, and must be analyzed in a recirculated Draft EIR/EIS. (Attachment Metis-F, pp. 28-32 and Figures TC1-A3, TC1-A4, TC1-A5, and TC1-A6.)

1164-1445 **C. The Authority Must Analyze Alternative Layouts and Sizes for the LMF**

In addition to analyzing alternative sites, the Authority must consider the possibility that the LMF could be constructed with a smaller footprint and/or an alternative layout, whether in Brisbane or elsewhere. This is particularly true given the Authority’s admission that “[m]aximum maintenance level at Brisbane could be lowered to Level I if the facility in Gilroy is built with the Level III capability.” (Draft EIR/EIS, Appx. 2-F, p. 8.) It is not enough for the EIR/EIS to merely make this statement. It must *analyze* what it concedes is a

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 23

1164-1445 | potentially feasible alternative – a Level I facility in Brisbane – and identify the extent to which this alternative would reduce or avoid environmental impacts.

It is also possible that reducing the maintenance facility along the San Francisco to San José Section to Level I would open up new siting possibilities as sites smaller than those already examined and rejected by the Authority may accommodate a smaller Level I facility.

1164-1446 | Additionally, the Draft EIR/EIS identifies two new CEQA project objectives that were not previously identified in the 2010 PAA. One of these is to “[p]rovide blended system infrastructure that supports a viable operations plan for HSR, while also minimizing environmental impacts and maximizing compatibly with Peninsula communities.” (Draft EIR/EIS, p. 1-14.) The Authority must re-evaluate previously dismissed alternative LMF sites and configurations in light of these new objectives. It also appears that the Brisbane LMF fails under this objective as it is inherently incompatible with the City’s community.

1164-1447 | **D. No Project Alternative is Inaccurate and Misleading**

The Draft EIR/EIS admits that it does not include the development of the Brisbane Baylands as part of the “No Project” scenario. (Draft EIR/EIS, p. 2-56, fn. 18.) This is unacceptable and improperly skews the comparison of alternatives.

Under CEQA, if a project is a development project on identifiable property, the “no project” alternative is the circumstance under which the project does not proceed. (Guidelines, § 15126.6(e)(3)(B).) “In certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.” (*Ibid.*)

If the Authority does not approve the Brisbane LMF, the practical result would likely be that the Baylands Development proceeds as envisioned in the City of Brisbane’s 2018 General Plan Amendment<sup>24</sup> and as described in the Notice of Preparation (“NOP”)<sup>25</sup> of an EIR for the Brisbane Specific Plan that the City issued on February 24, 2020. The Draft EIR/EIS must, therefore, include the Baylands Development in the analysis under the No Project scenario. This means that reasonably foreseeable Baylands development would be included in the 2029 and 2040 future baselines, resulting in more severe impacts on future residents. (See comments below on individual resource topics such as noise and air quality.)

<sup>24</sup> Metis, discussing how LMF construction adversely affects planned land uses and undermines the City’s commitment to providing housing.

<sup>25</sup> Metis, analyzing failure to disclose Project’s relation with State Lands Commission.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 24

1164-1448 | **E. The No Project Alternative is the Environmentally Superior Alternative**

CEQA Guidelines section 15126.6(d) requires an EIR to “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” The CEQA Guidelines suggest that a “matrix displaying the major characteristics and significant effects of each alternative may be used to summarize the comparison. (*Ibid.*) Draft EIR/EIS Table 8-1 summarizes the impacts of Alternatives A and B, but it completely ignores the No Project Alternative. Similarly, none of the individual resource area sections of the Draft EIR/EIS identify whether impacts under the No Project scenario would be significant nor do they address the No Project Alternative in the summary of CEQA significance conclusions at the end of each section. This makes it impossible for the public and the decision makers to understand the impact of not approving the Project. The Draft EIR/EIS must be revised to clearly identify how the Project’s impacts compare to the No Project Alternative.

1164-1449 | Despite this lack of meaningful comparison, the Draft EIR/EIS somehow concludes that the No Project Alternative is not the “environmentally superior alternative” as that term is used in CEQA Guidelines section 15126.6(e)(2). The Draft EIR/EIS does not substantiate or explain this conclusion, referencing instead the benefits it claims the proposed Project would provide “to help California meet reduction targets for 2030 in SB 32 and beyond, all of which would not be realized under the No Project Alternative.” (Draft EIR/EIS, p. 8-17.) These alleged and self-serving benefits are beside the point and have no relevance to the determination of the environmentally superior alternative. Instead, the Draft EIR/EIS must clearly compare the significant impacts of the proposed Project to those of the No Project Alternative and identify which would have greater impacts. Only then can the decision makers and the public appreciate the environmental consequences of proceeding with the Project, regardless of any benefits it may have.

1164-1450 | **VI. PREMATURE COMMITMENT TO THE PROJECT**

**A. The Authority has Prematurely Committed to Approving the Project**

While the Draft EIR/EIS purports to discuss a “proposal” to construct the HSR between San Francisco and San José and to evaluate “alternatives,” it is clear from the record that the Authority intends to approve the Project along the sole alignment it evaluates regardless of the conclusions in the Draft EIR/EIS.

In 2012, Caltrain and the Authority formally agreed to electrify the existing Caltrain corridor, share the tracks, and maintain the corridor as primarily a two-track railroad.<sup>26</sup> Thus, almost a decade before release of the San Francisco to San José Project Section Draft

<sup>26</sup> California HSR Authority, *Draft EIR/EIS Fact Sheet*, San Francisco to San José Project Section, available at: [https://hsr.ca.gov/docs/programs/statewide\\_rail/proj\\_sections/SanFran\\_SanJose/SanFrancisco\\_to\\_San\\_Jose\\_Draft\\_EIREIS\\_Fact\\_Sheet.pdf](https://hsr.ca.gov/docs/programs/statewide_rail/proj_sections/SanFran_SanJose/SanFrancisco_to_San_Jose_Draft_EIREIS_Fact_Sheet.pdf).

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 25

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 26

1164-1450 | EIR/EIS, the Authority had committed to the alignment it purports to analyze in the Draft EIR/EIS. This is flatly impermissible under CEQA. (See *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116 (“*Save Tara*”)) [lead agency may not contract away its ability to respond to the results of later environmental review].)

Since then, the Authority has repeatedly advanced the same project towards the current Tier 2 review, never bothering to genuinely examine alternatives, including the No Project Alternative. It is obvious from the way the Authority has ignored the advice of its own studies, discussed above, that urged the Authority to consider LMF sites other than Brisbane at the project-level that the Authority has already made up its mind to put the LMF in what it considers the most “optimal” location. This contravenes CEQA’s prohibition on taking actions that would preclude consideration of alternatives. (*Save Tara, supra*, 45 Cal.4th 116, 138—139.)

1164-1451 | In the most recent example of its impermissible commitment to the Project before completion of environmental review, on August 13, 2020, the Authority’s Chief Executive Officer, Brian P. Kelly, sent a letter to Brisbane’s Mayor, the Honorable Terry O’Connell, explaining, “While we understand that the City of Brisbane would prefer that we locate the [light maintenance] facility elsewhere, we have carefully and thoroughly reviewed numerous other options before settling on the locations in Brisbane.”<sup>27</sup> This leaves no doubt that the Authority has impermissibly “settled” on locating the LMF in Brisbane, pre-committing to this location without regard to any of the significant environmental impacts the CEQA/NEPA process may identify. This fundamentally contravenes CEQA and NEPA.

1164-1452 | **VII. INADEQUATE IMPACT ANALYSES AND MITIGATION MEASURES**

**A. Impact Analysis Approach Does Not Comply with CEQA**

**1. The Draft EIR/EIS uses inaccurate baselines and excludes an existing conditions baseline for operational impacts.**

*a) Existing conditions baselines are often inaccurate.*

The purpose of an existing conditions baseline is to give the public and decision makers “the most accurate and understandable picture practically possible” of the project’s likely near-term and long-term impacts. (Guidelines, § 15125; *Neighbors for Smart Rail v. Exposition Metro Line Const. Auth.* (2013) 57 Cal.4th 439, 449 (“*Neighbors for Smart Rail*”).) An inaccurate existing conditions baseline means that an EIR’s impact analysis may understate a project’s actual impacts.

A number of Draft EIR/EIS sections have inaccurate and/or outdated existing conditions baselines, as discussed in the comments below. For example, the noise baseline

<sup>27</sup> See SLG, Exh. 1, Letter from Brian P. Kelly, HSR Chief Executive Officer to the Honorable Terry O’Connell, Mayor of the City of Brisbane, August 13, 2020.

1164-1452 | includes noise measurements for some locations going back to 2009-2010, and the biological resources baseline is partially based on 2009-2010 surveys. Further, the Draft EIR/EIS entirely omits a project-specific hazardous materials baseline along the entire segment, by deferring the essential Phase 1 and Phase 2 environmental site assessment (“ESA”) analyses until the right-of-way acquisition phase.

1164-1453 | *b) Future baselines are often inaccurate and exclude reasonably foreseeable Baylands development.*

A lead agency may use baselines consisting of projected future conditions only if supported by reliable projections based on substantial evidence in the record. (Guidelines, § 15125(a)(1); See *Poet, LLC v. State Air Resources Bd.* (2017) 12 Cal.App.5th 52, 80 [“An agency that deviates from the norm [established by CEQA Guidelines section 15125] must provide an adequate justification for omitting an existing conditions analysis.”]; and *Neighbors for Smart Rail, supra*, 57 Cal.4th 439, 512—513 [an agency’s determination is reviewed only for substantial evidence supporting it].)

Future 2029 and/or 2040 baselines in a number of EIR/EIS sections are inaccurate and not supported by substantial evidence. For example, Baylands development consistent with the existing Brisbane General Plan is omitted from future baselines for the noise and vibration, transportation, and air quality impact analyses. Also, transportation modeling and population growth are based on the outdated Association of Bay Area Governments (“ABAG”) Projections 2013 that were replaced with Plan Bay Area 2040 projections in November 2018.

1164-1454 | *c) Existing conditions as well as future baselines should be used for operational impact analyses.*

A lead agency may use a projected future conditions (beyond the date of project operations) baseline as the sole baseline for analysis only if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision makers and the public. Use of projected future conditions as the only baseline must be supported by reliable projections based on substantial evidence in the record. (Guidelines, § 15125(a)(2); *Neighbors for Smart Rail, supra*, 57 Cal.4th 439, 445.)

In some Draft EIR/EIS sections, e.g., transportation and noise, operational impacts are assessed against future 2029 and 2040 baselines only. The Draft EIR/EIS provides no explanation as to why using an existing conditions baseline for operational impacts, would be “misleading or without informative value. This violates CEQA.

In fact, using an existing conditions baseline for many operational impacts would be highly informative, because it would show that, compared to existing conditions, impacts would increase. These increases would likely be significant operational impacts, requiring mitigation.

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 27

1164-1455

**2. Combined (cumulative) impacts of individual Project components are not sufficiently analyzed for certain resources.**

CEQA forbids the chopping up (“piecemealing”) of one large project into multiple small projects for the purpose of evading environmental review of the entire project. Because a project is defined as “the whole of an action” (Guidelines, § 15378(a)), a lead agency may not segment a project into several pieces if the effect is to avoid full disclosure of environmental impact. (See, e.g., *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1231.)

In some resource sections, the Draft/EIR/EIS grossly understates impacts of the entire Project by presenting impacts caused by individual Project components, and never combining them to reveal the total Project impact. As discussed below, examples include the noise and biological resources impact analyses, where presenting only impact analyses for individual Project components hides the true magnitude of the Project’s total construction and operational impacts on sensitive receptors and resources, respectively.

1164-1456

**3. The impact analyses are overgeneralized and vague, and site-specific analyses of significant impacts in Brisbane are missing.**

Although the Draft EIR/EIS purports to be a project-level EIR that will lead to design and construction following Project approval without further CEQA review, many impact analyses are much too general and vague. An EIR must present specific data when it is required for a meaningful analysis of a significant impact and it is reasonably feasible to provide the specific data. (*Friant Ranch, supra*, 6 Cal.5th 502, 519.) Many impact analyses, such as air quality and noise, do not disclose the “specific effects” of the Project in particular locations, e.g., in each city along the alignment, thereby hiding site-specific impacts that must be disclosed and site-specific mitigation measures for those impacts.

As another example, as discussed in the comments below, the Draft EIR/EIS makes only a minimal attempt to survey for and disclose important sensitive biological and cultural resources in Brisbane known by the City that would likely be damaged by the Project. This same flaw likely exists for other local areas along the entire segment. The Draft EIR/EIS obviously did not “use best efforts to find out and disclose all that it reasonably can.” (Guidelines, § 15144.)

1164-1457

**4. The Draft EIR/EIS improperly uses IAMFs to disguise pre-mitigation impacts.**

As discussed in the comments below, many of the Draft EIR/EIS IAMFs that are purportedly part of the project description are clearly not Project design features, but actually are disguised mitigation measures. Under *Lotus, supra*, 223 Cal.App.4th 645, 656, footnote 7, an EIR must identify mitigation measures as such and not include them in the project description unless they are so clearly part a project itself that it “would be nonsensical” to analyze impacts without them.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 28

1164-1457

Improperly using IAMFs to minimize impacts makes it impossible to understand the nature of the Project’s description and its site-specific impacts, whether they are significant pre-mitigation, whether the IAMFs recast as mitigation measures would be effective, and whether there other more effective measures exist. (See *Lotus, supra*, 223 Cal.App.4th 645, 656 [“Absent a determination regarding the significance of the impacts . . . , it is impossible to determine whether mitigation measures are required or to evaluate whether other more effective measures than those proposed should be considered.”].) This “shortcutting of CEQA requirements subverts the purposes of CEQA by omitting material necessary to informed decision making and informed public participation.” (*Id.*, at p. 658.)

1164-1458

To compound this defect, many of the IAMFs that are disguised mitigation measures do not even meet CEQA’s minimum standards for adequate mitigation: lack of deferral, effectiveness, and enforceability. Particularly egregious examples include: NV-IAMF#1 (Noise and Vibration), TR-IAMF#2 (Construction Transportation Plan), BIO-IAMF#5 (Prepare and Implement a Biological Resources Management Plan), and CUL-IAMF#3 (Pre-Construction Cultural Resource Surveys).

1164-1459

**5. Many IAMFs and mitigation measures are improperly deferred, unenforceable, and/or ineffective.**

CEQA Guidelines section 15126.4(a), summarizing case law, provides that:

Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.

“‘[I]mpermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR.’” [Citation.]” (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 443.) HYD-IAMF#1 prescribes to postpone this analysis until sometime prior to construction. A mitigation measure that relies on development of a future plan to mitigate a project’s significant impact can only do so if the lead agency identifies specific performance criteria at the time of approval that the mitigation measure will satisfy. (See *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028-29 (“*Sacramento Old City Assn.*”).) Mitigation measures calling for a mitigation plan to be devised on the basis of further study are legally inadequate if they do not identify steps that would be taken to mitigate the impact once the study is completed. (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280; see also *Save Agoura Cornell Knoll v. City of Agoura*

sohagi.com



# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 29

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 30

1164-1459

*Hills* (2020) 46 Cal.App.5th 656, 686-690 [improperly deferred mitigation for archaeological resources rejected]; and Guidelines, § 15126.4(a)(1)(B).) The CEQA Guidelines further require that mitigation measures “must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” (Guidelines, § 15126.4.) And CEQA case law further provides that conclusions that a mitigation measure will be effective in reducing impacts to less than significant must be supported by substantial evidence, i.e., facts and reasons. (See Pub. Resources Code, §§ 21080(e), 21082.2(c) and *Sacramento Old City Assn.*, *supra*, 229 Cal.App.3d 1011, 1027.)

As discussed below, a very large number of the Draft EIR/EIS IAMFs and mitigation measures call for vague future plans or memoranda to provide mitigation details without performance standards. These measures are improperly deferred, unenforceable, and/or ineffective. And for each improperly deferred measure, the Draft EIR/EIS fails to explain why it is “impractical or infeasible” to include mitigation details in the EIR/EIS.

Some of the most egregious examples include LU-MM#1 (Implement Noise Mitigation in Conjunction with Land Use Development in Brisbane), NV-MM#1 (Construction Noise Mitigation Measures), many cultural resource mitigation measures that improperly defer mitigation to the future “National Historic Preservation Act (“NHPA”)<sup>28</sup> Section 106 consultation process, BIO-MM#1 (Prepare and Implement a Restoration and Revegetation Plan), BIO-IAMF#5 (Biological Resources Management Plan) and BIO-MM#8 (Prepare a Compensatory Mitigation Plan for Species and Species Habitat).

To comply with CEQA requirements, the Draft EIR/EIS must be rewritten to analyze impacts and judge their significance. The effectiveness of IAMFs and other identified mitigation measures to reduce impacts to less-than-significant levels must be disclosed.

1164-1460

**6. The Draft EIR/EIS does not recognize conflicts with local plans, policies, and regulations protecting environmental resources as significant impacts.**

The Draft EIR/EIS does not recognize the fact that conflicts with certain local plans, policies, and regulations protecting environmental resources means that impacts to those physical resources would be significant. The document attempts to isolate the conflicts analysis to Appendix 2-J and introductions to each impact section, but does not integrate findings of conflicts into the actual impact analyses for affected resources. For example, conflicts with local plans, policies, or regulations on aesthetics, biological resources, transportation, and noise identified in Appendix 2-J are not recognized as significant impacts for those resources in their respective impact analyses.

1164-1461

Also, Appendix 2-J is incomplete because it does not recognize all conflicts that would occur. It inexplicably does not identify local plan, policy, and regulations conflicts for all the resource topics for which plan, policies, and regulations are inventoried in

<sup>28</sup> 16 U.S.C. § 470.

1164-1461

Appendix 2-I. For example, local plans, policies, and regulations for biological resources and parks, recreation and open space are inventoried in Appendix 1, but potential conflicts are not analyzed in Appendix 2-J.

1164-1462

Finally, Appendix 2-J improperly justifies and attempts to override plan, policy, and regulations conflicts by repeatedly asserting: “The Authority is mandated to build and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas.” (See, e.g., Draft EIR/EIS, p. 2-J-6.) CEQA is concerned with identifying all individual adverse impacts of a proposed project and does not allow EIRs to internally balance and override adverse impacts with self-serving statements of project benefits. An EIR is not intended to prematurely “override” adverse impacts with project benefits; that is the purpose of the Statement of Overriding Considerations adopted at the end of the EIR process. (See CEQA Guidelines, § 15093.)

1164-1463

**7. The Project’s environmental benefits are overstated.**

The Draft EIR/EIS transportation, air quality, GHG, and energy impact analyses all improperly rely on artificially inflated estimates of HSR ridership to offset the Project’s significant operational impacts and avoid mitigation responsibility for those impacts. Insufficient evidence is presented to show that the ridership estimates are accurate, especially in light of the long-term reductions in intercity travel and rail transit likely to be caused by COVID-19 changes in travel behavior. Further, the Draft EIR/EIS only uses medium and high ridership numbers to analyze Project benefits. For both the decision makers and the public to be fully informed, a low ridership scenario analysis, adjusted for COVID-19 impacts, is required, and the Draft EIR/EIS must be comprehensively revised to reflect this additional data.

1164-1464

**8. The NEPA-like structure of the document makes it fundamentally inadequate for CEQA disclosure purposes.**

The NEPA-like structure of the Draft EIR/EIS makes it fundamentally inadequate for CEQA compliance purposes. The document’s structure makes it very difficult for decision makers and the public to understand: which impacts of the proposed project are significant, why they are significant, which mitigation measures reduce impacts to less than significant levels, and why. Specific concerns are discussed in detail below for individual resource sections, but the structure of the transportation section, the first impact section, provides a representative example of the overall problem.

The transportation section includes a section on consistency with plans and policies. (Draft EIR/EIS, § 3.2.2.) The Thresholds of Significance section (Draft EIR/EIS, § 3.2.4.5) later provides that the Project would have a significant impact if it would “conflict with a program, plan, ordinance, or policy” regarding public transit and non-motorized transportation, but the impact analyses in Section 3.2.6 and the “CEQA Significance

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 31

1164-1464

Conclusions” sections in Section 3.2.9 simply do not consider whether any such conflicts exist.

The CEQA Significance Conclusions section (Draft EIR/EIS, § 3.2.9) is thrown in almost as an afterthought at the end of the Environmental Consequences section. This section confusingly reshapes and summarizes the prior impact analyses but uses different language. Section 3.2.9’s text and summary table (Draft EIR/EIS, Table 3.2-26) do not explicitly reference the CEQA impact significance thresholds when drawing significance conclusions, and do not explain why IAMFs and mitigation measures would be effective in potentially reducing impacts to less-than-significant levels (i.e., why significant would be exceeded). (*Friant Ranch, supra*, 6 Cal.5th 502, 519 [“a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact.”]; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394 (“*Laurel Heights I*”).)

1164-1465

These major structural shortcomings span each of the Draft EIR/EIS’s 17 impact analysis sections. It is entirely unreasonable to expect the public and decision makers to wade through long impact analysis sections and redundant analyses to attempt to divine facts and reasons supporting basic CEQA conclusions: why impacts of a proposed project are significant, and why mitigation measures are capable of reducing them to less than significant levels. These structural shortcomings contribute to making the Draft EIR/EIS “so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded,” which is one of many reasons why the Authority must recirculate the Draft EIR/EIS. (Guidelines, § 15088.5(a)(4).)

1164-1466

### B. Station Planning, Land Use, and Development Impacts

The Draft EIR/EIS’s analysis of impacts to land use fails to adequately capture the significant environmental impacts that would occur due to conflicts with the proposed LMF sites in Brisbane. The Draft EIR/EIS misleadingly states, “The proposed stations have been planned in collaboration with the cities along with public input to identify key site planning concepts regarding station design, access, connectivity, circulation, and parking.” (Draft EIR/EIS, p. 3.13-10.) It also claims that “[t]he Authority will continue ongoing coordination with Brisbane and the developers for the Brisbane Baylands site in order to minimize potential incompatibilities between the Brisbane LMF and future planned development on the Brisbane Baylands site.” (Draft EIR/EIS, p. 3.13-63.) These statements ignore the fact that Brisbane vehemently opposes locating the LMF within its borders and has vocalized this opposition throughout the planning process.<sup>29</sup>

- August 25, 2010 City Letter to HSR Authority (SLG, Exh. 2-A)
- September 28, 2010 HSR Response to City (SLG, Exh. 2-B)

<sup>29</sup> SLG, Exhs. 2-A through 2-E.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 32

1164-1466

- October 5, 2010 City Response to HSR Authority (SLG, Exh. 2-C)
- June 9, 2016 City Comment Letter to HSR (SLG, Exh. 2-D)
- August 21, 2019 City Comment Letter to HSR (SLG, Exh. 2-E)

1164-1467

### 1. *The LMF is fundamentally inconsistent with the Brisbane General Plan and Plan Bay Area 2040.*

In November 2018, the City of Brisbane voted to approve Measure JJ, a General Plan Amendment (Amendment GP 1-18) that allows for a potential range of 1,800 to 2,200 residential units along with approximately seven million square feet of new commercial development and hotel uses. This General Plan Amendment provides an extraordinary solution to the state’s housing crisis, allowing the City to permit substantial housing in proximity to existing transit and doubling the City’s population, while simultaneously addressing the Baylands’ many complexities and development constraints. The attached Metis letter provides additional details on permitting and development complexities at the Baylands site. The Draft EIR/EIS acknowledges this planned land use (see Draft EIR/EIS, p. 2-56), but disregards the significant achievement and compromise it represents, and admits that the Project is inconsistent with the City of Brisbane 2018 General Plan Amendment’s designation for planned development – both residential and nonresidential – on the site.<sup>30</sup> (Draft EIR/EIS, pp. 3.13-25 to -30.)

The July 2017 *Final Plan Bay Area 2040* designated the Baylands as a priority development area due to its potential for transit-oriented development (“TOD”).<sup>31</sup> As the Draft EIR/EIS acknowledges, building an LMF on the Baylands is inconsistent with this TOD designation. (Draft EIR/EIS, pp. 3.13-7 to -8.)

These inconsistencies are simply unacceptable given the state’s housing crisis and will compound the negative impacts of this crisis on the region, including housing affordability, displacement, quality of life, and traffic congestion. The full negative impacts of building the LMF on the Baylands property should be disclosed and analyzed in the Draft EIR/EIS and recognized by the Authority’s decision makers.

1164-1468

The Draft EIR/EIS also incorrectly identifies land uses on the East LMF site as “industrial, vacant, parks/open space.” (Draft EIR/EIS, Table 3.13-2.) In fact, these are the former Brisbane Landfill. As discussed throughout this letter and attachments, the Draft EIR/EIS fails to fully acknowledge the existence of the landfill and the implications of building on top of it.

<sup>30</sup> City of Brisbane General Plan, available at <https://www.brisbaneca.org/cd/page/general-plan>.

<sup>31</sup> See *Final Plan Bay Area 2040*, July 26, 2017, Map 4.5, p. 57, available at [http://2040.planbayarea.org/sites/default/files/2020-02/Final\\_Plan\\_Bay\\_Area\\_2040.pdf](http://2040.planbayarea.org/sites/default/files/2020-02/Final_Plan_Bay_Area_2040.pdf).

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 33

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 34

1164-1469

**2. Impact LU#5 and Impact LU#6 understate conflicts with the adopted Brisbane General Plan.**

Impact LU#5 (Permanent Alteration of Land Use Patterns from Land Use Conversion at the Brisbane Light Maintenance Facility) and Impact LU#6 (Permanent Alteration of Land Use Patterns from Increased Noise, Light, and Glare) understate conflicts with the Brisbane General Plan. The Draft EIR/EIS acknowledges that construction of the Brisbane LMF would reduce the amount of land available for development by approximately 16.2% for the East Brisbane LMF and 18.9% under the West Brisbane LMF and that construction of both the East LMF and West LMF “would be considered a permanent alteration of a planned land use pattern.” (Draft EIR/EIS, p. 3.13-63.) Then, without any explanation, it claims that the permanent acquisition of land planned for commercial development in the Baylands “would not necessarily impede the planned development envisioned in the Brisbane 2018 General Plan Amendment” and asserts that “this development could still occur in the areas not affected by the project.” (*Ibid.*) There is no evidence for this conclusion. While the LMF’s footprint may not physically occupy all of the Baylands, it would have an enormous impact on the ability to develop essential residential and related uses in the Baylands. Taking away 16—18% of the land currently designated for planned development and converting it to an incompatible industrial use—the LMF—will have a significant impact on the viability of the Baylands Development.

1164-1470

Additionally, the Draft EIR/EIS fails to identify all conflicts with the Brisbane General Plan, as set forth in detail in the attached Metis letter. This omission results in a failure to identify significant physical environmental effects within the City, including, but not limited to, impacts to traffic/transportation, safety, water supply, biological resources, adaptation to sea level rise, hazardous materials and wastes, parks and recreation, and aesthetics. (See Metis letter, Table Metis-1.)

1164-1471

The analysis also improperly downplays and mischaracterizes how the Project would interfere with Brisbane’s ability to meet its Regional Housing Needs Allocation (“RHNA”) numbers. The Draft EIR/EIS states:

The project’s acquisition of lands in Brisbane, where residential development is planned and permitted, could affect the City of Brisbane’s ability to meet its required Housing Element and Regional Housing Need Allocation (RHNA). The 2015–2022 Housing Element for the City of Brisbane General Plan identifies the City of Brisbane required RHNA as 293 housing units (City of Brisbane 2015b). In addition, as of April 2019, the California Legislature is in the process of considering an increase in the City of Brisbane’s required RHNA, per SB 672. Alternative B would have a greater impact on the City of Brisbane’s ability to meet its RHNA than Alternative A because Alternative B would require the acquisition of more lands where residential development is permitted than Alternative A.

(Draft EIR/EIS, p. 3.13-63.)

sohagi.com

1164-1471

As a preliminary matter, the Draft EIR/EIS is wrong that SB 672 would have increased the City’s required RHNA. In fact, SB 672 would have exempted Brisbane from receiving new regional housing responsibilities during the current (through 2023) and next (2023—2031) housing element planning period in recognition of the extraordinary vote of the people of Brisbane to potentially more than double the size of the City’s housing with development of the Baylands in response to the state’s housing crisis.<sup>32</sup> Unfortunately, the bill was vetoed by the Governor, and there are currently no legislative efforts to revive it. The Draft EIR/EIS should be revised to remove reference to SB 672, to clarify that the City’s 2015—2022 RHNA is 83 housing units, and to explain that ABAG may increase the City’s RHNA for the next planning period. With this clarification, there is no question that the Project would have an enormous negative impact on the City’s ability to meet its required RHNA allocation. The Authority must acknowledge this fact head on and grapple with its consequences.

1164-1472

Additionally, the Draft EIR/EIS fails to acknowledge the extent of the impact of noise on planned development from the LMF in Brisbane that would “exceed both the normally acceptable and conditional [sic] acceptable noise levels for residential and commercial uses per the Brisbane General Plan.” (Draft EIR/EIS, p. 3.13-66.) While the Authority acknowledges that this “could result in a change in planned land uses by forcing development adjacent to the future track alignments to be placed further away and thus change planned land use patterns,” it stops its analysis there. (*Ibid.*) This is unacceptable. The Draft EIR/EIS must acknowledge that planned development, especially residential development, is simply incompatible with a 17-track LMF facility that would operate on a 24/7 basis just steps away. These noise impacts make development of the Baylands all the more challenging, further threatening the City’s ability to meet its current and future assigned RHNA allocations. The Authority must also analyze the environmental impacts of the changes in land use patterns and displaced development its Project will induce.

1164-1473

In a similar vein, the Draft EIR/EIS must be revised to consider the cumulative impacts of increased noise, light, and glare on the existing and planned uses in Brisbane. Analyzing these impacts individually fails to disclose the combined, permanent land use impacts of the Project on the Baylands.

1164-1474

**3. Appendix 3.13-A incorrectly identifies the Brisbane Baylands as designated for exclusively commercial development.**

Appendix 3.13-A, Figure 1, purports to identify General Plan land use designations along the San Francisco to South San Francisco subsection, including within Brisbane. However, the figure incorrectly identifies the entire Baylands site as “commercial.” In fact,

<sup>32</sup> City of Brisbane, Webpage, *City’s Support of SB 672*, available at <http://archive.brisbaneca.org/news/citys-support-of-sb-672>.

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 35

1164-1474 | the Brisbane General Plan designates the entire area as Planned Development.<sup>33</sup> The majority of the site is designated “Baylands Planned Development – Residential Permitted” and “Baylands Planned Development – NonResidential.”<sup>34</sup> Appendix 3.13-A, Figure 1 should be revised to identify the current General Plan land use designations so as to avoid misleading the public and the decision makers.

1164-1475 | **4. No evidence supports the conclusion that it would be infeasible to mitigate impact LU#5 by relocating the LMF.**

The analysis concludes that it is not feasible to reduce or avoid Impact LU#5 by relocating the LMF to a different area because there are a “limited number of sites near the existing Caltrain right-of-way that could potentially accommodate an LMF because of the dense urban development throughout the Project Section” and “[n]o other sites have been identified to be practicable to support the activities required for the LMF.” (Draft EIR/EIS, pp. 3.13-72 to -73.) The Draft EIR/EIS provides no evidence or explanation for these conclusions. As noted in the [Section V.C, supra](#), the Authority has failed to adequately evaluate feasible alternative locations for the LMF, including the possibility of an LMF in Gilroy and the other potentially feasible alternative sites Brisbane has identified. Such an analysis must be performed before concluding that alternative LMF locations are not feasible.

1164-1476 | **5. LU-MM#1 is improperly deferred.**

As discussed above, CEQA mitigation measures must meet basic requirements for effectiveness, enforceability, and non-deferral. LU-MM#1 (Implement Noise Mitigation in Conjunction with Land Use Development in Brisbane) presents several options designed to address noise impacts on planned land uses within Brisbane. But the measure concedes that “specific mitigation would be developed in consultation with the City of Brisbane and the site developer.” (Draft EIR/EIS, p. 3.13-73.) Despite the inclusion of “performance standards” based on the City’s General Plan, the mitigation measure is impermissibly deferred. Specifically, it fails to show the specific locations where noise mitigation is required. There is also no evidence that the listed mitigation options are feasible or capable of meeting the stated noise performance standards. The measure is essentially the type of measure that might be appropriate for a program-level of analysis but fails the test for project-level review. The Draft EIR/EIS must be revised to include appropriate, project-level mitigation for noise impacts on the Baylands Development.

<sup>33</sup> City of Brisbane, Community Development Department, *Figure LU-1: Land Use Diagram*, September 5, 2019, available at [https://www.brisbaneca.org/sites/default/files/fileattachments/community\\_development/page/2401/landusedidiagram.pdf](https://www.brisbaneca.org/sites/default/files/fileattachments/community_development/page/2401/landusedidiagram.pdf).

<sup>34</sup> *Ibid.*

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 36

1164-1477 | **6. Table 3.13-7 (Permanent Right-of-Way Acquisition) should list acreages of right-of-way (“ROW”) needed for each component to accurately disclose impacts.**

Table 3.13-7 provides an overview of the Project elements in each jurisdiction that would require permanent right-of-way acquisition, but it does not identify acreages of acquisitions. Additionally, the Draft EIR/EIS does not identify partial acquisitions at all. As a result, impacts to Golden State Lumber resulting from loss of its laydown yard and to the Kinder Morgan Brisbane Terminal from loss of existing buildings are not addressed. This information should be presented to allow for accurate disclosure of impacts.

1164-1478 | **7. Realignment of Lagoon Road with Mitigation Measure LU-MM#2 would have additional impacts beyond the impacts on aquatic resources briefly acknowledged.**

Mitigation Measure LU-MM#2 would relocate Lagoon Road north to avoid the priority use area within the San Francisco Bay Conservation and Development Commission’s (“BCDC”) jurisdiction. (Draft EIR/EIS, p. 3.13-74 to -75.) The Draft EIR/EIS acknowledges that “[i]mplementing LU-MM#2 would result in secondary impacts on aquatic resources that would be greater in magnitude than the proposed project alternatives, due to temporary and permanent impacts on two constructed water basins adjacent to the realigned Lagoon Road.” (*Ibid.*) Then, without explanation or citation to any evidentiary support, the Draft EIR/EIS concludes that “[t]hese secondary impacts on aquatic resources would be mitigated to a less-than-significant level under CEQA through application of BIO-MM#36: Restore Aquatic Resources Subject to Temporary Impacts (described in Section 3.7).” (*Ibid.*) The Draft EIR/EIS, including Section 3.7, Biological and Aquatic Resources, does not describe or analyze the unspecified secondary impacts that would be caused by the relocation of Lagoon Road, and Mitigation Measure BIO-MM#36 (see [Section J.14](#) below) is inadequate to mitigate such impacts in any event.

1164-1479 | **8. Land use cumulative impact analysis is inadequate.**

Incredibly, the Draft EIR/EIS (p. 3.18-069) concludes that there are no significant cumulative land use impacts because cumulative projects are generally included in general plans and Regional Transportation Plans (“RTPs”), and because future land use changes would be consistent with general plans. These generalizations are not supported by substantial evidence; general plan consistency does not always preclude the possibility of land use impacts, e.g., land use conflicts, for a particular development project.

1164-1480 | More fundamentally, the analysis entirely downplays and minimizes the Project’s incremental contributions to land use conflicts, which are significant, and in Brisbane’s and the City of Millbrae’s case, significant and unavoidable. (See Draft EIR/EIS, Table 3.13-15.) The Draft EIR/EIS analysis of Project contributions misleadingly states that “[a]lthough the project alternatives would result in some localized changes in land use patterns near the

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 37

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 38

1164-1480 East or West Brisbane LMF and at the Millbrae Station, the project alternatives would not lead to incompatible uses on a broad scale that would result in the substantial alteration of land use patterns within the cumulative [resource study area] RSA.” (Draft EIR/EIS, p. 3.18-69.) However, land use impacts, such as conflicts with adjacent uses, are highly localized, and whether “broad scale” impacts are felt in the “cumulative RSA” is immaterial to such localized cumulative impacts. The Draft EIR/EIS land use cumulative impact analysis must be revised to disclose the Project’s significant cumulative impacts in particular locations such as Brisbane and Millbrae, considering reasonably foreseeable future development specific to those locations. It must disclose that the Project’s contribution to such localized cumulative impacts is cumulatively considerable.

1164-1481 **C. Noise and Vibration Impacts**

The Draft EIR/EIS noise and vibration analysis is totally inadequate and must be redone. Major legal deficiencies are described below. Evidence supporting many of these comments, and additional deficiencies with the analyses, are pointed out within the Metis letter and Attachment Metis-D: Entech Northwest Noise and Vibration Comments.

**1. NV-IAMF#1 (Noise and Vibration) is actually an improperly deferred mitigation measures with no performance standards.**

As discussed in [Section VII.A.4](#), CEQA requires an EIR to identify mitigation measures as such, and not to be moved to the project description to avoid disclosure of significant impacts. NV-IAMF#1 is actually a mitigation measure because it calls for the contractor to prepare a technical memorandum showing how construction noise and vibration impacts would be minimized. It is also an improperly deferred mitigation measure because the technical memorandum would be prepared after Project approval and because it includes no mitigation performance standards to be achieved.

1164-1482 **2. Baseline (“existing”) noise and vibration levels reported in Table 3.4-11 and 3.4-12 for some locations are outdated and incomplete.**

The existing conditions baseline (shown in Table 3.4-11) at many locations is outdated; many locations’ noise measurements were taken in 2009, 2010, and 2013. Noise levels have increased since those times due to new development, increased traffic, and increased Caltrain operations. To provide the basis for an accurate impact analysis, the existing conditions baseline must be updated with more recent noise monitoring data. Also, an insufficient number of locations were monitored to allow determination of localized impacts, e.g., only three locations in Brisbane, one in 2009.

1164-1483 **3. Future noise baselines should have expressly included reasonably foreseeable 2029 and 2040 development in Baylands.**

The No Project Alternative 2029 and 2040 descriptions on page 3.4-40, which are used as future baselines, state that No Project conditions include “anticipated future

sohagi.com

1164-1483 development projects” in Appendix 3.18-A. However, specific development projections for Baylands development based on the existing Brisbane General Plan are not included in the appendix.

It is reasonable to assume that the first increment of Baylands residential development, approximately 100-200 dwelling units, would be constructed and occupied by 2029, that additional residential development and some office/commercial development would be constructed and occupied by 2029, and that by 2040 the Baylands would be built out (with 2,200 dwelling units and 6.5 million square feet of commercial/office use and 500,000 square feet of hotel use). The noise impact analyses must be redone to expressly identify noise impacts on specific future sensitive receptors associated with these Baylands development projections.

1164-1484 **4. The noise analysis does not follow FTA and FRA guidance.**

As discussed in detail in the Metis letter’s discussion of the methodology used to analyze noise and vibration impacts, the Draft EIR/EIS does not properly define Project noise impacts because it does not fully follow Federal Transit Administration (“FTA”) and Federal Railroad Administration (“FRA”) guidance. For example, it lacks sufficient detail, does not quantify noise levels for all noise sources, makes unsupported Project description assumptions, and fails to sufficiently map affected land uses.

1164-1485 **5. Operational train noise analyses should have used an existing conditions baseline in addition to future baselines.**

As mentioned in [Section VII.A.2](#), when future baselines are used, EIRs must use both an existing and future conditions baseline unless the existing conditions baseline would be misleading or without informative value. For train noise, the following sentence indicates that only future baselines were used: “The Authority modeled noise level changes associated with changes in passenger and freight operations in 2029 and based on FTA methods, and incorporated this analysis into the 2029 and 2040 No Project conditions and [the 2029 and 2040 Plus Project combined conditions](#).” (Draft EIR/EIS, pp. 3.4-22 and 3.42-23, emphasis added.) The Draft EIR/EIS provides no explanation as to why an existing conditions baseline would be misleading or uninformative. To the contrary, an existing conditions baseline would likely have resulted in greater train noise impacts than a future No Project baseline, and the Draft EIR/EIS should be revised to add this analysis.

1164-1486 **6. The EIR/EIS noise thresholds using FRA and FWHA guidelines are too high, and do not assure noise impacts would be less than significant.**

The noise significance thresholds used by the Draft EIR/EIS are much higher than accepted CEQA practice, and, based on substantial evidence, would still allow significant noise impacts. Accepted CEQA practice is to use thresholds derived from local noise elements or ordinances. (See Guidelines, Appendix G, Question XIII(a).) These in turn, are

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 39

1164-1486 typically based on State Land Use Compatibility Guidelines.<sup>35</sup> Instead, the Draft EIR/EIS uses noise thresholds that allow much higher noise levels, from the FRA for train noise and Federal Highway Administration (“FHWA”) for traffic noise.

Confusingly, a Brisbane noise analysis using State Land Use Compatibility Guidelines is presented in the Station Planning, Land Use, and Development section (Draft EIR/EIS, pp. 3.13-65 to -66), and demonstrates that noise impacts are significant. For a complete noise impact analysis, this analysis should be expanded to all local jurisdictions and be integrated into the Noise and Vibration Section. Inconsistency with local noise standards is not just a land use impact; to the extent this threshold is exceeded, noise mitigation measures must be proposed to attain consistency with local standards along the entire Project alignment. The Draft EIR/EIS should be revised to analyze the consistency of Project-generated construction and operational noise with general plan noise standards or noise ordinances of local agencies, which should be used as noise significance thresholds.

1164-1487 **7. The operational noise impact analysis is inadequate.**

The Draft EIR/EIS operational noise impact analysis suffers from numerous flaws. First, it fails to disclose quantitative noise levels (in decibels) that each of the many locations experiencing significant noise impacts would experience. Table 3.4-16, for example, merely discloses that under Alternative A, 4,296 locations would experience “moderate” noise impacts and 1,758 locations would experience “severe” noise impacts. The Draft EIR/EIS does not disclose the actual noise levels that sensitive receptors at those numerous locations would experience, nor does it describe how frequently and for what length of time the lenient Draft EIR/EIS noise thresholds would be exceeded. This disclosure is required by *City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, 487 [to be adequate, air quality analysis must disclose “how frequently and for what length of time” sensitive receptors near an industrial project would be exposed to particulate concentrations exceeding thresholds.]. The Draft EIR/EIS Impact NV#2 analysis must be revised disclose the magnitude of significant noise impacts at each affected location, and how frequently and for what length of time noise thresholds are exceeded at these locations.

1164-1488 Second, cumulative operational noise impacts from multiple Project components being operated at the same time are not analyzed. Separate piecemealed noise analyses are presented for train noise (Impact NV#2), passenger station parking (Impact NV#3), the LMF (Impact NV#4), and vehicular traffic noise (Impact NV#6), yet inexplicably the Draft EIR/EIS fails to disclose the combined noise impacts when all these components are operating together.

<sup>35</sup> Governor’s Office of Planning and Research. 2017. Noise Element Guidelines, Figure 2. [https://opr.ca.gov/docs/OPR\\_COMPLETE\\_7.31.17.pdf](https://opr.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf).

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 40

1164-1489 Third, in Impact NV#4, the Draft EIR/EIS fails to disclose noise impacts of the LMF on Brisbane sensitive receptors and to analyze them for significance. It compares LMF noise impacts on Brisbane sensitive receptors to HSR operational noise impacts and concludes that because LMF noise levels are lower, “the additional noise from either LMF would not contribute to or cause noise impacts at nearby sensitive receptors.” (Draft EIR/EIS, p. 3.4-61.) This approach does not meet CEQA requirements because it fails to combine all operational noise levels into a project-wide impact, and because Brisbane LMF noise impacts would be occurring 24/7.

1164-1490 Finally, the noise analysis prepared for the Draft EIR/EIS (both construction and operational noise) does not specifically account for the unique topographic effects of noise within Brisbane. Noise generated within the Brisbane LMF will propagate through the community and be more intrusive for Brisbane residents, particularly at night, than would typically occur in the more urban communities along the San Francisco to San Jose HSR line. Thus, the Draft EIR/EIS understates impacts of Project-generated noise from high-speed rail trains and LMF operations on the community.

Additional reasons why the operational noise analysis is inadequate are described in the Metis letter.

1164-1491 **8. The Draft EIR/EIS omits discussion of human health impacts of exceeding noise and vibration thresholds, as required by CEQA.**

The Draft EIR/EIS Noise and Vibration section does not mention the term “human health” even once, and utterly fails to disclose the human health consequences of the Project’s significant noise and vibration impacts. An EIR is required to disclose the “relevant specifics of . . . health and safety problems caused by the physical changes” caused by a project. (Guidelines, § 15126.2(a); See *Friant Ranch, supra*, 6 Cal.5th 502, 521 [EIR must include a reasonable effort to discuss connection between the general health effects of pollutants and the amount of pollutants a project produces.]; See also *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1220 [EIR must “correlate” increased air pollutant emissions caused by a project with adverse human health effects.].)

It is well known that excessive noise vibration levels cause adverse human health effects.<sup>36</sup> The Draft EIR/EIS’s noise analysis is inadequate because it: 1) fails to disclose these generalized health effects, 2) fails to disclose the actual increased noise levels the Project will cause, and 3) fails to connect or correlate these two pieces of information.

<sup>36</sup> See, e.g., USEPA. 1981. *Noise Effects Handbook: A Desk Reference to Health and Welfare Effects of Noise*. Available at: <https://www.nonoise.org/library/handbook/handbook.htm>.

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 41

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 42

1164-1492

**9. Noise and vibration mitigation measures are inadequate.**

As discussed in [Section VII.A.5](#), CEQA mitigation measures must meet basic requirements for effectiveness, enforceability, and non-deferral. Most of the Draft EIR/EIS noise mitigation measures do not meet these requirements:

- Mitigation Measure NV-MM#1 (Construction Noise Mitigation Measures) is improperly deferred because it calls for the contractor to prepare a construction noise monitoring program after Project approval. It is also unenforceable because noise control mitigation measures would be implemented “as necessary, and as feasible within the constraints of working in an active rail corridor.” There are no objective standards presented to govern when noise control mitigation measures will be considered “necessary” and “feasible.”
- Mitigation Measure NV-MM#2 (Construction Vibration Mitigation Measures) is improperly deferred because it calls for the contractor to prepare a vibration technical memorandum after Project approval documenting how Project pile driving criteria would be met.
- Mitigation Measure NV-MM#3 (Implement Proposed California High-Speed Rail Project Noise Mitigation Guidelines) is improperly deferred because it does not commit to specific locations where one of three mitigation options (noise barriers, building sound isolation, or noise easements) would be implemented. Nor does it provide any objective standards governing which of these options would be selected or effective at a particular location.
- Mitigation Measure NV-MM#6 (Special Trackwork at Crossovers, Turnouts, and Insulated Joints) is improperly deferred because it calls for the contractor to prepare an operational noise technical report to address rail gaps at crossovers and turnouts after Project approval.
- Mitigation Measure NV-MM#8 (Project Vibration Mitigation Measures) is unenforceable because it does not commit the Authority to take any particular actions, but merely provides a general list of potential vibration mitigation measures.

1164-1493

1164-1494

1164-1495

1164-1496

1164-1497

Additional feasible mitigation measures are available to reduce the significant and unavoidable noise and vibration impacts in Draft EIR/EIS, Table 3.4-26. (See pp. 3.4-127-128.) See Metis discussion of noise mitigation measures.

1164-1498

**10. Noise cumulative impact analysis is inadequate.**

In addition to sharing the general approach problems reviewed previously, the noise cumulative impact analysis presented in Draft EIR/EIS section 3.18.6.3 is flawed for several reasons. First, it is unclear which (if any) of the future land use projects listed in Appendix 3.18-A were included. The Draft EIR/EIS (p. 3.18-25) merely observes that: “Construction

sohagi.com

1164-1498

of some of the planned developments listed in Volume 2, Appendix 3.18-A could add localized noise increases from increased traffic and contribute to noise increases in the cumulative RSA.” The Draft EIR/EIS cumulative impact analyses for noise and vibration (both construction and operations impact) should be revised to clearly include impacts of all reasonably foreseeable development projects in Appendix 3.18-A.

1164-1499

Also, the construction noise analysis is inadequate because it assumes, without any evidence, that construction of the Project and construction of cumulative projects would not occur simultaneously near sensitive receptors such that noise thresholds would be exceeded. (Draft EIR/EIS, p. 3.18-28.) An unsupported assumption is a poor substitute for a CEQA-compliant impact analysis. Instead, the Draft EIR/EIS should have quantified construction noise impacts from reasonably foreseeable future projects that would likely be constructed during the Project construction period, based on existing information in Appendices 3.18-A and 3.18-B, and using reasonable assumptions. Future Project impacts should then have been added to Project impacts to determine if noise thresholds would be exceeded during construction.

1164-1500

Finally, the Draft EIR/EIS cumulative operational noise analysis suffers the same major shortcomings as the direct impact analysis. It fails to disclose the magnitude of significant cumulative noise impacts at each affected location, how frequently and for what length of time cumulative noise levels would exceed noise thresholds at these locations, and whether mitigation measures for cumulative noise impacts would be effective at any particular affected location. These types of specific cumulative impacts on Baylands and other local sensitive receptors are simply not disclosed.

1164-1501

In addition to using noise thresholds derived from local noise elements or ordinances, the Draft EIR/EIS should have considered an additional noise threshold based on incremental increases in noise levels for all construction and operation noise sources. Use of a cumulative noise level, whether from FRA criteria or even from local noise elements/ordinances, as the sole CEQA significance criterion for noise impacts violates CEQA unless substantial evidence presented in the EIR shows incremental noise increases are irrelevant. (See *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 894.)

1164-1502

**D. Transportation Impacts**

The Draft EIR/EIS transportation impact analysis suffers from many legal and technical deficiencies. Some major legal and technical deficiencies are summarized below. The attached comments from Metis and Hexagon Transportation Consultants<sup>37</sup> provide

<sup>37</sup> See Metis letter, incorporating Hexagon’s comments on the Draft EIR/EIS’s failure to address transportation impacts; and Attachment Metis-B, Hexagon Transportation Consultants Comments.

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 43

1164-1502 | more detailed comments on most of these deficiencies, and also point out many additional deficiencies.

1. ***TR-IAMF #2, TR-IAMF#11, and TR-IAMF#12 are actually improperly deferred mitigation measures with no performance standards.***

TR-IAMF #2 (Construction Transportation Plan), TR-IAMF#11 (Maintenance of Transit Access), and TR-IAMF#12 (Pedestrian and Bicycle Safety) are actually improperly deferred mitigation measures with no performance standards. As discussed in [Section VII.A.4](#), CEQA requires an EIR to identify mitigation measures as such, and not moved to the project description to avoid disclosure of significant impacts. TR-IAMF #2 is actually a mitigation measure because it calls for the contractor to prepare a detailed construction transportation plan to minimize the impacts of construction and construction traffic on roadways. It is also an improperly deferred mitigation measure because the construction transportation plan would be prepared after Project approval and because it includes no mitigation performance standards to be achieved. TR-IAMF#12 (Pedestrian and Bicycle Safety) suffers from the same defects: a technical memorandum is to be prepared after Project approval that would show how pedestrian and bicycle safety would be achieved across the HSR corridor, and no performance standards are included.

1164-1503 | 2. ***VMT analysis omitted substantial VMT from construction vehicles.***

The transportation impact analysis omits vehicle miles traveled (“VMT”) from substantial numbers of construction vehicles, without explanation.<sup>38</sup> This approach precludes the opportunity to add mitigation measures to reduce construction VMT; for example, by promoting construction employee ridesharing and reducing the number and length of truck haul trips. Construction vehicle VMT has already been calculated because it is an input for the EIR/EIS air quality and GHG modeling, so it would take little additional work to include it as a transportation impact as well.

1164-1504 | 3. ***Construction impact analysis inadequate.***

Both Impact TR#2 (Temporary Congestion/Delay Consequences on Intersections from Temporary Road Closures, Relocations, and Modifications) and Impact TR#3 (Temporary Congestion/Delay Consequences on Major Roadways and Intersections from Construction Vehicles) fail to provide quantitative or qualitative analysis or other substantial evidence to support their conclusions while also improperly deferring impact analysis and mitigation. Also, by segregating analysis of Impacts TR#2 and TR#3, the Draft EIR

1164-1505 | <sup>38</sup> The CEQA Guidelines (Guidelines, § 15064.3) do provide that “for many projects,” a qualitative analysis of construction VMT maybe appropriate if existing models or methods are not available to estimate VMT. However, methods are available to quantify [this](#) Project’s construction VMT, and were used to provide input for the air quality and GHG impact analyses.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 44

1164-1504 | understates the severity of the Project’s construction traffic impacts. For details, see Metis comments regarding the Draft EIR/EIS’s improper traffic impact analysis.

1164-1506 | 4. ***Uncertainties in the number of truck trips and associated VMT for offsite hauling of LMF construction waste must be resolved.***

As pointed out by comments from Metis (See Metis discussion of transportation impacts), the Draft EIR/EIS must be revised to clearly and consistency describe the number of truck trips for hauling offsite LMF construction waste, by waste classification, and the VMT associated with those truck trips. This information may result in substantial changes not only to the traffic analysis, but also to the noise, air quality, and GHG analyses that rely on estimated construction VMT by vehicle type.

Specifically, the Draft EIR/EIS construction traffic impact analysis should quantify the number of truck trips, based on the volume of excavated materials to be hauled, and analyze their impacts on intersection impacts and traffic delays. The EIR should also describe the duration of the hauling of material, the number of trucks per day, planned truck routes, and time periods during the day when hauling trucks are allowed. See Metis analysis of landfill excavation and disposal.

1164-1507 | 5. ***Future transportation baselines and No Project Alternative analyses should have expressly included reasonably foreseeable 2029 and 2040 development in Baylands.***

The 2029 and 2040 future transportation baselines described on Draft EIR/EIS p. 3.2-51 do not specify the amounts of development assumed for the Baylands. As discussed in Metis’ analysis of the Draft EIR/EIS’s noise and vibration methodologies, ABAG’s land use data sets utilized to project future traffic volumes did not account for residential development in the Baylands, and only minimal job growth. The No Project Alternative transportation impact analyses for 2029 and 2040, which are used as 2029 and 2040 baselines, must be revised to account for reasonably foreseeable Baylands development, which would greatly increase the 2029 and 2040 traffic levels, congestion, and VMT.

1164-1508 | 6. ***Operational VMT analysis should have used an existing conditions baseline in addition to future baselines.***

As mentioned in [Section VII.A.2](#), when future baselines are used, EIRs must use both an existing and future conditions baseline unless the existing conditions baseline would be misleading or without informative value. For vehicular circulation impacts (Section 3.2.6.2), the Draft EIR/EIS used only future 2029 and 2040 No Project baselines. The Draft EIR/EIS provides no explanation as to why an existing conditions baseline would be misleading or uninformative. The Draft EIR/EIS should be revised to add this analysis, which likely would reveal additional significant impacts.

sohagi.com



# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 45

1164-1509

**7. Trip generation estimates for the LMF were erroneous.**

As described in detail in Metis' comments regarding the questionable methodologies the Draft EIR/EIS used to analyze traffic impacts, trip generation estimates did not give a true picture of the number or timing of trips associated with LMF operation. As stated on Draft EIR/EIS page 3.2-13, trip generation from the LMF was based on trip rates for a general light industrial use. The Brisbane LMF is not, however, a typical "general light industrial" use. It is proposed as a 24-hour, 7-days-per-week operation. The Authority could have, and should have, estimated the number of employees that would be working at the facility during any given shift, general times for shift changes, and operational details. This information would provide for a more realistic analysis of anticipated LMF traffic characteristics. The Draft EIR/EIS's generic analysis fails to inform the public of actual traffic conditions that the community could expect from 24-hour operations at the LMF. Instead, the Draft EIR/EIS informs the public about the traffic impacts of a generic industrial plant that is not actually being proposed.

1164-1510

**8. The level of service analysis for Brisbane intersections is erroneous.**

Although automobile delay as measured by level of service ("LOS") is no longer considered a CEQA physical impact, it is still considered a NEPA impact that must be adequately addressed in the Draft EIR/EIS. The LOS impact analysis presented in Impact TR#5 is flawed for many reasons, as described in detail in Metis' discussion of Impact TR#4. In addition to underestimating congestion by omitting Baylands development in the 2029 and 2040 baselines, the Draft EIR/EIS LOS analysis is flawed because the Bayshore Boulevard/San Bruno Avenue intersection that would be affected by the Project was omitted. In addition, the Santa Clara Valley Transportation Authority ("VTA") model used to forecast the increase in vehicular traffic at Brisbane intersections is too coarse to produce turning movements in with reasonable accuracy.

1164-1511

**9. Impact TR#4 (Permanent Congestion/Delay Consequences on Intersections from Permanent Road Closures and Relocations) fails to analyze the adequacy or long-term safety effects of realigning Brisbane streets providing access to its downtown area.**

As part of the Project, the Authority proposes to extend Visitacion Avenue from its current terminus at Old County Road to a new unsignalized intersection with Valley Drive at Old County Road. However, the Draft EIR/EIS fails to analyze the adequacy or safety of the Project's proposed roadway realignments. For example, the Draft EIR/EIS fails to present specific analysis of traffic and required turning movements along Bayshore Boulevard at Valley Drive, proposed new intersections, and the Valley Drive/Park Place intersection adjacent to the Brisbane Police Department, as well as left turn queuing requirements in the area. Therefore, the Draft EIR/EIS does not provide substantial evidence to support a significance conclusion for Impact TR#4. See Metis analysis of Impact TR#4.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 46

1164-1512

**10. Analysis of conflicts with transportation programs, plans, ordinances, and policies is unsupported and incomplete.**

The Draft EIR/EIS (p. 3.2-19) includes the following significance thresholds:

- Transit: Conflict with a program, plan, ordinance, or policy regarding public transit, or otherwise materially decrease the performance of such facilities or services.
- Nonmotorized transportation: Conflict with a program, plan, ordinance, or policy regarding bicycle or pedestrian facilities, or otherwise materially decrease the performance of such facilities.

Even though the Draft EIR/EIS concludes that no such conflicts would exist, these conclusions (e.g., on pp. 3.2-83, 3.2-85, 3.2-87) are based on mere assumptions of no conflicts, and are not supported by substantial evidence analyzing conflicts with particular agency plans, policies, and regulations. Also, the Draft EIR/EIS entirely omits analyzing another important source of transportation policy conflict, conflict with a program, plan, ordinance, or policy regarding roadways, i.e., vehicular circulation exclusive of LOS. CEQA Guidelines Appendix G expressly lists "roadway" policy conflicts as a possible significant impact under CEQA. (Guidelines, Appendix G, Question XVII(a).)

The Draft EIR/EIS transportation impact analysis in Section 3.2. should provide a real analysis that provides evidence supporting conclusions about conflicts with policies for transit, nonmotorized transportation, and vehicular circulation (other than conflicts with LOS policies that are not CEQA impacts), and use them to judge impact significance for both construction and operation impacts. In particular, individual conflicts with each jurisdiction's general plan or local circulation element, such as the Brisbane Circulation Element, should be used to judge impact significance. For example, the Draft EIR/EIS fails to disclose that the design of the Brisbane LMF would preclude the long-planned Geneva Avenue overcrossing of the Caltrain right-of-way, which is an important east-west linkage to the US 101 freeway. The Geneva Avenue extension from Bayshore Boulevard to the US 101 freeway is also proposed as part of the multi-jurisdictional San Francisco-San Mateo Bi-County Transportation Study approved in 2013.<sup>39</sup>

1164-1513

In what minimal attempt the Draft EIR/EIS makes to disclose conflicts with plans, policies, and regulations, it inexplicably focuses almost exclusively on LOS impacts, which are no longer CEQA impacts. (See Draft EIR/EIS, §3.2.3 ([which mentions only LOS conflicts] and Appendix 2-J, Table 1 [which mentions almost entirely LOS conflicts].) Instead, the Draft EIR/EIS must recognize the Project's conflicts with each of the circulation element policies identified in Table Metis-1.

<sup>39</sup> Available on this San Francisco County Transportation Authority webpage: <https://www.sfcta.org/projects/bi-county-transportation-study>.

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 47

1164-1514

### 11. *The NEPA mitigation measure TR-MM#1 is ineffective.*

Under NEPA, all relevant, reasonable mitigation measures that could alleviate the environmental effects of a proposed action must be identified, even if they are outside the lead agency's jurisdiction; the probability of mitigation measures being implemented must also be discussed.<sup>40</sup> Mitigation Measure TR#1 (Potential Mitigation Measures Available to Address Traffic Delays) is inadequate because it does not disclose "all relevant" mitigation measures for specific roadway congestion impacts and their probability of implementation. It merely lists generic mitigation possibilities. To be adequate, this mitigation measure must be revised to present specific mitigation measures for each affected roadway and intersection, analyze them for effectiveness, and assess their probability of implementation.

For full disclosure, adverse secondary impacts of roadway improvements mitigation measures on VMT, air quality, and GHG emissions should also be disclosed, based on reasonable assumptions and forecasts. The Draft EIR/EIS excuse (p. 3.2-96) that "it is speculative to ascribe specific [secondary] impacts absent detailed location and designs" is unconvincing and does not show best efforts to disclose impacts.

1164-1515

### 12. *Mitigation measures TR-MM#3 and TR-MM#5 are improperly deferred mitigation measures with no performance standards.*

As discussed above, CEQA mitigation measures must meet basic requirements for effectiveness, enforceability, and non-deferral. Mitigation measures TR-MM#3 (Implement Railway Disruption Control Plan) and TR-MM#5 (Contribute to 5th and King Street Station Pedestrian Improvements) are improperly deferred because they call for the contractor to prepare mitigation plans after Project approval that would identify specific mitigation measures. There are no objective performance measures presented to guide selection of specific mitigation measures, and therefore there is no assurance that the mitigation measures would be effective in reducing impacts to less than significant levels.

1164-1516

### 13. *Many transportation mitigation measures are uncertain and unenforceable because they require approvals and actions by other agencies.*

CEQA requires effective mitigation measures to be fully enforceable. (Guidelines, § 15126.4(a)(2).) A number of the Draft EIR/EIS transportation mitigation measures require approvals or other actions by local governments, San Francisco Municipal Transportation Agency ("MUNI"), and other agencies that have not committed to implement these measures. Examples include Mitigation Measure TR-MM#2 (Install Transit Priority Treatments), TR-MM#4 (Install San Carlos Station Pedestrian Improvements), and TR-MM#5 (Contribute to 5th and King Street Station Pedestrian Improvements). The Draft

<sup>40</sup> Council on Environmental Quality. 1986. Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, Question 19b). Available at: <https://www.energy.gov/sites/prod/files/2018/06/f53/G-CEQ-40Questions.pdf>.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 48

1164-1516

EIR/EIS may not rely upon these types of unenforceable measures (e.g., in Table 3.2-26) to conclude that certain significant impacts would be less-than-significant post-mitigation.

1164-1517

### 14. *Transportation cumulative impact analysis is inadequate.*

In addition to sharing the general approach problems reviewed previously, the transportation cumulative impact analysis presented in Draft EIR/EIS Section 3.18.6.1 is flawed for several reasons. First, it is unclear which (if any) of the future land use projects listed in Appendix 3.18-A were included. The Draft EIR/EIS (p. 3.18-25) merely observes that: "Traffic volumes on roadways in the cumulative [resource study area] would increase because of the cumulative projects, including the planned developments listed in Volume 2, Appendix 3.18-A."

The 2040 analysis contained in the transportation section uses outdated ABAG Projection 2013 and therefore paints an inaccurate picture of projected 2040 conditions that does not, for example, include Baylands development. The Draft EIR/EIS cumulative transportation impact analysis (both construction and operations impact) should be revised to clearly include impacts of all reasonably foreseeable development projects in Appendix 3.18-A or use updated ABAG projections, verifying that they include reasonably foreseeable Baylands development. Also, like the direct impact analysis, the cumulative impact analysis omits an analysis of whether cumulative impacts would cause location-specific conflicts with plans, policies, and regulations for roadways (non-LOS), transit, and non-motorized transportation. Cumulative conflicts with each jurisdiction's general plans or local circulation elements, such as the Brisbane Circulation Element, should be used to judge whether the Project's impacts are cumulatively considerable.

1164-1518

#### E. **Air Quality and Greenhouse Gas Impacts**

##### 1. *AQ-IAMF#1 is actually an improperly deferred mitigation measure with no performance standards.*

As discussed above, CEQA requires an EIR to identify mitigation measures as such, and not to be moved to the project description to avoid disclosure of significant impacts. AQ-IAMF#1 is not a Project design feature but a mitigation measure, because it calls for the contractor to prepare a detailed fugitive dust control plan for each distinct construction segment. It is also an improperly deferred mitigation measure because the fugitive dust control plans would be prepared after Project approval and because it includes no mitigation performance standards to be achieved.

1164-1519

##### 2. *Future air quality baselines should have expressly included reasonably foreseeable 2029 and 2040 development in Baylands.*

For the same reasons discussed in the [Section VII.C](#), Noise and Vibration comments above, the air quality impact analyses must be redone to specifically identify air quality

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 49

1164-1519

impacts on specific future sensitive receptors associated with reasonably foreseeable Baylands development in 2029 and 2040.

1164-1520

**3. EMFAC 2017 results for air pollutant and GHG emissions should have been adjusted upwards based on CARB SAFE Vehicle Rule adjustment factors.**

The Draft EIR/EIS (p. 3.3-18) states that EMFAC 2017 was used for mobile source air pollutant and GHG emission calculations, but there is no indication that off-model adjustments were made to the EMFAC results as required by the California Air Resources Board (“CARB”).<sup>41</sup> CARB’s adjustment factors account for changes in federal fuel efficiency standards (the federal Safer Affordable Fuel-Efficient (“SAFE”) Vehicles Rule”), and require increases in modeled air pollutant and GHG emissions. The Draft EIR/EIS emission calculations must be revised to correct this inaccuracy, as some air quality and GHG impacts affected by the adjustment factors, e.g., construction worker commute vehicle emissions, were underestimated.

1164-1521

**4. The analysis of Impact AQ#3 (Temporary Direct Impacts on Localized Air Quality – Criteria Pollutants) is inadequate because it does not fully disclose impacts on particular receptors.**

The analysis of Impact AQ#3 (Temporary Direct Impacts on Localized Air Quality – Criteria Pollutants) is inadequate because it merely discloses the Project’s “maximum impact” during construction along five sub-sections of the Project alignment. The “combined” concentration for each sub-section “conservatively estimates the sum of worst-case concentrations from all features that can occur concurrently at one receptor location.” (See, e.g., Draft EIR/EIS, Table 3.3-14, fn. 10.)

In *City of Long Beach v. City of Los Angeles*, supra, 19 Cal.App.5th 465, 487, the court held that such a “worst case” analysis does not sufficiently disclose “how frequently and for what length of time” sensitive receptors near an industrial project would be exposed to particulate concentrations exceeding standards. Similarly, based on the Impact AQ#3 analysis, particular receptors along the HSR alignment, such as Brisbane residents near the alignment, have no way of knowing how long air pollution concentrations would be exceeded or how great the exceedances would be during each year of construction. To be adequate, the Draft EIR/EIS Impact AQ#3 analysis must be revised to disclose how frequently and for what length of time air pollutant concentration thresholds are exceeded, and the locations of sensitive receptors experiencing these exceedances, as required by case law.

<sup>41</sup> See [https://ww3.arb.ca.gov/msei/emfac\\_off\\_model\\_adjustment\\_factors\\_final\\_draft.pdf](https://ww3.arb.ca.gov/msei/emfac_off_model_adjustment_factors_final_draft.pdf) and [https://ww3.arb.ca.gov/msei/emfac\\_off\\_model\\_co2\\_adjustment\\_factors\\_06262020-final.pdf](https://ww3.arb.ca.gov/msei/emfac_off_model_co2_adjustment_factors_06262020-final.pdf).

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 50

1164-1522

**5. The Draft EIR/EIS should have included a site-specific Health Risk Assessment for LMF operations.**

By performing generic and vague analyses, the Draft EIR/EIS hides potentially significance health risks associated with large increases in toxic air contaminants (“TACs”) and PM<sub>2.5</sub> in Brisbane caused by LMF operations. The Draft EIR/EIS should have treated the LMF as a discreet large industrial facility (which it is) and analyzed the significance of its project-level and cumulative TAC and PM<sub>2.5</sub> impacts using standard Bay Area Air Quality Management District (“BAAQMD”) methodologies.<sup>42</sup> The generic cumulative health risk assessment (“HRA”) in Draft EIR/EIS Section 3.18.6.2 does not sufficiently disclose specific health risks to future Baylands residents from LMF operations.

LMF TAC and PM<sub>2.5</sub> emissions sources include truck trips, employee commute trips, and the diesel generator. (See Draft EIR/EIS, Appx. 3.3-A, p. 6-6) Total TAC and PM<sub>2.5</sub> emissions from all these sources should be analyzed for health risks using standard BAAQMD methodologies. Although the air quality appendix (p. 6-6 states) that there are no (existing) sensitive receptors within 1,000 feet of the potential LMF generator locations, it provides no factual support for this statement. Further, by 2029 and 2040, additional sensitive receptors near the LMF sites are reasonably foreseeable and should have been included in the 2029 and 2040 future baselines due to planned residential development at the Baylands.

1164-1523

The Draft EIR/EIS’s existing analyses of TAC and PM<sub>2.5</sub> hide LMF health risk impacts on Brisbane receptors through generic or irrelevant analyses. For example:

- Impact AQ#10 (Continuous Permanent Direct Impacts on Localized Air Quality – Exposure to Mobile Source Air Toxics) uses FHWA screening criteria, rather than BAAQM methodologies, to conclude that localized emissions of mobile source air toxics (“MSATs”) would not be significant.
- Impact AQ#11 (Continuous Permanent Direct Impacts on Localized Air Quality – Particulate Matter Hot Spots) uses generic US Environmental Protection Agency (“US EPA”) guidance to conclude that local PM<sub>2.5</sub> concentration increases would not be significant.
- Impact AQ#12 (Continuous Permanent Direct Impacts on Localized Air Quality – Exposure to Diesel Particulate Matter and PM<sub>2.5</sub>) is the only quantified operational HRA. However, its scope is limited to the impacts of the shifting of tracks carrying freight trains to accommodate higher speeds for existing and new passenger rail.

<sup>42</sup> BAAQMD, CEQA Air Quality Guidelines, Chapter 5, May 2017, available at: [https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en).

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 51

1164-1524

**6. Construction GHG emissions are improperly “offset” by reductions from seven years of operation.**

The Draft EIR/EIS improperly claims that the Project’s amortized construction GHG emissions from 2021-2026 would be offset by one to seven months of Project operations. (Draft EIR/EIS, p.3.3-88.) The significance of increased construction GHG emissions (unamortized) should be considered separately from GHG reductions from Project operations and mitigated because every year of delay in reducing GHG emissions worsens the climate crisis, and because, as discussed in [Section VII.E.8 infra](#), the Authority’s Sustainability Policy<sup>43</sup> requires the Project to achieve net-zero construction GHG emissions.

1164-1525

**7. Air quality construction mitigation measures are inadequate.**

As discussed above, CEQA mitigation measures must meet basic requirements for effectiveness, enforceability, and non-deferral. Mitigation Measure AQ-MM#1 (Offset Project Construction Emissions in the San Francisco Bay Area Air Basin (“SFBAAB”)) is too uncertain to be effective. The amount of the mitigation fee, the timing of payment, and the offset projects to which it would be applied are not specified. Although the mitigation measure established a detailed process for setting the fee and finding mitigation projects, specific mitigation projects are not presented, and no evidence is presented that mitigation will actually result. (See *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1122 [traffic impact fee rejected when no specific fee amount was specified and the fee was not tied to specific mitigations projects].)

1164-1526

In addition, AQ-MM#1 inexplicably resorts straight to an uncertain and improperly deferred mitigation fee approach without first proposing that all feasible on-site mitigation measures be implemented. Many of these are specified in BAAQMD lists of “basic” and “additional” construction mitigation measures,<sup>44</sup> which are commonly used as CEQA construction mitigation measures in Bay Area projects. Because their implementation is more certain and enforceable, applicable measures from the BAAQMD lists should be added to AQ-MM#1 and their effectiveness in reducing emissions should be quantified using BAAQMD guidance before offset fees are considered to mitigate residual impacts that cannot be mitigated onsite.

<sup>43</sup>[https://hsr.ca.gov/docs/brdmeetings/2019/brdmtg\\_041619\\_Item2\\_Final\\_RESOLUTION\\_HSRA19-02\\_Revised\\_Sustainability\\_Policy.pdf](https://hsr.ca.gov/docs/brdmeetings/2019/brdmtg_041619_Item2_Final_RESOLUTION_HSRA19-02_Revised_Sustainability_Policy.pdf).

<sup>44</sup> BAAQMD (2017). (CEQA Guidelines, Section 8.1.2.)

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 52

1164-1527

**8. The Draft EIR/EIS does not demonstrate compliance with the Authority’s Sustainability Policy principle to achieve net-zero GHG and criteria pollutant emissions in construction.**

The Draft EIR/EIS alternatives description states that the Authority’s general approach to the Project includes continued implementation of its Sustainability Policy,<sup>45</sup> including a commitment to “net-zero GHG and criteria pollutant emissions in construction.” However, this commitment is not even mentioned in the Draft EIR/EIS air quality and GHG impact analysis section (Section 3.3), let alone complied with.

Mitigation Measure AQ-MM-MM#3 does not follow through with the net-zero commitment for criteria pollutant emissions during construction. It requires that for emissions not exceeding federal conformity de minimis thresholds, offsets are required only to stay below BAAQMD CEQA significance thresholds. The Draft EIR/EIS should either revise this mitigation measure to be consistent with the Sustainability Policy principle for net-zero criteria pollutant emissions or explain why it has decided not to implement it.

1164-1528

The Sustainability Policy inconsistency is even worse for construction GHG emissions, where no emissions offsets are proposed at all. Instead, the Draft EIR/ES (p 3.3-88) claims that the Project’s considerable construction emissions would be “fully offset” by GHG emissions reductions during Project operations. However, this approach simply does not comply with the Sustainability Policy principle to achieve net-zero GHG emissions “in” (not “after”) construction. The policy inconsistency means that the Project’s construction GHG emissions should be considered a significant impact since they conflict with the Authority’s own “policy... adopted for the purpose of reducing the emissions of GHGs,” which is a GHG significance threshold.

This new significant impact triggers Draft EIR/EIS recirculation under Guidelines section 15088.5. To reduce this impact to less-than-significant, the Draft EIR/EIS should be revised to include a construction GHG emissions mitigation measure that achieves the net-zero target. The new mitigation measure should incorporate best management practices to reduce construction GHG emissions recommended by BAAQMD:<sup>46</sup> using alternatively fueled (e.g., biodiesel, electric) construction vehicles/equipment in at least 15% of the fleet; using local building materials of at least 10%; and recycling or reusing at least 50% of construction waste or demolition materials.

1164-1529

**9. Air quality cumulative impact analysis is inadequate.**

In addition to sharing the general approach problems reviewed previously, the air quality cumulative impact analysis presented in Draft EIR/EIS Section 3.18.6.2 is flawed for several additional reasons. First, the construction cumulative impact analysis does not

<sup>45</sup> See [https://hsr.ca.gov/docs/brdmeetings/2019/brdmtg\\_041619\\_Item2\\_Final\\_RESOLUTION\\_ON\\_HSRA19-02\\_Revised\\_Sustainability\\_Policy.pdf](https://hsr.ca.gov/docs/brdmeetings/2019/brdmtg_041619_Item2_Final_RESOLUTION_ON_HSRA19-02_Revised_Sustainability_Policy.pdf).

<sup>46</sup> BAAQMD (2017). (Guidelines, § 8.2.)

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 53

1164-1529 | include contributions from reasonably foreseeable future projects that would likely be constructed during the Project construction period, only emissions from past and present projects; it is possible to forecast future project construction emissions based on existing information in Appendices 3.18-A and 3.18-B, and using reasonable assumptions. The Draft EIR/EIS’s excuse on p. 3.18-16 for not considering construction impacts from future projects is entirely unconvincing and does not show best efforts to disclose impacts (“construction and operations details are not available, and those projects would be responsible for analyzing their contributions”).

1164-1530 | Second, a cumulative project-specific cancer risk and chronic health hazard assessment complying with BAAQMD requirements should have been conducted. Tables 3.18-3 and 3.18-4, which present cumulative health risks, have erroneous footnotes<sup>47</sup> indicating this is not required because “BAAQMD Regulation 2, Rule 5, Section 302, prohibits generator use if they would result in cancer or acute hazard impacts in excess of BAAQMD’s health risk thresholds of significance.” However, the Project does not include this assumption, which would be highly impractical once the generators are in use.

1164-1531 | Third, footnotes to these tables,<sup>48</sup> and their associated text, omit analysis of Alternative A (the CEQA proposed Project), by erroneously stating that: “No ambient sources were identified within 1,000 feet of the East Brisbane LMF and receptors under Alternative A. Accordingly, there would be no cumulative effect.” However, under reasonably foreseeable Baylands development, this assumption is incorrect, and Alternative A’s cumulative impacts should have been analyzed assuming reasonably foreseeable Baylands development.

1164-1532 | Fourth, it is impossible to determine whether the operational air quality cumulative impact analyses included emissions from all the reasonably foreseeable future development and transportation projects in Appendices 3.18-A and 3.18-B, respectively. The Draft EIR/EIS should explain how these operational emissions were included or be revised to include them.

1164-1533 | Finally, conclusions regarding the Project’s contribution to cumulative impacts on Draft EIR/EIS pp. 3.18-22 and 3.18-23 do not comply with CEQA requirements. For construction-related criteria pollutant impacts, the Project’s contribution must be analyzed pre-mitigation, and therefore must be judged cumulatively considerable. Also, total cumulative cancer risks and PM<sub>2.5</sub> concentrations for combined construction and operations would be significant, and the Project would have a cumulatively considerable contribution to this impact. The Draft EIR/EIS’s excuse of why this is not the case<sup>49</sup> shows utter

<sup>47</sup> Draft EIR/EIS, footnote 2 in Table 3.18-3 and footnote 7 in Table 3.18-4.

<sup>48</sup> Draft EIR/EIS, footnote 3 in Table 3.18-3 and footnote 3 in Table 3.18-4.

<sup>49</sup> Draft EIR/EIS p. 3.18-23 states: “The relative contribution of the combined construction and operation of the project to the exceedances of the thresholds would be less than the BAAQMD’s project-level thresholds and minor compared to ambient cancer risks and PM<sub>2.5</sub>

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 54

1164-1533 | disregard for the basic CEQA principle that an impact may be cumulatively considerable even though it constitutes only a small ratio of the total impact to which it contributes. (See, e.g., *Gray v. County of Madera, supra*, 167 Cal.App.4th 1099, 1123 [cumulative noise impact analysis was inadequate where EIR focused on significance of individual noise impact rather than its contribution to cumulative noise impacts that already exceeded acceptable noise levels.])

**F. Cultural Resources Impacts**

**1. The Draft EIR/EIS does not sufficiently consider known cultural resources.**

1164-1534 | Projects that may cause a substantial adverse change in the significance of a “historical resource,” unique archaeological resource, or tribal cultural resource are projects that may have a significant effect on the environment under CEQA. (Pub. Resources Code, §§ 21084.1, 21083.2, and 21083.09.)

The Draft EIR/EIS’s cultural resources analysis is insufficient because it fails to provide facts necessary to allow the Authority and the public to make informed decisions about the Project. Specifically, there was no investigation of the potential to encounter unrecorded cultural resources during the Project’s construction, and the Draft EIR/EIS’s analysis failed to consider already known archaeological sites that could be classified as historical resources. The Draft EIR/EIS admits (p. 3.16-96) that “most of the project [area of potential effect] APE has not been subject to archaeological field inventories” and that “field surveys are a necessary component of the archaeological resource identification and evaluation effort.”

1164-1535 | For the San Francisco to San José Project Section, a length of approximately 49 miles, the Draft EIR/EIS remarkably identifies only 27 historic built properties within the APE that are National Register of Historic Places (“NRHP”)–listed or NRHP-eligible properties and 26 archaeological resources that are listed in the NRHP or assumed eligible for listing in the NRHP and “determined also to be historical resources for CEQA.” (Draft EIR/EIS, p. 3.16-42.) However, the Authority should have sought additional information about the existence of archaeological sites located on the Project site and included that information in the Draft EIR/EIS.

In June 2020, Page & Turnbull prepared a technical memorandum for the applicant of the Brisbane Specific Plan for development of the Baylands evaluating archaeological monitoring of geotechnical coring taken at 146 locations for the Baylands Specific Plan hazardous waste characterization studies.<sup>50</sup> A total of 712 core locations were monitored.

concentrations from existing sources. Therefore, the contribution of the project alternatives would not materially increase this impact.”

<sup>50</sup> See Metis discussing inadequate analysis of cultural resource impacts; also see Attachment Metis-H: Page & Turnbull, Memorandum.

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 55

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 56

1164-1535

Twenty-three (23) of those core locations identified prehistoric archaeological deposits of intact shell midden and redeposited or displaced shell midden material. Both intact and displaced shell midden deposits are considered to be highly sensitive for the discovery of Native American human remains.<sup>51</sup>

The Project proposes extensive work to construct the West Brisbane LMF on the same sites described in the memorandum yet the Draft EIR/EIS fails to acknowledge these archaeological deposits – a basic first step for legal adequacy under CEQA. The Draft EIR/EIS must be revised to evaluate all core locations containing prehistoric artifacts that could potentially qualify as a historical resource under CEQA. The Authority must evaluate these resources’ eligibility for listing in the California Register of Historical Resources or a local register. If eligible for listing, the Authority should determine whether the Project would have substantial adverse effects on these eligible resources, and if so, develop site-specific mitigation measures to reduce their impacts to a less than significant level.

1164-1536

The Page & Turnbull memorandum recommended additional “intensive subsurface testing with more closely spaced cores dug consistently to the top of the Bay Mud” to provide “greater clarity on the nature and extent of subsurface archaeological” sites within areas subject to soil remediation and grading in preparation for development.<sup>52</sup> The presence of additional archaeological sites in Brisbane that could likely be CEQA-defined historical resources presents significant new information that triggers recirculation under CEQA because it shows a substantial increase in the severity of impacts under Impact CUL#2 would result from the Project that are not effectively mitigated. (Guidelines, § 15088.5(a).)

1164-1537

**2. Many cultural resources IAMFs are improperly deferred mitigation, and some have no performance standards to assure less than significant impacts.**

Under *Lotus, supra*, 223 Cal.App.4th 645, 656 n. 7, mitigation measures must be identified as such unless they are so clearly part a project itself that it “would be nonsensical” to analyze impacts without them. The cultural resource discussion fails the *Lotus* test. Specifically, CUL-IAMF#1 (Geospatial Data Layer and Archaeological Sensitivity Map), CUL-IAMF#3 (Pre-Construction Cultural Resource Surveys), CUL-IAMF#4 (Relocation of Project Features when Possible), CUL-IAMF#5 (Archaeological Monitoring Plan and Implementation), CUL-IAMF#6 (Pre-Construction Conditions Assessment, Plan for Protection of Historic Built Resources, and Repair of Inadvertent Damage), CUL-IAMF#7 (Built Environment Monitoring Plan), and CUL-IAMF#8 (Implement Protection and/or Stabilization Measures) are improperly included as part of the project description, and should be evaluated as Draft EIR/EIS mitigation measures.

<sup>51</sup> Attachment Metis-H: Page & Turnbull, Memorandum.

<sup>52</sup> See Attachment Metis-H: Page & Turnbull Memorandum.

1164-1537

Not only are these IAMFs mitigation measures, but many are improperly deferred mitigation measures because they seek to reduce or avoid potential cultural resources impacts, the specifics of which are postponed until after Project approval. Many of the IAMFs require surveys prior to the start of construction to minimize any potential Project impacts. To accurately describe cultural resources impacts and mitigation measures, the Draft EIR/EIS must be revised to include results of these surveys prior to Project approval.

1164-1538

For example, IAMF#1 and IAMF#3 require the employment of cultural resource specialists to create a geospatial data layer to identify locations of cultural resources as well as archaeologists to conduct pre-construction cultural resource surveys. (Draft EIR/EIS, p. 3.16-42.) These surveys should have been completed and included in this Draft EIR/EIS, not deferred to a post Project approval date. IAMF#5 requires the contractor’s archaeologist to prepare a monitoring plan based on the results of the surveys. This monitoring plan will be approved by the Authority prior to construction activities, but there are no standards presented governing this discretionary approval. These IAMFs improperly defer identification of locations of resources that require avoidance or protection, and areas of archaeological sensitivity that require monitoring.

1164-1539

Many IAMFs do not identify appropriate performance standards to ensure significance impact are reduced to a less than significant level.<sup>53</sup> For example, IAMF#7 requires the contractor to prepare a built environment monitoring plan, which would “detail the monitoring methods and process required for ground-disturbing activities” near the Project site.<sup>54</sup> (Draft EIR/EIS, p. 3.16-61.) However, the Draft EIR/EIS does not provide any further details regarding such monitoring methods or process requirements to ensure that impacts would be less than significant.

<sup>53</sup> Generally, “[f]ormulation of mitigation measures shall not be deferred until some future time;” however, when it is impractical or infeasible to include specific details of a mitigation measure during the project’s environmental review, details may be developed after project approval, provided that the agency (1) commits to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies types of potential actions that can feasibly achieve that performance standards. (Guidelines, § 15126.4(a)(1)(B).)

1164-1540

<sup>54</sup> Other IAMFs that do not provide performance standards include: (1) CUL-IAMF#4 (Relocation of Project Features when Possible) fails to specifically discuss the kind of construction “avoidance and protection measures” that would be used to avoid or reduce impacts to existing cultural resource sites to a less than significant level; (2) CUL-IAMF#5 (Archaeological Monitoring Plan and Implementation) does not include monitoring plan information to ensure monitoring would be effective; (3) and CUL-IAMF#6 (Pre-Construction Conditions Assessment, Plan for Protection of Historic Built Resources, and Repair of Inadvertent Damage); and (4) CUL-IAMF#8 (Implement Protection and/or Stabilization Measures) which do not specify performance standards for protection or stabilization measures to minimize adverse effects.

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 57

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 58

1164-1541

**3. CUL-IAMF#4 is unenforceable.**

In Mitigation measures must be enforceable through conditions of approval, contracts, or other means that are legally binding. (Pub. Resources Code, § 21081.6(b); Guidelines, § 15126.4(a)(2).) The Draft EIR/EIS states that changing the Project’s rail alignment to avoid newly discovered sites is likely infeasible, however, access areas and laydown sites may be relocated if found to affect newly-discovered cultural resources. (Draft EIR/EIS, p. 2-E-9.) CUL-IAMF#4 is unenforceable because it limits the relocation of construction sites to “when possible,” but does not objectively define factors to determine when it would be possible to do so. Because there are no objective standards to inform the parameters of “when possible,” this measure is illusory.

1164-1542

**4. The Draft EIR/EIS does not analyze whether the Project may have a significant impact on tribal cultural resources.**

“A project with an effect that may cause a substantial adverse change in the significance of tribal cultural resource is a project that may have a significant effect on the environment.” (Pub. Resources Code, § 21084.2.) Tribal cultural resources are defined as “sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe.” (Pub. Resources Code, § 21074(a).) An EIR must discuss whether the project “has a significant impact” on the tribal cultural resource and whether feasible alternatives or mitigation measures could avoid or substantially lessen that impact. (Pub. Resources Code, § 21082.3(b).)

The Draft EIR/EIS fails to disclose whether the Project’s impacts on tribal cultural resources are significant. Although as a CEQA significance threshold states (p. 3.16-17) that impacts would be significant if the Project would cause a “substantial adverse change in the significance of a tribal cultural resource,” inexplicably the Draft EIR/EIS fails to identify any tribal cultural resources to determine whether impacts to them would be significant. A lead agency has an affirmative obligation to do this even if tribes, as in this case, have not identified tribal cultural resources during AB 52 consultation.<sup>55</sup>

Due to the presence of known and potential archaeological sites, it is likely that many tribal cultural resources exist within the APE, and that the Project has the potential to significantly impact them given the extensive grading and excavation. Draft EIR/EIS Section 3.16.7 must be revised to disclose whether the Project may have a significant impact

<sup>55</sup> A project that may cause a substantial adverse change in the significance of a tribal cultural resource is considered a project that may have a significant effect on the environment; the project’s CEQA document must discuss whether the project “has a significant impact on an identified tribal cultural resource” and whether feasible alternatives or mitigation measures could avoid or lessen the impact. (See Pub. Resources Code, §§ 21084.2, 21082.3(b).)

1164-1542

on tribal cultural resources, in which case the Authority must analyze feasible alternatives or mitigation measures to lessen the impacts.

1164-1543

**5. Mitigation measure development is improperly deferred to the Section 106 consultation process.**

As discussed above, CEQA mitigation measures must meet basic requirements for effectiveness, enforceability, and non-deferral. The Draft EIR/EIS conflates federal agency compliance with Section 106 of the NHPA with CEQA compliance because the Authority plans to further assess the Project’s environmental impacts and establish mitigation measures considered in consultation after the Project’s approval. The Draft EIR/EIS (p. 3.16-92) does not commit to specific mitigation measures, but rather states that “[t]he following measures are standardized mitigation measures that would be considered in consultation and may be included in a memorandum of agreement “MOA” that would be negotiated between consulting parties and executed just prior to the Record of Decision “ROD”; however, the consulting parties may negotiate other mitigation measures.” Further, the Draft EIR/EIS (p. 3.16-92) states that mitigation measures will be “negotiated in consultation” with the consulting parties and formalized in an MOA. The “agreed-upon mitigation would be implemented after the MOA is executed” and will be subject to modification in the MOA or “associated treatment plans to mitigate impacts on specific properties.” (Draft EIR/EIS, p. 3.16-92.)

Two treatment plans would be developed from the MOA: an archaeological treatment plan (“ATP”) and a built environment treatment plan (“BETP”), which would provide “specific performance standards to avoid, minimize, or reduce each impact to the extent possible and provide enforceable performance standards to follow the NRHP and the Secretary of Interior’s standards when implementing the mitigation measures” and would include “relevant mitigation measures for the purposes of NEPA and CEQA to be implemented in compliance with Section 106.” (Draft EIR/EIS, pp. 3.16-92 to -93.) The “ATP would be prepared in consultation with the tribes to focus on the treatment of known and unknown archaeological resources, and it would require the phased identification, evaluation, and mitigation of archaeological resources that may be on parcels.” (Draft EIR/EIS, p. 3.16-93.) The BETP would describe treatments to be applied and protection measures for properties to avoid impacts. (Draft EIR/EIS, p. 3.16-93.) These are examples of improper deferral of project-specific mitigation measures under CEQA.

The Draft EIR/EIS improperly defers the formulation of mitigation measures until after the Section 106 consultation process begins. Even then, the consulting parties and the Authority will “negotiate” mitigation measures for implementation, so that reducing impacts to a less than significant level through the implementation of undefined mitigation measures will be uncertain. Additionally, the Draft EIR/EIS fails to commit the Authority to specific performance standards that would be used to develop specific mitigation options once the consultation process is completed.

1164-1544

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 59

1164-1545 | Because the Draft EIR/EIS cultural resources mitigation measures present no performance standards and are improperly deferred, its conclusions that they reduce Impacts CUL#1 and CUL#2 to less than significant levels (see Table 3.16-6) are not supported by substantial evidence. The Draft EIR/EIS should be revised to present revised cultural resources mitigation measures that clearly meet the requirements of the CEQA Guidelines (Guidelines, § 15126.4(a)(1)(B)) and applicable case law. For example, Mitigation Measures CUL-MM#1, CUL-MM#2, and CUL-MM#3 should be revised to firmly commit the Authority to the specific historical resources mitigation standards included in the CEQA Guidelines. (Guidelines, § 15126.4(b).)

1164-1546 | **6. Cumulative impact analysis for archaeological resources is inadequate.**

The archaeological cumulative impact analysis improperly assumes that existing laws and regulations and mitigation measures would prevent any cumulative impacts on archaeological resources from occurring. Therefore, there would be no cumulatively considerable Project contribution to such impacts. (Draft EIR/EIS, pp. 3.18-79 to -80.) The Draft EIR/EIS presents no evidence that all reasonably foreseeable future projects would comply with all applicable archaeological resources laws and regulations, and it is unrealistic to expect they would do so.

1164-1547 | Further, the archaeological resources cumulative impact analysis is inadequate because it fails to recognize that the Impacts CUL#1 and CUL#2 are significant impacts pre-mitigation. (See Draft EIR/EIS, Table 3.16-6.) In addition, the above comments demonstrate that Impact CUL#2 is much greater in magnitude than indicated in the Draft EIR/EIS. The cumulative impact analyses for these specific impacts should have used the same significance thresholds as for direct impacts, added the impacts of probable future projects, and concluded that cumulative impacts were also significant, with the Project's contributions being cumulatively considerable. (See Guidelines, § 15130.) Instead, the Draft EIR/EIS illogically concludes that, notwithstanding these significant direct impacts, the Project would have no cumulative archaeological resources impacts at all.

1164-1548 | **G. Geology, Soils, Seismicity, and Paleontological Resources Impacts**

**1. The Draft EIR/EIS fails to analyze the soils and geologic hazards associated with constructing the LMF on a landfill.**

In preparing an EIR, a lead agency is required to “use best efforts to find out and disclose all that it reasonably can.” (Guidelines, § 15144.) The analysis of Impact GEO#6. (Construction on Landfills) runs afoul of this fundamental mandate as it does not sufficiently analyze soils and geological hazards associated with the construction of the proposed LMFs on the former Brisbane Landfill or the site west of the Caltrain corridor. This lack of analysis is particularly egregious given the history of use as an unclassified landfill and contaminated railyard.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 60

1164-1549 | Despite recognizing that construction of the East LMF “would require significant earthwork cut and fill” of approximately 2,082,800 cubic yards of earth, Impact GEO#6 does not analyze the effects of that extensive excavation within the landfill site, which was in operation from 1932 to 1967 and consists of approximately 364 acres containing refuse as deep as 40 feet. (Geology, Soils, and Seismicity Technical Report [“GEO Technical Report”], p. 5-33.) The Draft EIR/EIS notes that landfills “pose hazards for construction associated with the release of flammable gases (e.g., methane) and the potential for ground settlement due to the compressibility of refuse and decomposition of organic materials.” (*Ibid.*) However, despite requiring significant earthwork cut and fill,<sup>56</sup> the likelihood of geologic and soil hazards from East LMF construction on the former landfill are not analyzed beyond that sentence. Instead, the Draft EIR/EIS determines there is a less than significant impact due to the implementation of Project design features (that are actually deferred mitigation measures). The Draft EIR/EIS improperly attempts to minimize potential impacts without first analyzing whether there would be a significant impact. Because of decades of use as an unclassified landfill, prior to the distinction between hazardous and non-hazardous wastes, the large size and depth of the landfill, and the extent of construction, the Draft EIR/EIS must undertake adequate analysis of geologic and geotechnical hazards impacts associated with LMF construction to provide substantial evidence to support the significant impact conclusion.

1164-1550 | Additionally, the Draft EIR/EIS concludes construction of the West LMF on the contaminated Brisbane Rail Yard “would not expose people or structures to risks associated with construction on landfills” despite being only 450 feet west of the former Brisbane Landfill. (Draft EIR/EIS, p. 3.9-56.) The Draft EIR/EIS must analyze whether construction requiring significant amounts of excavation and grading on a site adjacent to a former landfill may result in soils and geologic hazards.<sup>57</sup> Again, the Authority improperly relies on the contractor’s preparation of *future* gas monitoring plans to conclude “potential risks associated with subsurface migration of landfill gases would be minimized through the implementation of project features.” (Draft EIR/EIS, p. 3.9-56.) The Draft EIR/EIS must

<sup>56</sup> See Metis comments, stating the Draft EIR/EIS does not disclose that the “materials” for disposal will largely be composed of domestic, industrial and shipyard waste, sewage, and rubble deposited in the former landfill prior to the classification of wastes as hazardous or nonhazardous and prior to the segregation of waste streams.

1164-1551 | <sup>57</sup> For example, Impact GEO#6 fails to analyze the regulatory agencies’ approval of landfill closure and post-closure plans in its geologic and soils impact analysis. Lack of coordination with the lead regulatory agencies for determination and oversight of soil and groundwater cleanup requirements has the potential to exacerbate geologic and soils impacts resulting from LMF construction. Remediation standards and requirements for the use of specific technologies for Title 27 landfill closure must be discussed and analyzed in the Draft EIR/EIS. Please refer to [Section VII.H](#) of this letter, discussing the requirements for regulatory approval for remediation of the Brisbane Rail Yard and closure requirements for the former Brisbane Landfill and the Authority’s inadequate analysis of hazardous materials and waste impacts.

sohagi.com



Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 61

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 62

1164-1550 first analyze the potential for soils and geologic hazards from construction on a site contaminated with hazardous material that is directly adjacent to a former landfill before concluding there would be a less than significant impact.

1164-1552 **2. Many GEO-IAMFs are improperly deferred mitigation measures with no performance standards.**

As discussed above, CEQA requires an EIR to identify mitigation measures to be identified as such, and not moved to the project description to avoid disclosure of significant impacts. GEO-IAMF#1 (Geologic Hazards), GEO-IAMF#3 (Gas Monitoring), GEO-IAMF#5 Hazardous Minerals, GEO-IAMF#10 (Geology and Soils), and GEO-IAMF#13 (Prepare and Implement Paleontological Resources Monitoring and Mitigation Plan) should be identified as Draft EIR/EIS mitigation measures because they are not clearly part of the Project and insufficiently describe measures to avoid or reduce potential geological and geotechnical impacts.

1164-1553 These IAMFs are also improperly deferred mitigation measures. GEO-IAMF#1 requires preparation of a construction management plan to identify ways the contractor “would address geologic constraints and minimize or avoid impacts to geologic hazards during construction.” (Draft EIR/EIS, p. 2-E-12.) The construction management plan would be created *after* Project approval and include “design measures” and “safety procedures and guidelines” (p. 3.9-55) and would “at a minimum,” address six listed geological and geotechnical constraints and resources. The construction management plan should be prepared and included in the Draft EIR/EIS, with specificity, including the details of design measures or safety procedures to adequately determine whether impacts would be reduced to less than significant levels.

1164-1554 GEO-IAMF#1’s insufficient description of the construction management plan is plagued with voluntary terminology: if soft soils are encountered, they “can be excavated and replaced with competent soils”; and preloading “can be used” to improve soil strength. (Draft EIR/EIS, p. 2-E-12.) There are no mandatory statements requiring adherence to the construction management plan, let alone articulated performance standards to be achieved. For instance, GEO-IAMF#1 states, “consideration is being given to overbuild” the railbed and construction specifications “would be based upon the decision whether to remove or treat the soil” (p. 2-E-12), but the Draft EIR/EIS does not identify the parameters of that consideration or how, when, or why the decision whether to remove or treat the soil will be made.

1164-1555 GEO-IAMF#3 (Gas Monitoring), GEO-IAMF#5 (Hazardous Minerals), GEO-IAMF#10 (Geology and Soils) and GEO-IAMF#13 (Prepare and Implement Paleontological Resources Monitoring and Mitigation Plan) are similarly improperly deferred mitigation measures that require post-Project-approval of the development of surveys, best management practices, plans, and procedures for minimizing potential geological and geotechnical impacts. Additionally, GEO-IAMF#3 proposes an insufficient gas monitoring

1164-1555 measure because it is solely designed for worker protection and active construction work and fails to address exposure to the nearby community, including future workers within the LMF and long-term requirements for landfill gas monitoring needed at the East LMF.

The Draft EIR/EIS incorrectly concludes that geology and soils impacts will be less than significant because of implementation of these disguised and deferred mitigation measures without sufficient description of performance standards that would ensure a less than significant impact determination.

1164-1556 **3. Geology and soils impact analyses do not identify the significant impacts associated with LMF construction on soft, unstable soil that is contaminated.**

The Draft EIR/EIS insufficiently analyzes the extent of aggregate impacts associated with extensive excavation, grading, and construction on soft, unstable soil that is also contaminated with landfill waste or hazardous material. The GEO Technical Report discusses how the San Francisco Bay is comprised of soft, compressible clayey silt to silty clay, known as Young Bay Mud, which underlies much of the artificial fill in Brisbane on which construction of both Brisbane LMF sites are anticipated. Young Bay Mud is a sensitive soil with “low strength” that may not support new construction loads and results in bearing capacity and ground failures. (GEO Technical Report, p. 5-19.) The Technical Report notes that Young Bay Mud “is not always visible or mapped at the ground surface” but is susceptible to large consolidation settlement and its presence has a potential for significant settlement under new construction loads. (GEO Technical Report, p. 5-19.)

The GEO Technical Report notes that the former Brisbane Landfill,<sup>58</sup> a site of approximately 364 acres, “sits directly on Young Bay Mud deposits” ranging in thickness from approximately 35 to 40 feet. (GEO Technical Report, p. 5-33.) The thicker the Young Bay Mud, the more the soil will settle under new construction loads. (Draft EIR/EIS, p. 3.9-28.) Structures built on Young Bay Mud “are susceptible to potentially large consolidation settlement and must be able to accommodate or avoid such deformation.” (Draft EIR/EIS, p. 3.9-28.) In fact, subsidence along Lagoon Road is a frequent occurrence because it sits upon municipal wastes.<sup>59</sup> The Draft EIR/EIS does not sufficiently discuss how the Brisbane LMF would “accommodate or avoid” soil settlement.

1164-1557 <sup>58</sup> Response to Comment BBCAG-109 in the Final Program EIR for the Brisbane Baylands project provides insight into ground beneath the Brisbane Landfill: “Basically, fill comprised of solid waste accepted by the landfill was placed on top of (1906 San Francisco) earthquake rubble that was placed on top of marine sediments to form land. Soil has been placed on top of the solid waste to prevent contact with the waste. More than likely, soil was placed on top of the solid waste during the operations of the landfill as ‘daily cover’ to prevent the materials from being blown into the community or the Bay.”  
<sup>59</sup> See Metis discussion of Impact GEO#1 and location of Lagoon Road, near the southerly edge of the former Brisbane Landfill.

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 63

1164-1558

While the Draft EIR/EIS reiterates the GEO Technical Report's issues of construction on Young Bay Mud soil (Draft EIR/EIS, p. 3.9-28), Impact GEO#1 does not adequately analyze how impacts from construction, such as excavation of the soft soil under both possible Brisbane LMF sites, could be heightened because both sites contain hazardous waste materials, which bolsters the necessity of site-specific geotechnical studies prior to construction.<sup>60</sup> Construction on a landfill has the potential to release flammable gases. (Draft EIR/EIS, p. 3.10-39.) This combustible hazard is compounded by the fact that construction of the Brisbane LMF on either site would require the excavation of millions of cubic yards of cut, the impacts of which could be intensified by the soft soil makeup of the ground underneath. Thus, the impact analysis and conclusory significance determination are inadequate.

In fact, Impact-GEO#2, Impact-GEO#3, Impact-GEO#4, and Impact-GEO#5 all similarly do not consider how construction of the Brisbane LMF on both locations and the relocation of Bayshore Station and Tunnel Avenue overpass are located on or very near sites containing hazardous waste and materials. The susceptibility of construction on expansive soils, corrosive soils, soil erosion, and shallow bedrock and groundwater must be analyzed in conjunction with the fact that the soils contain hazardous waste and materials.<sup>61</sup>

1164-1559

**4. *Impact GEO#6 (Construction on Landfills) presents an incomplete and misleading evaluation of impacts.***

Many specific shortcomings of Impact GEO# 6 analysis are presented in Metis comments on this impact. To be adequate, the Draft EIR/EIS impact analysis must be revised to provide: (1) a detailed analysis of the amount of soil and waste materials that would be removed from the former landfill; (2) geotechnical analysis of the stability of the pad that would be constructed to support the East LMF; (3) identification of feasible remedial measures required to avoid subsidence during LMF operations; and (4) a Title 27-compliant plan that includes specific capping requirements, long-term landfill gas monitoring requirements, drainage controls, and other measures that would need to be addressed under the oversight of the RWQCB and CalRecycle for any portion of the landfill left in place, and; (5) analysis of the environmental impacts associated with excavating into and building the LMF on the former landfill.

1164-1560

<sup>60</sup> Metis, discussing Impact GEO#1.

<sup>61</sup> Dr. Michelle King noted that a geotechnical evaluation is needed to address the surrounding slopes of the landfill to appropriately evaluate subsidence and slope stability. (Attachment Metis-C: EKI Hazardous Materials and Wastes Comments and Resumes.)

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 64

1164-1561

**H. Hazardous Materials and Wastes Impacts**

**1. *HMW-IAMF#1 improperly defers Phase 1 and Phase 2 Environmental Site Assessments.***

An accurate characterization of the environment setting is the critical starting point for a legally adequate impact analysis. (Guidelines, § 15125). Yet here, the EIR improperly defers the essential Phase 1 and Phase 2 ESA analyses along the entire segment until the ROW acquisition phase, until after Project approval. (HMW-IAMF#1 (Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments).<sup>62</sup> It is axiomatic that Phase 1 and Phase 2 ESA results should have been disclosed in the Draft EIR/EIS and not improperly deferred. Without this information, the baseline conditions have not been accurately described and it is impossible to properly determine the significance of the Project's hazardous materials and waste impacts. Many other hazardous IAMFs are improperly deferred mitigation with no performance standards.

1164-1562

**2. *Other hazardous materials/waste IAMFs are also improperly deferred, with no performance standards.***

CEQA requires an EIR to identify mitigation and not fold it into the project description to avoid disclosure of significant impacts. Specifically, HMW-IAMF#4 (Undocumented Contamination), HMW-IAMF#5 (Demolition Plans), and HMW-IAMF#6 (Spill Prevention) should be properly characterized and evaluated as Draft EIR/EIS mitigation measures.

These three IAMFs also fail because they defer the critical components of the measures themselves, instead offering only concepts and generalities. An EIR is required to describe feasible measures that could minimize significant adverse impacts. (Pub. Resources Code, § 21002.1(a); Guidelines, § 15126.4(a)(1).) The CEQA Guidelines (Section 15370) describe the type of measures lead agencies may consider and identify standards for determining what constitutes an adequate discussion of mitigation measures, such as the measures' enforceability.<sup>63</sup> (Guidelines § 15126.4(a)(2).) Generally, conceptual, these IAMFs require the Project's contractor to prepare future construction management plan articulating the required actions and procedures for handling undocumented contamination, demolition, and spill prevention prior to the start of construction to minimize any potential

<sup>62</sup> See Metis discussion of HMW-IAMF#1.

<sup>63</sup> CEQA Guidelines section 15126.4(a)(1)(B) sets requirements for the lead agency to adhere to when developing the specific details of a mitigation measure after project approval when it is impractical or infeasible to include such details. Under these circumstances, the lead agency must (1) commit itself to the mitigation, (2) adopt specific performance standards the mitigation will achieve, and (3) identify the type of potential actions that can feasibly achieve that performance standard that will be considered, analyzed, and potentially incorporated into the mitigation measure. (CEQA Guidelines § 15126.4(a)(1)(B).)

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 65

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 66

1164-1562 | impacts. They do not include appropriate detail to ensure significant impacts are reduced to a less than significant level.

1164-1563 | For example, HMW-IAMF#4 (Undocumented Contamination) requires the contractor to prepare a construction management plan specifying how “the contractor would work closely with local agencies to resolve any such encounters and address necessary clean-up or disposal.” (Draft EIR/EIS, Appx. 2-E, p. 2-E-19.) HMW-IAMF#4 is overly vague because it does not discuss which agencies the contractor will consult, how the contractor will work with them, what working “closely” entails, what steps are necessary upon encountering hazardous materials, or the parameters required for addressing necessary clean-up. Further, this measure is insufficient for mitigating impacts on sites where contamination is already documented and requires plans for site remediation and landfill closure (e.g., the East and West LMF sites).<sup>64</sup>

1164-1564 | Similarly, HMW-IAMF#5 requires the contractor to prepare demolition plans for the “safe dismantling and removal of building components and debris” including a plan for the abatement of lead and asbestos. (Draft EIR/EIS, Appx. 2-E, p. 2-E-19.) No further information regarding this demolition plan is provided to illuminate the parameters of “safe dismantling,” where such debris will be removed, or how abatement procedures of these hazardous materials would follow to ensure the impact reduction to a less than significant level.

1164-1565 | Lastly, HMW-IAMF#6 describes a construction management plan for spill prevention prescribing best management practices to prevent hazardous materials releases and address hazardous materials clean-up. (Draft EIR/EIS, Appx. 2-E, p. 2-E-19). However, the Draft EIR/EIS provides no examples of what practices would qualify as best management practices to properly inform decision makers as to whether such practices would sufficiently reduce impacts to a less than significant level.

1164-1566 | **3. HMW-IAMF#9 is improperly deferred mitigation and is also unenforceable.**

HMW-IAMF#9 (Environmental Management System) is also an improperly deferred mitigation measure because it seeks to identify, avoid, and minimize the use of hazardous substances in construction, operation, and maintenance of the Project. (Draft EIR/EIS, Appx. 2-E, p. 2-E-19.) HMW-IAMF#9 suggests the Authority would use an Environmental Management System “to describe the process used to evaluate the full inventory of hazardous materials,” which is a process that should be conducted prior to Project approval. Even though HMW-IAMF#9 states how the process would be used to evaluate hazardous sites, it does not state what that process would entail, how the Authority would “replace

<sup>64</sup> See Metis discussion of HMW-IAMF#4; the deferral of documentation of measures to address existing site contamination deprives the public of critical information needed to review and provide comments on the Project’s impacts.

1164-1566 | hazardous substances with nonhazardous materials,” or present objective feasibility standards to determine the effectiveness of the process to ensure a less than significant impact determination.

1164-1567 | Mitigation measures must also be fully enforceable. HMW-IAMF#9 is not enforceable in part because it states, “[t]o the extent feasible, the Authority is committed to identifying, avoiding, and minimizing hazardous substances.” (Draft EIR/EIS, p. 2-E-19.) The Authority retains discretion, without objective standards guiding that discretion, to determine whether use of the Environmental Management System is “feasible.” Because the factors for determination of infeasibility are not objectively defined, this measure is illusory.

1164-1568 | **4. Hazards associated with LMF construction on Brisbane Landfill and Brisbane Rail Yard remediation sites are not sufficiently disclosed.**

An EIR must provide a “sufficient degree of analysis” to provide decision makers with the information needed “to make a decision which intelligently takes account of environmental consequences.” (Guidelines, § 15151; *Laurel Heights I, supra*, 47 Cal.3d 376, 392 [EIRs should provide a reasonable, good faith disclosure and analysis of the project’s environmental impacts].)

The Draft EIR/EIS does not adequately discuss the direct environmental impacts caused by the construction of the Brisbane LMF on either the former Brisbane Landfill or remediation operable units UPC-OU-SM and UPC-OU-2 and the construction’s potential for hazardous materials exposure. The Draft EIR/EIS and Hazardous Materials and Wastes Technical Report (“HMW Technical Report”) recognizes the potential impacts only in a qualitative manner and lists contaminants “that could be disturbed by excavation.” Draft EIR/EIS, p. 3.12-29 includes a brief discussion of possible accidents (p. 3.12-29), briefly mentions generation of additional waste materials (p. 3.12-31), and, in one sentence, states the potential for the release of flammable gases for construction on a landfill (p. 3.10-39).<sup>65</sup> However, the brief listing of possible hazards in one sentence is not sufficient (p. 3.11-40). The Draft EIR/EIS does not provide any analysis whatsoever as to the potential health risks and public health and safety impacts and their severity<sup>66</sup> associated with construction (i.e., grading, excavations, offsite hauling) on the former Brisbane Landfill or Brisbane Rail Yard. No mitigation measures are presented for these impacts.

1164-1569 | Additionally, the Draft EIR/EIS improperly pigeonholes potential hazardous waste and materials impacts from construction of the Project because it characterizes construction Impacts HMW#2 and HMW#10 as temporary. However, the impact analyses must consider

<sup>65</sup>The Draft EIR/EIS’s GEO Technical Report similarly only briefly identifies hazards associated with landfills, such as the flammability of landfill gas if released and the compressibility of the buried reuse. (GEO Technical Report, p. 5-33.)

<sup>66</sup> See *Friant Ranch, supra*, 6 Cal.5th 502, 518 [finding inadequate EIR’s general discussion of public health impacts.]

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020)  
 - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 67

1164-1569 | that construction on the site west of the Caltrain right-of-way or landfill may have long-term effects, since remedial action plans and landfill closure plans are required, which address long-term protection of human health and environment.

1164-1570 | To fully inform the public and decision makers about the hazardous waste impacts of significant construction on such hazardous sites, the Authority must quantitatively disclose and sufficiently analyze hazards related to construction on the proposed Brisbane LMF sites to adequately assess very likely impacts and whether those impacts can be reduced to a less than significant level through the incorporation of mitigation measures. These impacts would be significant because they would “create a significant hazard to the public and environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials, which is one of the Draft EIR/EIS significance thresholds. (See Draft EIR/EIS, p. 3.10-11.)

1164-1571 | **5. The former Brisbane Landfill and Remediation Operable Units UPC-OU-SM and UPC-OU-2 contain dangerous hazardous materials and waste.**

The level of contamination on the Brisbane Rail Yard and former Brisbane Landfill is significant. The former Brisbane Landfill, on which the East LMF would be constructed, was in operation from 1932 to 1967 during which it received waste streams of domestic, industrial and shipyard waste, sewage, and rubble. It received such refuse prior to the classification of wastes as hazardous or nonhazardous, the segregation of waste streams, and classification of landfills. Because the former Brisbane Landfill was in operation before classification of landfills as Class I, II, and III, which differentiates the facilities by the type of material they accept, the Draft EIR/EIS should not refer to the Brisbane Landfill as a “Class II facility” and such references must be revised.

1164-1572 | The former Brisbane Landfill site contains groundwater contamination with aviation fuel, diesel, gasoline, benzene and fuel oxygenates (p. 3.10-18) and contains heavy metals, VOCs (including methane), semi-VOCs, petroleum hydrocarbons, PCBs, pesticides, and asbestos products. (HMW Technical Report, p. 5-7.)

The Draft EIR/EIS notes that the area on which the West LMF would be constructed, has groundwater contaminated with halogenated organic solvents, the soil is contaminated with metals such as chromium, copper, zinc, lead, arsenic as well as petroleum hydrocarbons and VOCs. (Draft EIR/EIS, p. 3.10-18.)

Constructing the Brisbane LMF on either site will require extensive construction activities, including significant earthwork cut and fill into the contaminated soils. Construction of the East LMF on the former Brisbane Landfill requires an estimated 2,082,800 cubic yards of cut, with excavation depths of 60-feet below ground surface.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 68

1164-1572 | (Draft EIR/EIS, Table 2-25.)<sup>67</sup> Site grading requires removal of a portion of the former Brisbane Landfill and off-site hauling<sup>68</sup> of wastes currently within the landfill. No information is provided to identify the quantity or quality of the type of material the Authority plans to use to cap the landfill, which the Authority must clarify should not include the contaminated, excavated materials. Construction of the East LMF requires construction close to the grade of the existing Caltrain line and would require construction of a large, manufactured, westerly facing slope.<sup>69</sup> The Draft EIR/EIS does not, but must, address the slope’s design requirements, how slope stability would be ensured during landfill excavations, necessary additional remedial work, and whether the slope would be located on the Authority’s property or adjacent property to the east of the East LMF site.<sup>70</sup>

1164-1573 | Further, no information is provided on impacts associated with moving the contaminated soils, the quantity or quality of the replacement soil, and where those contaminated soils will be disposed.<sup>71</sup> Because the Draft EIR/EIS does not adequately provide a characterization of the type of waste that would be excavated, removed, and hauled away, the facility of disposal is unknown. There are only three Class I landfill facilities in California<sup>72</sup> that accept hazardous materials, which are located not only outside of San Mateo County but a significant distance from the former Brisbane Landfill, requiring

1164-1574 | <sup>67</sup> The City of Brisbane’s expert consultant, Dr. Michelle King, who has been working with the landowner of the Brisbane Baylands and state regulatory agencies on the site’s remediation and landfill closure plans estimates excavation may total as much as 3 million cubic yards. (Metis discussing underestimation of amount of excavated materials required for the Project and Impact GEO#6.)

1164-1575 | <sup>68</sup> The Draft EIR/EIS does not disclose the length of time required for excavations and offsite hauling of materials. (See Metis discussion of description of Project and setting’s failure to adequately analyze hazards and hazardous materials.)

<sup>69</sup> See Metis discussion of Draft EIR/EIS’s failure to adequately analyze hazards and hazardous materials, stating remedial actions must be implemented for any remaining portions of the landfill such as the slopes that would remain in place adjacent to the East LMF.

<sup>70</sup> Metis, discussing description of Project and setting’s failure to adequately analyze hazards and hazardous materials.

<sup>71</sup> See Metis discussion of Draft EIR/EIS’s Project description and setting’s failure to adequately analyze hazards and hazardous materials related to site remediation and disposal of excavated material and type of soil that would replace excavated materials.

<sup>72</sup> The California State Water Resources Board (“SWRCB”) identifies three statewide Class I landfills, the Kettleman Hills Facility in Kings County, the Clean Harbors Facility in Kern County, and the Clean Harbors Facility in Imperial County. See the Region 6 Waste Acceptance List, available at [https://www.waterboards.ca.gov/water\\_issues/programs/land\\_disposal/docs/wal\\_r5.pdf](https://www.waterboards.ca.gov/water_issues/programs/land_disposal/docs/wal_r5.pdf) and Region 7 Waste Acceptance List, available at [https://www.waterboards.ca.gov/water\\_issues/programs/land\\_disposal/docs/wal\\_r7.pdf](https://www.waterboards.ca.gov/water_issues/programs/land_disposal/docs/wal_r7.pdf).

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 69

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 70

1164-1573 | long-haul trucks to transport the hazardous material the considerable distance, the impacts of which are not analyzed whatsoever.<sup>73</sup>

1164-1577 | Similarly, the West Brisbane LMF requires an estimated 1,463,700 cubic yards of cut. (Draft EIR/EIS, Table 2-25 and p. 3.8-16.) Approximately 432,000 cubic yards of the total cubic yards of cut are proposed to be hauled offsite, requiring approximately 36,000 truckloads of hazardous material which must be analyzed.<sup>74</sup> Surprisingly, and with no factual basis, the Draft EIR/EIS assumes that the West Brisbane LMF will reuse approximately 79% of excavated materials from the West LMF without analyzing the site’s required remediation. (Draft EIR/EIS, Table 2-25.) In fact, the Draft EIR/EIS completely fails to mention at all that the West LMF is within an active remediation site for which regulatory approval and implementation of remedial action plans and remedial development implementation plans are a prerequisite to site development. (See [Section VII.H.6, infra](#), for further discussion on required remediation processes.)

1164-1578 | The Draft EIR/EIS does not sufficiently analyze the Project’s hazardous waste impacts because it fails to set forth the grounds for its findings of less than significant impacts or provide an explanation of its factual and analytical basis. CEQA requires this explanation. (*Laurel Heights I, supra*, 47 Cal.3d 376, 404.) The Draft EIR/EIS must describe the nature of the excavations on the former landfill and remediation sites, including the specifics regarding the quantity and depth of the excavations, the details regarding the movement of the hazardous excavated material and how that increases risks of an accidental release of hazardous materials, and the type of material the Authority plans to use to cap the landfill to minimize risks. Furthermore, site remediation and Title 27 landfill closure of portions of the Baylands not within the Brisbane LMF must be addressed as a cumulative project in the Draft EIR/EIS.

1164-1579 | **6. To minimize hazardous waste impacts, the Authority should approve and develop a Brisbane LMF site only after regulatory agency final approvals.**

An EIR requires a lead agency must “use best efforts to find out and disclose all that it reasonably can.” (Guidelines, §15144.) The Draft EIR/EIS is insufficient because it does not discuss the construction timing of either the East or West LMF in relation to the necessary hazardous waste remediation requirements, even though such information is available and must be considered to adequately analyze the significance of hazardous materials and waste impacts.

1164-1580 | <sup>73</sup> The Draft EIR/EIS Section 3.6 Public Utilities notes the limited availability of landfill facilities that accept hazardous waste (p. 3.6-59) but does not analyze hazards impacts associated with transport to those facilities.

<sup>74</sup> See Metis Project description and setting discussion.

sohagi.com

1164-1581

The Draft EIR/EIS concedes that construction activities could interfere with ongoing remediation efforts and opines, “[u]nless construction activities are coordinated with site remediation activities, there could be a temporary increased risk of damaging or interfering with remediation site controls such as soil containment areas.” (Draft EIR/EIS, p. 3.10-31.) The Draft EIR/EIS does not sufficiently discuss and analyze regulatory compliance for remediating significantly contaminated soil despite the fact that the Authority concedes a potential site is a former landfill requiring Title 27 landfill closure compliance and a Remedial Action Plan for a portion of the West LMF site has already been prepared.

1164-1582

The Authority should have sought more information about planned remediation activities located on the East and West LMF sites and considered that information in the Draft EIR/EIS’s hazardous waste impact analysis. Without this analysis accounting for landfill closure or site remediation, the Authority cannot proceed to design the Project and predict its hazardous waste impacts.

1164-1583

The West LMF is planned to be constructed on a site west of the Caltrain alignment, which is comprised of two operable units for remediation regulatory purposes: UPC-OU-SM and UPC-OU-2. The northern section, UPC-OU-SM, has a remedial action plan. A Draft Feasibility Study/Remedial Action Plan (“Draft RAP”) was prepared for this section in April 2019<sup>75</sup> and a DTSC Consent Order was signed in 2008, which established legal and administrative responsibilities and procedures for cleanup of chemicals at the site.<sup>76</sup> Astoundingly, the Draft EIR/EIS does not discuss the existence of this Draft RAP<sup>77</sup> or consider its necessary implementation in conjunction with the Project despite the feasibility of obtaining this information. The other site, UPC-OU-2, is also under the jurisdiction of a regulatory agency, the RWQCB, which will require approval of a remedial action plan for the site, which has yet to be prepared.

1164-1584

Closure of the former Brisbane Landfill, located where the Draft EIR/EIS anticipates construction of the East LMF, requires similar regulatory approval from the RWQCB and San Mateo County Environmental Health Services in accordance with the requirements set forth in Section 20260 of Title 27 of the California Code of Regulations.

These regulatory agencies are the designated lead agencies for determination and oversight of soil and groundwater cleanup requirements within the sites proposed for the

<sup>75</sup> Draft Feasibility Study/Remedial Action Plan, San Mateo County Portion of Universal Paragon Corporation Operable Unit (“UPC-OU-SM”), Brisbane, California, April 9, 2019.

<sup>76</sup> See DTSC Consent Order, May 22, 2008, available at: [https://www.envirostor.dtsc.ca.gov/public/deliverable\\_documents/9240949332/consent%20FINAL%20clean.pdf](https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/9240949332/consent%20FINAL%20clean.pdf).

<sup>77</sup> Nor does the Draft EIR/EIS discuss the previous DTSC Final Remedial Action Plan for the Bayshore Railyard North Area completed in 1993, available at: [https://www.envirostor.dtsc.ca.gov/public/deliverable\\_documents/6438749015/bayshore%20Rap.pdf](https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/6438749015/bayshore%20Rap.pdf).

1164-1585

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 71

1164-1584 | Brisbane LMF. Such a process involves DTSC and RWQCB setting remediation standards and requirements for the use of specific technologies for such remediation, as well as CEQA compliance for remediation plans and Title 27 landfill closure.

The Draft EIR/EIS is inadequate because the hazardous waste impact analysis, IAMFs, and Mitigation Measure HMW-MM#1 do not take into consideration the necessity and extent of preparing and securing regulatory approval for such plans, as well as the need for remediating the site before construction and the timing of the plans in conjunction with the construction of the Project; therefore, the extent and significance of the Project's hazardous waste impacts, pre- and post-mitigation, cannot be meaningfully analyzed. This is a shocking oversight that must be analyzed, rectified, and reflected in an adequate hazardous waste analysis in a recirculated Draft EIR/EIS.

1164-1586 | Additionally, the Draft EIR/EIS does not recognize that Brisbane General Plan Policy BL1<sup>78</sup> requires that detailed plans for Title 27 compliance be completed for the closure of the landfill and RAPs for UPC-OU-SM and UPC-OU-2 be approved by the required regulatory agencies prior to approval of a specific plan for the Baylands area.

To minimize hazardous waste impacts, the Authority should consider requiring similar regulatory approvals prior to Project approval and implementation. In 2015, a Final EIR was prepared to analyze development of the Brisbane Baylands,<sup>79</sup> which is the same area on which the Project proposes construction of the LMFs.<sup>80</sup> In considering approval of this program EIR, the City approved hazardous waste impact mitigation measures requiring approvals from the appropriate regulatory agencies.<sup>81</sup> Mitigation Measure 4.G-2a required: (1) prior to approval of a specific plan for development, confirmation that DTSC, RWQCB, and/or the San Mateo County Environmental Health Division have accepted RAPs for sites on the Brisbane Rail Yard or landfill final closure and post-closure maintenance plans for sites on the former Brisbane Landfill; (2) prior to issuing a building or grading permit, DTSC/RWQCB approval of RAPs and landfill closure plans, and (3) prior to construction or grading, regulatory approval from DTSC/RWQCB in the form of a Remediation Action

<sup>78</sup> City of Brisbane General Plan, [https://www.brisbaneca.org/sites/default/files/fileattachments/community\\_development/page/2401/012\\_chapterxii-policiesandprogramsbysubarea.pdf](https://www.brisbaneca.org/sites/default/files/fileattachments/community_development/page/2401/012_chapterxii-policiesandprogramsbysubarea.pdf).

1164-1587 | <sup>79</sup> See Baylands Final EIR, <http://archive.brisbaneca.org/feir-documents>. The owner of the Brisbane Baylands site, UPC, will likely defer Brisbane Rail Yard remediation efforts until after the Authority approves or disapproves construction of the LMF and after initiation of site acquisition for the HSR Project, deferring regulatory compliance to the Authority, which would be responsible and pay for remediation of the West LMF site. See Metis discussion of Draft EIR/EIS's Project description and setting's failure to adequately analyze hazards and hazardous materials related to site remediation.

<sup>80</sup> Brisbane Baylands Final EIR, May 2015.

<sup>81</sup> Brisbane Baylands Final EIR, Mitigation Monitoring and Reporting Program, p. 4-46, May 2015, available at: [http://archive.brisbaneca.org/sites/default/files/4\\_mmrp\\_feir.pdf](http://archive.brisbaneca.org/sites/default/files/4_mmrp_feir.pdf).

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 72

1164-1586 | Completion Report or equivalent closure letter stating that remediation goals have been achieved.<sup>82</sup>

The City prudently approved these measures to protect its citizens and the environment from risks of accidental releases of hazardous materials from the two sites prior to final regulatory agency review and approval of remedial action plans or landfill closure plans. Its citizens and the environment deserve no less from the Authority before approval and implementation of the HSR Project's LMF.

1164-1588 | **7. The Authority should consult with schools as required under Public Resources Code section 21151.4 now.**

Public Resources Code section 21151.4 requires special consultation and notification for projects located within 0.25 miles of a school concerning construction that involves extremely hazardous substances which may pose a health or safety hazard to those at the school. (Guidelines, § 15186(b).) Draft EIR/EIS Table 3.10-15 lists over 60 schools within 0.25 miles of the alignments, yet improperly defers consultation with these schools until after Project approval. (See Draft EIR/EIS, p. 3.10-44.) The Authority should consult with these potentially affected schools now to accurately assess the Project's hazardous materials and waste impacts and determine feasible mitigation measures for the specific schools that would be the most affected by the Project.

The consultation results should be reported in a revised and recirculated Draft EIR/EIS. In particular, the results should be incorporated into the text of Mitigation Measure HMW-MM#1 (Limit Use of Extremely Hazardous Materials Near Schools During Construction) to ensure that effective and enforceable mitigation would occur at each affected school.

1164-1589 | **I. Safety and Security Impacts**

**1. Safety and Security IAMFs and a Transportation IAMF are improperly deferred mitigation measures with no performance standards.**

As discussed above, CEQA requires an EIR to identify mitigation measures to be identified as such, and not moved to the project description to avoid disclosure of significant impacts. SS-IAMF#1 (Construction Safety Transportation Management Plan), SS-IAMF#2 (Safety and Security Management Plan), SS-IAMF#3 (Hazard Analyses), and TR-IAMF#2 (Construction Transportation Plan) should be Draft EIR/EIS mitigation measures because they are not clearly part of the Project and insufficiently describe measures to avoid or reduce potential safety and security impacts.

<sup>82</sup> Brisbane Baylands Final EIR, Mitigation Monitoring and Reporting Program, pp. 4-46-47, May 2015.

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 73

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 74

1164-1590 SS-IAMF #1 (Construction Safety Transportation Management Plan), SS-IAMF#2 (Safety and Security Management Plan), SS-IAMF#3 (Hazard Analyses) and TR-IAMF#2 (Construction Transportation Plan) are also improperly deferred because they call for the formulation of future plans to reduce safety and security impacts, and fail to include performance standards or list specific mitigation options to meet the standards. Additionally, the IAMFs describe the implementation of future plans only in a very general, conceptual fashion, and details are deferred to after Project approval. None of these plans, as identified and described in the Draft EIR/EIS, would ensure impact reductions to a less than significant level.

1164-1591 SS-IAMF#1 requires the contractor to prepare a construction safety transportation management plan for Authority approval describing the contractor’s procedure for coordination with local jurisdictions to maintain emergency vehicle access during construction, procedures for implementing road closures, access to residences and businesses, and alternative access locations. SS-IAMF#1 is inadequate because it only describes such procedures in a very general fashion with no description of details to support the Draft EIR/EIS’s conclusion that safety and security impacts would be less than significant.<sup>83</sup> For instance, without identification of the specific procedures for maintaining emergency vehicle access during construction, the public will not know whether such procedures will be effective until after such procedures are actually implemented and emergency vehicles succeed or fail to arrive at their destination on time to the detriment of those waiting for a response. Such an important consideration should be analyzed and examined now, prior to Project approval.

1164-1592 Similarly, SS-IAMF#2 and TR-IAMF#2 are deferred mitigation measures that are intended to reduce safety and security impacts. SS-IAMF#2 requires the contractor’s preparation of a technical memorandum discussing “requirements, plans, programs and guidelines” related to workplace worker safety, safety and security management, system security plans, and a fire/life safety and security program, among others, “to protect the safety and security of construction workers and users of the HSR.” (Draft EIR/EIS, p. 2-E-25.) TR-IAMF#2 requires the preparation of a construction transportation plan (“CTP”) that “would address, in detail, the activities to be carried out in each construction phase” such as “temporary road closures.” (Draft EIR, EIS, p. 2-E-28.) These two IAMFs explain the preparation of future plans after Project approval but do not include sufficient information to describe the plans’ effects so that the public and decision makers can fully determine whether such measures will be effective in reducing security and safety impacts. An EIR must provide a reason or basis for the deferral of future management plans. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 671.)

1164-1593 SS-IAMF#3 vaguely refers to the Authority’s “hazard management program” which includes identifying hazards, risk assessment, and the “application of control measures

<sup>83</sup> See Metis discussion regarding safety risks associated with the Project’s proposed closure of the Tunnel Avenue bridge.

1164-1593 (mitigation) to reduce the risk to an acceptable level.” (Draft EIR/EIS, p. 2-E-25.) The Draft EIR/EIS states SS-IAMF#3 will include “a preliminary hazard analysis (“PHS”) and a threat and vulnerability assessment (“TVA”). (Draft EIR/EIS, p. 2-E-25.) The Authority is deferring the creation of the PHS and TVA, essential environmental hazards studies, to the future, which in turn, defers the impact analysis. Rather than preparing these studies in the future, the Authority should conduct and include these essential studies in the Draft EIR/EIS to accurately determine significant safety and security impacts. Further, SS-IAMF#3 does not mention its hazards analysis program in relation to the construction of the Brisbane LMF on sites that require the remediation and/or closure of the Brisbane Landfill and Brisbane Rail Yard. The Authority must include such remediation considerations in its discussion of SS-IAMF#3 because they are indispensable to determining safety and security significance impacts.

1164-1594 **2. Impact S&S#1 is inadequately analyzed and requires development of additional feasible mitigation measures.**

a) Construction impacts on response times are not sufficiently analyzed.

The Impact S&S#1 analysis is not adequate because it does not describe the nature and magnitude of temporary road closures, relocations of services, and construction-related modifications that would result in emergency vehicle access delays and increases in response times. While the Draft EIR/EIS concedes there would be a significant impact due to the temporary closure of the Tunnel Avenue bridge, realignment of Lagoon Road, and realignment of Tunnel Avenue (for the East LMF), it does not explicitly analyze how construction would specifically identify emergency access routes or analyze impacts of emergency vehicle access delays and increases in response times despite the feasibility of presenting this analysis.

1164-1595 (1) The time frame for construction of the Tunnel Avenue overpass under is underestimated.

The Draft EIR/EIS states that construction of either LMF requires closure of the existing Tunnel Avenue overpass, and construction of the East LMF requires the closure of Tunnel Avenue. (Draft EIR/EIS, p. 3.11-48.) It is estimated that construction of the Tunnel Avenue overpass and realignment of Tunnel Avenue would require bridge and roadway closure for only 1-3 months during construction. (Draft EIR/EIS, Table 3.11-9.)

However, this estimated time frame is not based on site-specific geotechnical studies or supported with substantial evidence and likely underestimates the time needed for such bridge and roadway closures for significant construction activities. The construction of the current Tunnel Avenue bridge took between 1 to 2 years total due to large-scale soil

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 75

1164-1595 settlement.<sup>84</sup> It would likely take a similar amount of time to construct the Tunnel Avenue overpass as proposed by the Project, which could result in road closures and construction impacts for a longer duration than the estimated 1-3 months. The Draft EIR/EIS should be revised to present a more accurate time for construction of the Tunnel Avenue overpass rather than rely on an unrealistic and unsupported time estimate.

1164-1596 (2) *Impacts to fire service emergency response routes are insufficiently analyzed.*

Despite the acknowledgement of the Project's 30-second increase in response times, and despite the Authority's statement that it "further identified locations where increases in response times could occur and assessed the impact based on a 30-second threshold increase," the Draft EIR/EIS does not actually evaluate increased response times for its significant impact determination. (Draft EIR/EIS, p. 3.11-14.) To analyze the impacts resulting from an increase in response times, the Draft EIR/EIS stated the Authority reviewed "the potential emergency vehicle response disruptions and rerouting associated with building the project alternatives" and evaluated "potential changes in the roadway network, routing, and construction hours." (Draft EIR/EIS, p. 3.11-14.)

The Draft EIR/EIS does not disclose any specifics associated with this review or its findings. The emergency vehicle response disruptions were not addressed and the Draft EIR/EIS does not identify alternative route locations for fire emergency services despite the closure of Tunnel Avenue and its overpass. Specific changes in the roadway network and routing were not disclosed because the Draft EIR/EIS does not specify what section of Tunnel Avenue will be closed or how traffic will be rerouted during the time of Project construction.

1164-1597 Additionally, the impacts associated with closure of the Tunnel Avenue overpass, which would greatly restrict fire and police<sup>85</sup> emergency response, are not fully disclosed in the Draft EIR/EIS. Instead, the Draft EIR/EIS describes the closures as "temporary" and inappropriately relies on SS-IAMF#1 and SS-IAMF#2, both deferred mitigation measures without performance standards, to avoid and minimize S&S Impact#1. S&S Impact #1 must fully consider restrictions to emergency fire service response times resulting from the LMF construction.

1164-1598 The only fire station in Brisbane is located at 3445 Bayshore Boulevard, where Bayshore Boulevard meets Valley Drive. This lone fire station services the entirety of the

<sup>84</sup> See Metis comments regarding the poor design of the Tunnel Avenue bridge relocation and Lagoon Road alignment.

1164-1599 <sup>85</sup> In correspondence from the City of Brisbane Police Department, Police Chief Lisa Macias states the closure of the Tunnel Avenue bridge "would have a dramatic adverse effect" on the department's ability to respond quickly to emergencies east of the Caltrain railroad. (See City of Brisbane Letters, Police Department Correspondence.)

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 76

1164-1598 City, and its closure would result in a significant impact that must be analyzed and mitigated.<sup>86</sup> Construction of the LMF requires closure of the Tunnel Avenue overpass and Tunnel Avenue itself, as well as the realignment of Lagoon Road. (Draft EIR/EIS, p. 3.11-52.) Relocation of the overpass would include relocating the southern terminus of Tunnel Avenue from the intersection of Bayshore Boulevard/Old County Road to Bayshore Boulevard/Valley Drive. (*Ibid.*)

1164-1600 When the Tunnel Avenue overpass is closed, direct access for fire and police first responders to those portions of the City east of the Caltrain right-of-way will be nonexistent. Fire trucks and police responding to emergencies on Tunnel Avenue, north of Lagoon Road, such as Golden State Lumber or the Kinder Morgan Brisbane Terminal, both of which are vulnerable sites containing highly-flammable material, would need to take a roundabout way and travel north into San Francisco, which would add distance and prolong emergency service response times.<sup>87</sup> For the industrial uses even further south on Tunnel Avenue, namely the susceptible Golden State Lumber and the Kinder Morgan Brisbane Terminal, the distance and response times are further lengthened and prolonged by as much as 3.7 miles and ten minutes, respectively.<sup>88</sup> Fire trucks and police responding to emergencies at Sierra Point, which is where the marina and businesses such as the Doubletree Hotel are located, would need to travel south into the City of South San Francisco and take the US 101 freeway back north.<sup>89</sup> This alternative route would add 0.8 miles and three minutes to the response time of the existing emergency access route.<sup>90</sup>

These meandering routes that would be available to fire and police first responders when the Tunnel Avenue bridge is closed are inefficient and would cause deplorable impacts during Project construction, risking the lives of Brisbane residents, workers, and visitors staying at Brisbane's two hotels. Increasing emergency response times to reach Brisbane residents and residents in a disaster is a significant impact that must be fully analyzed in a recirculated Draft EIR/EIS and fully mitigated before Project approval.

1164-1601 <sup>86</sup> Major conflagrations have occurred in California for the past consecutive four years; this year, the fires have affected more than eight million people around the Bay Area, killing people and destroying 1,200 homes and businesses as of August 2020. Many of the fires have started in forests that have not seen such fires, Governor Newsom stated, in "modern recorded history." (See Fuller, Thomas, "4 Years of Catastrophic Fires in California: 'I'm Numb'," The New York Times, Aug. 26, 2020, available at: <https://www.nytimes.com/2020/08/24/us/california-fires-wildfires.html>.) The Project must consider this increase in wildfires during California's dry summer and fall months and analyze the Project's potential to inhibit emergency access to a possible wildfire in the San Bruno Mountain area, or other areas in Brisbane, during construction.

<sup>87</sup> Metis, Figures Metis-7 and Metis-8.

<sup>88</sup> Metis, Figures Metis-7 and Metis-8.

<sup>89</sup> Metis, Figure Metis-9.

<sup>90</sup> Metis, Figure Metis-9.

sohagi.com



Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 77

1164-1602

(3) *The Draft EIR/EIS must analyze impacts related to fire station relocation and provide alternative emergency access during project construction.*

S&S Impacts #1 and #3 must fully consider impacts related to relocating the Brisbane fire station and associated impacts.<sup>91</sup> The Draft EIR/EIS analysis of fire station relocation is inadequate because it does not consider the implications of the fire station relocation on the Project construction schedule in detail. Further, both options for relocating the City’s fire station 150 feet or more to the south to make way for the proposed new Tunnel Avenue bridge are infeasible.

Construction of the East LMF would require the relocation of the fire station approximately 600 feet to the south of the existing fire station, with two driveways connecting to Bayshore Boulevard. (Draft EIR/EIS, p. 3.11-53.) Relocation of the fire station associated with construction of the West LMF is analyzed to a lesser extent. It requires relocating the fire station approximately 150 feet to the south of the existing station “with a single driveway for the relocated fire station connecting to Bayshore Boulevard via the existing station’s secondary driveway.” (Draft EIR/EIS, p. 3.11-54.) The Draft EIR/EIS fails to adequately analyze the safety impacts of providing one driveway for fire service response or requiring fire trucks returning to the station to stop on Bayshore Boulevard and back into and along the driveway to the station’s apparatus bay.<sup>92</sup>

1164-1603

The relocation of the fire station to both of these sites is infeasible to the North County Fire Authority because it would extend fire truck response times since its proposed placement would require fire trucks to take an inefficient route to access Bayshore Boulevard.<sup>93</sup> How the closure of the fire station and construction of the relocated station affects service times, traffic patterns, and road closures must be further analyzed to adequately disclose all Project impacts. This proposed relocation results in serious safety and security impacts that must be analyzed thoroughly in the Draft EIR/EIS.

1164-1604

<sup>91</sup> Impact S&S#3 (Permanent Impacts on Emergency Access and Response Times Caused by Construction) must be revised to thoroughly analyze the constraints of relocating the fire station to the south, to identify an alternative offsite location acceptable to the City of Brisbane and the North County Fire Authority, and to analyze associated environmental analysis of relocating to this alternative site. (See Metis discussion regarding the infeasibility of the relocating the fire station to the proposed sites in the Draft EIR/EIS.)

<sup>92</sup> See Metis comments on the infeasibility of relocating the fire station to the proposed sites.

1164-1605

<sup>93</sup> See Letter from Todd Johnson, Deputy Fire Chief, North County Fire Authority, September 4, 2020, p. 2, stating, “Both of these poorly designed alternatives are infeasible and unacceptable. Both alternatives described in the Draft EIR/EIS require placement of the relocated fire station with its apparatus bays facing parallel to Bayshore Boulevard instead of perpendicular, which would increase response times.” Also see Metis discussion regarding infeasibility of relocating fire station to the proposed sites.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 78

1164-1606

The Draft EIR/EIS does not analyze how fire services would be provided during the relocation of the City’s only fire station or how the relocation coincides with the timing of the Project. Most amazingly, the Draft EIR/EIS does not provide a discussion of how fire trucks will utilize alternative routes during Project construction and before operation of the relocated fire station. There is also no discussion of alternative site locations for the new fire station or analysis of other sites.

1164-1607

(4) *Fires on industrial sites would cause potentially catastrophic results.*

Closure of the Tunnel Avenue overpass and Tunnel Avenue during Project construction has the potential to result in disastrous effects, as construction road closures would restrict access to businesses highly vulnerable to fires within Brisbane, specifically Golden State Lumber, the Kinder Morgan Brisbane Terminal, as well as other industrial businesses located on Tunnel Avenue. (See Figure Metis-8.) If a fire were to break out on these sites susceptible to fire hazards, delays in fire emergency response caused by closure of the Tunnel Avenue bridge could have catastrophic consequences. The Impact S&S#1 analysis is inadequate because it does not analyze the magnitude of increased emergency fire response times to such vulnerable sites, even though such analysis is feasible and necessary to fully comprehend safety and security impacts resulting from the Project.

1164-1608

The Draft EIR/EIS identifies the Kinder Morgan Brisbane Terminal as “a bulk petroleum storage and distribution terminal that provides aviation fuel to SFO as well as gasoline and diesel fuel to various retail stations on the peninsula. Gasoline, diesel, and aviation fuels are delivered to the facility through pipelines and are stored in 21 aboveground storage tanks. Aviation fuel is piped directly from the facility to SFO (Kinder Morgan n.d.)” (Draft EIR/EIS, p. 3.6-27.) Construction of the East LMF would result in eight major utility fuel pipelines crossing the HSR alignment; for the West LMF, six major utility fuel pipelines would cross the alignment. (*Ibid.*) Despite the recognition of such volatile materials that have the possibility of combusting and resulting in disastrous consequences, the Draft EIR/EIS does not do anything further to discuss and analyze potential safety impacts resulting from delayed emergency response due to bridge and road closures.

1164-1609

Similarly, Impact S&S#1 omits any meaningful analysis of potential impacts associated with delayed emergency response due to bridge and road closures to a potential fire at Golden State Lumber. Lumber is a highly flammable material, and the Draft EIR/EIS should have considered the implications of restricting fire emergency access to such a site.

1164-1610

The road closures described above would greatly delay fire, police and hazardous materials crews from addressing any disasters at the Golden State site,<sup>94</sup> Kinder Morgan

<sup>94</sup> Metis, Figure Metis-9.

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 79

1164-1610

Brisbane Terminal,<sup>95</sup> and other industrial uses in the area until after a significant amount of time has passed, exposing employees and patrons to significant safety hazards. The Draft EIR/EIS must fully disclose and mitigate these risks by redesigning the Tunnel Avenue bridge so that access along Tunnel Avenue from Bayshore Boulevard across the Caltrain right-of-way through to Beatty Avenue remains open at all times during LMF construction.<sup>96</sup>

b) Additional feasible mitigation measures are available and must be proposed.

1164-1611

3. **Impact S&S#1 analysis concludes impacts will be significant and unavoidable, but feasible mitigation measures are available to reduce these impacts.**

The Draft EIR/EIS Impact S&S#1 analysis<sup>97</sup> concludes impacts related to temporary road closures, relocations and modifications during construction and delays in emergency response times would be significant and unavoidable yet proposes no mitigation measures in Brisbane to reduce these impacts. The Draft EIR/EIS should instead propose a mitigation measure requiring the maintenance of emergency access at all times, with no additional delay, to Golden State Lumber Yard, the Kinder Morgan Brisbane Terminal, and all other uses that will be isolated when Tunnel Avenue is closed, when the Tunnel Avenue overpass is realigned, and when Lagoon Road is extended. Furthermore, the implications of these measures should be taken into account in a revised Project construction schedule. Impact S&S#10 must consider and be consistent with Caltrans Interim Safety Guidance.

1164-1612

4. **Impact S&S#10 analysis is inadequate.**

Impact S&S#10 (Permanent Exposure to Traffic Hazards) concludes that impacts on community safety related to permanent roadway closures would be less than significant. However, the Impact S&S#10 impact analysis is inadequate because it is limited in scope and does not consider and implement Caltrans Interim Land Development and Intergovernmental Review Safety Review Practitioners Guidance<sup>98</sup> (“Caltrans Interim

<sup>95</sup> Metis, Figure Metis-8, showing an emergency response time of ten minutes.

<sup>96</sup> North County Fire Authority Correspondence; Metis comments analyzing how the closure of the Tunnel Avenue bridge would pose a safety risk.

1164-1613

<sup>97</sup> Impact S&S#3 (Permanent Impacts on Emergency Access and Response Times Caused by Construction) must be revised to thoroughly analyze the constraints to relocating Brisbane’s existing fire station to the south.

<sup>98</sup> Caltrans Interim Land Development and Intergovernmental Review Safety Review Practitioners Guidance (“Caltrans Interim Safety Guidance”), July 2020, accessed at: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-07-01-interim-ldigr-safety-guidance-al1y.pdf>.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 80

1164-1612

Safety Guidance”) in determining the significance of the Project’s potential safety and security impacts.

The purpose of the Caltrans Interim Safety Guidance is to provide immediate direction about the safety review of projects “affecting the safety of connections to or travel on state roadways” while final Caltrans guidance is being developed.<sup>99</sup> Caltrans provides instructions on conducting an intergovernmental traffic safety review of potential projects focused to identify and reduce risks to road users.<sup>100</sup>

The Interim Safety Guidance recommends the lead agency review safety-related plans and programs that may apply to the study area such as local roadway safety plans and general plan or specific plan safety elements, among others.<sup>101</sup> Caltrans also recommends lead agencies, in their review, address a list of safety review topics including identification of safety issues (such as a high injury network or presence of systemic crash or typologies in the project area), actions, or projects in the study area affecting the State Highway System as documented in the above-mentioned plans, and prioritize vulnerable road users and communities.<sup>102</sup> The Interim Safety Guidance recommends the lead agency “determine whether the project’s contribution to the adverse impacts identified through the review [ . . . ] constitutes a significant impact under CEQA.”<sup>103</sup>

Impact S&S#10 does not consider this guidance document in determining significant safety and security impacts under CEQA. Instead, the Draft EIR/EIS’s Affected Environment Section (Draft EIR/EIS, § 3.11.5.2) only identifies surface transportation safety issues related to grade crossing and railroad hazards. The Draft EIR/EIS does not provide an inventory of applicable local safety-related plans as recommended by Caltrans, address such plans’ applicability to the Project, or identify or address any of the safety review topics mentioned in the Guidance.

“The Authority, as the lead agency proposing to construct and operate the HSR system, is required to comply with all federal and state laws and regulations and to secure all applicable federal and state permits prior to initiating construction of the selected alternative. Therefore, there would be no inconsistencies between the project alternatives and these federal and state laws and regulations.” (Draft EIR/EIS, p. 3.17-5.) To adequately determine whether the Project will result in a significant safety and security impact, Impact S&S#10 should apply the Caltrans Interim Safety Guidelines.

<sup>99</sup> Caltrans Interim Safety Guidance, p. 1.

<sup>100</sup> Caltrans Interim Safety Guidance, p. 1.

<sup>101</sup> Caltrans Interim Safety Guidance, p. 6.

<sup>102</sup> Caltrans Interim Safety Guidance, pp. 6-7.

<sup>103</sup> Caltrans Interim Safety Guidance, p. 7.

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 81

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 82

1164-1614

**5. Impact S&S#13 does not provide details of risks on hazardous materials release from contaminated sites due to LMF construction.**

The Draft EIR/EIS insufficiently analyzes Impact S&S#13 (Temporary Exposure to High-Risk Facilities and High-Risk Utilities) because it lacks sufficient detail. Information is missing regarding the explosion risk of flammable gases such as methane on the former Brisbane Landfill due to construction of the East LMF or risks with West LMF construction on a contaminated site currently undergoing remediation.

The Draft EIR/EIS notes that there are 166 high-risk facilities and a total of 44 active or closed landfills and waste transfer/processing facilities within two (2) miles of the Project footprint. (Draft EIR/EIS, p. 3.11-74) The Draft EIR/EIS concedes that even though activities have ceased at the Brisbane Landfill, “methane gas and leachate from decomposing material is still being generated, which requires treatment and monitoring.” (Draft EIR/EIS, p. 3.11-40.) However, Impact S&S#13 does not analyze this possible hazard on any of the landfills in the RSA, including the extent of construction required on the Brisbane Landfill in particular, which necessitates removal of a portion of the landfill, the hauling of wastes currently within it, and the regulatory approval process for Title 27 landfill closure.<sup>104</sup>

Instead of discussing impacts at all, the Draft EIR/EIS simply concludes that any anticipated impacts from these high-risk facilities are expected to be alleviated by IAMFs. SS-IAMF#2, would “identify potential hazards,” “identify methods to mitigate or eliminate hazards associated with high-risk facilities and utilities” which would be “removed, abandoned in place, relocated, or protected in place during construction.” (Draft EIR/EIS, p. 3.11-74.) IAMF#2 defers identification of safety and security impacts, as well as appropriate methods to lessen the impacts, until after Project approval. Further, and despite the IAMFs being cloaked mitigation measures, they are ineffective in preventing harms arising from hazardous facilities, in particular landfills, because landfills cannot be “removed,” “abandoned in place,” “relocated” or “protected in place during construction.”

1164-1615

**6. Safety and security mitigation measures are deferred mitigation and unenforceable because they require local agency approval.**

SS-MM#2 (Modify Driveway Access Control for Relocated Brisbane Fire Station) and SS-MM#3 (Install Emergency Vehicle Priority Treatments Near HSR Stations) are both improperly deferred as well as unenforceable mitigation measures because they require local agency approval for implementation. The Authority does not know whether these local agencies will approve such measures and thus, cannot rely on them to reduce impacts to less than significant levels.

<sup>104</sup> More information regarding the Draft EIR/EIS’s inadequate analysis related to Title 27 landfill closure of the former Brisbane Landfill is included in the Hazardous Waste subsection of this letter (VII.H).

sohagi.com

1164-1616

SS-MM#2 requires the Project contractor to develop a modified driveway access control plan for the Brisbane Fire Station before construction, requiring the installation of a new mid-block signalized intersection and median modifications. The Draft EIR/EIS notes that “[t]he contractor would prepare all materials necessary for and obtain the approval of the City of Brisbane for the implementation of this improvement.” (Draft EIR/EIS, p. 3.11-84.) There is no guarantee that the North County Fire Authority will approve the Authority’s proposed relocation of the Brisbane Fire Station. In fact, the North County Fire Authority already considers the proposed sites for relocation of the fire station unacceptable because both proposals would place the fire station’s apparatus bays in an inefficient manner that would increase response time.<sup>105</sup>

1164-1617

Similarly, SS-MM#3 requires the contractor to develop an emergency vehicle priority plan and install emergency vehicle priority treatments and new traffic control devices subject to approval from the City and County of San Francisco. Similar to its analysis of SS-MM#2, the Draft EIR/EIS incorrectly notes that SM-MM#3 would be effective in minimizing impacts on emergency response time. (Draft EIR/EIS, p. 3.11-84.) There is no guarantee that San Francisco will approve the construction of the new traffic control devices.

1164-1618

**7. Mitigation Measure SS-MM#4 is improperly deferred mitigation with no performance standards.**

As discussed above, CEQA mitigation measures must meet basic requirements for effectiveness, enforceability, and non-deferral. SS-MM#4 (Install Emergency Vehicle Priority Treatments Related to Increased Gate-Down Time Impacts) is improperly deferred mitigation because it does not provide any performance standards or commit the Authority to implement any specific measure. The Draft EIR/EIS incorrectly suggests implementation of SS-MM#4 is sufficient to mitigate fire station and first responder emergency access impacts related to the delay from rail gate-down time at at-grade crossings. (Draft EIR/EIS, p. 3.11-84.)

1164-1619

SS-MM#4 is inadequate for several reasons. First, SS-MM#4 defers monitoring of travel time for at-grade crossings and defers the creation of an “emergency vehicle priority treatment plan in conjunction with local agencies” (Draft EIR/EIS, p. 3.11-84) until after Project approval. However, the at-grade travel time data should be collected now, prior to Project approval, to support the Draft EIR/EIS’s analysis of impacts. Instead, the data will be collected one year prior to initiation of new HSR service “to establish a baseline travel time for each corridor” and six months after the start of any HSR service as well as annually thereafter for three years. (Draft EIR/EIS, p. 3.11-85.) Data should be collected now to

1164-1620

<sup>105</sup> See Metis discussion explaining that fire station siting would require fire trucks to make a 90-degree turn before turning onto Bayshore Boulevard, and would require returning trucks to inappropriately stop on Bayshore Boulevard and back into the driveway to the station’s apparatus bays.

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 83

1164-1619 | determine the “baseline travel time” so that the safety and security impact analysis can be comprehensive enough to determine whether the emergency vehicle priority treatment plan would sufficiently reduce impacts.

1164-1621 | Second, development of the emergency vehicle priority treatment plan is deferred until after initiation of HSR service, and the mitigation measure suggests possible strategies without commitment. Possible strategies “may include building improvements to streets parallel to the HSR corridor [ . . . ] or provide new emergency service facilities (i.e., new fire stations or ambulance/paramedic staging facilities).” (Draft EIR/EIS, p. 3.11-85.) However, these strategies must be identified and committed to prior to Project approval; otherwise the measures identified in the treatment plan are discretionary and ineffective.

1164-1622 | As it pertains to the City of Brisbane, the Project requires the relocation of the only fire station in the City to one of two alternative locations. Such relocation necessitates the implementation of mitigation measures to relieve impacts related to increased gate-down time impacts. SS-MM#4 briefly mentions a mitigation strategy to create new fire station staging facilities, but this is inadequate to mitigate the impacts from closing the only fire station in Brisbane and constructing a replacement fire station at another location. The Draft EIR/EIS must provide details regarding fire staging facilities, as well as how their construction fits within the Project construction schedule.

1164-1623 | SS-MM#4 could also consider the construction of a temporary, replacement fire station to ensure sufficient fire service during the time of HSR construction while the new fire station is constructed. Local agencies may need to conduct environmental analysis after Project approval (Draft EIR/EIS, p. 3.11-85) for building new fire stations or other emergency vehicle priority improvements, but the Draft EIR/EIS does not analyze this fact despite its conclusion that the Project will necessitate the relocation of the Brisbane fire station. Further, the relocation and potential construction of a temporary or new fire station will more than likely result in secondary impacts that must also be analyzed prior to Project approval.

1164-1624 | Third, SS-MM#4 fails because it discusses the Authority’s payment of capital funds to local agencies for Project implementation without specifying anything further to ensure its implementation. (Draft EIR/EIS, p. 3.11-85.) The Draft EIR/EIS concedes that this mitigation measure “may not mitigate certain fire station emergency vehicle response times” if affected cities choose not to accept such capital funds and that is the reason why the safety and security impacts are considered significant and unavoidable. However, the specifics of the Authority’s payment of capital funds to local agencies are not identified here and no performance standards are articulated.

1164-1625 | **J. Biological and Aquatic Resources Impacts**

The Draft EIR/EIS biological and aquatic resources impact analysis has many deficiencies, including those described below. Evidence supporting many of these

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 84

1164-1625 | comments, and additional deficiencies with the analyses, are pointed out in Metis comments on biological resources

**I. The existing conditions baseline is inaccurate.**

The Draft EIR/EIS describes determination of existing conditions as “based on desktop analyses or unpublished field surveys conducted in 2009 and 2010” and that “no presence-absence surveys for special-status wildlife species in the habitat study area” were conducted. (Draft EIR/EIS, p. 3.7-19.) Habitat modeling was used to project where Project construction and operations impacts would affect special status species. (Draft EIR/EIS, p. 3.7-20.) However, the information underlying the model appears to incorporate outdated information from 2009 and 2010. The reconnaissance field surveys described in the Biological and Aquatic Resources Technical Report (“BIO Technical Report”) at p. 4-11, which presumably also incorporated the modeling effort, were conducted in areas that were surveyed for aquatic resources delineation field work. Vegetation and land cover mapping is described as based on National Agriculture Imagery Program imagery from 2014. (Draft EIR/EIS, p. 3.7-16.) Other sources described in the BIO Technical Report are also more than two years old and should be updated and incorporated into the model(s) and the Draft EIR/EIS. The BIO Technical Report also notes, briefly, and without any explanation as to how the data gap was (or will be) filled, that the Authority did not conduct any presence-absence surveys within the habitat study area. (BIO Technical Report, p. 4-11.)

The California Department of Fish and Wildlife’s (“CDFW”) May 31, 2016 scoping comments recommended that the Draft EIR/EIS include results of surveys for special status wildlife and plant species using CDFW protocols; however, this was not done. Some additional site visits were apparently conducted for the limited purpose of verifying and possibly updating information for delineations of federally regulated waters or wetlands. Site visits to the West LMF site occurred in November 2018 and January 2020 for federal delineation efforts, and in September 2019 for state aquatic resources identification. (Draft EIR/EIS, p. 3.7-19; BIO Technical Report, p. 4-11.) Prior field surveys for delineations were conducted in a limited number of other locations, the most recent in 2014; these surveys would also not meet CDFW recommendations for currency.<sup>106</sup> Further, for CEQA purposes, these efforts would not necessarily encompass all wetland resources because the criteria for delineating wetlands for purposes of the Clean Water Act are more restrictive

1164-1626 | <sup>106</sup> “According to the CDFW, botanical surveys that are older than two years and performed in conditions that do not maximize detection “may overlook the presence or actual density of some special status plant species on the [p]roject site.” The CDFW, therefore, recommended that “additional botanical surveys be conducted at the appropriate time of year with proper weather conditions and the results incorporated into the environmental document for review and comment.” (*Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 692], reh’g denied (Apr. 10, 2020), review denied (June 24, 2020).)

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 85

1164-1625

than other criteria; for example, the U.S. Fish and Wildlife Service (“USFWS”) criteria<sup>107</sup> are more inclusive of intermittently wet areas.

The Draft EIR/EIS should be revised to provide more current existing conditions baselines for all biological resources. In the absence of these updates, the biological resources impact analyses are inaccurate and do not support informed decision making.

1164-1627

**2. *BIO-IAMF#5 is actually an improperly deferred mitigation measure with no performance standards.***

BIO-IAMF#5 (Prepare and Implement a Biological Resources Management Plan [“BRMP”]) directs the Project biologist to prepare a BRMP, including “a compilation of the biological resources avoidance and minimization measures,” and “project environmental plans” such as restoration and revegetation plans (“RRPs”) and weed control plan (“WCPs”). As discussed above, CEQA requires an EIR to identify mitigation measures as such, and not to move them to the project description to avoid disclosure of significant impacts. BIO-IAMF#5 is actually a mitigation measure because it calls for the contractor to prepare the BRMP after Project approval. It is also improperly deferred because the technical memorandum would be prepared after Project approval and because it includes no mitigation performance standards to ensure that impacts would be less than significant.

1164-1628

BIO-IAMFs #1 and #5 assign the task of preparing the BRMP to the “Project Biologist.” Which “Project Biologist” this task would ultimately fall on is unclear, because BIO-IAMF#1 also states that the term “Project Biologist” means all of the roles identified for biologists: Project Biologist, Designated Biologists, Species-Specific Biological Monitors, and General Biological Monitors. Without additional clarification, it is not clear who will be in charge of preparing the BRMP and all of its subparts and appendices. There is obvious potential for confusion about what practices are required in various locations, and whether the Authority or one of the myriad “Project Biologists” has final decision-making authority, oversight, and responsibility for developing and implementing mitigation; this confusion can and should be avoided by clarifying the organizational structure so vaguely referenced in these and the other relevant BIO-IAMFs, including BIO-IAMFs #2, #3, and #4. These BIO-IAMFs should also be reviewed and revised to address other inadequacies. For example, BIO-IAMF#2 should be revised to include other agencies that may require access to Project and mitigation sites, such as the US EPA, RWQCB, and BCDC, and the corresponding laws, regulations and policies they enforce should be included in BIO-IAMF#4. BIO-IAMF#3 should be revised to include applicable state law, regulations, and relevant departments and agencies.

<sup>107</sup> See <https://www.fws.gov/wetlands/documents/Classification-of-Wetlands-and-Deepwater-Habitats-of-the-United-States-2013.pdf>.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 86

1164-1629

**3. *BIO-IAMF#12 is ineffective in reducing impacts to birds.***

BIO-IAMF#12 (Design the Project to be Bird Safe) gives readers the Authority’s assurance that final project design would be bird safe, or at least as far as following Avian Power Line Interaction Committee (“APLIC”) recommendations can be implemented. However, the recommendations do not specify minimum design standards to ensure impacts would be less than significant. For example, BIO-IAMF#12 lists “[m]inimizing the use of guywires” and demarcating guywires where their use is “unavoidable,” and avoiding “to the extent feasible” siting transmission lines across canyons or on ridgelines to avoid bird collisions. (Draft EIR/EIS, Appx. 2-E, pp. 2-E-7 and 8.) Impact analyses fail to examine how well project design can avoid or minimize the use of guywires, or whether any project features would be considered “overhead lines.”

1164-1630

**4. *The effects of climate change and sea level rise on increasing the vulnerability of special status species and habitats to project impacts was not assessed and should be evaluated.***

Elevations within the RSA for biological and aquatic resources “range from approximately 1 foot below sea level at the northern end of the RSA to 74 feet above sea level near the southern end.” (Draft EIR/EIS, p. 3.7-26), yet the biological impact analyses fail to address whether structural modifications or relocations of elements of the Project would be required to maintain structures and operations. Future modifications would likely be necessary to maintain the Project during operation, and these modifications may, in turn, have further impacts on near-shore habitats. The analysis also fails to specify how projected sea level rise would be taken into account in selecting mitigation sites for wetland or waters resources that would be affected by the Project.

1164-1631

**5. *Potential effects of fugitive dust and landfill pollutants are not sufficiently disclosed.***

Dust deposition is known to affect plant communities by diminishing light (haze and foliar deposition). Particles of dust can be carried over long distances and may also include material that may be hazardous to plant and wildlife species, as well as human health. Depending on the composition, “fugitive dust” may affect the pH of streams and waterbodies, change the nutrient balance in coastal waters, deplete soil nutrients, and other ecosystem functions.<sup>108</sup> The Draft EIR/EIS fails to analyze the effects of fugitive dust created by Project construction and operation on plant and wildlife species.

1164-1632

Also, the Project proposes to construct the East LMF overlying contaminated groundwater on the former Brisbane Landfill (Draft EIR/EIS, p. 3.8-34). Excavation, extensive over a long period of time, would be required to prepare the site for construction of the LMF. Excavation could mobilize the various pollutants in these areas as dust,

<sup>108</sup> <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>.

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 87

1164-1632 | contaminated water runoff, and contaminated groundwater. Potential contaminants that could be disturbed by excavation in the former landfill under Alternative A include heavy metals, VOCs (including methane), semi-VOCs, petroleum hydrocarbons, PCBs, pesticides, and asbestos products. (See Draft EIR/EIS, p. 3.10-29.)

Exposure of the underlying layers of the landfill site would also likely attract more birds and small mammals. The Draft EIR/EIS did not consider potential effects related to bird mortality, invasive species, and increased mobility of landfill pollutants related to the activities of birds and small mammals at an exposed landfill site.

1164-1633 | **6. Wetlands and waters delineations and impact analyses used unclear federal procedures, and there was no separate delineation of waters of the state using new state procedures.**

The Draft EIR/EIS is unclear about the extent of federally protected wetlands and waters that would be affected by the Project, or the methods used to identify them. Wetland delineation efforts are described at Draft EIR/EIS p. 3.7-21 to -22 as based on limited surveys in some wetland and adjacent upland areas along with aerial imagery interpretation, and that wetland boundaries were “extrapolated by following topographic contours, wetland vegetation boundaries, and clear hydrologic boundaries.” Other efforts collected “wetland delineation data” for “potential LMF” sites in February 2010. Wetland characteristics were evaluated at “nine sampling points within the aquatic RSA in 2009.” The text does not explicitly identify the locations for these nine points. Perhaps the sites are adjacent to the nine “channels and creeks” listed in the text at Draft EIR/EIS p. 3.7-41; readers are left to search and guess. The Draft EIR/EIS states that delineation methods described in the USACE Delineation Manual (Environmental Laboratory 1987) and the 2010 USACE Arid West Supplement were used for a 2014 field investigation in “right-of-way and electrical safety zone areas,” and for a 2018 field investigation of the Brisbane wetlands at the proposed LMF sites. But in January 2020, U.S. Army Corps of Engineers (“USACE”) used the 2008 USACE Arid West Regional Supplement. The Draft EIR/EIS does not explain how these methods differ in data collection, or how the data collected using these different guidance documents is or is not integrated.

1164-1635 | Also, updated information from Metis surveys indicate that that the Draft EIR/EIS estimates of jurisdictional waters and wetlands affected by the Project in Brisbane are too low. (See Metis discussion of Impact BIO#9.) The Draft EIR/EIS does not capture wetlands at Icehouse Hill, understates the wetland areas north of Icehouse Hill, and does not capture wetlands near the proposed relocated fire station. A drainage just south of the proposed Tunnel Road relocation is also not included in the wetland maps found in the BIO Technical Report; this means that impacts to that drainage caused by the Tunnel Avenue bridge and roadway relocation as well as relocation of Visitacion Creek are not addressed. The Draft EIR/EIS must be rewritten to more accurately estimate the types and acreage of jurisdictional waters and wetlands affected by the Project in Brisbane.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 88

1164-1636 | Also, the Draft EIR/EIS does not clearly identify state-protected wetlands. The method described in Section 3.7.6.5 simply states that the “top of bank” (“as required under Section 1600”) could not be identified but appears to assume that the ordinary high-water mark (“OHWM”) is close enough. It is not clear whether any of the mixed riparian habitat extending beyond the OHWM was included. Further confusing readers, the Draft EIR/EIS at page 3.7-5 appears to conclude, without analysis or illustration, that all of the “isolated waters” affected by the Project would be within federal jurisdiction, and that no isolated waters would be only under state jurisdiction. This approach fails to assess existing conditions, and also misleads readers about the permitting requirements for waters that fall under both federal and state jurisdiction. The Draft EIR/EIS fails to clarify that waters of the state that are also under federal jurisdiction would be required to obtain a section 401 water quality certification from the Water Boards verifying that the project will comply with state water quality standards.

1164-1637 | The impact analysis in Section 3.7.8.5 (Aquatic Resources) limits its evaluation of impacts to state or federally protected wetlands to simply quantifying the acreage. Readers are not directed to figures or images to show the locations for these acreages. Failing to include the locations for these impacts essentially frustrates the purposes of public review. To provide an accurate understanding of localized impacts, the locations of these impacts to state or federally protected wetlands must be considered in the impact analyses.

1164-1638 | **7. Impacts of relocating Visitacion Creek are not analyzed.**

Importantly, the Draft EIR/EIS fails to address the substantial impacts associated with relocation of Visitacion Creek, as discussed in detail in Metis biological resources comments. The discussion of Impact BIO#19 in the Draft EIR/EIS (p. 3.7-71) states that the Project “would result in the conversion and degradation of aquatic resources by relocating a portion of Visitacion Creek and filling several wetlands” but fails to describe where or how the creek would be relocated, or address any impacts of creek relocation. Although not explicitly disclosed in the Draft EIR/EIS, because the East LMF would be constructed on top of Visitacion Creek, it appears that the Authority plans to either:

- (1) Fill approximately 980 linear feet of the existing Visitacion Creek and construct a culvert under the widest point of the East LMF, or
- (2) Reroute Visitacion Creek from where it daylights just east of the Caltrain tracks and construct a new 2,300 linear foot open channel running south, adjacent to the East LMF, that discharges the creek into Brisbane Lagoon rather than the San Francisco Bay.

Neither the Draft EIR/EIS nor the BIO Technical Report discloses any information as to what is proposed in relation to Impact BIO#19’s disclosure of “relocating a portion of Visitacion Creek.” As a result, the Draft EIR/EIS fails to analyze impacts associated with relocating a portion of Visitacion Creek, or present mitigation measures for these impacts. To discover what “relocating a portion of Visitacion Creek” might involve, readers of the

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 89

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 90

1164-1638 | Draft EIR/EIS would have had to review an appendix to the Authority’s May 2020 preliminary Compensatory Mitigation Plan (“pCMP”), which provides the only description of creek relocation. However, the hard-to-find pCMP was not made available to the public when the Draft EIR/EIS was made available for public review.

1164-1639 | The Draft EIR/EIS fails to address impacts that would result from relocating Visitation Creek. Impact BIO#19 must be revised to disclose the environmental impacts associated with relocation including:

- Degradation of aquatic resources within the 1,100 linear feet of existing creek that would remain in place east of the LMF resulting from reducing or eliminating natural runoff from the creek’s watershed.
- Impacts associated with construction of the relocated channel, including impacts to habitats where the relocated creek outlet drains into the Brisbane Lagoon.
- Long-term impacts such as increased turbidity and velocity that could destroy habitats and create additional erosion at the creek’s new discharge location in the Brisbane Lagoon.
- Potential for construction of the creek relocation efforts to disturb or cut into waste should the relocated creek channel encroach upon the boundary of the former.
- Impacts to Brisbane Lagoon habitat and species in that habitat that would be affected by Visitation Creek relocation.

1164-1640 | **8. Biological impacts of constructing the LMFs and other biological impacts in Brisbane, are not adequately disclosed.**  
 Substantial grading would be required to level the East LMF site and would eliminate the habitat, including habitat for the Callippe Silverspot butterfly. Loss of the site, and its soils and substrate, may limit the possibility of successfully creating compensatory habitat.

1164-1641 | The Draft EIR/EIS also fails to disclose impacts to a population of the rare plant coast iris (*Iris longipetala*), a California Rare Plant Rank (“CRPR” 4.2) species on the north slope of Icehouse Hill, as well as a significant impact associated with destruction of the native grass and flower fields, which are sensitive plant communities found on Icehouse Hill. These sensitive resources would be completely eliminated as a result of the grading of Icehouse Hill for the West LMF.

1164-1642 | The Draft EIR/EIS also completely discounts the possibility that special status species could occur in some locations, stating: “However, because the project footprint is almost entirely within the existing Caltrain right-of-way, most of the project footprint does not contain habitat for special-status species. Many of the areas where permission to enter was not granted did not need to be surveyed because they had no potential to support

sohagi.com

1164-1642 | special-status species and could be accurately assessed based on the desktop review.” This assumption results in an inaccurate presentation of existing conditions and underrepresentation of potentially significant impacts to biological resources, both in the Project corridor and on the LMF sites proposed. Construction of the Brisbane LMF (under Alternative A or B) would also require bridge relocation, roadway realignments, and relocation of the Brisbane fire station. The size and scale of Project construction and operation at these sites warrant site-specific and current field investigations consistent with CDFW recommendations.

1164-1643 | Reliance on old data, desk top analyses, and modeling, as discussed above, is inadequate to identify existing conditions and significant impacts to all of the biological and aquatic resources that would be affected by LMF construction. Metis’ comments on the Draft EIR/EIS’s deferral of site-specific and species-specific surveys provides updated information showing that the Draft EIR/EIS failed to recognize or assess impacts to special status species and wetlands known to exist on the West LMF site. New habitats and species on Icehouse Hill within the West LMF footprint include Coast Iris (*Iris longipetala*), seasonal wetland and drainage habitat, Arroyo Willow thickets, and locally rare ferns. These resources would be destroyed as a result of grading and removal of Icehouse Hill for the West LMF.

1164-1644 | Another example of this faulty assumption about where special status species could occur is the Draft EIR/EIS’s failure to evaluate potential impacts to white-throated swift (*Aeronautes saxatalis*, IUCN 3.1), a migratory bird species known to nest in overpasses that cross the Caltrain ROW.

1164-1645 | **9. Impacts on California fully protected species are not sufficiently disclosed and mitigated and “take” is not authorized.**

The Project would impact the white-tailed kite and San Francisco garter snake. Impacts would include effects considered a “take” under Fish and Game Code section 86. Both species are “fully protected” under California law. (Fish & G. Code, §§ 3511, 5050.) The Draft EIR/EIS fails to acknowledge that a “take” of a California fully protected species is not authorized in the absence of a Natural Communities Conservation Plan (“NCCP”). (Fish & G. Code, §§ 2805, 2835.)

1164-1646 | Impact BIO#9 (Removal or Disturbance of Active White-Tailed Kite Nests) fails to acknowledge that this is a fully protected species under Fish and Game Code section 3511. Mitigation identified for Impact BIO#9 is inadequate to prevent significant impacts to nesting white-tailed kites. BIO-MM#12 allows the Project biologist to relocate individuals; this would constitute a “take” under California law. (Fish & G. Code, § 86.)

1164-1647 | BIO-MM#12 addresses circumstances allowing the Project biologist to halt work, but only if the special-status wildlife is found in the work area. Because of the white-tailed

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 91

1164-1647 kite's sensitivity, CDFW guidance<sup>109</sup> directs a 0.5-mile radius "no-disturbance buffer" around construction areas until young have fledged and are no longer reliant on the nest or parental care for survival. BIO-MM#25 does not fill these gaps; it fails to set an appropriate, species-specific, time window for pre-construction surveys and sets an inadequate (75-foot) "no-work" buffer. It would further allow that buffer to be reduced, despite, for example, acknowledging in the analysis that construction-generated noise and vibration "near" active nests could cause adults to abandon eggs or recently hatched young. (Draft EIR/EIS, p. 3.7-61). The Draft EIR/EIS also fails to define "active nest." For some species, in particular raptor species such as white-tailed kite, the definition of "active nest" should not be limited to the presence of eggs or young.

1164-1648 Impacts to San Francisco garter snake are discussed in Impact BIO#5 (Permanent Conversion or Degradation of Habitat for and Direct Mortality of San Francisco Garter Snake) and Impact BIO#26 (Conflict with Pacific Gas and Electric Company Bay Area Operations & Maintenance Habitat Conservation Plan). Discussion in Impact BIO#5 explicitly states that "[w]hile many protections would be implemented, the potential for *physical harm and mortality of individuals would not be eliminated.*" (Emphasis added.) These effects would constitute a "take" under California law. The Authority does not have take authorization, and the Draft EIR/EIS fails to even mention this. Neither do the analyses or the mitigation acknowledge that garter snake and red-legged frog have a predator-prey relationship; the needs of both species must be taken into account in determining appropriate locations and ratios for compensatory habitat.

1164-1649 **10. Impacts of high-speed trains on special status wildlife are not sufficiently disclosed.**

Impact BIO#13 (Intermittent Disturbance of Habitat for and Direct Mortality of Special-Status Wildlife during Operations) does not identify any species-specific vulnerabilities, despite inclusion of BIO-IAMF#12 (Design the Project to be Bird Safe). Because IAMF#12 includes some provisions related to reducing the potential for collision or entanglement, discussion of which species these features must be designed for is necessary for readers to understand the impacts to individual species, in particular, special status species. (Draft EIR/EIS, Appx. 2-E, p. 2-E-7) The discussion also fails to address or explain whether high-speed trains present a greater risk of collision for some species, including migratory species that may stopover near the Project route along the Pacific Flyway. Further, the increase in the number of trains, as the Project proposes, would likely increase the number of bird-train collisions.

<sup>109</sup> "Horizon Water and Environmental, LLC. Appendix I CDFW's Conservation Measures for Biological Resources That May Be Affected by Program-level Actions. California Department of Fish and Wildlife; 10/7/2013. [Cited 2020 July 23]. Available from: <https://nrm.dfg.ca.gov/documents/ContextDocs.aspx?cat=R4-HabCon>. Link to document: <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=73979>."

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 92

1164-1650 **11. Impacts on migratory birds are significant.**

Regarding Impact BIO#15 (Removal of Active Non-Special-Status Bird Nests), all migratory birds are legally-protected wildlife species under the California Fish and Game Code section 3515 whose take would be a significant impact, even if not identified in Appendix 3.7-A as having "special-status." This analysis thus fails to consider whether removal or destruction of migratory bird nests, which are ubiquitous throughout areas affected by the Project, would result in significant impacts. Such activity may violate California Fish and Game Code section 3515 and is at odds with the Advisory issued by the California Attorney General on November 29, 2018<sup>110</sup> affirming California's protection for migratory birds. (Draft EIR/EIS, p. 3.7-67.) The Advisory specifically affirms that protection for migratory birds includes a prohibition against an incidental take.

1164-1651 A science-based definition for "active nest" is also necessary for this impact analysis. Determining whether a nest is "active" should include criteria that cover, or allow for, species-specific nesting behaviors. Nests should be considered "active" as soon as construction of a new nest or use of an existing nest or nest site begins. Mitigation measures should include monitoring and surveillance by a qualified avian biologist to determine whether nest or nest sites are "active."

1164-1652 The Brisbane LMF sites are proposed along the Pacific Flyway, positioned in the transition between uplands and the wetland and estuarine habitats of the San Francisco Bay shoreline. Electrification and night lighting of the 100+ acre LMF could adversely affect avian night movement which is a critical aspect of avian seasonal migration. The Draft EIR/EIS does not, however, address impacts to migratory birds and local wildlife species' movement that the Project would cause; these impacts would be caused by LMF night lighting, 24-hour per day noise generation, and the impact of electrical wires for train movement within the LMF.

Local wildlife in the vicinity of the Brisbane LMF sites may have adapted to noise generated by passing trains along the Caltrain right-of-way. However, 24-hour noise generation from the LMF across an area of 100+ acres could prevent sensitive wildlife species from traversing the site for local movement or migration, or successfully occupying or reproducing in otherwise suitable habitat areas.

1164-1653 Also, as mentioned above, the Draft EIR/EIS fails to evaluate potential impacts to white-throated swift. White-throated swift is a migratory bird species known to nest in overpasses that cross the Caltrain ROW.

<sup>110</sup> California Department of Fish and Wildlife and California Attorney General Xavier Becerra Advisory Affirming California's Protections for Migratory Birds November 29, 2018: <https://oag.ca.gov/system/files/attachments/press-docs/20181129mbta-advisory3.pdf>.

sohagi.com



Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 93

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 94

1164-1654

**12. Impacts on special status plants are insufficiently disclosed.**

Impact BIO#17 (Permanent Conversion or Degradation of Special-Status Plant Communities) and other analyses in Section 3.7 list impacts solely in terms of acreage. Affected acreage, in turn, is based on the desktop analyses, limited surveys, and modeling incorporating outdated survey information. BIO-MM#6, requiring pre-construction presence/absence surveys for special status plants, may be intended to address these deficiencies, but BIO-MM#6 fails to require appropriate seasonal timing to ensure all such plant species could be detected.

1164-1655

There are no references to figures to show where impacts would occur. This limitation hobbles the analyses and fails to allow readers to see the ecological context. Are the impacted areas isolated or connected to larger habitat areas for special status wildlife? There are no figures or references to figures that allow readers to easily find this information.

1164-1656

**13. Biological resource mitigation measures should not rely on compliance with permit conditions as effective mitigation for impacts to special status species and sensitive habitat areas.**

Federal regulations and enforcement priorities implementing NEPA, the Federal Endangered Species Act (“FESA”)<sup>111</sup>, the Migratory Bird Treaty Act (“MBTA”),<sup>112</sup> and the Clean Water Act (“CWA”),<sup>113</sup> are rapidly changing, and the outcome of various matters under litigation may further change those regulations and priorities.<sup>114 115</sup> Especially in light of these uncertainties, mitigation measures should not assume that compliance with future permit conditions will adequately avoid or reduce significant impacts to sensitive biological or aquatic resources. Mitigation measures should be identified that would reduce impacts to

<sup>111</sup> 16 U.S.C. § 1531 et seq.

<sup>112</sup> 16 U.S.C. § 703 et seq.

<sup>113</sup> 33 U.S.C. §§ 1251–1376

<sup>114</sup> See, e.g., USFWS Press Release, “U.S. Fish and Wildlife Service Solicits Public Input on Proposed Rule and Environmental Impact Statement for Migratory Bird Treaty Act” January 30, 2020, <https://www.fws.gov/news/ShowNews.cfm?ref=u.s.-fish-and-wildlife-service-solicits-public-input-on-proposed-rule-and- ID=36517>; Council on Environmental Quality Revised NEPA Regulations, 85 C.F.R. § 43304 (July 16, 2020); <https://www.jdsupra.com/legalnews/nepa-overhaul-trump-administration-19845/>; National Law Review, “New Regulations Reform Implementation of Endangered Species Act” September 17, 2019 <https://www.natlawreview.com/article/new-regulations-reform-implementation-endangered-species-act>; USEPA Revised Definition of Waters of the United States, 85 C.F.R. § 22250 (April 21, 2020); USEPA Revised Clean Water Act Section 401 Certification Rule, 85 C.F.R. § 42210 (July 13, 2020).

<sup>115</sup> *State of California, et. al., v. David Bernhard, U.S. Secretary of the Interior, et al / Complaint for Declaratory and Injunctive Relief* (N.D. Cal. Case 4:19-cv-06013-JST).

sohagi.com

1164-1656

less than significant under CEQA, with the provision that permit conditions imposed by the relevant federal or state agencies can impose alternative mitigation measures that are equally or more effective.

1164-1657

**14. Habitat restoration mitigation measures do not meet CEQA requirements.**

Setting aside the Draft EIR/EIS methodology that is overly reliant on old and limited data, impact analyses generally acknowledge that the Project will have temporary and permanent impacts to sensitive species. But these analyses in the Draft EIR/EIS fail to address temporal loss. When impacts occur may increase the significance of an impact, for example, during a blooming or breeding season.

1164-1658

The time gap between impact and habitat restoration mitigation may also increase the significance of an effect. Although the Draft EIR/EIS acknowledges some “Secondary Impacts of Implementing Compensatory Mitigation” for some mitigation measures, these acknowledgements generally address ground disturbance at off-site locations and further impacts to special status plant and animal species at or near that site, if present. These discussions reference, but do not address, the timing for securing any necessary state or federal permits for establishing compensatory mitigation at the as yet undetermined sites.

1164-1659

Similarly, habitat restoration on the sites of the Project’s temporary impacts cannot begin until work at the site is finished. The temporal loss must be accounted for and mitigation to compensate for temporal loss must also be identified.

1164-1660

Habitat restoration is identified as mitigation for a number of impacts to biological resources. Habitat restoration generally includes restoring native vegetation, including plants that support sensitive wildlife species (e.g., Mission blue butterfly). Analysis in the Draft EIR/EIS does not consider whether appropriate seeds, cuttings, and transplantable plants will continue to be available for these efforts, despite the broad hint in BIO-MM#1 that the Project biologist obtain locally sourced native seed mix for habitat restoration. A potentially critical source for these plant materials, Mission Blue Nursery,<sup>116</sup> would be displaced by LMF construction. Mission Blue Nursery provides genetically local plants for restoration and enhancement of San Bruno Mountain State & County Park habitats that have been preserved to protect endangered species. The Draft EIR/EIS provides no assurance that Mission Blue Nursery’s operations would not be disrupted or curtailed when it is displaced by the Project. The Draft EIR/EIS fails to consider how effects on Mission Blue Nursery operations would affect San Bruno Mountain habitat conservation activities. Continued availability and timing of availability for suitable habitat restoration materials must be examined to ensure feasibility.

<sup>116</sup> <https://www.mountainwatch.org/missionbluenursery/>.

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 95

1164-1661

**15. BIO-MM#1, BIO-MM#8, and many other mitigation measures are improperly deferred with no performance standards.**

As discussed above, CEQA mitigation measures must meet basic requirements for effectiveness, enforceability, and non-deferral. Mitigation measures BIO-MM#1 (Prepare and Implement a Restoration and Revegetation Plan) and BIO-MM#8 (Prepare a Compensatory Mitigation Plan for Species and Species Habitat) are improperly deferred because they call for preparation of a mitigation plan without identifying objective performance standards and specific mitigation activities for each affected habitat/species. BIO-MM#1, BIO-MM#6, and BIO-MM#10 also defer identification of existing conditions.

1164-1662

Each of these biology mitigation measures include pre-construction surveys to “document” pre-construction conditions. More typically, pre-construction surveys are used to document the current locations of *previously identified* sensitive resources to ensure that avoidance and minimization procedures are properly implemented. Instead, in the absence of adequate baseline information in the Draft EIR/EIS, these “pre-construction” surveys are de facto baseline studies improperly undertaken after Project approval.

1164-1663

BIO-MM#1 (Draft EIR/EIS, p. 3.7-90) restates some of the actions incorporated into the Project described in BIO-IAMF#5 (e.g., the Project biologist would prepare an RRP. BIO-MM#1 directs this effort more specifically to temporary impacts. BIO-MM#1 does not specify any performance standards for either terrestrial or aquatic habitat restoration (e.g., percent cover of affected plant species), remedial actions if those standards are not met, or how long monitoring should continue to ensure the habitat has been successfully established. Nor does it address whether the conditions of adjacent habitat areas that could affect restoration efforts should be included in monitoring, and potentially in remedial efforts (e.g., spread of invasive weed species).

1164-1664

BIO-MM#6 (Draft EIR/EIS, p. 3.7-93) requires the Project biologist to conduct presence/absence botanical surveys for special status plants and special-status plant communities. Because site-specific surveys were not conducted for upland species and habitat, this is essentially an initial site survey, not a survey to document whether any conditions have changed subsequent to initial site surveys already undertaken and disclosed to the public in a CEQA or NEPA document. The baseline information should have been presented in the Draft EIR/EIS. Surveys areas are also limited to work areas. Survey areas should be expansive enough to encompass adjacent or nearby resources that would be affected by impact mechanisms such as fugitive dust or hydrologic modifications.

1164-1665

BIO-MM#8 (Draft EIR/EIS, pp. 3.7-94,95) states that the Authority would prepare a compensatory mitigation plan (“CMP”). The CMP appears to be intended to identify other entities that the Authority would use to provide compensatory mitigation by purchasing mitigation credits, paying in-lieu fees, or acquiring fee-title or conservation easements. The CMP would include “[a] description of the species and habitat types for which compensatory mitigation is being provided” and would also allow a form of post-approval

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 96

1164-1665

environmental review to reduce or increase the amount of compensatory mitigation required. Again, this improperly defers identification of existing conditions and analysis of significant impacts.

Even if deferral were appropriate, the criteria for “adjusting” the amount of compensatory mitigation required includes guidance that must be corrected and clarified in the Draft EIR/EIS. For example, BIO-MM#8 states adjustments to impact estimates and compensatory mitigation would occur if habitat were “determined to be unoccupied based on negative species surveys.” However, depending on the species, “an inappropriately timed survey may not identify signs of occupancy or presence.” However, different species may use habitat seasonally or for particular life cycle needs (e.g., Callippe Silverspot butterfly seek topographic summits for mating). An inappropriately timed survey may fail to identify signs of occupancy, or presence, or use as mating or dispersal habitat. “Unoccupied habitat” may also be important (and included in designated critical habitat) for listed species.

1164-1667

BIO-MM#8 is intended to provide compensatory mitigation for both temporary and permanent impacts to “federal and state-listed species and their habitat, fish and wildlife resources regulated under Section 1600 et seq. of the Cal. Fish and Game Code, and certain other special-status species.” This description of which species are covered is much too vague. Readers would have to hunt through the Draft EIR/EIS and appendices to see what “certain other species” are included, and intuit whether special status species that the Draft EIR/EIS fails to identify as such (e.g., migratory birds) are somehow included. BIO-MM#8 requires descriptions of various plan components, but “descriptions” are not performance standards, and so the measure fails to ensure, for example, that in-lieu fee programs are adequately funded and focused to mitigate specific impacts. Confusingly, the Draft EIR/EIS does not disclose that a preliminary CMP had been prepared in May 2020; it was not included as part of the Draft EIR/EIS or its appendices, but was a technical report that was only available to members of the public who requested a copy to review, and its relationship to BIO-MM#8 is totally unclear and never explained.

1164-1668

BIO-MM#8 fails to disclose off-site mitigation actions already being considered by the Authority that could be “potentially incorporated in the mitigation measure.” The Authority’s pCMP describes on-site and off-site mitigation being considered by the Authority. Neither the BIO Technical Report nor the Draft EIR/EIS text discuss whether the pCMP is intended to be part of the applicable compensatory mitigation measures for listed species (BIO-MM#8) or for regulated waters (BIO-MM#37). The Draft EIR/EIS must be corrected to explain the exact relationship between the Draft EIR/EIS mitigation measures and the pCMP. It is also important to note that the pCMP is a good example of the problems involved with deferring mitigation details to the permit process. (See comment [Section VII.J.13, supra.](#))

1164-1669

BIO-MM#8 also appears to authorize a reduction in the amount of compensatory mitigation required based solely on the amount of habitat loss. This approach repeats the impact analysis error of ignoring the effects of timing and temporal loss, and whether the

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 97

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 98

1164-1669

location of the habitat loss affects dispersal, migration, or other essential life-cycle activities. BIO-MM#8 also appears to rely on compliance with future permit terms, rather than establishing success criteria and performance standards, to ensure that its future plans would be implemented.

1164-1670

Many other biological resources mitigation measures share the same inadequacies: improper deferral, lack of performance standards, and failure to identify specific, effective mitigation measures to be implemented at specific locations, in particular in Brisbane. These include BIO-MM#2 (Weed Control Plan), BIO-MM#7 (Plant Salvage and Relocation Plan), BIO-MM#10 (Compensate for Impacts on Listed Plant Species), BIO-MM#14 (Dewatering Plan) BIO-MM#15 (Fish Rescue Plan), BIO-MM#16 (Underwater Sound Control Plan), BIO-MM#31 (Bat Avoidance and Relocation Plan, BIO-MM#36 (Restore Aquatic Resources Subject to Temporary Impacts), and BIO-MM#37 (Aquatic Compensatory Mitigation Plan).

1164-1671

**16. Mitigation Measure BIO-MM#12 is ineffective in reducing impacts to special status species.**

BIO-MM#12 (Work Stoppage) gives the Project biologist the authority to halt work under limited circumstances to “prevent the death or injury to the species.” (Draft EIR/EIS, p. 3.7-100.) The Project biologist could stop work if any special-status wildlife species is found in a work area, but could only stop work within the work area. These limitations are inadequate to prevent harm to all special status species. Special status species, including nesting birds occurring outside the work area, may be affected by noise, dust, night-lighting, and/or human activities or presence. The Project biologist may also relocate individuals of special status species out of the work area if the individual does not move out of the work area on its own. The Draft EIR/EIS should acknowledge that this scenario contemplates activities that would constitute a “take” for species listed under either the state or federal Endangered Species Act, or “fully protected” under California Fish and Game Code sections 3511, 4700, 5050, 5515, and would require appropriate permits.

1164-1672

**17. The cumulative impact analysis for biological resources is inadequate.**

The biological resources cumulative impact analysis is inadequate because it fails to recognize that the Project would have many significant impacts pre-mitigation: Impacts BIO#1 through BIO#11, BIO#13, BIO#17, and BIO#19 through 22. (See Draft EIR/EIS, Table 3.7-22.) The cumulative impact analyses for these specific impacts should have used the same significance thresholds as it did for direct impacts, added the impacts of probable future projects, and concluded that cumulative impacts were also significant, with the Project’s contributions being cumulatively considerable. (See Guidelines, § 15130.) In addition, the magnitude of the Project’s contributions to cumulative biological impacts would be much higher than disclosed in the Draft EIR/EIS given the above inadequacies identified in the biology IAMFs, impact analyses, and mitigation measures.

sohagi.com

1164-1673

Further, the cumulative impact discussions for all biological and aquatic resources are inadequate because they rely on the same “cumulative RSA.” However, the text does not explain why the same RSA is appropriate for every type of affected biological or aquatic resource. Geographic scope of cumulative impact analysis should be determined based on the affected resource. Reliance on the same RSA for all biological and aquatic resources distorts the analyses. For example, impacts to habitat assessed or quantified solely in terms of acreage may inappropriately dilute the Project’s contribution to a cumulative impact in both the quantitative terms (by making the Project’s contribution appear smaller) and qualitatively by ignoring other aspects of the lost acreage’s value to species by virtue of its location, or use as mating habitat, dispersal habitat, nesting habitat, or foraging habitat.

1164-1674

**K. Hydrology and Water Resources Impacts**

**1. HYD-IAMF#1 and HYD-IAMF#2 are improperly deferred mitigation.**

As discussed above, CEQA requires an EIR to identify mitigation measures as such and they cannot be moved to the project description to avoid disclosure of significant impacts. Both HYD-IAMF#1 (Stormwater Management) and HYD-IAMF#2 (Flood Protection) are improperly included as part of the project description and should instead be discussed as mitigation measures.

HYD-IAMF#1 and HYD-IAMF#2 require the Project’s contractor to prepare future management plans articulating the required management measures and design standards to minimize any potential impacts from stormwater management and treatment as well as flood protection. For example, HYD-IAMF#1 requires, after Project approval but before construction, the preparation of on-site stormwater management measures and facilities as well as low-impact development techniques. (Draft EIR/EIS, Appx. 2-E, p. 2-E-20.) This defers analysis of the impacts to the current stormwater system’s capacity from the Project’s production of additional runoff to the system and attempts to minimize and rectify the impact by purporting to restore the area to regular conditions. Similarly, HYD-IAMF#2’s flood protection plan intends to “minimize the impacts” to floodplains and floodways to “avoid the risk of pollutant discharges during flood events.” (Draft EIR/EIS, p. 3.8-67.)

1164-1675

Furthermore, the IAMFs do not identify appropriate performance standards to ensure significant impact reductions to a less than significant level.<sup>117</sup> HYD-IAMF#1 requires mitigation in the form of “low-impact development techniques” to “be used where appropriate.” (Draft EIR/EIS, Appx. 2-E, p. 2-E-20.) HYD-IAMF#1 also improperly delays the identification of the kind of stormwater capture devices, at which specific sites those

1164-1676

<sup>117</sup> HYD-IAMF#1 does not discuss performance standards but rather simply refers to the Authority Technical Memorandum 2.6.5 *Hydraulics and Hydrology Guidelines*, which was not made available to the public as part of the Draft EIR/EIS documents on the Project’s webpage.

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 99

1164-1675 | devices will be utilized, and how reductions will reduce impacts. HYD-IAMF#2 has a vague performance criterion, to “minimize increases in 100-year or 200-year flood elevations, as applicable to locale.” (*Ibid.*). Without specific performance standards, it is impossible to determine whether these improperly deferred mitigation measures will be effective in reducing impacts to less than significant levels.

1164-1677 | **2. The Impact HYD#2 impact analysis is inadequate.**

The Draft EIR/EIS incorrectly identifies Impact HYD#2 (Permanent Impacts on Drainage and Stormwater Runoff) as less than significant because the impact analysis does not consider the factual circumstances surrounding the Baylands site and the extent of construction, which includes grading and earthwork, filling “most of the Brisbane wetlands” and a portion of the Visitation Creek wetlands and scrub/shrub wetlands, as well as placing Visitation Creek Tributary and Wetland into a culvert.

Project construction would require “substantial quantities of grading and earthwork” for the Tunnel Avenue overpass and construction of the Brisbane LMF under both alternatives, resulting in “permanent, direct, localized impacts on existing drainage patterns.” (Draft EIR/EIS, p. 3.8-46.) “Larger quantities of grading would result in larger changes in topography, which would translate into a larger impact on drainage patterns.” (*Ibid.*) The extensive grading and construction of impervious surfaces would substantially alter the existing drainage pattern of the area, a significant impact under CEQA.

1164-1678 | According to Table 3.8-16, approximately 2.8 million cubic yards of earthwork is required to construct East LMF,<sup>118</sup> which includes minor and major grading in the area and the creation of flat areas for structures. Similarly, construction of the West LMF estimates roughly 3.6 million cubic yards of earthwork is required in addition to 46 acres of new impervious surface additions in the Baylands area. Based on the limited information included in the Draft EIR/EIS, it seems over half of Icehouse Hill would be graded to construct the West LMF; the hydrology and water impacts of this extensive grading are not fully analyzed. Because the Draft EIR/EIS fails to quantify the specific amounts of grading for any of the specific construction activities, it fails to provide decision makers and the public with a detailed, accurate assessment of the Project’s impacts on drainage patterns and runoff volumes.

1164-1679 | The impacts from grading are analyzed in a piecemeal fashion, but when they are added to drainage/stormwater impacts in Brisbane from other Project construction activities, the significant impact is magnified. In addition to the earthwork activities, the Draft EIR/EIS states that construction includes 45 acres of new impervious surfaces for the

1164-1680 | <sup>118</sup> The Draft EIR/EIS presents inconsistent grading quantities for the West and East Brisbane LMF in two tables, Table 2-25 and Table 3.8-16; this inconsistency requires further thorough analysis and rectification of the incorrect grading estimates to properly analyze the Project’s potential impacts on hydrology and water resources.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 100

1164-1679 | Brisbane LMF on either site (Draft EIR/EIS, p. 3.8-53), mostly in wetland and undeveloped areas (Draft EIR/EIS, p. 3.8-53) .

However, the Draft EIR/EIS incorrectly states that the new impervious surfaces “would be minimal when compared to the amount of existing impervious surfaces in those watersheds.” The combined environmental impact of construction of new impervious surface areas on undeveloped land would undoubtedly alter drainage patterns and increase the rate and amount of surface runoff to a substantial degree. Additionally, construction of the Brisbane LMF under either alternative requires construction of new onsite and offsite drainage systems and the modification of existing drainage systems. (Draft EIR/EIS, p. 3.8-55.) The Draft EIR/EIS, however, fails to address the impacts of new drainage facilities developed for the Project.<sup>119</sup>

1164-1681 | The Draft EIR/EIS attempts to minimize these impacts by saying that IAMFs, along with planned drainage systems, would result in a less than significant impact. This conclusion is not supported by substantial evidence because drainage studies were not prepared and because the Draft EIR/EIS does not analyze how the undisclosed amounts of grading, the filling of significant portions of wetlands, redirecting of channels, and over 45 acres of new impervious area would have a substantial impact on the rate and amount of surface runoff.

1164-1682 | Impact HYD#2 does not analyze, but must discuss: (1) a drainage study to quantify increased flows from the Project’s impervious surfaces, (2) analysis of the capacity of downstream drainage facilities to accept those flows, (3) a description of the on- and off-site facilities needed to convey runoff from Project facilities, (4) analysis of the impacts that would result from construction of on-and off-site drainage improvements, and (5) mitigation measures for any significant impacts that might result from Project-induced changes to drainage patterns and stormwater runoff.<sup>120</sup> Also missing from Impact HYD#2 is any discussion or analysis of the relocation of Visitation Creek identified in Impact BIO#19, which states that the Project would be “relocating a portion of Visitation Creek and filling several wetlands.”<sup>121</sup>

1164-1683 | **3. Impact HYD#4 fails to fully address impacts associated construction of the LMF.**

Impact HYD#4 (Temporary Impacts on Surface Water Quality during Construction) does not address impacts related to excavations into the former Brisbane Landfill and its buried waste (East LMF) or into contaminated soils within remediation Operable Units UPC-OU-SM and OU-2 (West LMF). The Draft EIR/EIS states on page 3.8-60 that the

<sup>119</sup> See Metis discussion of Impact HYD#2.

<sup>120</sup> See Metis discussion of Impact HYD#2.

<sup>121</sup> The Metis letter discusses Impact HYD#2 and the Draft EIR/EIS’s failure to disclose the full extent of impacts to Visitation Creek.

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 101

1164-1683

“primary water quality pollutant associated with construction of the project alternatives would be sediment.” As a result, analysis of Impact HYD#4 focuses on grading activities and the total amount of soil that would be excavated for either LMF site. No analysis is conducted related to water quality hazards associated with excavations into the former Brisbane Landfill and its buried wastes that have not been characterized as either hazardous or non-hazardous. Also not analyzed in Impact HYD#4 are water quality impacts of the 432,000 cubic yards of contaminated soils that are proposed to be excavated, loaded on trucks, and hauled offsite during construction of the West LMF. In the absence of such analysis and substantial evidence that BMPs designed for non-hazardous soils would, in fact, avoid significant impacts during excavations of contaminated soils and uncharacterized solid wastes, the Draft EIR/EIS cannot substantiate its CEQA conclusion that Impact HYD#4 would be less than significant.

1164-1684

Also, Impact HYD#4 does not address water quality impacts related to relocation of Visitacion Creek. While Impact BIO#19 states that the Project would be “relocating a portion of Visitacion Creek and filling several wetlands,” no discussion of construction water quality impacts that would be associated with such relocation is provided in Impact HYD#4. Whether relocating a portion of Visitacion Creek is part of the Project (as described in Impact BIO#19) or an action being considered by the Authority for incorporation into Project mitigation as described in the Preliminary Compensatory Mitigation Plan, Impact HYD#4 must analyze and disclose the water quality impacts associated with filling a large portion of Visitacion Creek and relocating the creek to flow into the Brisbane Lagoon rather than into the San Francisco Bay.

1164-1685

**4. Impact HYD#7 fails to adequately analyze Brisbane LMF operational impacts.**

Impact HYD#7 (Continuous Impacts on Surface Water during Operations) does not adequately analyze the Project’s operational impacts on surface water quality at the LMF sites because it does not consider the Baylands’ unique soil composition. During Project operations, pollutants such as brake dust, metals and PAHs would be discharged into aquatic resources, deposited on nearby impervious surfaces and possibly into a storm drain inlet and then, into aquatic resources, which could affect water quality. (Draft EIR/EIS, p. 3.8-69.) The Draft EIR/EIS nevertheless incorrectly concludes that the continuous impacts on surface water at the LMF sites would be less than significant.

1164-1686

The LMF sites are located in an area of wetlands and tidally influenced<sup>122</sup> zones, and the soil is a mix of native soils, marine sediment, and layered with trash.<sup>123</sup> This unique soil

<sup>122</sup>Draft Baylands Specific Plan, Chapter 4.G, June 2013, discussing, “B&M identified 27 wetland areas, one tidally influenced drainage area (the interior drainage channel), and one tidal water body (Brisbane Lagoon) within the Brisbane Baylands boundaries during wetland surveys.” Available at: [http://archive.brisbaneca.org/sites/default/files/4g\\_hazards.pdf](http://archive.brisbaneca.org/sites/default/files/4g_hazards.pdf).

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 102

1164-1686

composition must be analyzed in conjunction with the release of pollutants during Project operations because tidally influenced areas will likely make it easier for pollutants to reach waterways. Furthermore, both proposed LMF sites are already highly contaminated with waste and hazardous materials; these sites must be fully remediated before construction and operation to ensure no additions to the pollution load.

1164-1687

The Draft EIR/EIS impact analysis improperly includes implementation of HYD-IAMF#1, which would potentially use treatment BMPs such as “infiltration areas, infiltration devices, bioretention systems, detention devices, media filters, and wet basins” throughout the Project to determine that potential water quality impacts are less than significant. (Draft EIR/EIS, p. 3.8-70.) As stated above, HYD-IAMF#1 is actually improperly deferred mitigation with no performance standards. The Draft EIR/EIS should have disclosed pre-mitigation operational water quality impacts at the LMF sites in the absence of IAMF#1 and judged them as significant. A more effective, non-deferred operational water quality mitigation measure should then have been formulated that identified specific measures to be implemented in Brisbane given its unique historical uses, makeup of soil materials, and tidally influenced and wetland areas.

1164-1688

**5. Impact HYD#8 improperly defers site-specific analysis of soil and groundwater contamination risks.**

Impact HYD#8 (Temporary Impacts on Groundwater Quality and Volume During Construction) improperly defers site-specific analysis of soil and groundwater contamination risks at LMF sites. The Draft EIR/EIS inappropriately defers analysis of whether the Project will have significant environmental impacts to groundwater quality during construction activities.

Impact HYD#8’s analysis specifically states that “[r]esolutions may involve conducting a site investigation, implementing remediation activities, and properly disposing of contaminated materials...” if undocumented contamination is detected during construction activities. (Draft EIR/EIS, p. 3.8-75.) Site investigations and remediation plans should not be conducted during the construction of the Project but must be conducted prior to construction in order to properly disclose impacts and mitigate them. Contamination is already known to exist within the West LMF. Without substantial evidence, the Draft EIR/EIS erroneously concludes that the impact is less than significant.

1164-1689

<sup>123</sup> As stated in the Final Program EIR for the Brisbane Baylands Response to Comment BBCAG-109: “Basically, fill comprised of solid waste accepted by the landfill was placed on top of (1906 San Francisco) earthquake rubble that was placed on top of marine sediments to form land. Soil has been placed on top of the solid waste to prevent contact with the waste. More than likely, soil was also placed on top of the solid waste during the operations of the landfill as ‘daily cover’ to prevent the materials from being blown into the community or the Bay.” Available at: [http://archive.brisbaneca.org/sites/default/files/2-9\\_organizations-rtc\\_feir.pdf](http://archive.brisbaneca.org/sites/default/files/2-9_organizations-rtc_feir.pdf).

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 103

1164-1690

**6. Impact HYD#13 fails to fully analyze permanent impacts from runoff increases.**

The Draft EIR/EIS's analysis of Impact HYD#13 (Permanent Impacts on Floodplain Hydraulics) fails to comprehensively analyze construction of the West LMF, which would create a significant environmental impact on floodplain hydraulics. The Draft EIR/EIS concludes that construction of the West LMF would result in a less than significant impact because it relies on the implementation of future flood protection plans (described in HYD-IAMF#2) and coordination with local floodplain managers to "avoid substantial permanent impacts on floodplains." (Draft EIR/EIS, p. 3.8-86.) As stated above, HYD-IAMF#2 is actually improperly deferred mitigation with no performance standards. The Draft EIR/EIS should have disclosed pre-mitigation floodplain hydraulics impacts at the LMF sites in the absence of IAMF#2 and judged them as significant. A more effective, non-deferred operational water quality mitigation measure should then have been formulated that identified specific measures to be implemented at the LMF sites, given their unique environmental setting.

1164-1691

**7. HYD-MM#1 is deferred mitigation and is also unenforceable.**

As discussed above, CEQA mitigation measures must meet basic requirements for effectiveness, enforceability, and non-deferral. HYD-MM#1 (Maintain Existing 100-Year Water Surface Elevations of Guadalupe River in San José) is an improperly deferred mitigation measure because it seeks to identify design improvements in a very general, conceptual fashion after Project approval. HYD-MM#1 states, "to ensure there would be no increase in the 100-year water surface elevation [ . . . ] mitigation *may* include, but would not be limited to, optimizing the design of the proposed HSR bridge, [ . . . ] widening the river and floodplain, improving the hydraulics of the existing railroad bridges immediately downstream from the proposed HSR bridge, and increasing the channel flow capacity of the river." (Draft EIR/EIS, p. 3.8-86.) HYD-MM#1 offers a range of vague mitigation options, details of which are deferred to the future. HYD-MM#1 is unenforceable because the hypothetical measures it proffers "*may*" be implemented but does not explain who retains discretion to decide what measures would be implemented, if they are implemented at all.

1164-1692

**8. Sea level rise must be analyzed as a CEQA impact.**

The EIR/EIS must analyze sea level rise as a CEQA impact because the Project's drainage pattern alterations will exacerbate inundation impacts. Sea level rise analysis under CEQA is warranted when a proposed project may exacerbate an environmental hazard. (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 388.) It is also required when sea level rise will create a flood hazard causing a proposed project to release pollutants due to inundation. (See, e.g., Guidelines, Appendix G, Question X(d).) Nevertheless, the Draft EIR/EIS does not include a CEQA-compliant sea level rise analysis, and instead and incorrectly states (in Draft EIR/EIS, § 3.8.10) that such analysis is not required by CEQA.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 104

1164-1692

The Draft EIR/EIS must analyze sea level rise as a CEQA impact because the Project will alter drainage patterns which will likely intensify inundation impacts caused by sea level rise. Numerous changes to the drainage system will result from the construction of either LMF site due to the grading of the sites to a flat surface, including the substantial grading of Icehouse Hill, as well as the construction of additional impervious surface area for the LMF on wetlands that must be filled to create the LMF sites. Additional impervious surfaces that would increase runoff would be added in other locations along the Project alignment. (See Draft EIR/EIS, Table 3.8-18 for a list.)

1164-1693

The Draft EIR/EIS identifies the Brisbane Lagoon and portions of the LMF as a location most susceptible to sea level rise. (Draft EIR/EIS, p. 3.8-103.) While the Draft EIR/EIS identifies the current sections of track that have the potential to be inundated by sea level rise in Table 3.8-28, it ignores analysis of how the Project's drainage impacts would exacerbate local sea level rise impacts in Brisbane and other site-specific locations. These local sea level rise impacts must be evaluated and recirculated in a Draft EIR/EIS to adequately analyze sea level rise impacts.

1164-1694

Also, the Draft EIR/EIS must analyze sea level rise as a CEQA impact because the LMF and other Project facilities will be located in flood hazard areas, risking release of pollutants due to inundation. These pollutants are catalogued in Impact HYD#5, but the Draft EIR/EIS does not analyze or explain how inundation due to sea level rise would worsen water quality impacts due to release of the pollutants.

1164-1695

The Draft EIR/EIS should also discuss the requirements of the BCDC to ensure the Project is consistent with BCDC's policies on addressing the impacts of climate change in the San Francisco Bay.<sup>124</sup> The policies describe the requirements for assessing risks when designing shoreline projects.<sup>125</sup> To fully analyze sea level rise impacts, the Draft EIR/EIS must analyze the Project's compliance with BCDC's policies and the results should be included in a recirculated Draft EIR/EIS.

1164-1696

**9. A long-term sea level rise vulnerability assessment and adaption plan are improperly deferred.**

The Draft EIR/EIS does not articulate the Authority's plans to address long-term sea level rise and delays the preparation of a long-term vulnerability assessment and adaptation plan until a later, unspecified time. (Draft EIR/EIS, p. 3.8-103.) Without assessing the Project's long-term vulnerability to sea level rise, the Authority is incapable of assessing how the Project will exacerbate sea level rise impacts. Additionally, deferring preparation of

<sup>124</sup> BCDC, San Francisco Bay Plan, accessed at: [https://www.bcdc.ca.gov/plans/sfbay\\_plan.html](https://www.bcdc.ca.gov/plans/sfbay_plan.html).

<sup>125</sup> BCDC, San Francisco Bay Plan, Policies, accessed at: [https://www.bcdc.ca.gov/plans/sfbay\\_plan.html](https://www.bcdc.ca.gov/plans/sfbay_plan.html).

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 105

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 106

1164-1696 | an adaptation plan prohibits the public and decision makers from analyzing necessary information to understand how sea level rise risks would be mitigated.

The Draft EIR/EIS provides no explanation as to why a long-term sea level rise vulnerability assessment and adaption plan cannot be prepared now and included in the document. The Draft EIR/EIS is inadequate because it recognizes the vulnerability of both Brisbane LMF sites while deferring consideration of how best to protect the LMF until some unknown time in the future after the Project is approved and the LMF is constructed. By pursuing this approach, the Authority would effectively shift costs to others.<sup>126</sup>

1164-1697 | The Draft EIR/EIS admits that the sea level rise analysis presented in Section 3.8.10 is inadequate because it defers preparation a long-term vulnerability assessment and adaptation plan to some uncertain time in the future after project approval. Instead, the long-term vulnerability assessment and adaptation plan should be presented in a revised Draft EIR/EIS, and based on the latest integrated Bay Area Sea Level Rise and Shoreline Analysis maps, developed by the Adapting to Rising Tides (“ART”) program.<sup>127</sup>

Even in the absence of a long-term adaption plan, the Draft EIR/EIS hydrology impact analysis is inadequate because it fails to commit to specific short-term (2050) adaptation measures for the LMF. The Draft EIR/EIS vaguely states that the “Authority would incorporate adaptation features into both project alternatives for the LMF to avoid inundation associated with sea level rise and associated pollutant discharges....Adaptation features, such as floodwalls, pump stations, and berms would address effects from sea level rise over the near term with design modifications that would avoid or minimize potential effects in the year 2050.” (Draft EIR/EIS, p. 3.8-103) Without greater certainty about which specific adaptation measures would be implemented and an evaluation of their effectiveness, there is no assurance that flooding and inundation impacts associated with the LMF would be less than significant.

1164-1698 | **10. The hydrology/water resources cumulative impact analysis is inadequate.**

Incredibly, the hydrology/water resources cumulative impact analysis improperly assumes that existing laws and regulations would prevent any cumulative impacts on surface water hydrology, surface water quality, groundwater, and floodplains from occurring. Therefore, there would be no cumulatively considerable Project contribution to such impacts. (Draft EIR.ES, pp. 3.18-51 to -52.) The Draft EIR/EIS presents no evidence that all

<sup>126</sup> See Metis discussion regarding the Draft EIR/EIS’s inadequate discussion of projected sea level rise.

<sup>127</sup> See <http://www.adaptingtorisingtides.org/project/regional-sea-level-rise-mapping-and-shoreline-analysis/>.

1164-1698 | reasonably foreseeable future projects would comply with all applicable hydrology/water resources laws and regulations, and it is unrealistic to expect they would do so.<sup>128</sup>

1164-1699 | Further, the hydrology/water resources cumulative impact analysis is inadequate because it fails to recognize that the Project would have several significant impacts pre-mitigation: Impacts HYD#4, HYD#5, and HYD#13. (See Draft EIR/EIS, Table 3.8-26.) In addition, the above comments demonstrate that Impacts HYD#2, HYD#7, and HYD#13 should also have been significant pre-mitigation. The cumulative impact analyses for these specific impacts should have used the same significance thresholds as for direct impacts, added the impacts of probable future projects, and concluded that cumulative impacts were also significant, with the Project’s contributions being cumulatively considerable. (See Guidelines, § 15130.) Instead, the Draft EIR/EIS illogically concludes that, notwithstanding these significant direct hydrology/water resources impacts, the Project would have no cumulative hydrology/water resources impacts at all.

1164-1700 | **L. Aesthetics and Visual Quality Impacts**

**1. AVQ-IAMF#1 and AVQ-IAMF#2 are improperly deferred mitigation measures with no performance standards.**

AVQ-IAMF#1 (Aesthetic Options) and AVQ-IAMF#2 (Aesthetic Review Process) are improperly deferred mitigation measures with no performance standards to assure the impacts they reduce would be less than significant. Both AVQ-IAMF#1 and AVQ-IAMF#2 state that the contractor will, prior to construction, issue technical memoranda and document the procedures used to comply with local agency’s aesthetic guidelines for non-station structures. These two IAMFs would be used, for example, prior to the construction of the Brisbane LMF. However, the IAMFs are, in fact, improperly deferred mitigation of aesthetic impacts from non-station structures. Furthermore, the IAMFs contain no objective performance standards to assure that impacts would be reduced below significance.

The Draft EIR/EIS project description should have enough preliminary detail to allow aesthetic impacts of these facilities to be disclosed and assessed for significance. However, by relying, without analysis, on the IAMFs to reduce aesthetic impacts to less than significant, the Draft EIR/EIS fails to properly recognize the aesthetic impacts of the LMF. The IAMFs should be discussed as mitigation measures, not as impact avoidance and minimization features.

1164-1701 | The IAMFs incorporate no performance standard of their own, but instead state they will be guided, at least in part, by “local aesthetic preferences.” (Draft EIR/EIS, p. 3.15-87.) The Draft EIR/EIS provides no examples of these local aesthetic preferences, nor does it

<sup>128</sup> See Metis discussion of cumulative impacts, stating the Draft EIR/EIS must provide an explanation as to why existing laws and regulations would be adequate to prevent any significant hydrology/water resource impacts from the Project or cumulative significant hydrology/water resource impacts from the other projects.

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 107

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 108

1164-1701 | provide any specifics about how non-station structures could be designed to avoid significant aesthetic impacts. Indeed, the Draft EIR/EIS does not even attempt to describe the types of aesthetic impacts these features would try to avoid, whether they be from lighting, glare, massing, shadows, etc.

Regarding the LMF, the Draft EIR/EIS states that these IAMFs would only incorporate local aesthetic preferences “with regard to vegetative screening, the design of the realigned Tunnel Avenue overpass, and modifications to the Bayshore Station.” (Draft EIR/EIS, pp. 3.15-100, 103.) No performance standards for vegetative screening, design, or modifications are described. Impact AVQ#4 (Permanent Direct Impacts on Visual Quality – Brisbane Landscape Unit) should specifically address visual impacts on Baylands residential uses designated by the General Plan.

1164-1702 | **2. The visual impacts of LMF on future Brisbane residents has not been analyzed.**

In analyzing the “Permanent Direct Impacts on Visual Quality” in the Brisbane Landscape Unit, the Draft EIR/EIS states that “[t]here are few viewers immediately adjacent to the Caltrain railway in the Brisbane Landscape Unit other than passengers, who are travelers with moderately low viewer sensitivity.” (Draft EIR/EIS, p. 3.15-99.) The Aesthetics and Visual Quality Impacts Technical Report (“AVQ Technical Report”), in discussing Temporary Construction Effects, states that viewers would have “low to moderately low viewer sensitivity, such as industrial workers at the Recology facility and nearby lumberyard.” (AVQ Technical Report, p. 5-29.)

The Draft EIR/EIS does not address future visual impacts to Baylands residents who will have much higher viewer sensitivity than travelers or industrial workers. The Draft EIR also fails to analyze the visual impacts of the LMF on the recreational users at the Brisbane Lagoon, who would have a higher sensitivity to aesthetics than travelers or industrial workers.

1164-1703 | Furthermore, the Draft EIR/EIS fails to account for the effect of higher elevations when concluding that Brisbane residents would have a “moderate viewer sensitivity due to their distance from the railway.” (Draft EIR/EIS, p. 3.15-99.) The City of Brisbane’s elevation means that higher-elevation residents will be far more affected by the aesthetic impacts of the LMF than a similar group of residents at the same distance but at a level elevation. The Draft EIR/EIS concludes that the distance of one mile would limit their exposure and result in moderate viewer sensitivity, but fails to recognize the impact of elevation on the sensitivity of residential viewers. (Draft EIR/EIS, p. 3.15-100.) Additionally, the above conclusion references only the distance of residential viewers from the “railway,” but not the LMF.

1164-1704 | Finally, Impact AVQ#4 also needs to be revised to recognize the significant visual impact associated with removing Icehouse Hill to make room for the West LMF. Removing

sohagi.com

1164-1704 | the most prominent natural feature within the Baylands would have a substantial negative visual effect and this impact cannot be considered to be less than significant.

1164-1705 | **3. AVQ-MM#3 and other aesthetics mitigation measures are improperly deferred mitigation with no performance standards.**

As discussed above, CEQA mitigation measures must meet basic requirements for effectiveness, enforceability, and non-deferral. AVQ-MM#3 (Incorporate Design Aesthetic Preferences into Final Design and Construction of Non-Station Structures) is improperly deferred mitigation with no performance standards. AVQ-MM#3 is similar to AVQ-IAMF#1 and #2, and therefore fails for the same reasons. This mitigation measure states that “[p]rior to construction (any ground-disturbing activity) the contractor would work with the Authority and local jurisdictions to incorporate the Authority-approved aesthetic preferences for non-station structures into final design and construction (refer to Authority 2014). A technical memorandum would be submitted to the Authority to document compliance.” (Draft EIR/EIS, p. 3.15-142.)

This mitigation measure is improperly deferred; rather than incorporating local design guidelines and consulting local jurisdictions regarding the aesthetic impacts of the Project, the Draft EIR/EIS improperly defers mitigation of aesthetic impacts until after Project approval and just prior to construction. Additionally, the mitigation measure includes no performance standards by which to judge how aesthetic impacts will be mitigated to less than significant levels or to judge whether the Project’s construction is, in fact, complying with the mitigation measure.

1164-1706 | The following aesthetics mitigation measures are also improperly deferred with no objective performance standards: AVQ-MM#1 (Visual Impact Minimization Memo), AVQ-MM#2 (Light and Glare Impact Minimization Memo), and AVQ-MM#6 (Visually Sensitive Receptors Memo).

1164-1707 | **4. Nighttime lighting analysis is inadequate.**

The Draft EIR/EIS acknowledges that in the Brisbane Landscape Unit, “[v]iews to the lagoon and beyond to the Bay are available from the residences on the steep slopes of San Bruno Mountain.” (Draft EIR/EIS, p. 3.15-25.) The Draft EIR/EIS states that “[n]ew sources of nighttime lighting would be generated at the Brisbane LMF sites, increasing lighting in the immediate area that would also be visible from residences on San Bruno Mountain.” (Draft EIR/EIS, p. 3.15-87.) “The maintenance building and other facilities would be lit through the night, contributing to increases in nighttime light levels. Project features would provide lighting and building design intended to conform to the local design context. (AVQ-IAMF#1.) Fixed lighting sources at HSR facilities would be designed to direct light downward, minimizing light spillover ....” (Draft EIR/EIS, p. 3.15-140.)

While the Draft EIR/EIS (p. 3.15-40) states that the LMF would be “designed to direct light downward, minimizing light spillover” and “the lighting design would limit its

sohagi.com



# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 109

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 110

1164-1707

radiance,” the Draft EIR/EIS does not include any actual requirements to direct light downward, minimize light spillover, or limit the radiance of LMF nighttime lighting, let alone offer any performance standards in relation to light trespass, impacts on dark night sky, or radiance of nighttime lighting. Neither do IAMFs AVQ-IAMF#1 (Aesthetic Options) and AVQ-IAMF#2 (Aesthetic Review Process) or Mitigation Measure AVQ-MM#3 set enforceable performance standards.

1164-1708

For the reasons stated above, AVQ-IAMF#1 is an improperly deferred mitigation measure that lacks adequate performance standards. Further, AVQ-IAMF#1 relies on design guidelines set forth in the Authority’s Aesthetic Options for Non-Station Structures, which actually contain no mention of directing light downward, minimizing light spillover, or limiting the radiance of nighttime lighting. Accordingly, the Draft EIR/EIS’s conclusions regarding the impacts of nighttime lighting on residential viewers from San Bruno Mountain are unsupported by substantial evidence. Indeed, the Draft EIR/EIS does not analyze how AVQ-IAMF#1 would reduce impacts to less than significant, but rather merely observes that the increase in nighttime lighting from the LMF would “be consistent with the larger context that includes other existing nighttime sources, such as traffic on the US 101 and the southern-facing skyline of San Francisco.” (Draft EIR/EIS, pp. 3.15-140, 3.15-148.)

1164-1709

The Draft EIR/EIS also improperly equates the impacts of nighttime light pollution emanating from the LMF, which will only be one mile from residential viewers, with that from downtown San Francisco, which is eight miles away. As the Draft EIR/EIS mentions, the current area of the LMF “is currently undeveloped and therefore unlit.” (Draft EIR/ EIS, p. 3.15-140.) The Draft EIR/EIS does not analyze the effect of the introduction of a large new structure, that is permanently lit all night, on the current views of downtown San Francisco. Rather, the Draft EIR/EIS improperly assumes the LMF would have no effect on this view because the LMF would just be another “nighttime source[]” of light. (Draft EIR/EIS, p. 3.15-140.) However, the more distant view of lighted downtown San Francisco is the view that would be impacted by new, permanent sources of light in the foreground. That both are sources of “nighttime light” does not mean that the LMF would not interfere with existing views of downtown San Francisco from San Bruno Mountain.

1164-1710

**5. The aesthetics cumulative impact analysis is inadequate.**

The Draft EIR/EIS’s analysis of the Project’s cumulative aesthetic impacts notes that “[n]ew and enhanced recreational facilities around the Brisbane Lagoon and throughout the planned Brisbane Baylands development would bring new recreational viewers to the area, where they would experience views of the Brisbane LMF and the Caltrain right-of-way.” (Draft EIR/EIS, p. 3.18-75.) However, the Draft EIR/EIS concludes, nevertheless, that the cumulative impacts will be less than significant because of AVQ-IAMF#1. (*Ibid.*) For the same reasons discussed above, IAMF#1 is an improperly deferred mitigation measure that lacks performance standards, and the Draft EIR/EIS errs by relying on it in its conclusion that there will be no significant cumulative aesthetic impacts.

1164-1711

**M. Public Utilities and Energy Impacts**

**1. The Draft EIR/EIS incorrectly estimates water supply availability.**

An adequate environmental impact analysis for a proposed project must show that future water supplies are reasonably likely to be available, and if future water supplies cannot confidently be determined to be available, possible replacement sources and the impacts of using those sources must be evaluated. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412.) The Draft EIR/EIS does not provide a legally adequate analysis of foreseeable impacts of supplying water to the Project, as is required by CEQA, because it utilizes incorrect calculations of water supply. (*Id.*, at p. 434.)

The Draft EIR/EIS uses incorrect water supply calculations and egregiously overestimates the water supply available for Project operations. The use of correct water supply numbers would demonstrate that the Project will have insufficient water supply available, a significant effect under CEQA. As a result of the incorrect methodology, the analyses in Impact PUE#8 (Continuous Permanent Impacts from Water Use) reach incorrect conclusions that impacts on water supply would be less than significant. Impact PUE#8 analyzes the Project’s need for operational water supply.<sup>129</sup>

The CEQA conclusion for Impact PUE#8 states that the permanent increase in water use “would be 0.8 percent of the remaining water supply for a normal year in 2030, 0.9 percent for a single dry year in 2030, and 1.0 percent for multiple dry years in 2030. In 2040, the increase would be 1.3 percent of the remaining water supply for a normal year, 1.5 percent for a single dry year, and 1.7 percent for multiple dry years.” This statement, however, does not account for the fact that the various retail water agencies within San Mateo County, including the City of Brisbane each have a contractually allotted share of the County’s total 184 million- gallons per day (“mgd”) wholesale supply. The Draft EIR/EIS fails to disclose that Brisbane’s contracted water supply is 0.96 mgd, and could be reduced during water shortages, emergencies, or maintenance of the system.

A Water Supply Assessment (“WSA”) was prepared for the Baylands as part of the 2013 Brisbane Baylands Program EIR.<sup>130</sup> Table 5-2 of the WSA projects that City of Brisbane water demand, exclusive of any development within the Baylands or Sierra Point would be 1.06 mgd in the Year 2030. The WSA concluded that the City did not have adequate water supplies for future uses and implementation of water savings programs would be necessary even in the absence of Baylands development. To provide adequate

<sup>129</sup> Details are provided in Metis’ discussion of Impact PUE#8, explaining the misleading evaluation.

<sup>130</sup> CDM Smith, Brisbane Baylands Project Water Supply Assessment, May 24, 2013. Provided as Attachment Metis-G.

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 111

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 112

1164-1711 | water supply for Baylands development, the WSA concluded that additional water supplies would be required.<sup>131</sup>

The Draft EIR/EIS concedes there will a permanent increase in water use during operation but improperly concludes the impact would be less than significant because its improper methodology led to its overestimation of available water from the City of Brisbane. The Draft EIR/EIS must therefore reanalyze water supply impacts using correct data, conclude that the water supply impact is significant, and identify feasible mitigation measures to lessen the impact.

Since water supplies available to serve the project are insufficient, the Draft EIR/EIS must also analyze whether other water sources exist and describe environmental consequences of tapping such resources if there is a realistic possibility that water supplies will have to be obtained from a source other than Brisbane. (See, e.g., *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 372-373.)

1164-1712 | **2. The Draft EIR/EIS does not identify the correct agency for approval of an increase in water allocation.**

Furthermore, the Draft EIR/EIS incorrectly implies the Authority must request water allocation from the San Francisco Public Utilities Commission (“SFPUC”). However, the individual jurisdictions are the water providers from which the Authority needs to request additional water allocation. The Project would receive water from each individual jurisdiction in which portions of the Project traverse, so the Draft EIR/EIS should have analyzed whether each individual jurisdiction has adequate water supply for the Project.

1164-1713 | **3. PUE-IAMF#4 is actually a deferred mitigation measure with no performance standards.**

As discussed above, CEQA requires an EIR to identify mitigation measures as such, and not to be moved to the project description to avoid disclosure of significant impacts. PUE-IAMF#4 (Utilities and Energy) is actually an improperly deferred mitigation measure because it seeks to identify, avoid, and minimize interruptions of utility service through a technical memorandum prepared after Project approval. (Draft EIR/EIS, p. 3.6-50; see also Appx. 2-E, p. 2-E-23.)

PUE-IAMF#4 requires the Project contractor to prepare a technical memorandum to verify the location of all underground utilities, confirm their findings with utility service providers prior to construction, and coordinate with the service providers “to minimize or avoid interruptions” which would include upgrades to existing power lines to connect the HSR system to existing substations. (Draft EIR/EIS, Appx. 2-E, p. 2-E-23.) The IAMF does not provide details regarding performance standards despite its requirement to document

<sup>131</sup> See Metis discussion of waters supply impacts.

1164-1713 | “how construction activities would be coordinated with service providers to minimize or avoid interruptions.” (Draft EIR/EIS, p. 3.6-51.)

1164-1714 | **4. Impact PUE#4 (Temporary Impacts from Construction of New Utility Infrastructure) analysis is inadequate**

The Draft EIR/EIS fails to provide analysis to substantiate the conclusion that impacts of constructing electrical infrastructure would be less than significant. The Impact PUE#4 analysis states that network upgrades would be implemented pursuant to the California Public Utilities Commission (“CPUC”) General Order 131-D, which regulates the planning and construction of electric generation. (Draft EIR/EIS, pp. 3.6-52 to -53.) However, the Draft EIR/EIS fails to analyze whether compliance with CPUC General Order 131-D would be sufficient to guarantee impacts would be less than significant.

1164-1715 | Further, Impact PUE#4 only addresses electrical infrastructure and does not discuss Project impacts associated with water, wastewater, or other utility infrastructure.<sup>132</sup> The Draft EIR/EIS must discuss the availability and adequacy of existing water, wastewater, natural gas, and telecommunications infrastructure to serve the Brisbane LMF in order to determine what utility infrastructure improvements are needed, potential impacts of such infrastructure improvements, and whether temporary impacts from construction of new utility infrastructure would be significant.

1164-1716 | **5. Impact PUE#5 (Temporary Impacts from Water Use) fails to document construction water use estimates.**

The analysis of temporary impacts from water use is insufficient because it fails to explain how construction water demand was actually calculated. Appendix 3.6-C: Water Use Assessment states water would be required during construction for various activities and states that construction water use estimates were “based on the number of water trucks anticipated to be required during construction.” (Draft EIR/EIS, App. 3.6-C, p. 3.6-C-1.) However, no information is presented to explain how the Draft EIR/EIS estimated the number of water trucks needed during construction or how the gallons of water needed for either LMF listed in Table 2 of Appendix 3.6-C were calculated. There is no indication the Draft EIR/EIS considered the actual amount of excavation and grading required for the LMFs and number of water tanker truck trips required, as well as any special conditions associated with construction on the former Brisbane Landfill.<sup>133</sup>

1164-1717 | **6. Impact PUE#7 (Temporary Generation of Solid Waste and Hazardous Wastes) understates impacts by failing to disclose that the**

<sup>132</sup> See Metis discussion regarding Impact PUE#4, stating the necessity of discussing the public utility infrastructure needs of the Brisbane LMF, a site with limited utility service and infrastructure that is known to be inadequate to serve future development.

<sup>133</sup> See Metis’ discussion regarding the lack of information included in Appendix 3.6-C that is necessary for adequate analysis of impacts from construction water use.

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 113

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 114

1164-1717

***East LMF would require removing a substantial quantity of solid waste from the former Brisbane Landfill.***

The analysis of solid waste generation during Project construction fails to disclose that a large portion of the East LMF overlies the former Brisbane Landfill, and that construction of the East LMF would require excavation and disposal of a substantial quantity of solid waste within that landfill. As a result, the Draft EIR/EIS understates the amount of excavated material from the East LMF that would require disposal in a permitted landfill. The discussion of non-hazardous wastes in Impact PUE#7 does not account for solid wastes excavated during construction of the East LMF some of which could be determined to be hazardous. Without determining the amount of solid waste that would be excavated from the landfill and describing those wastes, the Draft EIR/EIS cannot accurately determine the amount of excavated materials from the East LMF site that could be hauled to be disposed at a Class II or III landfill, or the amount that must be hauled to a more distant Class I landfill.

1164-1718

***7. Impact PUE#10 analysis of stormwater drainage facilities impacts is inadequate.***

Impact PUE#10 (Permanent Impacts on Storm Drainage Facilities) incorrectly concludes that impacts on stormwater drainage facilities would be less than significant because it states that the Project would not require or result in the relocation or construction of new or expanded stormwater drainage facilities. (Draft EIR/EIS, p. 3.6-65.) The Draft EIR/EIS comes to its less than significant impact conclusion despite stating that Project will “cause permanent changes in drainage patterns from the excavation and placement of fill, widening of existing embankments, and new impervious surfaces.” (Draft EIR/EIS, p. 3.6-64.) The Draft EIR/EIS concedes, “[t]hese changes would affect stormwater runoff during rain events, including changes in runoff volume and rates and increased pollutant loading, compared to existing conditions.” (*Ibid.*)

Impact PUE#10 relies on HYD-IAMF#1, and HYD-IAMF#2 to reduce impacts; however, these are actually improperly deferred mitigation measures with no performance standards that also defer impact analysis. (See [Section VII.K.](#), *supra.*) Instead, impacts should be assessed pre-mitigation.

1164-1719

While some of the elements proposed in HYD-IAMF#1 may generally be appropriate mitigation measure features, they will likely not be as effective at mitigating impacts on a unique site like the Baylands, which consists of undeveloped land,<sup>134</sup> numerous wetland areas, and tidally influenced zones.<sup>135</sup> Moreover, the soil composition is a mixture of

<sup>134</sup> Brisbane Baylands Draft EIR, Chapter 4.1 Land Use and Planning Policy, accessed at: [http://archive.brisbaneca.org/sites/default/files/4i\\_land-use.pdf](http://archive.brisbaneca.org/sites/default/files/4i_land-use.pdf).

<sup>135</sup> Brisbane Baylands Draft EIR, Chapter 4.G, stating “B&M identified 27 wetland areas, one tidally influenced drainage area (the interior drainage channel), and one tidal water body

sohagi.com

1164-1719

different soils, marine sediment, and trash. Soils and groundwater are contaminated.<sup>136</sup> These constraints on storm drainage facilities are not adequately analyzed. For example, HYD-IAMF#1 states that on-site, low-impact development techniques would be used to retain and reduce runoff such as “constructed wetland systems, biofiltration and bioretention systems, wet ponds, organic mulch layers, planting soil beds, and [...] vegetated swales and grass filter strips...” (Draft EIR/EIS, Appx. 2-E, p. 2-E-20.) While these may be effective at a typical site, these may not be effective in the Baylands’ tidally-influenced areas such as the Brisbane Lagoon.

1164-1720

Additionally, HYD-IAMF#1 improperly defers analysis of potential stormwater capture devices as well as the location of where such devices would be implemented. This is improper deferral of substandard mitigation measures with no performance standards to determine whether these measures will be effective at reducing significant impacts. HYD-IAMF#2 similarly defers analysis of flood prevention measures until after Project approval and does not identify performance standards to ensure adequate mitigation. Thus, further development of site-specific, effective mitigation measures is required.

1164-1721

***8. Impact PUE#12 fails to analyze whether the Project conflicts with or obstructs a state or local plan for renewable energy or energy efficiency.***

CEQA Guidelines Appendix G notes that energy environmental impacts may be significant if a project conflicts with or obstructs a state or local plan for renewable energy or energy efficiency. (Guidelines, Appendix G, § VI.) The discussion of Impact PUE#12 (Temporary Consumption of Energy during Construction) fails to identify applicable state or local plans regarding renewable energy or energy efficiency yet concludes that the Project’s construction would not conflict with or obstruct such plans. (Draft EIR/EIS, p. 3.6-70.) Additionally, the Impact PUE#12 analysis discusses adherence to the Authority’s Sustainability Policy to guide the Project’s IAMFs which would “minimize construction energy consumption,” but does not discuss the “specific sustainability requirements” that the Authority would include in the contract for design-build services. (Draft EIR/EIS, p. 3.6-70.) Impact PUE#12 further underestimates the amount of energy that would be consumed during construction of the East LMF by ignoring the need to haul solid waste excavated from the former Brisbane Landfill to another landfill for disposal.<sup>137</sup>

To be adequate, the Draft EIR/EIS must identify the applicable state and local plans, and the applicable Sustainability Policy requirements, and then conduct a proper analysis of

(Brisbane Lagoon) within the Brisbane Baylands boundaries during wetland surveys.”

Available at: [http://archive.brisbaneca.org/sites/default/files/4g\\_hazards.pdf](http://archive.brisbaneca.org/sites/default/files/4g_hazards.pdf).

<sup>136</sup> *California High-Speed Rail San Francisco to San José Project Section Draft EIR/EIS* Section 3.8 Hydrology and Water Resources (pp. 3.8-34).

<sup>137</sup> See Metis section discussing the understatement of construction-related energy consumption analyzed in Impact PUE#12.

sohagi.com

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 115

1164-1721

construction energy impacts to support its less-than-significant impact conclusion. The significance of construction energy impacts should be judged separately, and not be “offset” by assumed reductions in energy consumption during Project operations.

1164-1722

### 9. Public utilities cumulative impact analysis is inadequate.

As discussed above, the Project’s direct impacts on water supply and stormwater drainage facilities are significant. The public utilities cumulative impact analysis in Draft EIR/EIS Section 3.18.6.5 takes a broad-brush regional approach to conclude that no public utilities impacts are significant. (Draft EIR/EIS, p. 3.18-37.) These conclusions are based on assumptions, not evidence. The analysis should be revised to provide location-specific, evidence-based analyses for Brisbane and for other localities where public utilities are actually provided. The Brisbane analysis should recognize that future development will place still further demands on water supply and stormwater drainage facilities, creating significant cumulative impacts, and that the Project’s contributions to these impacts are cumulatively considerable.

1164-1723

### N. EMFs and Ultramagnetic Interference Impacts

#### 1. EMF/EMI-IAMF#1 is actually an improperly deferred mitigation measure.

As discussed above, CEQA requires an EIR to identify mitigation measures as such, and not to be moved to the project description to avoid disclosure of significant impacts. EMF/EMI-IAMF#1 (Preventing Interference with Adjacent Railroads) is improperly included as a part of the project description. It is an improperly deferred mitigation measure because it seeks to identify, avoid, and minimize the potential electromagnetic field/electromagnetic (“EMF/EMI”) interference impacts. EMF/EMI-IAMF#1 should instead be discussed as a Draft EIR/EIS mitigation measure, and EMF/EMI impacts should be assessed pre-mitigation.

EMF/EMI-IAMF#1 requires the contractor to work with engineering departments of railroads that operate parallel to the Project “to apply standard design practices to prevent interference with the electronic equipment operated by these railroads.” (Draft EIR/EIS, Appx. 2-E, p. 2-E-11.) The “design practices” and “design provisions” need to be specifically described in the Draft EIR/EIS to properly analyze potential EMF/EMI impacts to more accurately determine a significance conclusion. Instead, the Draft EIR/EIS defers identification of these design standards by stating the Project will conform to the California High-Speed Train Project Design Criteria (“HSR Design Criteria Manual”) without discussing whether conformance and implementation of those design standards would be adequate to avoid EMF/EMI impacts.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 116

1164-1724

### O. Socioeconomics and Communities Impacts

#### 1. SOCIO-IAMF-#1 is actually a deferred mitigation measure with no performance standards.

As discussed above, CEQA requires an EIR to identify mitigation measures t as such, and not to be moved to the project description to avoid disclosure of significant impacts. SOCO-IAMF#1 (Construction Management Plan (“CMP”)) is actually a mitigation measure because it calls for the contractor to prepare a CMP to minimize impacts on low-income households and minority populations. It is also an improperly deferred mitigation measure because the CMP would be prepared after Project approval and because it includes no mitigation performance standards to be achieved.

1164-1725

#### 2. Socioeconomics and communities impact analyses must address additional displacement, relocation, and acquisition impacts.

The Socioeconomics and Communities section of the Draft EIR/EIS provides definitions of “displacements and relocation” that omits consideration of an essential government facility and a definition of “acquisition” that excludes temporary construction easements, severely inhibiting the sufficiency of its impact analysis. The current definition of “displacements and relocations” excludes government facilities; thus, the Draft EIR/EIS fails to disclose or evaluate the environmental effects of displacing the City of Brisbane’s existing corporation yard for construction of the East LMF.<sup>138</sup> Similarly, the Draft EIR/EIS’s definition of “acquisition” results in the failure to properly analyze impacts associated with obtaining a temporary construction easement for the corporation yard and Kinder Morgan Brisbane Terminal for construction of the East and West LMF, respectively.<sup>139</sup>

1164-1726

#### 3. The Draft EIR/EIS fails to sufficiently recognize that temporary road closures and construction activities will physically divide Brisbane, a significant impact.

An EIR should provide “a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (Guidelines, § 15151.)

The Draft EIR/EIS’s impact discussions are insufficient because they fail to recognize and analyze that the Project will result in road closures and construction activities that would physically divide the City of Brisbane, which is considered a significant impact under CEQA. (See Guidelines, Appendix G, § XI(a).) Impact analyses of SOCIO#1

<sup>138</sup> See Metis Figure-10.

<sup>139</sup> See Metis’ discussion regarding the Draft EIR/EIS’s inadequate analysis, and potential impacts associated with displacing the City’s corporation yard and the Kinder Morgan Brisbane Terminal.

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 117

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 118

1164-1726

(Temporary Disruption or Division of Established Communities from Project Construction) does not sufficiently recognize the specific community disruption and division impacts from the Project’s disruptive construction activities in Brisbane.

The Draft EIR/EIS states it analyzed impacts to community cohesion by considering access and linkages among community facilities and local businesses that provide opportunities for residents. Despite the Draft EIR/EIS’s conclusion that “[c]onstruction activities would temporarily disrupt communities and neighborhoods along the alignment through changes in circulation and access” (Draft EIR/EIS, p. 3.12-34), it fails to sufficiently recognize the specific significant impacts to Brisbane’s community cohesion as a result of the Project.

The Draft EIR/EIS expects construction to occur over a 4.5-year period, with impacts from major construction activities lasting for several years, which includes the construction of the LMF. (Draft EIR/EIS, p. 3.12-34.) The communities within Brisbane would experience construction impacts for over 4.5 years as a result of construction fencing at as many as 40 at-grade crossings (Draft EIR/EIS, p. 3.12-62), barricades (Draft EIR/EIS, p. 3.12-34), and road closures (Draft EIR/EIS, Table 3.12-6, p. 3.12-35). The Draft EIR/EIS states that construction of the LMF at either location, would require the 1-3-month closure of the Tunnel Avenue overpass for the realignment of the grade separation, and the East LMF construction would also require the realignment of Tunnel Avenue. (See Draft EIR/EIS, Table 3.12-6, p. 3.12-35.) Because the City has indicated that the existing Tunnel Avenue bridge took 1-2 years to construct, it would likely take a similar amount of time to construct the Tunnel Avenue overpass proposed by the Project, causing road closures and construction impacts for a much longer duration than the estimated 1-3 months, during which time, the only access available between the area east of the Caltrain right-of-way and areas to the west would be through San Francisco or the City of South San Francisco.

Additionally, the Draft EIR/EIS does not describe any specifics whatsoever about Tunnel Avenue’s closure to adequately assess the significance of the community disruption and division impact. The Draft EIR/EIS does not describe the length of Tunnel Avenue’s closure or what portion of the street would actually be closed, nor does it provide any graphics showing any feasible alternative routes that would provide access. The Draft EIR/EIS also does not discuss options other than closing Tunnel Avenue or the feasibility of any alternative routes, even though it concludes “access would continue to be provided.” (Draft EIR/EIS, p. 3.12-37.) Further, the Draft EIR/EIS does not discuss whether the closure would close Tunnel Avenue entirely or just a portion of the roadway. Impacts on dividing the Brisbane community are insufficiently discussed.

Notwithstanding the extent of closure, any closure would impair access to many commercial and industrial businesses along Tunnel Avenue and Bayshore Boulevard. (Draft EIR/EIS, p. 3.12-40.) Employees and patrons wishing to access those businesses would not be able to easily access them during the closure of Tunnel Avenue. If Tunnel Avenue is

sohagi.com

1164-1726

closed from its intersection at Beatty Avenue southbound, there will be no access whatsoever to the uses south of Beatty Avenue.

1164-1727

Importantly, Brisbane’s largest source of tax revenue (according to the City, over \$1 million per year) derives from a business in this area that receives approximately thirty percent of its lumber supplies via rail.<sup>140</sup> Loss of Golden State Lumber’s existing laydown area, which the Draft EIR/EIS proposes to acquire for the East LMF, would require Tunnel Avenue to be blocked while product is unloaded from rail cars and moved immediately across the street to the business’ main yard. The Draft EIR/EIS does not address this issue. The Project would undoubtedly affect this business and could cause its relocation to another site where it would be more feasible to continue its operations. If this alternative site is located outside of Brisbane, the Project would impair Brisbane’s ability to collect substantial tax revenue.

1164-1728

Despite the Draft EIR/EIS’s conclusion that “[c]onstruction activities would temporarily disrupt communities and neighborhoods along the alignment through changes in circulation and access,” it does not adequately analyze the effects of the Tunnel Avenue closure and 4.5-year long construction of the LMF, requiring the formation of physical fencing and barricades, and simply concludes the impact will be less than significant.

1164-1729

Additionally, the Draft EIR/EIS improperly relies on transportation, and safety and security, IAMFs (TR-IAMF#2, which calls for construction transportation and safety management plans) to reduce Impact SOCIO#1. However, as discussed in those sections, these IAMFs are deferred mitigation measures with unspecified performance standards; the conclusions that IAMFs reduce Impact SOCIO#1 to a less than significant level are not supported by substantial evidence, and the Draft EIR/EIS does not do enough to analyze these impacts.<sup>141</sup>

1164-1730

**4. The Draft EIR/EIS fails to sufficiently recognize that construction fencing, road alignments, and increased train frequency will permanently physically divide Brisbane, a significant impact.**

Additionally, the Draft EIR/EIS’s impact discussion is insufficient because it fails to recognize the Project will result in construction activities as well as an increase in train arrival/departure frequency that would physically divide the City of Brisbane. The physical division of communities is considered a significant impact under CEQA. (See Guidelines, Appendix G, § XI(a.) Impacts SOCIO#2 (Permanent Disruption or Division of Established Communities from Project Construction), SOCIO#3 (Permanent Disruption or Division of Established Communities from Project Operations), and SOCIO#5 (Permanent Impacts on

<sup>140</sup> See Metis’ discussion of impacts to Golden State Lumber.

<sup>141</sup> Refer to Metis’ discussion regarding Impact SOCIO#1’s cursory, generalized analysis of impacts that concludes impacts would be less than significant based on deferred mitigation as described in TR-IAMF#2.

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 119

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 120

1164-1730 Children’s Health and Safety from Project Construction) do not sufficiently recognize the impacts from the Project’s disruptive construction activities and operations in Brisbane.

Impact SOCIO#2 (Permanent Disruption or Division of Established Communities from Project Construction) is not sufficiently analyzed because it does not take into consideration how the realignment of the Tunnel Avenue overpass, extension of Lagoon Road, and new southern connection of Tunnel Avenue to the intersection of Bayshore Boulevard and Valley Drive (Draft EIR/EIS, p. 3.12-48) would physically divide or disrupt communities within the City of Brisbane. Specifically, plans to construct the West LMF require relocation of the fire station; to reach destinations south of the fire station, “[f]ire trucks exiting the relocated fire station would only be able to turn northbound onto Bayshore Boulevard” and “make a U-turn at the signalized Bayshore Boulevard/Valley Drive intersection.” (Draft EIR/EIS, p. 3.12-48.) The Project’s required fire station relocation causes a physical divide between sites north and sites south of the fire station in need of emergency services. Relocating the fire station to a site allowing only northerly exits would disrupt established community interaction patterns to the detriment of residents south of the fire station, which is where most of the City’s population resides, since fire trucks’ response times will be severely extended.<sup>142</sup>

1164-1731 Also, Impact SOCIO#2’s analysis does not adequately discuss displacements and dislocations because it fails to analyze business displacements and because it fails to take into consideration the Brisbane Baylands’ plans for residential and commercial development of the area described in the Draft EIR/EIS as partially vacant.

While the Draft EIR/EIS section 3.12 and the Community Impact Technical Report states the Project would “require three business displacements,” it does not provide sufficient explanation of which businesses would be dislocated or how it came to its significant impact conclusion.<sup>143</sup>

1164-1732 Also, the Draft EIR/EIS relies on the existing vacancy around the Project site to determine the Project will not create “a new barrier or division of Brisbane. . . preventing any loss of community character, function, or cohesion” (Draft EIR/EIS, p. 3.12-51) despite the City’s plans to develop the Project site with much-needed housing. The Draft EIR/EIS insufficiently concludes that roadway realignments or closures would not disrupt access or divide a community since the Project would be located in an existing transportation corridor,

<sup>142</sup> See Metis’ discussion of SOCIO#2 failure to disclose impacts associated with the relocation of the Brisbane fire station.

1164-1733 <sup>143</sup> Metis discusses the two industrial businesses and commercial nursery that would be dislocated by the Project, noting the Draft EIR/EIS does not analyze whether an alternative suitable location is available for this nursery or whether one of the industrial businesses, constructed in 1924, should be analyzed for potential cultural resource impacts. See the Metis discussion regarding how impacts to the third displaced business, which may be the Brisbane corporation yard, must be analyzed.

sohagi.com

1164-1732 but does not provide a sufficient explanation of how that construction affects socioeconomic impact analysis and the plans for future development. Specifically, the Draft EIR/EIS must discuss why the placement of a 100+ acre LMF near the center of a planned community would not affect the cohesiveness of the Brisbane Baylands Specific Plan development.

1164-1734 Similarly, Impact SOCIO#3 (Permanent Disruption or Division of Established Communities from Project Operations) does not provide sufficient analysis of how the increased train frequency projected by the Project will present more frequent obstacles to community members traveling across the rail tracks, thereby weakening community cohesion. Specifically, the Draft EIR/EIS anticipates the Project will increase vehicle congestion and delay at intersections from increased traffic at the LMF (Draft EIR/EIS, p. 3.12-54) as well as increased gate-down time delays at at-grade rail crossings, which would affect nine high-frequency bus routes. (Draft EIR/EIS p. 3.12-56.) The Draft EIR/EIS recognizes that the increased delays could inconvenience community members and cause a change in their behaviors or how they interact with their community, suggesting people could choose to drive farther to grade-separated crossings or change where people shop in order to avoid using an at-grade crossing.<sup>144</sup> (Draft EIR/EIS, p. 3.12-56.)

Despite providing specific examples of these likely changes in community behavior and noting it “could lead to weakened cohesion between cities that cross the right-of-way,” the Draft EIR/EIS simply points to how the Project would provide bike and pedestrian facilities, assuming without evidence that people would utilize those facilities and they would provide a sufficient alternative to accomplish transportation goals. The Draft EIR/EIS weakly concludes that the communities will not be physically divided “because the project would operate within the existing Caltrain corridor that currently travels through these communities, and because access would be maintained or improved to neighborhoods, businesses, and community and public facilities.” (Draft EIR/EIS, p. 3.12-56.) The Authority must analyze community disruption impacts of the increase in train frequency anticipated by the Project in comparison with the frequency of use of the existing Caltrain corridor, which must be reflected in a recirculated Draft EIR/EIS.

1164-1735 **5. The Draft EIR/EIS inadequately analyzes the potential for urban decay impacts.**

If a project’s economic effects cause changes to the physical environment, this is an indirect effect that must be analyzed in an EIR if significant. (Guidelines, §§ 15064(e); 15131(a).) Urban decay, or the extensive and widespread physical deterioration of

1164-1736 <sup>144</sup> Notably, discussion of changes in community behavior is directly contradicted in another section of the Draft EIR/EIS, which states: “Established social engagement patterns within communities would not change from permanent changes to the transportation system. Therefore, the permanent transportation features associated with the project alternatives would not physically divide an established community.” (Draft EIR/EIS p. 3.12-49.)

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 121

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 122

1164-1735

properties or structures in an area caused by business closures and multiple long-term vacancies, is an example of such an indirect impact recognized under CEQA. (See *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 685.)

In analyzing Impact SOCIO#8, regarding displacements and relocations of commercial and industrial businesses from project construction, the Draft EIR/EIS incorrectly concludes that “[n]o CEQA significance conclusions are required related to this specific impact.” (Draft EIR/EIS, p. 3.12-93.) When evidence suggests that urban decay could result from the Project, the lead agency must assess that impact, rather than “summarily dismissing the possibility” of urban decay as a social or economic effect that is outside the scope of CEQA. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1207.)

The Draft EIR/EIS expects construction to occur over a 4.5-year period, with impacts from construction of the LMF lasting for several years. (Draft EIR/EIS, p. 3.12-34.) Despite concluding that construction of the LMF at either location and realignment of the Tunnel Avenue overpass would result in business displacements in Brisbane, the Draft EIR/EIS does not analyze the potential for urban decay in Brisbane at all. (Draft EIR/EIS, p. 3.12-70.) Because the Draft EIR/EIS anticipates the Project will displace as many as 202 commercial and industrial businesses solely along the San Francisco to San José Project Section, the potential for urban decay must be analyzed and reflected in a recirculated Draft EIR/EIS for this section as well as other sections of the Project.

1164-1737

**6. The socioeconomics cumulative impact analysis is inadequate.**

The socioeconomics cumulative impact analysis is inadequate because it incorrectly assumes that the Project would not result in temporary or permanent division of communities. The analysis above indicates this is simply wrong, at least for Brisbane. The socioeconomics cumulative impact analysis should be revised to analyze the extent to which other cumulative projects in Brisbane would add to this significant Project impact. The cumulative community division impact is significant, and the Project’s contribution is cumulatively considerable.

1164-1738

**P. Regional Growth Impacts**

**1. The Draft EIR/EIS does not sufficiently consider the COVID-19 pandemic’s effect on the Project’s growth inducing and regional growth effects.**

CEQA requires an EIR to describe existing environmental conditions in the vicinity of a project, known as the “environmental setting.” (Guidelines, § 15125.) The environmental setting is the baseline for measuring the significance of the project’s environmental impacts. (Guidelines, §§ 15125, 15126.2(a).) The term “environment” includes natural and man-made conditions. (Guidelines, § 15360.)

sohagi.com

1164-1738

The Draft EIR/EIS must consider the current environmental setting involving the global pandemic driven by the novel coronavirus that causes the COVID-19 disease. COVID-19 has significantly affected public transit not only across the country, but the world. The Centers for Disease Control and Prevention note that travel increases one’s chances of getting and spreading COVID-19 and that “[s]taying home is the best way to protect yourself and others.”<sup>145</sup>

The methodology used to determine growth-inducing and regional growth impacts must be revised to consider the effects of COVID-19 on the Project’s current environment (Draft EIR/EIS, p. 3.17-10), analysis of operations-related employment (Draft EIR/EIS, p. 3.17-27), employment growth due to improved accessibility (Draft EIR/EIS, p. 3.17-28), and induced population growth (Draft EIR/EIS, pp. 3.17-28-30). It is likely that some effects of COVID-19 will continue for many years, and the Draft EIR/EIS must properly analyze how its foreseeable impacts would change the Project’s growth inducing and regional growth effects.

1164-1739

For example, the Draft EIR/EIS does not contemplate how COVID-19’s social distancing requirements changed employment, most notably the substantial increase in telecommuting. Because many more people will work from home in the future, it is reasonably foreseeable that the novel coronavirus’ effects would impact Project’s operations. Companies including Google and Facebook, both of which have campuses located near the proposed Project HSR line, have allowed their employees to telecommute until 2021.<sup>146</sup> The Draft EIR/EIS relies on ridership forecasts based on Mid-Range and High ridership projections, but must take into consideration a substantial decrease in ridership given the long-term effects of the COVID-19 pandemic, and consider “Low” ridership projections.

1164-1740

The Draft EIR/EIS must also consider COVID-19’s effects on the economy, and particularly consider rising unemployment’s effects on the public’s future use of the HSR system, and the Draft EIR/EIS’s overstated anticipated increases in office space and residential uses near the Project. All the projections in Section 3.17 Regional Growth must be revised to reflect reasonably foreseeable long-term effects of the COVID-19 pandemic.

<sup>145</sup> Centers for Disease Control and Prevention, “Travel During the COVID-19 Pandemic,” August 9, 2020, accessed at: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html>.

<sup>146</sup> Streitfeld, David, “White-Collar Companies Race to Be Last to Return to the Office,” *New York Times*, May 8, 2020, accessed at: <https://www.nytimes.com/2020/05/08/technology/coronavirus-work-from-home.html>.

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 123

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 124

1164-1741

**Q. Parks, Recreation, and Open Space**

**1. PK-IAMF#1 is actually a deferred mitigation measure with no performance standards.**

PK-IAMF#1 (Parks, Recreation, and Open Space) provides that prior to construction of the Project, the contractor would submit a technical memorandum identifying design features to “minimize impacts on parks and recreation,” which “may include” providing “safe and attractive” access for motorists, bicyclists, and pedestrians to existing park and recreation facilities, and designed “guideway, system, and station” features to enhance the surrounding communities. (Draft EIR/EIS, Appx. 2, p. E-23.)

This IAMF is an improperly deferred mitigation measure for loss of access to parks and recreation facilities caused by the Project. For example, the analysis of Impact PK-IAMF#6 regarding permanent acquisition of parks and open space provides that PK-IAMF#1 will maintain access to the Los Gatos Creek Trail and the Draft EIR/EIS therefore concludes that the permanent acquisition will “not change the use of the trail or diminish its capacity.” However, PK-IAMF#1 contains no tangible mitigation measures that ensure the required permanent acquisition of the trail will not result in a loss of access. (Draft EIR/EIS, Figures 3.14-13 and 3.14-14.) The Draft EIR/EIS also fails to state exactly how access to these trails will be maintained despite acquisition of a significant portion of the trails. Deferring such critical mitigation measure development until after Project approval, and simply assuming that access will be maintained due to a Project avoidance feature, violates CEQA.

1164-1742

**2. Impact PK#5 and Impact PK#7 do not recognize site-specific significant impacts at Lagoon Fisherman’s Park.**

Impact PK#5 (Permanent Visual Changes That Could Create a Perceived Barrier to Access or Continued Use of Parks, Recreational Facilities, and Open-Space Resources) and Impact PK#7 (Permanent Changes from Noise and Vibration on Parks, Recreation, and Open-Space Resource Character and Use) do not recognize site-specific significant impacts at Lagoon Fisherman’s Park. The Draft EIR/EIS conclusion that the Project’s permanent changes would not result in any significant impacts to Lagoon Fisherman’s Park lacks substantial evidence and fails to recognize site-specific visual, noise, and vibration impacts to park users. Analysis in Impact PK#5 states that “the West Brisbane LMF would also be visible from some resources west of the alignment,” but does not analyze the impacts to the Lagoon, a resource to the south of the alignment. (Draft EIR/EIS, p. 3.14-110.) Nor does the Draft EIR/EIS address the visual impacts from the East LMF to users of the Lagoon. However, under the Draft EIR/EIS’s own methodology, the impacts to the Lagoon should have been analyzed. The Lagoon would be either 1,040 or 1,485 feet from the LMF depending on the Alternative selected, well within the RSA. (Draft EIR/EIS, Table 3.14-7.)

1164-1742

The Draft EIR/EIS Impact PK#5 analysis contains no additional analysis of visual impacts on at Lagoon Fisherman’s Park or any other park noted in Table 3.14-7. Rather, the Draft EIR/EIS states in a purely conclusory manner that the Project “would not create an actual or perceived barrier to use even though the user experience at certain resources could be altered.” (Draft EIR/EIS, p. 3.14-114.) The Draft EIR/EIS goes on to conclude, without any evidence, that “[a]lthough the Brisbane LMF, [and other structures] would be visually intrusive in some locations, the user experience would not be altered to the extent that an actual or perceived barrier to the use of parks, recreational facilities, or open-space resources would result from project operations.” (Draft EIR/EIS, p. 3.14-115.)

The above conclusion also relies in part on AVQ-IAMF#1. This IAMF is, in fact, an improperly deferred mitigation measure that lacks the required performance standards. The Draft EIR’s reliance on AVQ-IAMF#1 is in violation of CEQA.

1164-1743

Similarly, Impact PK#7 does not analyze the impact of noise and vibration on the Lagoon, despite the Lagoon being within the RSA. Indeed, the noise impacts caused by the operation of the LMF are not studied *at all* in Impact PK#7, despite acknowledgement that “[p]ermanent noise and vibration impacts could result from . . . operations at the Brisbane LMF.” (Draft EIR/EIS, p. 3.14-125.) For example, the Lagoon is not even included, and should have been included, in Table 3.14-9, “Operational Noise Impacts on Parks and Recreational Facilities.”

1164-1744

**3. Impact PK#6 does not address the need to acquire land proposed to be open space or parks in the Brisbane Baylands development.**

Impact PK#6 (Permanent Acquisition of Parks, Recreation, and Open-Space Resources) addresses park land that must be acquired to construct the Project. (Draft EIR/EIS, p. 3.14-115.) However, no part of the Brisbane Baylands development is discussed. The Project reduces the land available for parks and open space and would preclude some of the most desirable potential open space and park areas within the Baylands. Removing Icehouse Hill for the West LMF eliminates that important open space and passive recreation site. Filling a large portion of Visitacion Creek precludes habitat restoration and creation of a creekside park. The orientation of Lagoon Road precludes habitat restoration and creation of a shoreline park. The Draft EIR/EIS fails to recognize these impacts. Several parks, recreation, and opens space mitigation measures are improperly deferred, with no performance standards.

1164-1745

PK-MM#1 (Trail and Park Access Memo), PK-MM#2 (Permanent Park Access Memo), and PK-MM#4 (Tamian Park Access Memo) are all improperly deferred. They call for the contractor to prepare technical memoranda after Project approval that describe specific mitigation measures, but no objective performance standards are presented to guide the selection of mitigation measures to demonstrate that impacts would be successfully mitigated.



Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 125

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 126

1164-1746

**4. The parks, recreation, and open space cumulative impact analysis is inadequate.**

The cumulative impact analysis in the Draft EIR/EIS notes that the Brisbane Baylands development includes 170 acres of “parks, plazas, linear parks, shared-use areas, and preservation of natural features . . . to meet the need created by that development.” (Draft EIR/EIS, p. 3.18-71.) However, this section fails to account for the fact that the Project will necessarily reduce the amount of land available for parks and open space areas in the Baylands development. Therefore, the cumulative impact of the Project will result in additional decreases of park and open space available on a per-person basis at the Baylands development. The Draft EIR/EIS fails to recognize its own impacts resulting from its reduction in available park and open space areas within new development.

Furthermore, the Draft EIR/EIS fails to account for the cumulative impacts on parks and recreational users from the operation of the support facilities, especially the LMF. The analysis on pages 3.18-71 to-72 is limited to “sources of noise during operations from Caltrain and HSR trains passbys and train horn noise.” No analysis of the cumulative impacts of non-train, support activities such as maintenance, is included. Importantly, impacts for the LMF are included in some fashion in Section 3.14, but this Draft EIR/EIS section fails to analyze the cumulative effect of these impacts.

1164-1747

**R. Environmental Justice**

**1. The Draft EIR/EIS does not consider US EPA Guidance on NEPA Environmental Justice analysis.**

Presidential Executive Order 12898 and the accompanying Presidential Memorandum outline the federal government’s environmental justice (“EJ”) policy and call for analyzing environmental effects on minority populations and low-income populations when required by NEPA. The US EPA adopted a best practices document to guide agencies in implementing their NEPA compliance duties under Presidential Executive Order 12898 (“best practices document”).<sup>147</sup>

The best practices document discusses guiding principles and specific steps agencies should take when assessing a project’s EJ impacts. These include how the agency should define the affected environment and minority/low-income populations and how to assess EJ impacts. The Draft EIR/EIS should have utilized the best practices document to properly analyze EJ impacts.

<sup>147</sup> US EPA, “Promising Practices for EJ Methodologies in NEPA Reviews,” Report of the Federal Interagency Working Group on Environmental Justice & NEPA Committee, March 2016, accessed at: [https://www.epa.gov/sites/production/files/2016-08/documents/nepa\\_promising\\_practices\\_document\\_2016.pdf](https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf).

1164-1748

**2. The Draft EIR/EIS utilizes deficient methodology to identify environmental justice communities.**

To assess the Project’s impacts on EJ, the Draft EIR/EIS purportedly reviewed construction and operations effects identified in each resource section, including details regarding the RSA, the magnitude of the effect, whether effects are adverse or beneficial, the duration of effects, and the geographic location of the effects under each project alternative relative to the identified minority populations and low-income populations within the EJ RSA. (Draft EIR/EIS, p. 5-11.)

However, this EJ assessment as described is inadequate because it is based on the Draft EIR/EIS’s insufficient resource impacts analysis that omits project- and site-specific details, which prevent full disclosure of significant impacts and mitigation measures. Thus, the EJ assessment is based on inadequate impact analyses to determine resource impacts in specific locations, and must be revised after adequately reassessing the resource impacts.<sup>148</sup> Specifically, Section 5.6.3.1, listing the resource topics determined to have no adverse effects or adverse effects would not affect minority and low-income populations, must be redrafted.

1164-1749

**a) The Authority must redefine the affected environment.**

The US EPA best practices document lists guiding principles and specific steps to assist agencies in defining the affected environment for EJ assessments. It suggests steps for defining the affected environment that include “identifying and describing any unique conditions” of the minority and low-income populations “that may be affected by the proposed action” which may include “human health vulnerabilities (e.g., heightened disease susceptibility, health disparities)” and “socioeconomic vulnerabilities” such as “disruptions to community mobility and access as a result of infrastructure development.”<sup>149</sup>

The Draft EIR/EIS overlooks this step and does not sufficiently identify and describe the human health vulnerabilities and socioeconomic vulnerabilities resulting from disruptions to community mobility and emergency access as a result of the Project. For example, the California Office of Environmental Health Hazard Assessment developed the “CalEnviroScreen” program that identifies communities most affected by pollution sources and that are especially vulnerable to pollution effects. As shown in Metis, Table Metis-1, the City falls within the 91<sup>st</sup> percentile for pollution burdens, “meaning Brisbane residents face a greater burden of exposure to various environmental pollution hazards than residents within 91% of the census tracts in California.”<sup>150</sup> The Draft EIR/EIS must analyze the

<sup>148</sup> For specific comments describing the inadequacies of each Draft EIR/EIS’s impact analyses, please refer to the specific resource sections within this letter.

<sup>149</sup> US EPA, “Promising Practices for EJ Methodologies in NEPA Reviews,” p. 16.

<sup>150</sup> Metis, Table Metis-1.

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 127

1164-1749 | Project's specific impacts to the low income and minority communities already experiencing disparate pollution effects within Brisbane.

1164-1750 | Additionally, while the Draft EIR/EIS concedes the "primary vehicle access to and from the Brisbane Fire Station" will be relocated as a result of construction of the LMF, it concludes impacts would be less than significant with implementation of SS-MM#2, which would purportedly prohibit emergency access impacts and "would therefore not adversely affect minority populations and low-income populations." (Draft EIR/EIS, p. 5-62.) The Draft EIR/EIS must analyze the specific impacts from slower fire emergency response times to the minority and low-income population that would experience severely delayed fire response times within the City of Brisbane.

1164-1751 | b) The Authority must revise the baseline characterization of the affected environment.

The Draft EIR/EIS uses census tract low-income data and minority data from outdated sources, including the 2010-2014 American Community Survey ("ACS") 5-Year Estimates for the reference community and the EJ RSA. (Draft EIR/EIS, p. 5-10.) Also, the data in the ACS are estimates based on a sample of the population, not the full population, which results in sampling error uncertainty.<sup>151</sup> In fact, the ACS census tract-level data have margins of error, on average, 75% larger than the previously-used long-form decennial census, replaced in 2010.<sup>152</sup> The margin of error in the ACS has practical implications on the accuracy of the data, which "are sometimes so imprecise that they are difficult to use."<sup>153</sup> In fact, "the ACS margins of error are so large that for many variables at the census tract and block group scales the estimates fail to meet even the loosest standards of data quality."<sup>154</sup>

The Draft EIR/EIS uses a reference community of the three counties within the Project area, and minority individuals make up 62.6% of the reference community. (Draft EIR/EIS, p. 5-15.) Table 5-5 further identifies RSA Demographic Characteristics based on the 2010-2014 ACS survey (Draft EIR/EIS, p. 5-17), which includes data on population density and the percentages of low-income, minority, persons over 65 years old, those with

<sup>151</sup> See U.S. Census Bureau, ACS General Handbook, Understanding Error and Determining Statistical Significance, accessed at: [https://www.census.gov/content/dam/Census/library/publications/2018/acs/acs\\_general\\_hanbook\\_2018\\_ch07.pdf](https://www.census.gov/content/dam/Census/library/publications/2018/acs/acs_general_hanbook_2018_ch07.pdf).

<sup>152</sup> Spielman, Seth E, David Folch, and Nicholas Nagle, "Patterns and Causes of Uncertainty in the American Community Survey," U.S. National Library of Medicine, National Institutes of Health, Abstract, accessed at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4232960/>

<sup>153</sup> *Ibid.*

<sup>154</sup> *Ibid.*

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 128

1164-1751 | disability status, linguistically isolated households, and unemployed persons. (Draft EIR/EIS, Table 5-5, p. 5-17.)

For all the above-listed RSA characteristics, the Brisbane LMF demographic characteristics exceed those of the reference community, indicating the population near the LMF sites contains more low-income, minority, elderly, disabled, monolingual, and unemployed persons than average. This data shows the people near the LMF are highly susceptible to the Project's EJ impacts. The Draft EIR/EIS must rely on additional sources of data to provide a more accurate analysis of EJ impacts in Brisbane and other affected communities.

### VIII. INADEQUATE CUMULATIVE IMPACT ANALYSIS

#### A. The Draft EIR/EIS's Cumulative Impact Analysis Does Not Comply with CEQA

CEQA requires an EIR to discuss cumulative impacts when a project will make a "cumulatively considerable" incremental contribution to a significant cumulative effect. (Guidelines, § 15130(a).) Cumulatively considerable means that "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects." (Guidelines, § 15065(a)(3).) When determining whether a project will have a cumulatively considerable contribution to a significant cumulative impact, an EIR must consider the collective effects of relevant projects and may not conclude that a relatively small project contribution is necessarily insignificant. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718—719; *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 [EIR must consider project-related impacts in addition, not in comparison, to existing conditions]; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98 [EIR must examine whether the project's incremental effect is significant in the context of existing cumulative conditions], disapproved on another ground in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 112.)

#### 1. The analysis is at such a high-level as to be meaningless.

As many of our preceding comments indicate, the Draft EIR/EIS fails to provide and consider sufficient details about reasonably foreseeable development projects to meaningfully analyze existing and future cumulative conditions and the Project's contribution to those conditions. While the CEQA Guidelines permit an EIR's discussion of cumulative impacts to be less detailed than project-specific effects, an EIR cannot fail to include reasonably available data about cumulative impacts or data that can be reasonably produced by further study. (*Kings County, supra*, 221 Cal.App.3d 692, 729.) Here, the Draft EIR/EIS simply fails to explain which, if any, of the more than 338 future land use projects identified in Appendix 3.18-A were considered as part of the future cumulative scenario for

1164-1752 |

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 129

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 130

1164-1752 | each resource area. Instead, the analysis makes vague, general statements suggesting some level of increased impact. As one example, the analysis of cumulative impacts from hazardous materials and wastes along the 49-mile route is less than two pages and includes just one brief paragraph discussing the generalized impacts of unspecified future projects, ultimately concluding that compliance with unspecified state and local regulatory requirements would avoid any hazardous materials impacts from any individual project. (Draft EIR/EIS, p. 3.18-56 to -57.) This is a patently insufficient analysis of potential cumulative impacts for a project-level EIR.

1164-1753 | **2. The lists of related projects identify only “potential significant and unavoidable impacts” of other projects, erroneously assuming less than significant project impacts can never combine to create significant cumulative impacts.**

Draft EIR/EIS Appendix 3.18-A provides information about non-transportation projects and plans with impacts that could combine with those of the Project to result in significant cumulative impacts. Appendix 3.18-B provides similar information about transportation projects considered in the cumulative impact analysis. The information is presented in tabular format. The only information about the potential environmental impacts of these projects appears in a column entitled “potential significant and unavoidable impacts.” To the extent the Draft EIR/EIS’s cumulative impact analysis only considers the potential significant and unavoidable impacts of related projects, it errs. There is no basis for assuming that only impacts deemed significant and unavoidable have the potential to combine with the Project’s impacts to create cumulatively significant impacts. Certainly, less than significant impacts or significant but mitigable impacts of an individual project can result in cumulatively significant impacts (pre-mitigation) when combined with the impacts of other projects. The Draft EIR/EIS must be revised to consider these types of impacts.

1164-1754 | Another problem with the lists of “potential significant and unavoidable impacts” in Appendices 3.18-A and -B is that there does not appear to be any correlation between the impacts listed there and the analysis in Section 3.18. This is likely due, in part, to the vague, high-level approach the Authority has taken to cumulative impact analysis. The analysis should be carefully revised to describe and consider all potential cumulative impacts.

1164-1755 | **3. Cumulative impact analysis fails to capture potential impacts from the Baylands Development.**

The Notice of Preparation (“NOP”) of an EIR for the Brisbane Baylands Specific Plan was issued on February 24, 2020.<sup>155</sup> Despite the NOP coming out approximately five months before the Draft EIR/EIS, when assessing the potential contribution of Baylands Development to cumulative impacts, the Draft EIR/EIS only considers “the proposed changes to zoning and land use designations, consistent with the 2018 Brisbane General

<sup>155</sup> Available at: <https://ceqanet.opr.ca.gov/2006022136/7>.

1164-1755 | Plan Amendment.” (Draft EIR/EIS, p. 3.18-38) There is similarly no mention of the NOP in Appendix 3.18-A, Table 3, City of Brisbane Non-Transportation Plans and Projects List. Instead, the description of the Baylands Specific Plan relies on the outdated February 2011 version of the Specific Plan, which preceded Measure JJ.<sup>156</sup> This is a serious flaw in the Draft EIR/EIS and reveals that the Authority has ignored information critical to its analysis of cumulative impacts in Brisbane. The Draft EIR/EIS must be revised to account for development under the Specific Plan as described in the 2020 NOP.

As a result of this error, the Draft EIR/EIS’s cumulative impact analysis specifically mentions the Baylands Development only for cumulative impacts to biological resources; hydrology and water resources; parks, recreation, and open space; and aesthetic resources.<sup>157</sup> The Baylands NOP, by contrast, indicates that the Baylands Development would have potentially significant impacts to the following: land use and planning policy; socioeconomic effects; aesthetic resources; biological resources; cultural and tribal cultural resources; transportation; air quality; GHG emissions; energy resources; noise; geology, soils, and seismicity; hydrology and water quality; hazards and hazardous materials; public services and facilities; recreation; and utilities, service systems, and water supply. The Draft EIR/EIS must be revised to consider the potential cumulative impact of the Project and the Baylands Development on all these resources.

Given this mistake, it is likely that many more of the 338 projects listed in Appendices 3.18-A and -B have been significantly updated since the time they were added to the list. Appendices 3.18-A and -B also neglect to include a number of significant projects that will have impacts that could combine with those of the Project, as identified in the attached Metis letter. The Draft EIR/EIS should be revised to account for relevant updates to all reasonably foreseeable projects.

1164-1756 | <sup>156</sup> Even then, Appendix 3.18-A fails to mention the 2018 Program EIR for the prior version of the Specific Plan. While there have been significant changes to the Specific Plan since certification of that EIR, it contains valuable background information about the Baylands which the Authority should consider in its cumulative impact analysis. (See <https://www.brisbaneca.org/baylands-deir>; <https://www.brisbaneca.org/feir-documents>.)

1164-1757 | <sup>157</sup> Confusingly, Appendix 3.18-A identifies a different set of “potential significant unavoidable impacts” for the Baylands: land use; parks, recreation, and open space; transportation; and public utilities. It is not clear why the cumulative impacts analysis does not, therefore, specifically address the cumulative impacts of the Baylands Development on land use, transportation, or public utilities.

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 131

1164-1758

**4. Cumulative impact analysis assumes other cumulative projects would have in place “similar measures to minimize impacts” to the Project, or rely on compliance with existing plans, laws, and regulations to minimize impacts.**

Throughout the analysis of cumulative impacts, the Draft EIR/EIS irresponsibly assumes that all of the projects listed in Appendices 3.18-A and -B would be required to implement project features and mitigation measures similar to those of the Project to avoid impacts.

For example, the Draft EIR/EIS acknowledges that “[c]onstruction of cumulative projects throughout the cities in the [resource study area (‘RSA’)], such as the Geary BRT or the Capitol Expressway Light Rail Transit Extension Phase II, in concert with the project alternatives are most likely to cause cumulative impacts on children’s health and safety in the cumulative RSA.” (Draft EIR/EIS, p. 3.18-65 to -66.) The Draft EIR/EIS dismisses this concern, however, by concluding that “cumulative projects, in addition to the project alternatives, would be required to implement project features to avoid impacts, mitigation measures to reduce exposure of sensitive receptors to potential impacts, and adhere to regional and local regulations regarding air quality, noise, and hazardous materials.” (*Ibid.*) The Draft EIR/EIS includes no evidence to support its assumption that other projects will be required to implement impact-avoiding Project features and mitigation measures. It also provides no hint of what these measures might be or how they could be counted upon to reduce impacts. This is insufficient and violates CEQA.

1164-1759

Similarly, for cumulative impacts to biological resources, the Draft EIR/EIS repeatedly states that the Project would implement “an array of mitigation measures” and that other cumulative projects “would have in place similar measures to minimize impacts.” Notably, even if the other projects listed in Appendices 3.18-A and -B were to implement “similar measures” to those recommended in the Draft EIR/EIS for the Project, there is no evidence that such measures would reduce impacts given the inadequacy of the Project’s IAMFs and mitigation measures, as detailed in other sections of this letter.

1164-1760

Further, the Draft EIR/EIS fails to consider the likelihood that even if all of the projects listed in Appendices 3.18-A and -B result in individually insignificant impacts, the combined impact of these projects may be cumulatively significant. That inquiry is, of course, the fundamental one behind a cumulative impact analysis, and failure to acknowledge this renders the analysis inadequate.

1164-1761

Also, the cumulative impact analysis for other resource topics such as land use and cultural resources assume that future project compliance with existing general plans, or with existing laws or regulations, will prevent cumulative impacts from occurring. There is no basis for assuming that, for specific future projects, such compliance will always occur or always serve to prevent significant impacts.

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 132

1164-1761

The cumulative impact analyses for all resource topics should be comprehensively revised to disclose the actual cumulative impacts of reasonably foreseeable probable future projects, rather than using unwarranted assumptions to dismiss such impacts.

1164-1762

**5. Cumulative impact analysis fails to consistently explain whether the Project’s impacts are “cumulatively considerable.”**

Only in the analysis of cumulative impacts to biological resources does the Draft EIR/EIS clearly conclude that the Project’s incremental contribution to significant cumulative impacts is “cumulatively considerable” as required by CEQA. In all other instances, including transportation, air quality, noise and vibration, safety and security, and cultural resources, the analysis impermissibly stops at the first step of the two-part cumulative impact inquiry. In other words, the Draft EIR/EIS identifies a significant cumulative impact but does not analyze whether the Project’s incremental contribution to that impact would be cumulatively considerable. The fact that the Project’s contribution would be cumulatively considerable is only disclosed in the summary table at the end of Section 3.18.

As a result of this error, the Draft EIR/EIS does not evaluate whether there is feasible mitigation that could reduce the Project’s incremental contribution to cumulatively significant impacts to transportation, air quality, noise and vibration, safety and security, and cultural resources. The Draft EIR/EIS must be revised to remedy this CEQA violation.

1164-1763

**6. Cumulative impact analysis does not include even one “additional feasible mitigation measure” for cumulatively considerable impacts.**

The Draft EIR/EIS claims that “[i]f the incremental effect of the project alternatives is found to be cumulatively considerable, the analysis then describes additional feasible mitigation measures beyond those already identified, if available, to address the contribution of the project alternatives to a cumulative impact.” (Draft EIR/EIS, p. 3.18-7.) This is false. In not one instance does the Draft EIR/EIS describe additional feasible mitigation measures to address the Project’s cumulatively considerable contribution to a cumulative impact. Instead, in every instance where the analysis finds that the Project’s impacts would be cumulatively considerable, the Draft EIR/EIS asserts, without explanation or citation to evidence, that no further mitigation is available. (See, e.g., Draft EIR/EIS, p. 3.18-24.)

For example, additional feasible noise mitigation measures that should have been considered in the cumulative impact analysis are identified in the Metis noise impact discussion.

1164-1764

**7. Cumulative impact analyses for individual resource topics have additional inadequacies.**

In addition to these global flaws, cumulative impact analyses for individual resource topics have additional inadequacies. Some of these are reviewed in the comments presented

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 133

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 134

1164-1764 | above for the individual resource topics, and additional deficiencies are identified in the Metis cumulative impact discussion.

1164-1765 | **IX. OTHER CEQA/NEPA CONSIDERATIONS**

**A. The Draft EIR/EIS Should Include a Draft Mitigation Monitoring and Reporting Program**

The Draft EIR/EIS should have included a draft mitigation monitoring and reporting program (“MMRP”) to identify how mitigation measures will be monitored and enforced. (See Guidelines, § 15097.) This is especially important because so many mitigation measures defer the specifics of mitigation measures to future plans to be prepared after Project approval. The MMRP should also include monitoring and enforcement of all IAMFs, since so many of them function as mitigation measures and also defer specific impact-reducing actions to future plans. Additionally, including the draft MMRP would help resolve potential problems early in the EIR/EIS process to better ensure the measures’ effectiveness in reducing impacts to less than significant levels.

1164-1766 | **B. The Authority Must Retain, and May Not Destroy, All Project-Related Records**

In response to a California Public Records Act request, the Authority disclosed that its email system “follows a 90-day retention policy,” and as a result, it is “unlikely that [the Authority] will find any records” of emails going back several years. (See August 10, 2020 letter from Marie Hoffman to David Smith.) An appellate court has recently confirmed that “a lead agency may not destroy, but rather must retain writing [Public Resources Code] section 21167.6 mandates for inclusion in the record of proceedings,” including project-related emails, despite the existence of a document retention policy. (*Golden Door Properties, LLC v. Sup. Ct.* (2020) 52 Cal.App.5th 837,867.) The Authority’s existing practice of destroying emails after 90 days, thus, violates CEQA, and it must immediately cease destruction of all Project-related records.

1164-1767 | **X. THE DRAFT EIR/EIS MUST BE RECIRCULATED**

CEQA requires a lead agency recirculate an EIR when “significant new information” is added to the document after notice and opportunity for public review was provided. (Pub. Resources Code, § 21092.1; Guidelines, § 15088.5(a); *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130.) “Significant new information” includes, for example, a disclosure showing that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

sohagi.com

- 1164-1767 |
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
  - A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
  - The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Guidelines, § 15088.5(a).)

The existing Project Draft EIR/EIS must be discarded and completely redrafted because, among other reasons, (1) it omits project- and site-specific details, preventing full disclosure of significant impacts and mitigation measures; and (2) its reliance on IAMFs that are not part of the Project but rather inadequate mitigation measures also prevents full disclosure of significant impacts and mitigation measures.

Many of the Draft EIR/EIS impact analyses fail to provide a substantive discussion of impacts or understate the severity of the Project’s impacts. For example, the Draft EIR/EIS hazardous materials and waste impact analysis omits meaningful analysis of LMF construction impacts on hazardous materials and waste sites, or of proposed site-specific mitigation measures capable of reducing those impacts.

Also, the City has included in this letter and its exhibits and attachments extensive new information demonstrating new or more severe significant impacts, as well as new potentially feasible project alternatives and mitigation measures considerably different from others previously analyzed that would clearly lessen the environmental impacts of the proposed Project. This new information must be fully considered and analyzed in a completed rewritten and recirculated Draft EIR/EIS.

Finally, the NEPA-like structure of the document makes it fundamentally inadequate for CEQA disclosure purposes. It fails to clearly disclose facts and reasons supporting basic CEQA conclusions: why impacts are significant, and why mitigation measures are capable of reducing them to less than significant levels. This makes the Draft EIR/EIS “so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (Guidelines, § 15088.5(a)(4).)

1164-1768 |

**XI. LACK OF COMPLIANCE WITH OTHER ENVIRONMENTAL LAWS**

The Draft EIR/EIS does not demonstrate regulatory compliance by the Authority in constructing and operating the Project. Foremost among the concerns, as further elaborated below, is the complete lack of any effort to identify and delineate regulated aquatic resources under California state law, failure to even recognize the existence of California’s recently enacted “State Wetland Definition and Procedures for Discharges of Dredge or Fill

sohagi.com

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020)  
 - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 135

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
 DRAFT EIR/EIS COMMENT  
 September 8, 2020  
 Page 136

1164-1768

Materials to Waters of the State,” and the Authority’s admission in the Draft EIR/EIS that it cannot ensure that the Project will not result in the illegal take of at least two species designated as “fully protected” under state law.

The Draft EIR/EIS must be rewritten to demonstrate that, to “the fullest extent possible,” CEQA review has been integrated with all related review and consultation requirements, so that all these procedures, “to the maximum extent feasible,” run concurrently rather than consecutively. (Pub. Resources. Code, § 21003(a); Guidelines, § 15124(d)(1)(C).) This directive is a “fundamental policy “of CEQA. (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 936 [EIR inadequate because it failed to identify environmentally sensitive habitat areas regulated under the California Coastal Act].)

1164-1769

**A. The Draft EIR/EIS Does Not Demonstrate Project Compliance with Laws Regulating Aquatic Resources**

**I. Federal Clean Water Act (“CWA”)**

Section 404 of the CWA prohibits the discharge of dredge or fill materials into waters of the United States without the issuance of a permit from USACE or the US EPA authorizing such discharge. (33 U.S.C. § 401 et seq.) Additionally, the definition of what is and is not a jurisdictional water of the United States has undergone significant judicial and regulatory evolution. Most recently, the US EPA adopted the “Navigable Waters Protection Rule” that became effective on June 22, 2020. That rule is subject to at least 10 litigation challenges. Additionally, several United States Supreme Court cases have caused great uncertainty as to the scope of regulation. (*E.g., Rapanos v. United States* (2006) 547 U.S. 715.)

The Authority obtained a preliminary jurisdictional determination (“PJD”) from the San Francisco District of USACE dated April 14, 2020, delineating aquatic resources that may be jurisdictional under the CWA and that may be impacted by the Project. However, the PJD was based primarily on fieldwork conducted in 2009 and 2010, over a decade ago. Not only has the landscape undoubtedly evolved in that period of time but, as noted above, the legal scope and definition of jurisdictional waters of the United States has undergone significant judicial and regulatory change.

Of particular note and concern is the prospect of filling the entirety of Visitation Creek in Brisbane to accommodate the proposed East LMF. Additionally, as addressed in the Metis letter, substantial potential wetlands acreage would be filled for the proposed West LMF.

Application for and issuance of a permit or permits for the Project under the CWA will be subject to analysis under NEPA. The Draft EIR/EIS is wholly inadequate to provide sufficient detail for the proposed impacts to jurisdictional waters of the United States and to

1164-1769

identify appropriate compensatory mitigation for such impacts sufficient to justify issuance of a CWA Section 404 permit by USACE.

Additionally, the BIO Technical Report provides:

To comply with the CWA and to increase process efficiencies, the Authority, FRA, USACE, and USEPA developed the California High-Speed Train NEPA/404/408 Memorandum of Understanding (404/408 MOU) (FRA et al. 2010). The 404/408 MOU requires the agencies to work collaboratively to streamline the Section 404/Section 408 processes to the degree feasible, and to identify a preliminary least environmentally damaging practicable alternative (LEDPA), a requirement of the USEPA CWA 404(b)(1) Guidelines. Pursuant to the 404/408 MOU, in order to identify the preliminary LEDPA, the Authority must obtain concurrence from the USEPA and USACE at three “checkpoints” during preparation of an EIR/EIS. The three checkpoint processes, Checkpoints A (defining the Purpose and Need), B (Identifying the Range of Alternatives to be Studied in the Project EIR/EIS), and C (Identifying a Preliminary LEDPA, Preparing a USACE Section 408 Preliminary Determination Report, and Preparing a Draft Compensatory Mitigation Plan), are integrated with the NEPA process.

(BIO Technical Report, p. 7-2.)

The description above identifies “three checkpoints”: “Checkpoints A (defining the Purpose and Need), B (Identifying the Range of Alternatives to be Studied in the Project EIR/EIS), and C (Identifying a Preliminary LEDPA, Preparing a USACE Section 408 Preliminary Determination Report, and Preparing a Draft Compensatory Mitigation Plan) . . .” However, the first two of those checkpoints should have already occurred but are not discussed in the Draft EIR/EIS or elsewhere in the supporting record.

1164-1770

**2. Federal Rivers and Harbors Act of 1899 (“RHA”)**

RHA Section 10 requires authorization from USACE for the placement or construction of any structure in or over any navigable water. (33 U.S.C. § 403.) The Draft EIR/EIS (Impact BIO#19) identifies impacts to navigable waters subject to regulation under RHA Section 10. Application for and issuance of a permit or permits for the Project under the RHA will be subject to analysis under NEPA. The Draft EIR/EIS is wholly inadequate to provide sufficient detail for the proposed impacts to jurisdictional navigable waters and to identify appropriate compensatory mitigation for such impacts sufficient to justify issuance of an RHA Section 10 permit by USACE.

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 137

1164-1771

### 3. *California Porter-Cologne Water Quality Control Act (“Porter-Cologne”)*

Porter-Cologne requires that any person “discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the State, other than into a community sewer system” submit a report of waste discharge to the appropriate RWQCB. (Wat. Code, § 13260(a)(1).) “Waters of the State” under Porter-Cologne are defined as “any surface water or groundwater, including saline waters, within state boundaries.” (Wat. Code, § 13050(e).) Authorization for any such discharge into waters of the state takes the form of waste discharge requirements (“WDRs”) from the respective RWQCB.

As to the Project, the PJD is the only delineation of aquatic resources included in the record for the Draft EIR/EIS. However, the PJD delineates only potentially jurisdictional resources under *federal* law. There is no discussion of or attempts to delineate aquatic resources under California state law.

Incredibly, the BIO Technical Report for the Project attempts to summarily justify the failure to apply state law and delineate resources subject to state regulation as follows:

*Waters of the state* are broadly defined by the Porter-Cologne Water Quality Control Act (Cal. Water Code § 13050(e)) to mean any surface water or groundwater, including saline waters, within the boundaries of the state. Under this definition, isolated wetlands that may not be subject to regulations under federal law are considered waters of the state and regulated accordingly. The Authority has requested a preliminary jurisdictional determination (PJD) from USACE under Section 404 of the CWA for all aquatic resources, regardless of their potential to qualify as jurisdictional under the CWA. The request for a PJD means that the jurisdictional determination by USACE of waters of the U.S. mapped in the RSA is not being sought by the Authority. Therefore, under a PJD, all of the aquatic resources mapped in the RSA would be considered waters of the U.S. ***Because the mapped extent of such areas includes potential isolated waters, there would be no aquatic resources that would qualify only as waters of the state.***

(BIO Technical Report, p. 4-4, *emphasis* added.)

This approach misunderstands and/or misrepresents the legal difference between “waters of the United States” under the CWA and “waters of the State” under Porter-Cologne. The notion of an “isolated wetland” derives from the United States Supreme Court holding in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* 2001 531 U.S. 159 (“*SWANCC*”) in which the High Court disallowed the proffered basis under which federal agencies extended regulatory authority over aquatic resources isolated

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 138

1164-1771

from other federally regulated waters. No notion of “isolation” limits the reach of state regulators acting under state law.

However, the definition of “waters of the State” under Porter-Cologne is separate, distinct, and widely recognized as more inclusive than the federal definition of “waters of the United States.” “Waters of the State” is not limited to federal waters that are exempt from federal regulation due to isolation. Delineation of waters of the State involves separate and distinct criteria and professional judgment as compared to delineation of federal waters. To note that the Authority’s preliminary jurisdictional determination will not exclude isolated waters is not sufficient to claim that waters of the State have been accurately or adequately identified and included in the analysis.

The Draft EIR/EIS fails to identify waters of the State and thereby fails to identify impacts thereto and necessary mitigation. The issuance of WDRs in support of any proposed impacts to waters of the State must be evaluated under CEQA. The Draft EIR/EIS is wholly inadequate to provide sufficient detail for the proposed impacts to waters of the State and to identify appropriate compensatory mitigation for such impacts sufficient to justify issuance of WDRs by a RWQCB or the SWRCB.

1164-1772

### 4. *California “State Wetland Definition and Procedures for Discharges of Dredge or Fill Materials to Waters of the State” (“State Waters Policy”)*

The SWRCB completed over a decade of work and negotiation with the regulated community and environmental non-governmental organizations (“NGOs”) with the adoption of the new State Waters Policy on April 2, 2019. The State Waters Policy did not become effective until May 28, 2020.

Nowhere in the entirety of the record for the Draft EIR/EIS does the Authority even acknowledge the existence of the State Waters Policy. Completely independent of the federal laws, delineation procedures, and judicial rulings presumably underlying the PJD, the State Waters Policy enacted an entirely new regime for processing proposed impacts to waters of the State. Notable departures from federal provisions include:

- A new and more expansive definition of “wetland;”
- Different parameters for consideration of project alternatives and identification of the “least environmentally damaging practicable alternative;” and
- Requirements for analysis of climate change impacts and resilience of any proposed mitigation.

As noted, the Draft EIR/EIS and its supporting record are not only inadequate with regard to implementation of and compliance with the State Waters Policy, it never even notes its existence.

sohagi.com

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 139

1164-1773

**5. California Fish & Game Code Section 1600 et seq.**

The following prohibition is provided in California Fish & Game Code section 1602:

An entity shall not substantially diver or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

In order to lawfully conduct any such activity, the acting entity must obtain a Lake and Streambed Alteration Agreement ("LSAA") from CDFW.

The Draft EIR/EIS and related record should at least recognize the so-called "Section 1600" regulatory regime under California state law. However, as already addressed above, there has been no effort whatsoever to delineate aquatic resources potentially impacted by the Project under state law. The issuance of a LSAA by CDFW is subject to compliance with CEQA. The Draft EIR/EIS is wholly inadequate to provide sufficient detail for the proposed impacts to protected state aquatic resources and to identify appropriate compensatory mitigation for such impacts sufficient to justify issuance of an LSAA by CDFW.

1164-1774

**B. The Draft EIR/EIS Does Not Demonstrate Project Compliance with Laws Regulating Endangered Species**

**1. Federal Endangered Species Act ("FESA")**

Under Section 7 of the FESA, federal agencies must "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined . . . to be critical." (16 U.S.C. § 1536(a)(2).) So called "critical habitat" are areas, both occupied and unoccupied, deemed essential to the conservation of the listed species.

Section 9 of the FESA prohibits the "take" of any listed species. (16 U.S.C. § 1538(a)(1)(B).) "Take" is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." (16 U.S.C. § 1532(19).) Implementing regulations for the FESA define "harass" as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering" and "harm" as "an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavior patterns, including breeding, feeding or sheltering." (50 C.F.R. § 17.3.)

sohagi.com

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 140

Federal agencies authorizing activities that may impact federally listed species must consult with USFWS and/or the National Marine Fisheries Service to ensure compliance with Section 7's protective mandates noted above.

The Draft EIR/EIS confirms impacts to numerous federally listed species and their habitat, including federally designated critical habitat. Authorization of any "take" under the FESA, whether under Section 7 or otherwise, is subject to compliance with NEPA. The Draft EIR/EIS is wholly inadequate to provide sufficient detail for the proposed impacts to federally listed species and designated critical habitat and to identify appropriate compensatory mitigation for such impacts sufficient to justify issuance of authorization for the take of such species or prohibited "adverse modification" of designated critical habitat.

1164-1775

**2. California Endangered Species Act ("CESA")**

CESA prohibits the import, export, taking, possession, purchase, or sale of any endangered species, threatened species, or part or product of an endangered or threatened species. (Fish & G. Code, § 2080.) Further, CESA defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill." (*Id.*)

The Draft EIR/EIS confirms impacts to numerous species and their habitats protected under the provisions of CESA. Authorization of any "take" under CESA is subject to compliance with CEQA. The Draft EIR/EIS is wholly inadequate to provide sufficient detail for the proposed impacts to state protected species and to identify appropriate compensatory mitigation for such impacts sufficient to justify issuance of authorization for the take of such species.

1164-1776

**3. California "Fully Protected Species" Statutes ("FPS")**

The BIO Technical Report upon which the Biological and Aquatic Resources Impacts analysis of the Draft EIR/EIS is premised correctly states the absolute prohibition of any authorization of "take" of any species designated as "fully protected" under state law:

The California (Cal.) Fish and Game Code designates 37 fully protected species and prohibits the take or possession at any time of such species with certain limited exceptions. Fully protected species are described in Cal. Fish and Game Code Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish). These protections state that "...no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected [bird], [mammal], [reptile or amphibian], [fish]."

(BIO Technical Report, p. 6-7.)

And to the degree there was any doubt to the absolute nature of the prohibition on the take of fully protected species, the California Supreme Court put such doubts to bed in

sohagi.com



# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 141

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 142

1164-1776

*Center for Biological Diversity v. California Department of Fish & Wildlife* (2015) 62 Cal.4th 204.

The Draft EIR/EIS and BIO Technical Report confirm that at least two fully protected species will be impacted by the Project: the San Francisco garter snake and the white-tailed kite. Astoundingly, notwithstanding full acknowledgement that California law absolutely prohibits any take, the BIO Technical Report makes clear that the take of each of these species is not only likely, but near certain.

As to the San Francisco garter snake:

### 6.1.1.5 Permanent Conversion or Degradation of Habitat for and Direct Mortality of San Francisco Garter Snake

Construction activities next to the SFO West-of-Bayshore property in the San Bruno to San Mateo Subsection would take place in or adjacent to habitat for San Francisco garter snake, a species listed as endangered under the FESA and CESA and designated as fully protected by CDFW. Such activities would convert or disturb a small amount of habitat and could result in the injury or mortality of individual garter snakes.

...

While pre-construction and construction actions to protect special-status species are part of the project, these actions would not prevent the conversion and temporary disturbance of habitat in the project footprint. Because San Francisco garter snakes use underground burrows, they are very difficult to detect; therefore, their absence from construction areas cannot be guaranteed. Earthmoving, excavation, and vehicle operation during construction could crush, entomb, or physically disturb individual snakes. Ground disturbance, noise, and vibration associated with these activities could disrupt the activities of individual snakes and may impair normal life cycle behaviors. The use of chemicals and hazardous substances during construction (e.g., oils, gasoline) may cause mortality if individuals enter aquatic habitat that has been contaminated by spills or other vehicle and equipment leaks. While many protections would be implemented, the potential for physical harm and mortality of individuals would not be eliminated.

(BIO Technical Report, pp. 6-7 to -8.)

And as to the white-tailed kite:

1164-1776

### 6.1.1.8 Removal or Disturbance of Active White-Tailed Kite Nests

Construction activities in all subsections would take place in or adjacent to nesting habitat for white-tailed kite, a California fully protected species.

...

White-tailed kites often nest in or adjacent to urban development, and nest sites (i.e., dense-topped trees and shrubs near open fields or marsh that support prey populations [e.g., voles]) are abundant throughout the habitat study area.

...

While pre-construction actions to protect special-status species are part of the project, these actions would not prevent the conversion and temporary disturbance of habitat in the project footprint, nor would they necessarily eliminate the risk of injury, mortality, and disturbance of individual birds. Vegetation removal in nesting habitat for this species could crush eggs or kill nestlings in active nests. Construction-generated noise and vibration near active nests could cause adults to abandon eggs or recently hatched young if they perceive such disturbances as a threat.

(BIO Technical Report, p. 6-10.)

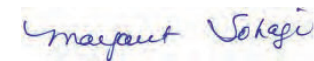
No amount of analysis under CEQA or provision of mitigation or other consideration can allow or authorize the take of species fully protected under California law. And yet the record for the Draft EIR/EIS documents that such illegal take is almost a certainty.

1164-1777

## XII. CONCLUSION

The many legal deficiencies identified in this letter and the accompanying consultant reports can be remedied only by discarding and completely rewriting the Draft EIR/EIS to comply with CEQA requirements, particularly with respect to the proposed Brisbane LMF sites and potentially feasible geographic alternatives to that site. The rewritten Draft EIR/EIS must then be recirculated for additional public review, pursuant to CEQA Guidelines section 15088.5.

Very truly yours,



MARGARET MOORE SOHAGI  
THE SOHAGI LAW GROUP, PLC

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
DRAFT EIR/EIS COMMENT  
September 8, 2020  
Page 143



cc: Governor Gavin Newsom  
State Senator Jerry Hill  
Assembly Speaker Pro Tempore Kevin Mullin  
Brisbane City Council  
Clay Holstine, City Manager  
John Swiecki, Community Development Director

August 13, 2020

### EXHIBITS

- A. **SLG, Exh. 1, Letter from Brian P. Kelly, HSR Chief Executive Officer to the Honorable Terry O'Connell, Mayor of the City of Brisbane, August 13, 2020**
- B. **SLG, Exh. 2, Letters from the City of Brisbane**
  - 1. *SLG, Exh. 2-A, August 25, 2010 City Letter to HSR Authority*
  - 2. *SLG, Exh. 2-B, September 28, 2010 HSR Response to City*
  - 3. *SLG, Exh. 2-C, October 5, 2010 City Response to HSR Authority*
  - 4. *SLG, Exh. 2-D, June 9, 2016 City Comment Letter to HSR*
  - 5. *SLG, Exh. 2-E, August 21, 2019 City Comment Letter to HSR*
- C. **SLG, Exh. 3, Vartabedian, Ralph, "California's scaled-back high-speed rail plan faces doubts amid financial crunch," Los Angeles Times, September 8, 2020**

The Honorable Terry O'Connell  
Mayor  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Dear Mayor O'Connell:

Thank you for your engagement with our staff over the years. I am writing today to provide an update on our program and to propose how we can move forward in a collaborative manner to continue to resolve the open questions around the high-speed rail program in Brisbane, and its effects on, and interface with, proposed development on the Brisbane Baylands site.

As you know, our agency has proposed a Light Maintenance Facility (LMF), one of three train maintenance facilities statewide, at the Brisbane Baylands on either the east or west side of the tracks. Last year, our Board of Directors identified the east side as the Preferred Alternative and that's been incorporated into the Draft EIR/EIS for the San Francisco to San Jose Project Section that was released for public review on July 10, 2020.

While we understand that the City of Brisbane would prefer that we locate the facility elsewhere, we have carefully and thoroughly reviewed numerous other options before settling on the locations in Brisbane. If you would like more information about the other options that were explored along the Peninsula, we would be happy to share that with you. Additionally, the City has also suggested that we look at a location around Gilroy and/or simply stop trains at San Jose instead of San Francisco. Those options either do not work from an operations standpoint or would not be consistent with what the voters of California approved in 2008.

However, I do want to use this opportunity to develop a path for how we can work together to address the concerns that we have heard from the City and the property owners at the Brisbane Baylands about the LMF.

W:\C\373\005\00620972.DOC

sohagi.com

770 L Street, Suite 620, Sacramento, CA 95814 • T: (916) 324-1541 • F: (916) 322-0827 • www.hsr.ca.gov

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

The Honorable Terry O'Connell  
August 13, 2020  
Page 2



### CITY OF BRISBANE

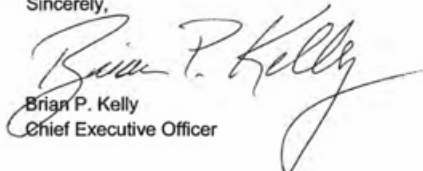
50 Park Place  
Brisbane, California 94005-1310  
(415) 508-2100  
Fax (415) 467-4989

The process of developing, designing, and ultimately constructing the LMF is a long one and the current Draft EIR/EIS is one, but not the only venue, where we can work to better align our interests. From previous discussions with you, the Council, and City staff, we see the following as areas where we have heard concerns that we can work together to resolve over time:

- Fiscal impact to the City's finances from a reduction in commercial development due to the LMF footprint and whether that would result in the remaining development being unable to break even from a City fiscal standpoint. Our team has reviewed the *Keyser Marston* assessment of fiscal impacts from the proposed Brisbane Baylands Development and can develop a sensitivity analysis based on that study to help understand the implications for the City's breakeven projections.
- Process for advancing design and interface planning work to continue to address the issues surrounding the placement of the LMF and associated infrastructure, and the surrounding development plans.
- Public roads including access to downtown Brisbane, Lagoon Road, Tunnel Avenue, and future Geneva Avenue extension.
- Construction methods and sequencing in light of conditions at the site including landfill, liquefiable soils, and sea level rise considerations.
- Open space and park considerations, shoreline access, and Bay Trail extension options.
- Modifications to Visitacion Creek.

We would like to propose that we develop a Memorandum of Understanding (MOU) that lays out the process(es) through which we can work together in a collaborative manner to develop the LMF and resolve these and other outstanding issues between our agencies.

Sincerely,

  
Brian P. Kelly  
Chief Executive Officer

August 25, 2010

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

Re: Supplemental AA Report- San Francisco to San Jose Section- August 2010

Dear Mr. Doty:

The City of Brisbane strenuously objects to the identification of the Brisbane site as the preferred (and apparently only) site under consideration for the Level 3 maintenance facility. The failure of HSRA to meaningfully engage the City in this important issue is also extremely troubling, and reflects either a failure of the HSRA's public outreach and participation program or bad faith on the part of HSRA in misrepresenting its intentions to the City. In ongoing discussions between City staff and the HSRA team, the City's concerns with a potential maintenance yard have been raised time and time again, and the HSRA team has verbally acknowledged these concerns and committed to work with the City on this sensitive issue. The City has been a good faith, active participant in the HSR technical and policy groups, despite the lack of any specific information forthcoming from the HSRA regarding the maintenance yard. This was underscored by the fact that the preliminary AA report dated April 10 makes no mention of the maintenance yard or alternatives under consideration, nor was this topic discussed in any of the TWG or policy working group meetings held subsequent to publication of the preliminary AA report.

As late as July 30, 2010, the HSRA team characterized the forthcoming Supplemental AA to be presented to the HSRA board on August 5 as containing no new information of consequence to the City of Brisbane, given that the at-grade, 4-track alignment through Brisbane was basically fixed. Unfortunately the HSRA team never extended the courtesy of notifying the City that the Addendum would include preliminary conclusions regarding the maintenance yard: the City discovered this only after the agenda materials were posted on-line.

In regard to maintenance yard, the City believes the August 10 Supplemental AA to be deficient in a number of ways. Page S-1 states that "modifications are being recommended to the alternatives and design options described in the Preliminary AA report based on *consulting with local cities and agencies* and additional engineering and environmental detail that has become available" (emphasis added). This is both factually inaccurate and misleading in regard to the City of Brisbane and the maintenance facility, and the document must be corrected accordingly. Neither Tables S-1 nor S-2 acknowledge that subsection 2A of the alignment traverses the City of Brisbane.



## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

The Preliminary and Supplemental AA set forth criteria for alignment options based upon a set of defined goals including constructability, displacement, disruption of Caltrain service, minimized cost and community needs. These alignment options were further evaluated against a set of measures including design objectives compliance, land use, constructability, community impacts, natural resources, environmental quality, and other considerations. It is unclear if such a rigorous analysis to both define and evaluate maintenance yard alternatives was undertaken. No such analysis was included in the Preliminary AA. The discussion of maintenance yard alternatives in the Supplemental AA, limited to 3 paragraphs (a paragraph for each potential maintenance yard site), is cursory. The level of information is inadequate to evaluate the relative merits or drawbacks of the potential maintenance yard sites, and the lack of a meaningful analysis is unacceptable to the City of Brisbane. In contrast, the Preliminary AA included a detailed and extensive discussion of Alignment Alternatives (Sections 3.0) and an Evaluation of Alternatives (Section 4). Sections 3 and 4 of the supplemental AA should be rewritten to provide a similar meaningful analysis and discussion of potential maintenance yard facilities.

The premature conclusion to focus solely on the Brisbane site would also appear to violate HSRA's own procedures for siting maintenance facilities as set forth in Appendix M of the supplemental AA. These procedures (Section 3) call for an Alternatives Analysis that includes documentation of "the initial process of defining and evaluating alternative sites for maintenance facilities." Section 3, Step 2 specifically calls for public information meetings to be conducted to present initial alternative sites.

Lastly, the City has been informed by the HSRA team that additional sites beyond Brisbane will be carried forward in the project EIR. The Supplemental AA should be revised to reflect this clarification. The City remains highly concerned that the forthcoming EIR include a rigorous and detailed analysis of potential maintenance facilities, not a cursory and superficial review to validate a predetermined outcome.

The City looks forward to the HSRA responding in a responsible manner to address the City's concerns. Please contact John Swiecki, Interim Community Development Director at 415.508.2120 should you have any questions regarding this letter.

Sincerely,



Clayton L. Holstine  
City Manager

c: Brisbane City Council

September 28, 2010

Clayton Holstine  
City Manager  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Dear Clay:

Thank you for your letter dated August 25th. I would like to address the issues that you raised in your letter and look forward to continuing to collaborate with you, the Brisbane Council and staff as the process moves forward. I would like to address your comments in the broad categories below:

#### Communications Regarding the Maintenance Facility

As part of the on-going environmental process, the Authority was obligated to disclose a possible maintenance facility location as part of the Supplemental Alternatives Analysis Report (SAAR) published in August, 2010. Over the last year and a half we have been working with the City of Brisbane and other agencies on identifying possible storage and maintenance facility locations. You, your Council and staff have always communicated clearly that a maintenance facility is in no way your preferred land use and activity for the Brisbane Baylands Planning Area. In the time that we have been discussing a possible maintenance facility with the City of Brisbane, we also analyzed sites at the Port of San Francisco and San Francisco International Airport. As a result of that preliminary analysis the Brisbane site was found to be, from an engineering and train operation perspective, the most viable option of the three. In the time before the publication of the SAAR, we should have contacted you and let you and your staff know how this information was going to be presented in the SAAR, to give you and your policymakers fair warning. We did not do that and for that I apologize. We will do our best to make sure that this does not happen again.

#### Supplemental Alternatives Analysis Report (SAAR)

In your letter you identified errors and deficiencies in the SAAR. It is our intention to publish an "Addendum / Errata" document that not only corrects mistakes but also elaborates on issues that require further explanation. Specifically we will address the following:

We will update the Table S-1 and S-2 to reflect that subsection 2A traverses the City of Brisbane. We will update the document to reflect the meetings that we have held with Brisbane City staff, Council, UPC and other stakeholders to discuss the possible maintenance facility in Brisbane. On page two of your letter, you identify the need for additional elaboration of the comparison of alternative maintenance facility sites. We will provide a comparative analysis of the different

PENINSULA RAIL PROGRAM  
799 Seventh Street  
San Francisco, CA 94107

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

September 28, 2010  
Page 2

maintenance facility locations, following guidance from the technical memo "Alternatives Analysis for Sitting Maintenance Facilities".

Your letter also identified the interest by the City for the Authority to continue to evaluate additional alternatives either in San Francisco or elsewhere. The Authority will continue to look for other possible solutions for the storage and maintenance of high-speed train vehicles. Other options beyond the other two already identified (San Francisco International Airport and the Port of San Francisco) include different statewide operating practices where trains do not start or end their service in San Francisco or splitting the storage and maintenance functions in other locations throughout the system. While these solutions are not ideal from a long term operating perspective, they can and should be investigated as part of the on-going environmental and engineering work.

### Public Meetings

As noted in your letter, we will plan on holding a public information meeting on the potential Maintenance Facility in Brisbane. We will provide a presentation regarding the Alternatives Analysis process and how Brisbane was selected as the preferred site for the facility and what the characteristics of a modern storage and maintenance facility would be. Additionally we will provide maps showing where the facility could be placed and what some of the potential uses for the site could be beyond just the rail uses. It is our intention to hold this meeting in late October or early November.

### Next Steps

Our most immediate next step is to have the "Addendum / Errata" document published in mid-October of this year. In addition we are anticipating a revised operating plan that could result in a modification to the storage requirements for the yard and a smaller and possibly more acceptable foot print. Then the next major step is to have a Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the San Francisco to San Jose section of the high-speed train project published in late December of 2010. This document will discuss the environmental issues associated with the high-speed train alignment and the potential maintenance facility in Brisbane and discussion of other potential options for maintaining trains at other locations. At that point, the City will have 45 days to comment on the document.

A Final EIR/EIS for the San Francisco to San Jose section of the high-speed train system will be published in July of 2011. This document will identify a "preferred" alternative for the system that could also include a maintenance facility discussion and decision. A Notice of Determination (NOD) by the Authority will be made in August of 2011 and the Record of Decision (ROD) by the Federal Railroad Administration in September of 2011. Only after the environmental process is complete (completion of the NOD and ROD) will the Authority be able to enter into agreements for property acquisition and/or construction of the project.

PENINSULA RAIL PROGRAM  
799 Seventh Street  
San Francisco, CA 94107

PENINSULA RAIL PROGRAM  
799 Seventh Street  
San Francisco, CA 94107

September 28, 2010  
Page 3

I look forward to our continued dialog about the high-speed train project and its relationship to the City of Brisbane. We appreciate your input to-date and hope to continue to have a productive relationship moving forward.

Sincerely,

Robert Doty  
Director  
Peninsula Rail Program

CC: Doc. Control

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued



### CITY OF BRISBANE

50 Park Place  
Brisbane, California 94005-1310  
(415) 508-2100  
Fax (415) 467-4989

October 5, 2010

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

Re: Response to September 28, 2010 Letter

Dear Mr. Doty:

Thank you for your response of September 28, 2010 to the City of Brisbane's letter of August 25, 2010. The City appreciates your commitment "to look for other possible solutions for the storage and maintenance of high speed rail vehicles" beyond the previously identified Brisbane site. The City further notes and appreciates the commitment set forth in the letter that the forthcoming draft EIR will identify and evaluate alternative sites.

The City of Brisbane opposes the designation of the Brisbane Baylands site as a potential maintenance/storage facility. The City and Baylands property owner are actively engaged in an extensive planning process to develop a specific plan for large scale future development of the site. A community preferred alternative reflecting the community's desire for public open space and sustainable transit-focused development providing additional services and community amenities to local residents has already been identified for study in the forthcoming EIR. The property owner is refining their original 2006 specific plan proposal. The railyard proposal is clearly incompatible with both the community's vision and property owner's goals for the site.

The City also questions the "preliminary analysis" that led to conclusion that the Brisbane site is the most viable option for a maintenance/storage facility from an engineering perspective. We believe this conclusion is premature at best, based on a cursory level of analysis that reflects a lack of understanding regarding the site and its unique constraints. The lack of site characterization and understanding could easily lead the HSRA into grossly underestimating the costs of mitigating and preparing the site for its proposed use. The City questions whether the preliminary analysis to date took into account the costs to the City of Brisbane of removing this prime future development site off the tax rolls. According to HSRA's October 2009 *Technical Memorandum-Alternatives Analysis for Siting Maintenance Facilities*, both capital costs and economic impacts to the local community are evaluation measures to be considered in evaluating alternatives.

Inasmuch as the EIR/EIS Notice of Preparation (NOP) published by the HSRA in January 2009 for the San Francisco to San Jose High Speed Train segment did not identify construction of a rail yard at the Brisbane Baylands as part of the project, the City's NOP response did not discuss

potential environmental issues associated with such a facility that need to be addressed in the forthcoming EIR. The potential maintenance/storage facility is an ongoing heavy industrial land use with different potential environmental impacts from those associated with the temporary construction and ongoing operation of high speed rail along the San Jose/San Francisco corridor. The EIR should fully identify and evaluate these land use impacts, as the City is doing for the specific plan land use proposals that are under consideration. The recommended list of topics to be addressed in the forthcoming EIR is attached, but a few of the potential environmental issues are highlighted for your consideration.


**Land Use Compatibility:** As noted above, the proposal is inconsistent with current development proposals for the site that are under active consideration by the City of Brisbane, and this potential impact should be analyzed in the forthcoming EIR. While the railyard proposal does not consume the entire Baylands Specific Plan site, the potential impacts of the railyard on the larger development as well as on community benefits that would have been achieved by the larger development must be analyzed. Compatibility of the project with regional land use policies and goals which promote smart growth and infill development along transit corridors and the Sustainable Community Strategy should also be evaluated. Potential blight impacts should also be analyzed, both in regard to the impact of the project on surrounding properties which are slated for redevelopment, as well as the potential impacts on the City of Brisbane Redevelopment Project area in which the site is located.

**Physical Site Issues:** The site is a former unregulated municipal landfill that has not been closed in compliance with Title 27. Landfill closure and remediation issues must be addressed in the forthcoming EIR. The site is subject to seismic activity and liquefaction, and these impacts must be analyzed. Due to underlying waste decomposition and surcharge of soils deposited on the site over time, the site is also subject to differential settlement and geotechnical issues would need to be addressed in the forthcoming EIR. The impacts of climate change and potential sea level rise should also be evaluated. Lastly, the site in question has very limited infrastructure, and the impacts associated with providing infrastructure to serve the facility must be analyzed.

**Operational Impacts:** Ongoing operations of a facility as proposed will result in a host of operational impacts, ranging from light and glare, noise, aesthetics, traffic, and public services. All these issues need to be addressed in the forthcoming EIR.

Please contact John Swiecki, Community Development Director at 415.508.2120 should you have any questions regarding this letter.

Sincerely,

  
W. Clarke Conway  
Mayor

c: Clay Holstine, City Manager

*Providing Quality Services*

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### **AESTHETICS**

The project would greatly change views to the site from many areas in Brisbane, San Bruno Mountain, US 101, Bayshore Boulevard, San Francisco, San Francisco Bay, and other surrounding locations. The EIR should address the visual changes that would result from development of the site as proposed. Impacts associated with lighting and glare must also be addressed.

### **AIR QUALITY**

Potential air quality impacts during construction and operation of the project shall be addressed in the EIR.

### **BIOLOGICAL RESOURCES**

The EIR should analyze the direct and indirect impacts of the proposed project on biological resources. Intertidal, estuarine wetlands and emergent freshwater wetland have been identified on the site. The EIR should verify the extent and amount of wetlands, and evaluate plans for wetlands restoration and creation and identify mitigation measures, as appropriate, to assist in their successful implementation.

### **GEOLOGY AND SOILS**

The project is in a seismically active area, and could be subject to significant ground shaking in the event of a major earthquake. Seismic risks should be addressed in the EIR and mitigation should be developed. The project site is characterized as having a high to very high potential for seismic related ground failure, such as liquefaction, and this issue, including mitigation measures to address this risk, should be developed in the EIR. Past landfilling operations on the site have involved on-going soil erosion control mitigation. Grading and earthwork for site development would have the potential for soil erosion impacts and mitigation should be developed in the EIR. The site lies within a former municipal landfill and is potentially subject to differential settlement which should be addressed in the forthcoming DEIR.

### **HAZARDS AND HAZARDOUS MATERIALS:**

The site is a formal municipal landfill under the jurisdiction of the Regional Water Quality Control Board. The EIR shall review existing information regarding potential presence of hazardous materials on the site, evaluate the adequacy of existing risk assessment data for purposes of completing CEQA review, identify potential impacts and propose mitigation measures, as appropriate.

### **HYDROLOGY AND WATER QUALITY:**

Water quality impairments have resulted from leachate emanating from the former landfill areas, from oily contaminants in water running off the former railroad site, and from other sources of water pollution. Water quality investigations have been conducted at the instigation of the Regional Water Quality Control Board, and monitoring, remediation and mitigation actions have been implemented, and are continuing. The EIR should assess any potential effects that implementation of the project would have on continuing efforts to bring the site into conformance with water quality standards and minimize future water pollution from sources on the site. Additionally, it is anticipated that the project would alter the drainage pattern on portions of the site. The impacts of grading and storm drain infrastructure on potential soil erosion runoff must be addressed.

The effectiveness of proposed drainage improvements system and its consistency and compatibility with Brisbane Storm Drainage Master Plan should be assessed in the EIR and mitigation measures developed as necessary. The DEIR shall evaluate any impacts of the project on groundwater flow and quality. Portions of the site may be subject to tsunami inundation, and it would be appropriate to evaluate this issue in the forthcoming DEIR.

### **LAND USE COMPATIBILITY:**

The conformance of the project with the Brisbane General Plan and proposed land use scenarios under consideration pursuant to the Brisbane Baylands Specific Plan process shall be addressed in the EIR. Portions of the site lie within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). The EIR shall evaluate the consistency of the project with applicable BCDC regulations and policies. Potential blighting impacts on proposed surrounding development and Brisbane Redevelopment Project Area #1 shall also be assessed.

### **NOISE:**

The EIR should include a comprehensive noise impact assessment including mitigation measures as warranted. This analysis shall also address noise impacts associated with construction activity.

### **POPULATION AND HOUSING:**

While the proposal does not include residential development, growth inducing potential associated with additional jobs shall be analyzed in the EIR.

### **PUBLIC SERVICES AND INFRASTRUCTURE:**

The project will result in increased demand for public services such as fire and police protection, as well as the need for infrastructure such as water, sewer, electricity far beyond what currently exists at the site. These impacts shall be addressed in the forthcoming EIR.

### **TRANSPORTATION/TRAFFIC:**

The project would generate new traffic, and could adversely affect the service levels of a number of intersections, and highway segments. The EIR should include a comprehensive traffic and transportation evaluation.

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020)  
- Continued



9 June 2016

Mark McLoughlin  
Director of Environmental Services  
Attn: SF to SJ Section EIR/EIS  
CA High Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

Re: San Francisco to San Jose Section EIR/EIS NOP

Dear Mr. McLoughlin:

Thank you for the opportunity to review the above-referenced Notice of Preparation. The City of Brisbane's comments follow below, organized under the categories of HSR Construction, HSR Operations, and HSR Maintenance Yard.

HSR Construction

The forthcoming Draft EIR/EIS should specifically identify any proposed track configuration or elevation changes through Brisbane proposed as part of the project. The DEIR/DEIS should further identify proposed hours of construction as well as any potential impacts on the design, location, and operations of the existing Bayshore Caltrain Station. Construction-related impacts on the City of Brisbane as a whole pertaining to noise, vibration, air quality, dust, drainage, safety, and traffic, should be evaluated in the forthcoming DEIR/DEIS.

It is also the City's understanding that project construction will result in fencing of the entire rail alignment through Brisbane. Assuming this is the case, direct overland access from most of the City of Brisbane to San Francisco Bay would be eliminated. This impact should be analyzed in the forthcoming DEIR/DEIS, and mitigation measures incorporated into the project which re-establish community access to the Bay. The forthcoming DEIR/DEIS should further evaluate the biological impacts of eliminating overland access between upland habitat areas, including the San Bruno Mountains, and San Francisco Bay, and incorporate feasible measures to mitigate this impact.

High Speed Rail Operations

The impacts of HSR operations on the entire City of Brisbane pertaining to safety, noise, vibration, sea level rise, light and glare, aesthetics and land use compatibility must be analyzed in

the forthcoming EIR. Additionally, the impacts of HSR operations on biological resources associated with Brisbane Lagoon and adjacent wetlands should be evaluated. Since the HSR alignment runs adjacent to a Kinder-Morgan fuel tank farm, potential safety and risk of upset issues should be analyzed in the forthcoming DEIR/DEIS. HSR operations will also occur in close proximity to the historic Southern Pacific Railroad Roundhouse, which is listed on the National Register of Historic Places. The impacts of HSR operations, including vibration and other impacts, on the Roundhouse and other nearby potentially historic buildings (Machinery and Equipment Building) must be evaluated in the forthcoming DEIR/DEIS.

In regard to land use compatibility, the HSR alignment bisects an approximately 650-acre vacant site known as the Brisbane Baylands. The City is actively engaged in the planning and environmental process for the future development of this site, and the impacts of ongoing HSR operations on the future development of the Baylands must be evaluated. Specifically, potential land use compatibility, safety, noise, air quality, vibration, and aesthetic impacts must be evaluated and mitigated to the maximum extent feasible.

Maintenance Yard

It is the City's understanding that the forthcoming DEIR/DEIS will evaluate two alternatives for locating a potential light maintenance facility on the Brisbane Baylands site. This evaluation should be organized such that the impacts of the maintenance yard are clearly identified, along with a separate analysis addressing the cumulative impacts of high speed rail operations plus maintenance facility operations. It is the City's expectation that the maintenance yard as a project component will be described in sufficient detail to allow for a meaningful environmental evaluation. Facility layout, scale, operational characteristics, hours of operations, utility demands, and estimated on-site employees are all components that should be clearly described in the project description to ensure that an adequate environmental analysis is undertaken.

The maintenance facility analysis should identify potential impacts on the entire City of Brisbane pertaining to noise, air quality, traffic, aesthetics, light and glare, and safety. Additionally, in preparing the Brisbane Baylands EIR, a number of site specific impacts were identified related to hazardous materials, geotechnical, seismic, sea level rise, biological resources, and traffic. We look forward to the upcoming DEIR/DEIS analyses of these issues. The forthcoming DEIR/DEIS should also address such issues as how development of the maintenance yard might affect future construction of the planned Geneva Avenue extension from Bayshore Boulevard to the 101 freeway. Horizontal and vertical design issues related to the former landfill located in the easterly portion of the HSRA study area should also be addressed.

The City would also emphasize land use compatibility as an issue of particular concern to be addressed in the forthcoming DEIR/DEIS. As noted previously, the City is reviewing planning applications for the Brisbane Baylands site. The forthcoming HSR DEIR/DEIS must identify how all of the maintenance yard alternatives impact all facets of the future development plans for the larger Brisbane Baylands site. Issues to be considered include but are not limited to provision of infrastructure, landfill closure and/or site remediation, circulation and broader issues related to land use compatibility, such as the configuration of lands remaining after development

*Providing Quality Services*

*Providing Quality Services*



Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020)  
- Continued

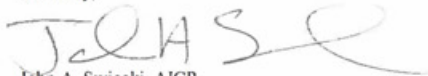
of the maintenance yard and how the maintenance facility's operational characteristics will impact adjacent future land uses.

The City is also concerned that the DEIR/DEIS NOP does not clearly identify any non-Baylands alternative sites for a maintenance yard in the San Jose/San Francisco segment of HSR. CEQA requires that than EIR include a reasonable range of alternatives, and the City does not believe that limiting the maintenance yard alternatives solely to the Brisbane Baylands site represents a reasonable range of alternatives. We look forward to the forthcoming DEIR/DEIS evaluating alternative maintenance facility sites outside the limits of the Brisbane Baylands.

In addition to the comments above related to the forthcoming DEIR/DEIS, the City has other concerns related to the potential establishment of a maintenance yard on the Brisbane Baylands in lieu of private development as now under consideration. Existing private businesses on the Baylands generate substantial revenue to the City of Brisbane, and buildout of the Brisbane Baylands as a private development is anticipated to generate additional revenue to the City. Future site development is also anticipated to remediate the site, fund and/or construct required on- and off- site infrastructure improvements, and provide a variety of community benefits both on- and off-site. It is expected that the establishment of a maintenance facility as being considered will impact current revenue-producing operations on site, and diminish or eliminate the project's ability to achieve the anticipated benefits of future development as described above. If CAHSRA chooses to establish a maintenance facility on the Baylands, the City expects CAHSRA will offset these losses to the City of Brisbane and its residents.

Thank you for the opportunity to offer these comments, and we look forward to reviewing the DEIR/DEIS when available. Should you have any questions regarding this letter, please contact me at [jswiecki@ci.brisbane.ca.us](mailto:jswiecki@ci.brisbane.ca.us) or 415.508.2120.

Sincerely,



John A. Swiecki, AICP  
Community Development Director  
City of Brisbane

c: Clay Holstine, City Manager  
Ben Tripousis, CAHSRA Northern Regional Director



CITY OF BRISBANE

50 Park Place  
Brisbane, California 94005-1310  
(415) 508-2100  
Fax (415) 467-4989

21 August 2019

Board of Directors  
California High-Speed Rail Authority  
770 L Street, Suite 620  
Sacramento, CA 95814

Re: San Francisco to San Jose – Preferred Alternative Light Maintenance Facility

Dear Boardmembers:

The City of Brisbane ("City") is writing to express its opposition to the California High-Speed Rail Authority's ("CHSRA") identification of the Brisbane Baylands site (the "Baylands") as the *only possible* location for the placement of a High Speed Rail ("HSR") Light Maintenance Facility ("Maintenance Facility") along the San Francisco to San Jose Project Section. Indeed, CHSRA identified the Baylands as the first and second preferred alternative. CHSRA's identification of the Baylands as the only option is an abuse of discretion and improper for numerous reasons:

- a) *First*, it ignores the importance of the Baylands as a future site of substantial housing in the Bay Area, which is critically in need of additional housing. The Baylands is currently proposed for up to 2,200 residential units, which would be jeopardized by the siting of the Maintenance Facility on the Baylands.
- b) *Second*, it is fundamentally inconsistent with adopted local and regional planning goals and plans, including the Plan Bay Area, the Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS") governing the Bay Area. These inconsistencies undermine the State of California's climate and sustainability goals.
- c) *Third*, it thwarts informed decisionmaking and consideration of environmental impacts under the California Environmental Quality Act ("CEQA") process by *improperly predetermining the project* without meaningful consideration of alternatives. CHSRA's approval will be nothing more than a post hoc rationalization.
- d) *Fourth*, it is clear that CHSRA staff has not performed reasonable due diligence on the Baylands and does not understand the practical difficulties, hazards and costs associated with development of a Maintenance Facility.
- e) *Fifth*, it constitutes unreasonable pre-condemnation activity that artificially diminishes the value of the Baylands in violation of state law.

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### I. The Brisbane Baylands

The Brisbane Baylands is one of the largest infill sites in the Bay Area. Pursuant to a General Plan Amendment, as approved by citywide initiative on November 6, 2018, the Baylands is planned for the creation of (1) up to 2,200 residential units and (2) seven million square feet of non-residential development in an area rich with existing and planned transit. The City of Brisbane's citizens spoke clearly - the Baylands should be developed with appropriate residential and commercial development. Moreover, the owner of the Baylands, Universal Paragon Corporation ("UPC"), is committed to the redevelopment of the site for substantial residential and commercial uses.<sup>1</sup>

CHSRA's taking in excess of 100 acres for the Maintenance Facility, and the resultant land use incompatibility issues, jeopardize the entire Brisbane Baylands redevelopment project, and does so on the basis of patently erroneous facts and assumptions. As an example, we note that as a justification for selecting Alternative A, CHSRA concludes that 10 residential displacements and 211,261 square feet of commercial and industrial displacements will occur. Of course, this may be technically true based on current land uses, it completely disregards the real impact of CHSRA's preferred alternative, which is to thwart the will of the citizens of the City of Brisbane as manifest in General Plan Amendment at a cost of 2,200 residential units and seven million square feet of commercial development. (See CHSRA's July 18, 2019 presentation to the City of Brisbane City Council, PowerPoint slide 38.)

### II. CHSRA's "Preferred Alternative" Process

The process by which the Baylands was singled out as the *only site* meriting detailed study for a Maintenance Facility was opaque and conducted largely outside the public realm. Notwithstanding the City's consistent objections to the placement of any Maintenance Facility on the Baylands and its suggestion of more appropriate, alternative sites, CHSRA selection process was clearly predisposed to select the Baylands.<sup>2</sup> CHSRA staff purportedly analyzed other sites (Gilroy, the Port of San Francisco, and San Francisco International Airport). However, without meaningful discussion or disclosure, these alternative sites were summarily dismissed as "infeasible" for reasons which are not clearly defined in the record.<sup>3</sup> From the existing record, it appears that the "alternatives" were merely strawmen and that little, if any,

<sup>1</sup> In January 2019, UPC delivered a letter of intent to the Brisbane City Council declaring its intent to revise the specific plan to conform with the citywide initiative (Measure JJ) with a range of 1,800-2,200 units.

<sup>2</sup> The City pointed out, for instance, that there are significant technical challenges associated with development of a Maintenance Facility on the site, including concerns regarding how providing track access from the main rail line to a maintenance facility would impact future critical infrastructure, most significantly the extension of Geneva Avenue over the Baylands. Geneva Avenue is a planned six-lane (plus two reserved lanes for Bus Rapid Transit) extension of that roadway from its current terminus, over the Baylands to a new connection with US 101. This extension is required due to both background traffic growth and traffic associated with new developments, and has been programmed in numerous regional plans, including the San Francisco/San Mateo Bi-County Transportation Study and in the RTP.

<sup>3</sup> To illustrate the clandestine nature of the process, all of the documents and reports related to the San Francisco to San Jose Project Section, including the Alternative Analysis relied upon by CHSRA to justify the Preferred Alternative, are not readily available on CHSRA's website. If one wishes to review the Alternative's Analysis, he or she must submit a Public Records Act request to CHSRA.

consideration was actually given to any of the alternative sites, or how those alternative sites would be better suited for the proposed Maintenance Facility.

#### a. The Preferred Alternative Would Thwart Construction of Substantial Housing

As discussed above, the Baylands has been designated for substantial redevelopment with up to 2,200 *new residential housing units*. It is well-settled that the Bay Area faces a deepening housing availability and affordability crisis.<sup>4</sup> The Association of Bay Area Governments ("ABAG"), the Bay Area's regional metropolitan planning agency, recognizes that a "coordinated effort to increase housing production at all levels of affordability" is imperative to solving the housing crisis. Construction of the Maintenance Facility on the Baylands would be wholly antithetical to that effort. CHSRA's failure to pay any credence to this significant impact is arbitrary and capricious, and made even more so by the fact that there are impediments to development of residential units on other alternative sites, the Port of San Francisco (no residential uses on tidelands properties) and San Francisco International Airport (airport safety and land use inconsistency issues). Thus, the Baylands stands alone among the alternatives as the *only alternative on the peninsula appropriate for thousands of units of housing*. The fact that the redevelopment planning process for the Baylands has been substantially completed makes CHSRA's decision even more egregious.

#### b. The Preferred Alternative Violates CHSRA's Own Business Plan

The selection of the Baylands as the location for the Maintenance Facility runs counter to CHSRA's own legislatively-required 2018 Business Plan. The 2018 Business Plan expressly states that CHSRA is committed to building "a high-speed program with the fewest impacts and greatest benefits" and will develop a full range of "alternatives that will allow [CHSRA] to arrive at the best possible outcome for communities and natural resources."<sup>5</sup> CHSRA is clearly not heeding the 2018 Business Plan in its unsupported insistence on the Baylands as the location for the Maintenance Facility.

#### c. The Preferred Alternative Is Inconsistent With Local and Regional Plans

CHSRA's identification of the Baylands as the preferred site for the Maintenance Facility is also fundamentally inconsistent with governing regional and local planning documents. ABAG's RTP/SCS (aka Plan Bay Area 2040), for instance, recognizes the site as a *Priority Development Area* ("PDA"). PDAs are areas that have been identified as appropriate for additional, compact development.<sup>6</sup> The "core strategy" of Plan Bay Area 2040 is to focus growth in PDAs such as the Baylands to achieve the plan's growth, housing, transportation, and sustainability goals. Because the Baylands serves as an integral component to achieving the region's sustainability, CHSRA's recommendation is inconsistent with statewide and regional sustainability. It appears that no consideration was given to these important issues during the Preferred Alternative selection process.

<sup>4</sup> See <https://abag.ca.gov/our-work/housing>.

<sup>5</sup> See [https://www.hsr.ca.gov/docs/about/business\\_plans/2018\\_BusinessPlan.pdf](https://www.hsr.ca.gov/docs/about/business_plans/2018_BusinessPlan.pdf).

<sup>6</sup> See [http://2040.planbayarea.org/cdn/ff/buje2Q801oUV3Vpb-f0J6mKOfW C9S9sgrgJrwFBgo/1510696833/public/2017-11/Final\\_Plan\\_Bay\\_Area\\_2040.pdf](http://2040.planbayarea.org/cdn/ff/buje2Q801oUV3Vpb-f0J6mKOfW C9S9sgrgJrwFBgo/1510696833/public/2017-11/Final_Plan_Bay_Area_2040.pdf).

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

Moreover, as the state's Regional Housing Needs Assessment ("RHNA") allocation requirements are inextricably intertwined with the RTP/SCS process, any action that precludes redevelopment of the Baylands with regional housing would not only be inconsistent with Plan Bay Area 2040, but would undermine RHNA. Government Code Section 65584.04 explains that regional planning and housing needs are integrated, and that any RHNA allocation by ABAG *must be* consistent with the development pattern in Plan Bay Area 2040 (the applicable RTP/SCS). The Government Code states, with respect to the California Legislature's intent when adopting the RHNA allocation requirements, "that housing planning be coordinated and integrated with the regional transportation plan" and that the final "allocation plan shall allocate housing units within the region consistent with the development pattern" included in the sustainable communities strategy" (See Plan Bay Area 2040). (Govt. Code § 65584.04(m).)

As discussed above, Plan Bay Area 2040 assumes buildout of the Baylands with significant development as a means toward achieving its sustainability and GHG reduction goals.<sup>7</sup> Any action by CHSRA that would preclude development of residential uses on the Baylands would obstruct implementation of both the state's sustainability goals (through the RTP/SCS process) as well as its housing goals through RHNA. The Legislature's direction with respect to sustainable regional planning and housing is clear – the two are fundamentally related and work together to promote sustainability and housing goals. CHSRA's plan for development of the Baylands with the Maintenance Facility would eviscerate any possibility of meaningful residential development on the Baylands and would undermine years and costs devoted to regional sustainability and housing. It would also saddle the City of Brisbane with the impossible task of identifying new opportunities for residential development that would have been accommodated by the Baylands.

d. The Preferred Alternative Selection Process Violates CEQA

Given the process undertaken by the CHSRA, and its willful ignorance of the serious issues associated with siting the Maintenance Facility on the Baylands, the City must conclude that CHSRA has prematurely and inappropriately predetermined the selection of a maintenance facility location, a violation of CEQA. (*Cedar Fair, L.P. v. City of Santa Clara* (2011) 194 Cal.App.4th 1150, 1170 [predetermination occurs when an agency has committed itself to a project or *particular features*, so as to effectively preclude appropriate consideration of alternatives].) A public agency abuses its discretion when it commits to a particular course of action – such as identifying and pursuing its "preferred alternative" – and concluding that two other alternatives should be eliminated without first complying with CEQA. (See CHSRA's July 18, 2019 presentation to the City of Brisbane City Council, PowerPoint slide 13.) The California Supreme Court held that the City of West Hollywood failed to comply with CEQA when it approved a funding agreement for an affordable housing project without first complying with CEQA and analyzing all alternatives. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116.) Here, CHSRA has selected a preferred alternative which it admits has significant impacts without analyzing all of the alternatives equally and even handedly. In fact, in its presentation, CHSRA has already acknowledged that it has undertaken an alternatives analysis outside of the

<sup>7</sup> See Plan Bay Area 2040 Final Supplemental Report, *Land Use Modeling Report*.

CEQA process and eliminated the San Francisco and San Francisco Airport locations. This clearly is in violation of CEQA as well as the National Environmental Policy Act ("NEPA").

It stands to reason that either (1) no new alternatives will be considered in the EIR/EIS or (2) that any alternatives to be considered are merely strawmen, identified under the pretense of meaningful consideration but ultimately deemed infeasible. The CHSRA process violates CEQA. "When an environmental review occurs after approval of the project, it is likely to become a post hoc rationalization to support action already taken." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1998) 47 Cal.3d 376, 394.) CEQA demands meaningful consideration of alternatives that would lessen significant environmental impacts of a proposed project. Evasion of this requirement is a violation of CEQA and precludes informed decisionmaking and analysis of possible environmental impacts associated with the Preferred Alternative, including aesthetics, air quality, cultural and historic resources, hazards and hazardous substances, and traffic. See 14 Cal. Code Regs. §15002(a)(2)-(3).

Instead of unlawfully undertaking the selection process outside of the CEQA and NEPA context, CHSRA should have evaluated all four alternatives and a No Build alternative in an environmental document which is circulated for public review and comment.<sup>8</sup> The information from the various technical studies, and comments received on the CEQA Notice of Preparation and NEPA Notice of Intent will be incorporated into the draft environmental document which will include the Environmental Impact Report ("EIR") and Environmental Impact Statement ("EIS"). The determination of the preferred alternative would then be made by CHSRA only after the public review of the environmental document and consideration of public comments. This process is not foreign to public agency decision making for large infrastructure projects, as it reflects the environmental review process currently being undertaken by the Transportation Corridor Agencies for the toll road alignment in Southern California.<sup>9</sup>

e. The Preferred Alternative Sabotages the City of Brisbane's Efforts to Maintain and Enhance its Historic Entrance and Character

With little regard or no regard to its impact on the City of Brisbane, CHSRA's Preferred Alternative relocates the historic entrance to the City to an industrial park behind an 80 foot tall overpass reminiscent of San Francisco's old, oppressive and (thankfully) now demolished Embarcadero Freeway in order to preserve train access to the maintenance facility, proving that those who do not learn from history are doomed to repeat it.

<sup>8</sup> The EIR is the focus of the environmental review process and, as we have explained, "the primary means" of achieving the state's declared policy of taking "all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." *City of Marina v. Bd. of Trustees of California State Univ.* (2006) 39 Cal. 4th 341, 348 (quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392, and Pub. Res. Code, § 21000, subd. (a))

<sup>9</sup> See <http://getmovingoo.com/fdq/1507682935434-b6db2387-3c8a>.

Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020)  
 - Continued

**f. CHSRA's Lack of Proper Diligence**

The most recent CHSRA presentation to the Brisbane City Council regarding the proposed Preferred Alternative only heightened concerns that CHSRA staff has not performed reasonable due diligence in assessing the feasibility of the Baylands as a future site of a Maintenance Facility. To demonstrate the lack of investigation conducted by CHSRA, when questioned at the City Council hearing, CHSRA staff acknowledged that it was unaware that its Preferred Alternative would require the removal of an indeterminate amount of mixed waste (which may or may not include hazardous waste). CHSRA staff also has no idea as to amount of such waste, what the waste constituents might be, or how it might be properly disposed.

It should also be noted that the Baylands site is identified as an area with a very high susceptibility to liquefaction.<sup>10</sup> According to the developer of the Baylands, UPC, there are numerous engineering solutions available in the context of low-rise residential and commercial components of the future Baylands project, such as pilings and shoring improvements to ensure the building footings are capable of surviving a seismic event that results in liquefaction. It is unclear whether improvements could even be constructed to mitigate the risks to the proposed 100 acre Maintenance Facility. What is clear, however, is CHSRA did not address this concern in its July 18 presentation despite the fact that the issue has been raised for years. Similarly, sea level rise and tsunamis have been identified as significant concerns based on public reports and these have also gone unaddressed by CHSRA despite having been raised as concerns in public meetings.

CHSRA's lack of diligence is striking, and demonstrates the perfunctory, half-hearted investigation conducted by CHSRA's staff before formally identifying the Baylands as the preferred Maintenance Facility site. Without this important information, the Preferred Alternative recommendation is highly conclusory and fails to consider the on-the-ground issues that weigh strongly against constructing a Maintenance Facility on the Baylands.

**g. Illegal Pre-Condemnation Activity**

Finally, CHSRA's conduct constitutes unreasonable pre-condemnation activity. The Baylands site is not for sale to CHSRA and cannot be acquired without the exercise of eminent domain. CHSRA's conduct constitutes unreasonable pre-condemnation activity - diminishing the value of the Baylands - which creates condemnation blight and liability for inverse condemnation under *Klopping v. City of Whittier* (1972) 8 Cal. 3d 39, 52. The long-planned development of the Baylands cannot proceed in the face of the uncertainties created by CHSRA's marking the property for its own future use. Effectively preventing development of the Baylands to preserve it for a possible future project is an invalid taking. (*Jefferson Street Ventures LLC v. City of Indio* (2015) 236 Cal. App. 4th 1175, 1197 (2015) [development of portion of property prevented while freeway exit layout was being considered]; *People ex rel. Dept. of Transportation v. Diversified Properties Co.* (1993) 14 Cal. App. 4th 429, 442-443 [de facto taking occurred when property in the path of planned freeway was precluded from development to lower its ultimate cost of acquisition]. Because CHSRA's continuing its current

<sup>10</sup> See June 2013 Brisbane Baylands Draft EIR.


course of action will destroy the value of the Baylands and result in massive liability to CHSRA, we urge CHSRA to reconsider its actions now.

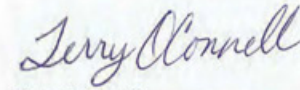
**III. Conclusion**


As outlined above, CHSRA's identification of the Baylands as the first and second best option for locating the proposed Maintenance Facility despite the recommendations' being contrary to state law, policy, geology and CHSRA's own business plan confirms that CHSRA came into the process with a predetermined outcome. Its abuse of discretion breaches the public trust and the process must be wholly discarded and a new, comprehensive, transparent and legally compliant process undertaken to identify and fairly evaluate all potential alternatives for the Maintenance Facility. Nothing less will restore public confidence in the process and anything less violates state law.


Thank you for the opportunity to comment on this matter. Please contact Clay Holstine, City Manager at [cholstine@brisbaneca.org](mailto:cholstine@brisbaneca.org) or 415.508.2110 if you have any questions about the City's comments.


Sincerely,

  
 Madison Davis  
 City of Brisbane, Mayor

  
 Terry O'Connell  
 City of Brisbane, Mayor Pro Tempore

  
 W. Clarke Conway  
 City of Brisbane, Councilmember

  
 Karen Cunningham  
 City of Brisbane, Councilmember

  
 Cliff Lentz  
 City of Brisbane, Councilmember

cc: Clay Holstine, City Manager  
 Tom McMorrow, Interim City Attorney  
 Boris Lipkin, Northern California Regional Director - CHSRA  
 CHSRA Board of Directors Secretary

20200911

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

9/9/2020

Newsom's bullet train faces rising costs, sinking funding - Los Angeles Times

CALIFORNIA

## California's scaled-back high-speed rail plan faces doubts amid financial crunch



Los Angeles Times



Guests, including then Gov. Jerry Brown, sign a rail segment during a groundbreaking ceremony for a California bullet train station in Fresno on Jan. 6, 2015. (Los Angeles Times)

By RALPH VARTABEDIAN

SEP. 8, 2020 | 5 AM



It was just last year that Gov. Gavin Newsom said he would need to downsize California's ambitious bullet train project, because the state could afford only a limited system from Merced to Bakersfield.

<https://www.latimes.com/california/story/2020-09-08/newsom-bullet-train-faces-financial-crunch>

1/11

9/8/2020

Newsom's bullet train faces rising costs, sinking funding - Los Angeles Times

But even the viability of that scaled-down \$20.4-billion plan is becoming uncertain as construction costs rise in the San Joaquin Valley, expected revenues are under pressure and land acquisition problems continue to mount.

The changing conditions have prompted the California High-Speed Rail Authority to launch a comprehensive reassessment of its plans, said Chief Executive Brian Kelly, who is facing tougher questions by state leaders, given the austere outlook.

"I just want the truth," said Assembly Transportation Chairman Jim Frazier (D-Discovery Bay), a former general contractor who [has grown distrustful of the project's planning](#). "I want an independent analysis of what can be accomplished and how much it is going to cost."

Contractors for the rail authority are filing massive change orders and delay claims, according to disclosures by the agency and internal documents obtained by The Times. Additional land is also needed, adding to costs.

At the same time, the bullet train's funding has taken several big hits. California's cap-and-trade greenhouse gas auction system has provided about \$3 billion to the rail project since 2015 and is counted on to provide at least \$500 million annually until 2030.

But as a result of COVID-19's economic impacts, the last two auctions shorted the project by \$140 million from what the authority had budgeted.

[The Trump administration last year terminated a \\$929-million grant](#), which is in legal dispute. But the money is still counted in the project budget.

Cumulatively, the increased costs and decreased revenues are saddling Newsom's plan with a potential fiscal hole of more than \$1 billion. At the same time, some valley

<https://www.latimes.com/california/story/2020-09-08/newsom-bullet-train-faces-financial-crunch>

2/11

## Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

9/8/2020

Newsom's bullet train faces rising costs, sinking funding - Los Angeles Times

property owners [are growing increasingly frustrated](#), having waited for years to be compensated for their land and endured disruptions caused by construction.

The project will face a tough hurdle if weak revenues and rising costs drive a request for more money to just complete the San Joaquin Valley construction, Frazier said.

Frazier still supports the concept of high-speed rail but is blunt that the public “is getting less and it is costing more” and “there is a point of no return, obviously.”

The impacts of COVID-19 are forcing the rail authority’s reassessment, Kelly said. The money to execute the entire Los Angeles-to-San Francisco project was never in hand, and the state has incrementally managed the project, step by step, the agency’s CEO said.

The new assessment, he said, is examining four issues: revenues, costs, project scope and the schedule, resulting in a pause in finalizing the 2020 business plan. Any changes would be submitted to the rail authority board and then the governor, Kelly said.

“Challenges come,” he added. “It is part of life, the global pandemic.”

The Times asked the governor for an interview on [the problems facing his project](#). In response, Transportation Secretary David S. Kim said in a statement, “Gov. Newsom remains committed to building high-speed rail in California, starting with electrified track in the Central Valley.”

The governor’s plan was always at risk because of thin financial margins. Under his blueprint, the state could count on \$20.6 billion coming in by 2030 to pay for the 171-mile system. Trains are supposed to start running by 2028.

The revenue picture could brighten if and when the COVID-19 pandemic ends and an improving economy drives the need for more greenhouse gas permits. The rail authority

<https://www.latimes.com/california/story/2020-09-08/newsom-bullet-train-faces-financial-crunch>

3/11

9/8/2020

Newsom's bullet train faces rising costs, sinking funding - Los Angeles Times

was once optimistic that an extra \$2.8 billion would flow out of the auctions, but only three of 21 auctions since 2015 were high enough to support those projections.

“There is a lot of uncertainty,” said Ross Brown, a greenhouse gas expert at the Legislative Analyst’s Office. Brown expects improved results in a November auction, but future-year revenues depend on a variety of factors, such as emissions technology and economic growth.

Bullet train supporters are also pinning their hopes on a Joe Biden presidential victory, combined with Democratic control of Congress. Biden, a longtime proponent of passenger trains, has called for a “rail revolution” and might support additional federal funding for the California project. But if elected, he’d face pressure from multiple interests on how to spend any stimulus money.

CALIFORNIA

**‘Horrible sequence of mistakes’: How bullet train contractors botched a bridge project**

Aug. 25, 2020

The bigger risk facing Newsom’s blueprint falls on the cost side of the equation, which appears to be deteriorating.

The rail authority agreed in November 2019 to pay \$134 million for causing delays to a construction team led by Spanish firm Dragados. The claim was disclosed in rail authority documents but has not been previously reported.

In June, Tutor Perini, the firm leading construction in the Fresno County area, was paid more than \$400 million for delays and construction changes.

<https://www.latimes.com/california/story/2020-09-08/newsom-bullet-train-faces-financial-crunch>

4/11

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

9/8/2020

Newsom's bullet train faces rising costs, sinking funding - Los Angeles Times

Kelly, the chief executive, said those payments will be covered by contingency funds built into the project's budget, but much of the contingency created only last year has been used up.

In addition, Tutor has a pending demand for an additional \$500 million, according to non-public correspondence from construction manager Garth Fernandez to Tutor Perini on July 1, which was obtained by The Times. Such demands are often settled for less, Kelly said.

Tutor's original contract was for \$1.02 billion, but has increased to a current value of \$2.2 billion, not including the pending claim, according to the correspondence.

The claims for both Dragados and Tutor Perini relate largely to acquiring land. The project was supposed to be "shovel ready" in 2009 when the Obama administration issued a \$2.2-billion federal grant from the Great Recession stimulus program, but in fact the state did not own a single square foot of property.

The rail authority estimated in June that it would need 2,353 parcels in the Central Valley, but had acquired only 1,664 — leaving 689 parcels still to be acquired.

By comparison, in June 2019, the rail authority thought it needed 1,843 parcels and had acquired 1,516 — short by 327. So, the authority needs to buy far more parcels today than it did a year ago when it was already far behind schedule.

In the last 12 months, the authority acquired only 148 parcels. Unless it accelerates its performance, it could take four years to get all of the property and only then could the rail authority commence construction — blowing federal deadlines. Kelly said the most recent quarter showed strong improvement and noted that the rail authority is being fully transparent by disclosing such details.

<https://www.latimes.com/california/story/2020-09-08/newsom-bullet-train-faces-financial-crunch>

5/11

<https://www.latimes.com/california/story/2020-09-08/newsom-bullet-train-faces-financial-crunch>

6/11

9/8/2020

Newsom's bullet train faces rising costs, sinking funding - Los Angeles Times

An internal planning document obtained by The Times shows that just in the Fresno area the project is contending with 52 "critical" problems that could delay the schedule.

"Every one of those drives the duration of the job," said a key engineer who is not authorized to speak to the news media. "It isn't getting any better."

The effect of the problems is not just on the rail project, but on Central Valley land owners who face repeated demands for more of their land, delayed payments and uncertain futures.



### Your guide to our clean energy future

Get our Boiling Point newsletter for the latest on the power sector, water wars and more — and what they mean for California.

You may occasionally receive promotional content from the Los Angeles Times.

One contentious land take involved the Fresno Rescue Mission, the largest homeless shelter in the hard-hit Central Valley, which just recently resolved a 3-year-old legal dispute with the rail authority.

The church-based mission lost half of its 12 acres in downtown, far from the original commitment that it have the same acreage, Chief Executive Matt Dildine said. The settlement will still allow future growth, though some of the property it received in trade is under a freeway bridge, he said.

# Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

9/9/2020

Newsom's bullet train faces rising costs, sinking funding - Los Angeles Times

"I feel that they reneged on their promises," Dildine said. "It is their interest to lowball you and bleed you. The rules are set up against people like us. I felt it was unfair."

In July, Kelly met online for three hours with Dildane, several farmers, a banker and others in the Central Valley who complain about slow payments.

"I apologized to all of them for the experience they had with the authority," Kelly said. But he said the authority has to follow state law, adding, "Nobody is getting stiffed."

[John Diepersloot, a fruit grower](#), complained on the call that he is out \$2 million in direct costs for replacing lost irrigation systems, roads and agricultural production, causing a cash crunch four years after the state took a big chunk of his orchard. He worries his bankers will call his loans.

"Does Gov. Newsom know how this project is unfolding in the fields?" asked Mark Wasser, Diepersloot's attorney.

CALIFORNIA CLIMATE & ENVIRONMENT CALIFORNIA LAW & POLITICS TRANSPORTATION



### The stories shaping California

Get up to speed with our Essential California newsletter, sent six days a week.

Enter Email Address

SIGN ME UP

You may occasionally receive promotional content from the Los Angeles Times.

Ralph Vartabedian

<https://www.latimes.com/california/story/2020-09-08/newsom-bullet-train-faces-financial-crunch>

9/8/2020

Newsom's bullet train faces rising costs, sinking funding - Los Angeles Times



Twitter Instagram Email Facebook

Ralph Vartabedian is a former national correspondent at the Los Angeles Times and became a special contributor in April 2020. He joined the newspaper in 1981 and has covered many technical subjects, including aerospace, auto safety, nuclear weapons and high speed rail. He has won two Loeb awards and was a Pulitzer finalist, among many other career recognitions.

Show Comments

#### SUBSCRIBERS ARE READING

CALIFORNIA

California begins sending extra \$900 to those unemployed due to COVID-19

CALIFORNIA

As fire 'engulfed everything' around campers, an air rescue like no other in the Sierra

OPINION

White people have gentrified Black Lives Matter. It's a problem

7/11

<https://www.latimes.com/california/story/2020-09-08/newsom-bullet-train-faces-financial-crunch>

8/11



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020)

### 1164-1383

The project description provided in the EIR/EIS is of a sufficient level of detail needed to adequately analyze the environmental impacts of the project. In addition, Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS includes detailed engineering drawings, indicative of the fact that the project is designed at a level sufficient for analyzing environmental impacts. The project description is not opaque and the comment does not provide any evidence of this assertion.

In subsequent comments, the commenter provided detailed comments on the project description in the Draft EIR/EIS. Each of these specific comments has been addressed.

### 1164-1384

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

In subsequent comments, the commenter identifies specific alternative sites for the LMF that they recommend be studied in detail. Each of these specific comments and recommendations is addressed below.

### 1164-1385

Refer to Standard Response FJ-Response-OUT-1: Public Involvement Process.

The Authority disagrees with the comment. The Draft EIR/EIS included citations to supporting technical data, information, reports, and studies in Chapter 12, References. In addition, Volume 2, Technical Appendices, included extensive technical appendices that were circulated with the Draft EIR/EIS and posted on the Authority website. Section 3.1.4, Chapter 3 Organization, explained that certain sections of Chapter 3 were supported by technical reports providing additional technical detail and analysis, and that electronic copies of such reports were available upon request. The Authority responded to requests for information, including copies of technical reports, as quickly as possible and provided the requested reports in electronic format to the commenter upon request. The Authority's approach to availability of materials is consistent with NEPA and CEQA regulations, which do not require the posting of technical reports or other documents referenced in the EIR/EIS to a lead agency's website. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1386

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

The comment asserts that the Authority has prematurely committed to approving a particular project alternative. As discussed in the standard response, the Authority has considered a range of alternatives and determined that Alternatives A and B constitute a reasonable range of alternatives for evaluation in the Draft EIR/EIS. The Authority identified Alternative A as the Preferred Alternative, but identification of a preferred alternatives does not mean the Authority will approve it. After consideration of public comments on the Draft EIR/EIS and preparation and issuance of this Final EIR/EIS, the Authority will consider whether to certify the Final EIR under CEQA and whether to approve the Preferred Alternative or another alternative for the Project Section.

### 1164-1387

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The Authority disagrees with the commenter's assertion of reliance on inaccurate baselines. The standard response addresses the consideration of the Brisbane Baylands development in the environmental impact analysis and cumulative impact analysis. As explained in the standard response, neither the Brisbane Baylands Specific Plan nor the proposed Brisbane Baylands development were included in the existing or future environmental baselines. However, the cumulative impact analysis did consider the proposed changes to zoning and land use designations at the Brisbane Baylands site, consistent with the 2018 Brisbane General Plan Amendment. Please also refer to the responses to submission FJ-1164, comments 1482 and 1625, which address the commenter's assertion of outdated existing conditions baselines for the noise and biological resource analyses, respectively.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1388

The Authority disagrees with the commenter's assertion that the noise and vibration impact analysis is generalized. Section 3.4, Noise and Vibration, in the Draft EIR/EIS summarizes the noise analysis results, which were based on an evaluation of impacts to all noise-sensitive receptors affected by either project alternative and includes quantitative noise analysis for operation of the LMF. As described in Impact NV#4, the operation of the LMF would not result in any severe or moderate noise impacts. Section 3.4.7, Mitigation Measures, discusses the various noise mitigation measures for the project. Detailed tables and figures disclose the number and location of severe and moderate noise impacts prior to mitigation, with implementation of noise barriers, and with implementation of noise barriers and quiet zones. Additional detail regarding the specific noise assessment methodology, criteria, impacts, levels, and locations before mitigation can be found in Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report.

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. However, the potential impact of HSR project noise on future planned land uses, including the proposed development on Brisbane Baylands, is discussed in Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. Refer to the response to submission FJ-1164, comment 1486 for additional information regarding that analysis.

With respect to the noise generated at the Brisbane LMF, train maintenance would take place inside the maintenance building with minimal noise spillover into surrounding areas. As discussed in Impact NV#4, noise generated from trains moving in and out of the LMF would provide a small contribution to the overall noise generated by project operations and would not result in the generation of noise levels in excess of standards for a severe impact established by the FRA. Accordingly, operations of the LMF would not cause significant noise impacts. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1389

The comment states that the land use impact analysis in the Draft EIR/EIS minimizes the substantial land use conflicts and Brisbane General Plan inconsistencies, including housing affordability, displacement, quality of life, and traffic congestion. Please refer to the responses to submission FJ-1163, comments 1466, 1467, and 1472, which address these topics.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1390

The comment asserts that the Draft EIR/EIS analysis minimizes significant impacts on special-status species and wetlands found on Icehouse Hill from West Brisbane LMF construction. The Authority disagrees. As described in Section 3.7.6, Methods for Evaluating Impacts, in the Draft EIR/EIS, qualified biologists conducted extensive literature reviews to support the characterization of the existing environmental setting, using widely recognized sources. Where access was unavailable (e.g., Icehouse Hill), biologists relied on high-resolution aerial photo interpretation and image processing techniques to map habitat and aquatic resources. The assessment ultimately assumed that all potential habitat for special-status species could be occupied. This broad landcover-based modeling approach likely overestimated the amount of occupied habitat for species within the project area, as not all potentially suitable habitat is occupied. While Alternative A (the Authority's Preferred Alternative) would not affect Icehouse Hill, the effects of Alternative B on Icehouse Hill are fully addressed in Section 3.7, Biological and Aquatic Resources, of the Draft EIR/EIS.

The comment also states that the Draft EIR/EIS does not analyze or mitigate the serious environmental impacts caused by the proposed relocation of Visitacion Creek. The effects of the project's modification to Visitacion Creek are evaluated in the Draft EIR/EIS, particularly in Section 3.7 and Section 3.8, Hydrology and Water Resources. As addressed in these sections, construction of the East Brisbane LMF under Alternative A would require placing Visitacion Creek into an underground culvert along the current creek alignment. Construction of the West Brisbane LMF under Alternative B would have no impacts on Visitacion Creek because the creek is in an underground culvert within the project footprint and there are no proposed changes to that culvert. While the pCMP included a compensatory mitigation concept that involved rerouting Visitacion Creek to Brisbane Lagoon, this concept is one of a range of options presented in the pCMP and is not part of either project alternative evaluated in the Draft EIR/EIS. Consistent with BIO-MM#8, the Authority will develop a CMP that would identify the final mitigation options. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1391

The comment indicates that the Draft EIR/EIS does not analyze site-specific hazards associated with LMF construction for both project alternatives. In response to this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

Please refer to Section 3.10.2, Laws, Regulations, and Orders, for a description of federal and state laws, as well as regional and local regulations, orders, and plans with which the project must address and/or comply, including Cal. Code Regs., Title 27. Although the Draft EIR/EIS did identify the need for site remediation and acknowledged Title 27 requirements, additional information regarding landfill closure under Title 27 has been added to Impact HMW#10 in the Final EIR/EIS. Title 27 closure and site remediation would be conducted with appropriate regulatory agency oversight (e.g., Regional Water Quality Board, Department of Toxic Substances Control) and in full compliance with applicable state and federal laws and regulations.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1392

Assumptions regarding truck trips required for disposal of materials excavated at the site of the East and West Brisbane LMF have been refined for the Final EIR/EIS. Refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS. As shown in Table 2-25 of the Final EIR/EIS, it was estimated that construction of the East Brisbane LMF under Alternative A would require disposal of approximately 1,875,000 cubic yards as solid waste and approximately 208,300 cubic yards as hazardous waste. For the West Brisbane LMF under Alternative B, it was estimated that construction would require disposal of 206,000 cubic yards as solid waste and approximately 432,000 cubic yards as hazardous waste. For the East Brisbane LMF under Alternative A, transport of this waste is anticipated to generate 690 daily truck trips to the off-site waste facilities. For the West Brisbane LMF under Alternative B, transport of this waste is anticipated to generate 450 daily truck trips to the off-site waste facilities.

Revisions have been implemented or additional clarifying information has been added to Section 3.2, Transportation; Section 3.3, Air Quality and Greenhouse Gases; Section 3.6, Public Utilities and Energy; and Section 3.10, Hazardous Materials and Wastes, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or resulted in new adverse effects under NEPA.

### 1164-1393

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Please refer to the response to submission FJ-1164, comment 1457, which raises the same concern in greater detail.

### 1164-1394

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features, FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

Please refer to the response to submission FJ-1164, comment 1459, which addresses adequacy of IAMFs and mitigation measures.

### 1164-1395

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, regarding the consideration of the Baylands Development in the Draft EIR/EIS.

Regarding the remainder of the comment, the cumulative analysis in the Draft EIR/EIS presents the cumulative conditions of cumulative projects plus the HSR project, then identifies the project's contribution to the cumulative impacts identified and determines if that contribution is considerable/significant. This approach is consistent with both NEPA and CEQA requirements. Regarding the assertion that the analysis fails to recognize the project has contributions to significant cumulative impacts, Section 3.18, Cumulative Impacts, of the Draft EIR/EIS discloses where the project would and would not contribute considerably to significant cumulative impacts.

### 1164-1396

The comment asserts that there is lack of compliance with environmental laws. The Authority disagrees with this assertion. As addressed in the response to submission FJ-1163, comment 1134, the EIR/EIS includes mitigation measures to fully avoid take of all fully protected species with potential to occur in the Project Section.

The comment also states that the Draft EIR/EIS ignores the enacted State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State and fails to identify state-protected wetlands. As addressed in the response to submission FJ-1163, comment 1133, both Section 3.7.1.1, Definitions of Terminology, and Section 3.7.2, Laws, Regulations, and Orders, in the Final EIR/EIS have been revised to describe this policy. As described in the response to submission FJ-1163, comment 1133 all aquatic features within the Project Section were delineated, including all features that would meet the new definition and procedures for state wetlands. Because these features were taken into account when completing the impact analysis, the project is in compliance with the new policy.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1397

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The Draft EIR/EIS was developed in compliance with CEQA and NEPA. Rewriting and recirculating the environmental document is not required or warranted. The comment did not result in any revisions to the Draft EIR/EIS.

The commenter provided more detailed comments about what they considered to be inadequacies of the Draft EIR/EIS in subsequent individual comments. Each of these specific comments has been addressed.

### 1164-1398

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

Consistent with the focus of both CEQA and NEPA that an EIR/EIS serve as an informational tool for the public and decision makers, the impacts analysis in Volume 1, Report, of the EIR/EIS includes summarized technical information sufficient to allow a full assessment of the environmental impacts of the project. Analysis of the project's construction and operation impacts are presented within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures; Chapter 4, Section 4(f)/6(f) Evaluation; and Chapter 5, Environmental Justice, of the Draft EIR/EIS. Volume 2, Technical Appendices, provides additional details on the impacts of the project alternatives and affected parcels; the Draft EIR/EIS process; and resource-specific background information, data, and other evidence supporting the analyses.

The Authority disagrees with the commenter's assertion that the Draft EIR/EIS fails to meet the standards for adequacy of an EIR. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1399

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The comment raises concerns about the level of detail of the project description. The Draft EIR/EIS includes a thorough description of the project alternatives that describes all project components and other information at a level of detail needed to disclose the environmental impacts, consistent with CEQA and NEPA requirements. Detailed descriptions and figures illustrating the project elements of the two project alternatives are provided in Section 2.6.2.4, Alternative A, and Section 2.6.2.5, Alternative B, of the Draft EIR/EIS. The project description in Chapter 2, Alternatives, is supported by the engineering drawings in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, which include plans, profiles, cross-sections and other design information for the track alignment, stations, structures, roadways, and LMF.

As described in greater detail in Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation, neither CEQA nor NEPA requires a final design or even near-final design as a prerequisite for environmental analysis. The use of a preliminary level of engineering design is common in large transportation infrastructure projects, particularly design-build projects, where the environmental analysis process occurs before completion of final engineering design. If after approval of the Final EIR/EIS, the design of the project changes beyond what was analyzed in the EIR/EIS, the Authority would conduct additional environmental review consistent with CEQA and NEPA requirements. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1400

The comment raises concerns about the potential for the project to change after approvals. Please refer to the response to submission FJ-1164, comment 1399, which addresses the level of detail for the project description and the process for additional environmental review, if needed, after project approval. If after approval of the Final EIR/EIS, the design of the project changes from that analyzed in the EIR/EIS, the Authority would conduct additional environmental review consistent with CEQA and NEPA requirements. An example of the types of changes that may result from future joint blended system planning with PCJPB is the ultimate scheduling of HSR and Caltrain operations within the Caltrain corridor. The Draft EIR/EIS analysis was based on a prototypical schedule of blended service operations. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1401

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The HSR project would be constructed as a design-build project—an approach common for large transportation infrastructure projects. Preliminary engineering design was, appropriately, the basis for the analysis in the Draft EIR/EIS, because the project is designed at such a level so as to allow for analysis and disclosure of the significant environmental impacts of the project. The final engineering design, on the other hand, would be completed by the contractor chosen to build the project. Additional geotechnical information would be collected, and analysis would be performed, as a part of the contractor's geotechnical design. This additional information would inform the final engineering design. If project changes are proposed during the final engineering design, the Authority would conduct additional environmental review consistent with CEQA and NEPA requirements, as applicable.

### 1164-1402

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The comment raises concerns about a statement in Section 2.4.3, Stations, of the Draft EIR/EIS that “station design is developed at a conceptual level—Preliminary Engineering for Project Definition—for project-level environmental analysis and documentation, sufficient for disclosing the environmental impacts of building and operating a station.” Please refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation, which addresses the level of detail used as the basis for the analysis. The Draft EIR/EIS analyzes the environmental impacts, both adverse and beneficial, of implementing the HSR project between San Francisco and San Jose at an appropriate level of detail for a project-level environmental document based on the project description and the engineering drawings for stations that are included in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. In particular, the Draft EIR/EIS analyzes the environmental impacts associated with stations in the applicable resource topics, including but not limited to Section 3.2, Transportation; Section 3.4, Noise and Vibration; Section 3.12, Socioeconomics and Communities; and Section 3.13, Station Planning, Land Use, and Development. A description of each station is provided in Section 2.6.2.4, Alternative A, and Section 2.6.2.5, Alternative B, of the Draft EIR/EIS. Station site plans and cross sections are provided for each station in Figures 2-29, 2-30, and 2-31 for the 4th and King Street Station, Figures 2-34, 2-35, and 2-36 for the Millbrae Station, and Figures 2-41 and 2-46 for the San Jose Diridon Station. Engineering drawings, layouts, facility sizes, and massing diagrams for each station are provided in Books A3 and B3 of Volume 3, Preliminary Engineering Plans. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1403

The comment raises concerns about text regarding station parking presented in Section 2.7.4, Ridership and Station Area Parking. The language in the Draft EIR/EIS described a generic approach used for analyzing HSR station parking in unconstrained locations, but this general approach was not actually used for analyzing parking at the three stations in the San Francisco to San Jose Project Section, all of which are in constrained urban areas. Instead, the following approach was used: (1) In San Francisco, no parking is proposed at the 4th and King Street Station because: (a) the station area is completely built out and the Authority wanted to avoid displacement of adjacent land uses; and (b) extensive transit, walking, and bicycling connections exist such that riders can readily use other modes than park/ride to reach the station and to reach their destinations. (2) In Millbrae, the Millbrae Station design evaluated in the Draft EIR/EIS would replace 288 BART and Caltrain spaces displaced by the project and provide a minimal amount (37 spaces) for HSR passenger using space remaining in the project footprint. The 37 spaces are not intended to meet total parking demand; these spaces were identified by the design team due to remaining space in the footprint after placement of other project features. The reasons for not providing additional parking to meet HSR demand at Millbrae include: (a) to minimize reduction of transit-oriented development potential near the Millbrae station (as described in the EIR/EIS, the replacement parking for displaced BART and Caltrain parking spaces would reduce TOD potential west of the station, but by only including 37 spaces for HSR demand, which is far below the estimated HSR demand of 840 spaces, this design minimizes the effects on other TOD potential and development); (b) given the high transit, walking, and bicycling connections that exist at the station, riders can make readily use other modes than park/ride to reach the station and to reach their destinations; and (c) there is extensive long-term commercial parking nearby at SFO reachable via shuttle or BART. (3) In San Jose, the project would replace the 226 spaces displaced by the HSR project but would not provide any additional parking for HSR riders. The reasons for not providing additional parking to meet HSR demand are: (a) to minimize displacement or reduction of transit-oriented development potential near the Diridon station; and (b) given the planned expansion of transit by BART and Caltrain, the existing extensive VTA transit opportunities, and the existing walking and bicycling connections that exist at the station, riders can readily use other modes than park/ride to reach the station and to reach their destinations. There is also extensive commercial and public parking in the general vicinity of the Diridon Station that can also be used.

### 1164-1403

The referenced language has been revised in Section 2.7.4, of the Final EIR/EIS, to explain how parking was actually identified for the three stations in this Project Section.

Please also refer to the response to submission 1164, comment 1402, regarding the level of detail of station design (including proposed parking at stations). The Draft EIR/EIS analyzes the environmental impacts, both adverse and beneficial, of implementing the HSR project between San Francisco and San Jose at an appropriate level of detail for a project-level environmental document based on the project description and the engineering drawings for stations that are included in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS.

### 1164-1404

The commenter raises concerns about the discussion of excess property in Section 2.10.2.2, Non-Operational Right-of-Way, of the Draft EIR/EIS. This text addresses property management activities that would be undertaken on excess property acquired by the Authority that is not directly needed for construction or operation of the project and would eventually be sold. The property management activities are described for disclosure purposes but may or may not be relevant to this Project Section, as they would only apply to certain negotiated right-of-way purchase situations. The commenter also raises several concerns with the socioeconomic analysis, which are described in greater detail in subsequent comments. The Authority disagrees with the assertion that the Draft EIR/EIS fails to analyze major project components. Please refer to the response to submission FJ-1164, comment 1725, which addresses the definition of acquisitions used in the Draft EIR/EIS and impacts on the Brisbane Corporation Yard that were disclosed in the Draft EIR/EIS. Please also refer to the response to submission FJ-1164, comment 1727, which addresses impacts on Golden State Lumber. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1405

The comment raises concerns about the level of detail of the analysis of the Brisbane LMF in the Draft EIR/EIS. Please refer to the response to submission FJ-1164, comment 1399, which addresses the level of detail of the project description for the Draft EIR/EIS. The Draft EIR/EIS includes a thorough description of the Brisbane LMF alternatives at a level of detail needed to disclose the environmental impacts, consistent with CEQA and NEPA requirements. Descriptions and figures illustrating the LMF components are provided under the East Brisbane Light Maintenance Facility subheading in Section 2.6.2.4, Alternative A, and the West Brisbane Light Maintenance Facility subheading in Section 2.6.2.5, Alternative B, of the Draft EIR/EIS. Detailed engineering drawings of the East and West Brisbane LMFs are provided in Book A4 and Book B4 of Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. A description of the ongoing site remediation and monitoring required under Title 27 has been added to Section 2.10.3.4, Brisbane Light Maintenance Facility, of the Final EIR/EIS. Where applicable to the impact analysis, the ongoing site remediation and Title 27 requirements for the Brisbane LMF sites is discussed in the resource sections in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Final EIR/EIS. Specifically, discussion of ongoing remediation activities was added to Section 3.8, Hydrology and Water Resources; Section 3.10, Hazardous Materials and Wastes; and Section 3.18, Cumulative Impacts.

### 1164-1406

The comment asserts that the project description provides incomplete information by not identifying that the East Brisbane LMF would require removal of a large portion of the former landfill and completion of Title 27 landfill closure procedures. The Draft EIR/EIS disclosed that construction of the East Brisbane LMF would require excavation and earthwork on the site of a former landfill, on page 3.10-29. The location of the former landfill itself was disclosed in detail in Section 3.10, Hazardous Materials, of the Draft EIR/EIS. Chapter 2, Alternatives, of the Draft EIR/EIS identified the significant earthwork required for construction of the East Brisbane LMF and the need for disposal of 2,082,800 cubic yards of material.

Construction-related analysis throughout various sections of the Draft EIR/EIS assessed the impacts of construction on the former Brisbane landfill. For example, Section 3.3, Air Quality and Greenhouse Gases, and Section 3.4, Noise and Vibration, assessed air pollutant emissions and noise and vibration, respectively, associated with planned construction activities. Section 3.6, Public Utilities and Energy, disclosed the disposal of substantial volumes of solid and hazardous waste and assessed capacity of landfills to dispose of this material. Section 3.8, Hydrology and Water Resources, addressed potential contamination associated with the Brisbane landfill as it relates to water quality impacts. Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources, of the Draft EIR/EIS assessed geotechnical hazards relevant to construction on a landfill, including the release of flammable gases and potential for ground settlement and slope instability. Section 3.10, Hazardous Materials and Wastes, disclosed the need for the contractor to prepare a removal action plan for excavating into the former landfill and addressed the on-site management, transport, disposal of hazardous materials.

A description of the ongoing site remediation and monitoring required under Title 27, has been added to Section 2.10.3.4, Brisbane Light Maintenance Facility, of the Final EIR/EIS. As described in Section 3.10, Hazardous Materials and Wastes, of the Final EIR/EIS, a landfill cap design report would be required consistent with Title 27, which would identify the final cover requirements, and cover maintenance plan, grading and drainage requirements. Where applicable to the impact analysis, the site remediation and Title 27 requirements for the East Brisbane LMF site are discussed in the resource sections in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Final EIR/EIS. Specifically, discussion of ongoing



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1406

remediation activities was added to Section 3.8, Hydrology and Water Resources; Section 3.10, Hazardous Materials and Wastes; and Section 3.18, Cumulative Impacts.

### 1164-1407

The comment asserts that the analysis of temporary construction impacts does not discuss water or wastewater impacts from the Brisbane LMF. To address this comment, Impact PUE#4 in Section 3.6, Public Utilities and Energy, has been revised in the Final EIR/EIS to include additional text related to construction of water and wastewater utilities from the Brisbane LMF.

These revisions did not result in any change to the impact determinations under CEQA or NEPA for Impact PUE#4. In addition, the analysis of availability and adequacy of existing water and wastewater treatment facilities to serve the Brisbane LMF are addressed in Section 3.6 of the Draft EIR/EIS. Please refer to Impacts PUE#5 and PUE#6, which discuss temporary construction impacts on water use and impacts from wastewater and stormwater generation. While these impacts do not expressly identify the Brisbane LMF or other individual project elements, Table 3.6-11 includes construction water use for the LMF. Similarly, estimates of wastewater and stormwater generation under Impact PUE#6 also take into consideration the LMF.

### 1164-1408

In response to this comment, the Authority has included additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the LMF in Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6, Environmental Consequences, of the Final EIR/EIS. Please refer to Section 3.10.2.2, State, subsection Closure and Post-Closure Maintenance of Landfills, Impact HMW#2, and Impact HMW#10 of the Final EIR/EIS, which include this information as it pertains to Title 27 requirements that specify a post-closure cap and maintenance plan be prepared for redevelopment over existing landfills. The intent of this plan is to address long-term protection of human health and the environment in the post-closure condition.

### 1164-1409

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The commenter asserts that the Draft EIR/EIS fails to disclose that the Brisbane LMF is proposed to function in conjunction with an LMF in Gilroy. The Authority is not proposing that a Brisbane LMF function in conjunction with an LMF in Gilroy. The San Jose to Merced Project Section EIR/EIS describes a Maintenance of Way Facility located in Gilroy, not an LMF. While a multiple LMF approach was envisioned as part of the Authority's 2016 Business Plan, the HSR system delivery approach has further evolved through successive updates to the business plan, and an LMF south of San Jose is no longer needed to support the Silicon Valley to Central Valley (Valley-to-Valley) initial start of service.

The HSR system was initially envisioned as a fully dedicated two-track railroad through Northern California, with a dedicated four-track HSR system between San Francisco and San Jose. However, in 2012, the Authority proposed a blended system for the Project Section, which would primarily consist of a two-track system that would be shared by Caltrain and HSR. The Authority's 2016 Business Plan reaffirmed this blended system approach; however, that plan indicated that San Jose Diridon Station would be a temporary terminal station for the Valley-to-Valley initial start of service. Under this Valley-to-Valley approach, an LMF would be located in the San Jose to Merced Project Section, with another LMF constructed closer to the San Francisco terminus once the San Francisco to San Jose Project Section was completed, thus introducing the concept of multiple LMF sites in Northern California operating together. However, the Valley-to-Valley approach was modified in the 2018 Business Plan, which directed that initial service would be provided between San Francisco and Gilroy, followed by a Valley-to-Valley connection to the Central Valley. This decision reaffirmed San Francisco as the terminal station city for the Northern California portion of the HSR system.

With the terminal station located in San Francisco, the LMF was incorporated into the San Francisco to San Jose Project Section to serve the San Francisco station (which will initially be located at Caltrain's 4th and King Street Station and eventually relocated to the Salesforce Transit Center upon completion of the Downtown Extension project),

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1409

and thus eliminated the concept of two LMF stations in Northern California functioning together. Appendix 2-F, Summary of Requirements for Operations and Maintenance Facilities, in Volume 2 of the Draft EIR/EIS, which is dated from 2016, is a set of technical recommendations about how the Authority might optimize the configuration of various maintenance and support facilities, and states on page 1, "[t]he purpose of this report is to define the Rail Delivery Partner's (RDP) analysis of the optimal siting of facilities . . ." Appendix 2-F does not purport to describe the Authority's project under study in the San Francisco to San Jose Project Section EIR/EIS, nor the project under study in the adjacent San Jose to Merced Project Section EIR/EIS. As explained above, after the document in Appendix 2-F was prepared in 2016, the Authority's Valley-to-Valley approach evolved, and an LMF south of San Jose is no longer needed to support Valley-to-Valley service.

Please refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, which addresses why the Authority does not consider Gilroy a feasible location of an LMF, either as a sole LMF to serve the San Francisco terminal location or as a second LMF site to function together with an LMF at Brisbane. Please also see Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, in the Final EIR/EIS, which explains why the Authority did not advance an LMF in Gilroy.

### 1164-1410

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The environmental impact analysis for the Brisbane LMF is based on preliminary engineering plans for the East and West Brisbane LMF in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. Descriptions of the East and West Brisbane LMF are provided in Section 2.6.2, High-Speed Rail Alternatives for the San Francisco to San Jose Project Section, and their layouts are illustrated on Figures 2-32 and 2-43. The level of detail provided in the Draft EIR/EIS is sufficient to analyze the project's environmental impacts.

The photosimulations of the Brisbane LMF included under Impact AVQ#4 accurately portray the size and placement of the maintenance building and yard track in the context of the existing landscape. Architectural design and aesthetic treatments for the maintenance building and other HSR infrastructure would be developed with community input, as described in AVQ-IAMF#1 and AVQ-IAMF#2. The preliminary engineering assessed in the Draft EIR/EIS and the level of detail shown in the visual simulations, including those for KVP 3 and KVP 4 in Brisbane, is consistent with standard practices for transportation infrastructure projects, particularly design-build projects, where the environmental analysis process occurs before final engineering design. In this way, the environmental assessment can help inform the final engineering design. Please refer to the response to submission FJ-1164, comment 1412 for additional design detail for the LMF provided in Section 3.15, Aesthetics and Visual Quality, of the Final EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1411

With respect to the commenter's assertion that there is no proposal for what the LMF would look like, please refer to the response to submission FJ-1164, comment 1410, which describes the level of design that formed the basis for the aesthetics and visual quality impact analysis and photosimulations of the Brisbane LMF included in Section 3.15, Aesthetics and Visual Quality, of the Draft EIR/EIS.

The commenter also asserts that the aesthetics analysis fails to address the loss of Icehouse Hill under Alternative B. While updates have been made to the discussion in Impact AVQ#4 in the Final EIR/EIS to describe the removal of Icehouse Hill under Alternative B., The removal of Icehouse Hill was shown in the photosimulations of Alternative B provided on Figures 3.15-24 and 3.15-25 of the Draft EIR/EIS. These photosimulations were developed to show the West Brisbane LMF and the removal of Icehouse Hill, which would result in a reduction of views of open space/undeveloped land between Brisbane and San Francisco. In addition, Section 3.15.3, Consistency with Plans and Laws, of the Draft EIR/EIS identified that the removal of Icehouse Hill under Alternative B would be inconsistent with the City of Brisbane's General Plan Land Use Policy LU.21, which calls for the preservation of open spaces that keep Brisbane separate and distinct from neighboring communities. Accordingly, the Authority disagrees with the commenter's assertion that the aesthetics analysis in the Draft EIR/EIS did not address the removal of Icehouse Hill under Alternative B.

### 1164-1412

The analysis and visual simulations of Alternative B (Figures 3.15-24 and 3.15-25) were developed to show the West Brisbane LMF and the removal of Icehouse Hill. Updates have been made to the discussion in Impact AVQ#4 in the Final EIR/EIS to describe the removal of Icehouse Hill under Alternative B.

Please refer to Impact AVQ#17 for a discussion of the impacts of the Brisbane LMF on nighttime light levels. Additional details about the lighting design for the Brisbane LMF have been added to the project description in Chapter 2, Alternatives, and to the analysis in Section 3.15, Aesthetics and Visual Quality, in the Final EIR/EIS. The lighting design and use would be consistent with industry best practices to minimize potential impacts on nighttime views. For example, lights would be installed at the lowest allowable height, would use downcast fixtures to direct light only towards objects requiring illumination, and would operate with the lowest allowable illumination level.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1413

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The comment generally asserts that the Draft EIR/EIS lacks information regarding emergency access during the closure of the Tunnel Avenue bridge and Tunnel Avenue in the vicinity of the East and West Brisbane LMF sites; the location of the East and West Brisbane LMF sites in relation to ongoing site remediation and landfill closure plans; site grading; and construction activities.

Please refer to the response to submission FJ-1164, comment 1398, which addresses the commenter's general concern about the level of detail of information in the Draft EIR/EIS. The commenter's concerns about emergency vehicle access, site remediation, landfill closure, and site grading are addressed in response to subsequent more detailed comments within submissions FJ-1164 and FJ-1165. For example, refer to the responses to submission FJ-1164, comments 1594 through 1611 regarding emergency access during construction. Refer to the response to submission FJ-1165, comment 1953 regarding the location of the East and West Brisbane LMF in relation to ongoing site remediation and Title 27 landfill closure plans for the Brisbane Baylands site. Refer to the responses to submission FJ-1165, comments 1963, 1969, and 2330, which address site grading, materials hauling off-site, and earthwork activities.

### 1164-1414

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The EIR/EIS analyzes the environmental impacts, both adverse and beneficial, of implementing the HSR project between San Francisco and San Jose at an appropriate level of detail for a project-level environmental document based on the project description, which includes the engineering drawings included in Volume 3, Preliminary Engineering Plans. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1415

The comment asserts that the Draft EIR/EIS fails to clearly identify the preferred alternative. The Authority disagrees with this assertion. Section 2.1, Introduction, of the Draft EIR/EIS, clearly states that "Alternative A is the California Environmental Quality Act (CEQA) Proposed Project pursuant to CEQA Guidelines Section 15124 and the National Environmental Policy Act (NEPA) Preferred Alternative." The naming convention for the project alternatives is reflective of the Authority's approach to assessing all alternatives to an equivalent level of detail in this joint NEPA and CEQA document, consistent with NEPA requirements. The identification of the Preferred Alternative in the Draft EIR/EIS provided the public and resource agencies an opportunity to provide comments with the knowledge of the agencies' preliminary preference among alternatives. After preparation and issuance of this Final EIR/EIS, the Authority will consider whether to certify the Final EIR/EIS and approve the Preferred Alternative pursuant to CEQA and will consider whether to issue a ROD approving the project pursuant to NEPA. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1416

The Diridon Design Variant was described and evaluated in Section 3.19, Design Variant to Optimize Speed, of the Draft EIR/EIS, but was not included as part of the Authority's Preferred Alternative (Alternative A). For the Final EIR/EIS, the Diridon Design Variant was incorporated into Alternative A. Accordingly, the description of the Diridon Design Variant was incorporated into Chapter 2, Alternatives, and the impact analysis of the Diridon Design Variant was incorporated into the relevant sections of Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures; Chapter 4, Section 4(f)/6(f) Evaluation; and Chapter 5, Environmental Justice, of the Final EIR/EIS. After consideration of comments on the Draft EIR/EIS and preparation and certification of the Final EIR/EIS, the Authority will consider whether to formally adopt the Preferred Alternative (Alternative A, which includes the Diridon Design Variant) or another project alternative.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1417

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment raises concerns that the ongoing DISC planning process implies that the design of the Diridon Station is not sufficiently defined to support the project-level impact analysis presented in the Draft EIR/EIS. Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which addresses the Diridon Integrated Station Concept and the Google Development at the San Jose Diridon Station and explains that these are separate projects (not related to or required for the introduction of HSR service and associated HSR infrastructure throughout the San Jose Diridon Station) and therefore will be considered through distinct and separate planning and environmental review processes.

The Diridon Design Variant, which would apply to Alternative A only, would involve track modifications north and south of the San Jose Diridon Station and platform modifications at the San Jose Diridon Station to allow for higher speeds. A description and impact analysis of the Diridon Design Variant was provided in Section 3.19, Design Variant to Optimize Speed, of the Draft EIR/EIS, and was available for public review and comment. As explained in the response to submission FJ-1164, comment 1416, the Diridon Design Variant was incorporated into Alternative A for the Final EIR/EIS.

The comment did not result in any revisions to the Draft EIR/EIS, and recirculation based on this comment is not warranted.

### 1164-1418

The comment raises concerns about an incomplete project description. The Draft EIR/EIS includes a thorough description of the project alternatives that describes all project components and other information at a level of detail needed to disclose the environmental impacts, consistent with CEQA and NEPA requirements. Detailed descriptions and figures illustrating the project elements of the two project alternatives are provided in Section 2.6.2.4, Alternative A, and Section 2.6.2.5, Alternative B, of the Draft EIR/EIS. The project description in Chapter 2, Alternatives, is supported by the engineering drawings in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, which include plans, profiles, cross-sections and other design information for the track alignment, stations, structures, roadways, and LMF.

In subsequent comments, the commenter raises specific examples of information they assert is incomplete or inaccurate. Each of these specific comments is addressed. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1419

The comment asserts that the Draft EIR/EIS did not disclose that Visitacion Creek would be placed in an underground culvert. Modifications to Visitacion Creek were described in Chapter 2, Alternatives, of the Draft EIR/EIS in Section 2.9.3, High-Speed Rail Development within the San Francisco Bay Conservation and Development Commission Jurisdictional Areas. The document states that “construction of the East Brisbane LMF would require placing the creek into an underground culvert. A new maintenance facility yard, workshop, parking lot and access road, and realigned Tunnel Avenue would be built above the underground culvert.” This description of changes to Visitacion Creek under Alternative A has also been added to Section 2.6.2.4, Alternative A, in the Final EIR/EIS. The commenter is incorrect that placement of Visitacion Creek in an underground culvert has not been analyzed in other resource topics. The effects of this modification to Visitacion Creek are evaluated throughout the Draft EIR/EIS, particularly in Section 3.7, Biological and Aquatic Resources; Section 3.8, Hydrology and Water Resources; and Section 3.13, Station Planning, Land Use, and Development.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1420

Modifications to roadways in Brisbane, including the roadway extension connecting Old County Road to Valley Drive, were described in Chapter 2, Alternatives, of the Draft EIR/EIS in Section 2.6.2.4, Alternative A, and Section 2.6.2.5, Alternative B. However, based on feedback provided by the City of Brisbane, the extension of Visitation Avenue from Old County Road to Valley Drive has been removed from the project alternatives. Revisions have been made to the project description in Chapter 2 of the Final EIR/EIS, and the impact analysis throughout the Final EIR/EIS to reflect the removal of this roadway extension.

### 1164-1421

The comment asserts that the project description provides incomplete information by not identifying that construction of the West Brisbane LMF would excavate approximately 432,000 cubic yards of soils that would require disposal as hazardous waste. While the commenter is correct that Chapter 2, Alternatives, of the Draft EIR/EIS did not explicitly identify the need for disposal of 432,000 cubic yards of soil as hazardous materials, it summarizes estimated earthwork volumes by alternative and project feature in Table 2-25. This table identifies that the West Brisbane LMF would require the disposal of 1,463,700 cubic yards of material. Some of this material would require special disposal as hazardous waste and the remainder would be disposed of as solid waste. As noted by the commenter, the specific quantities of hazardous materials disposal were disclosed in Section 3.6, Public Utilities and Energy. To address the comment and provide greater clarity, Table 2-25 has been updated for the Final EIR/EIS to specifically identify the quantities of material that would be disposed of as solid waste and hazardous waste.

### 1164-1422

The comment asserts that the project description provides incomplete information by not stating that the Brisbane LMF would operate 24 hours a day. While the commenter is correct that Chapter 2, Alternatives, of the Draft EIR/EIS did not explicitly state this, Section 2.4.8, Maintenance Facilities, states that maintenance activities may occur between train runs or as a pre-departure service at the start of a revenue day and Table 2-19 identifies that train runs would occur during daytime and nighttime between San Francisco and Brisbane LMF. Moreover, page 3.13-65 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS disclosed that the Brisbane LMF would operate 24 hours a day. As noted by the commenter, this fact was also disclosed in Section 3.15, Aesthetics and Visual Quality, of the Draft EIR/EIS. To clarify this point, additional text has been added to Section 2.4.8 of the Final EIR/EIS to clarify that the LMF would operate 24 hours a day with most maintenance activities occurring overnight.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1423

The comment asserts that the project description provides incomplete information by not identifying that the East Brisbane LMF would require removal of Golden State Lumber's existing lay-down area.

To clarify, neither project alternative would require acquisition of 601 Tunnel Avenue (APN 005-250-020), which is owned by Golden State Lumber and includes a lumberyard, retail facilities, and design showroom. Construction of the lead track for the East Brisbane LMF under Alternative A would require the permanent acquisition of right-of-way on the west side of Tunnel Avenue across from Golden State Lumber (APN 005-340-040). The affected property, immediately adjacent to the Caltrain corridor, is owned by the Baylands Development Company. Please refer to Volume 2, Appendix 3.1-A, Parcels Within the HSR Project Footprint, of the Draft EIR/EIS (see page 8), which depicts the project footprint in relation to the affected parcel. According to the commenter, Golden State Lumber uses this site as a laydown yard for lumber deliveries offloaded from trains.

The Authority has coordinated with Baylands Development Company during the preliminary design and development of the EIR/EIS and coordination with Golden State Lumber would occur during final design of the project. The Authority would develop a relocation mitigation plan prior to acquisition, in consultation with cities, counties, and property owners (SOCIO-IAMF#3). If warranted, this could include assistance to relocate the laydown yard to a mutually agreeable location. For this reason, it is reasonable to assume that the business site at 601 Tunnel Avenue would continue to operate. Accordingly, the impact to the laydown area was not identified as a business displacement under Impact SOCIO#8 in Section 3.12, Socioeconomics and Communities, of the Draft EIR/EIS.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1424

The Draft EIR/EIS disclosed a temporary road closure of Tunnel Avenue overpass and Tunnel Avenue for between 1 and 3 months under Impact S&S#1 in Section 3.11, Safety and Security and Impact SOCIO#1 in Section 3.12, Socioeconomics and Communities. As a result of comments on the Draft EIR/EIS, the Authority identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process. Revisions have been made throughout the Final EIR/EIS to clarify the construction phasing for the Tunnel Avenue overpass and this clarification has also been added to Section 2.10.3.7, Roadway Modifications.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1425

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment states that the CEQA Project Objectives listed in Section 1.2.3, CEQA Project Objectives of the High-Speed Rail System in California and in the San Francisco to San Jose Project Section, of the Draft EIR/EIS are not fully consistent with the objectives provided in the April 2010 PAA (Authority and FRA 2010a). The commenter is correct that only the first eight of the ten project objectives are identified in the 2010 PAA. As the state lead agency, the Authority is responsible for developing a statement of objectives that support the underlying purpose of the project. Following the evolution of the project from the fully grade-separated four-track system envisioned in 2008 to a predominantly two-track blended system utilizing existing Caltrain right-of-way and remaining substantially within the existing Caltrain right-of-way (as required by the legal mandates in SB 1029), the Authority updated the CEQA project objectives. All ten objectives provided in Section 1.2.3 were identified in the San Francisco to San Jose Project Section Checkpoint A, Project Purpose, Need, and Objectives (Authority and FRA 2016).

As described in Section 2.5.2.1, Initial Tier 2 Planning for Four-Track System (2009–2011), the Authority evaluated four LMF alternatives—the Port of San Francisco, SFO, West Brisbane, and East Brisbane—in the 2010 SAA (Authority and FRA 2010b). Since updating the CEQA project objectives in 2016, the Authority conducted additional assessment of these four LMF sites as part of the San Francisco to San Jose Project Section Checkpoint B Summary Report (Authority 2019c) and the Authority reviewed and reassessed the 11 LMF sites it considered during its initial screening process. This assessment, included in Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Draft EIR/EIS, confirmed that only the East and West Brisbane LMF sites meet the design and engineering criteria for the LMF and would be feasible sites for development of this facility. Please refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Considerations, for additional information about the LMF site evaluation.

The Authority respectfully disagrees with the commenter's statement that the Brisbane LMF sites would not meet the project objective of maximizing compatibility with

### 1164-1425

Peninsula communities. The Brisbane Baylands is one of the few largely vacant sites remaining within the San Francisco to San Jose corridor of a size sufficient to support the LMF, which allows the development and operation of a facility without severe disruptions to regionally important facilities and infrastructure or changes to existing land uses. Moreover, the Brisbane sites provide feasible options for the construction and operation of the LMF. Other locations that may be of sufficient size were determined to be infeasible during the alternative selection and evaluation process due to design deficiencies or impacts on the surrounding communities. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1426

An LMF is a critical component of the HSR system that will be used to clean, service, and store trains; it is one of three planned train maintenance facilities in the state that will support HSR operations. Operation of the Northern California HSR project sections require an LMF be sited and designed according to the Authority's criteria, without which the Authority cannot feasibly operate the HSR system.

As the state lead agency, the Authority is responsible for developing a statement of objectives that support the underlying purpose of the project. While there is no requirement that CEQA project objectives address every component of a project, the following project objectives are relevant to and were considered in LMF site selection:

Develop a practical and economically viable transportation system that can be implemented in phases by 2040 and generate revenues in excess of O&M costs.  
Provide blended system infrastructure that supports a viable operations plan for HSR, while also minimizing environmental impacts and maximizing compatibility with Peninsula communities

In addition to the CEQA project objectives, the Authority has established design and engineering criteria based on the operational requirements of the HSR system, which were used as additional evaluation criteria for the LMF sites. Refer to Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, in the Final EIR/EIS.

While a multiple LMF approach was envisioned as part of the Authority's 2016 Business Plan, the HSR delivery approach has further evolved through successive updates to the business plan and an LMF south of San Jose is no longer needed to support the Valley-to-Valley approach. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1427

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The commenter suggests that the Authority introduced new siting criteria for the LMF for the first time in July 2020, and that the changes in siting criteria hindered public review and introduced the possibility that additional alternatives could meet the Authority's criteria. The reference to the Authority's "siting criteria for maintenance facilities" on page 2-35 of the Draft EIR/EIS is introduced with the word "including," meaning that the three criteria listed were not the only applicable criteria. Refer to Standard Response FJ-Response-ALT-3, for additional information regarding the design criteria, proximity factors, and screening considerations that were used to assess the suitability of potential LMF sites. Contrary to the commenter's assertions, the Authority's site design criteria and proximity considerations have been guiding the planning and design for the LMF since the 2009 publication of the Authority's TM 5.3, Summary Description of Requirements and Guidelines for Heavy Maintenance Facility (HMF), Terminal Layout/Storage & Maintenance Facilities & Right-of-Way Maintenance Facilities (Authority 2009). In addition to site design criteria and proximity to the terminal station and mainline tracks, the Authority's evaluation of LMF sites has considered factors related to the feasibility of a potential site (e.g., availability, circulation elements, costs) and other environmental factors (e.g., aquatic and biological resources, cultural resources, land uses, environmental justice).

Although the commenter points to a single place within Chapter 2 of the Draft EIR/EIS which summarizes the evaluation of LMF sites in the 2010 Supplemental Alternatives Analysis Report for the San Francisco to San Jose Section, additional analysis of these sites has been conducted. As described on pages 2-44 to 2-45, the Authority conducted additional analysis of four potential LMF sites between 2016 and 2019 as part of the San Francisco to San Jose Project Section Checkpoint B Summary Report. Table 2-4 in the Draft EIR/EIS discloses the performance of the different LMF sites relative to siting criteria (including site availability) and environmental considerations.

In addition, the Authority reviewed and reassessed 11 potential LMF sites considered during the initial screening process in 2010. As part of that process, the Authority evaluated these sites with respect to their capacity to meet key design, engineering, and

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1427

operational criteria and to their feasibility in light of roadway circulation impacts, site availability, cost, and other factors. This assessment confirmed, consistent with the conclusions of the 2010 Supplemental Alternatives Analysis Report, that only the two Brisbane sites met both the design and engineering criteria for the LMF and would be feasible sites for development of this facility. Please refer to Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, for additional information about this LMF site assessment.

### 1164-1428

Chapter 2, section 2.1, Introduction, of the Draft EIR/EIS stated that alternatives analyses that preceded the Draft EIR/EIS were available upon request by contacting the Authority. Please also refer to the response to submission FJ-1164, comment 1385. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1429

Refer to Standard Response FJ-Response-GEN-7: Effects of COVID-19 on HSR Ridership.

As described in detail in the standard response, the Authority does not anticipate that COVID-19 will significantly affect the need for, or travel demand associated with, the HSR system. Therefore, the Authority has not revised the ridership projections reported in the Draft EIR/EIS. For the same reason, consideration of other alternatives to the LMF based on a presumed change in ridership projections due to COVID-19 is not warranted. The LMF size criterion is based on the best available ridership projections and fleet-size estimates sufficient to handle projected system growth to 2040.

### 1164-1430

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

As explained in Section 2.5.2, Alternatives Consideration Process and Chronology, of the Draft EIR/EIS, the Authority used a tiered environmental review process to support decisions for the HSR system. Tiering of environmental documents means addressing a broad program in a "Tier 1" environmental document, then analyzing the details of individual projects within the larger program in subsequent project-specific or "Tier 2" environmental documents. Based on the Tier 1 process, the corridor advanced for Tier 2 study was the existing Caltrain corridor between San Francisco and San Jose. The commenter does not provide any new information or significant change in circumstances to warrant a re-evaluation of the selection of the existing Caltrain corridor for the Tier 2 analysis. Accordingly, the Authority operated within its discretion to focus its range of alternatives to alternatives within this corridor. The San Francisco to San Jose Project Section EIR/EIS contains "analysis sufficient to allow informed decision making," (*Laurel Heights Improvement Association v. Regents of the University of California* (1988), 47 Cal.3d 376, 404) of a reasonable range of alternatives, but does not duplicate (nor re-open) the analysis provided in previous Tier 1 documents.

Additionally, as explained in Section 2.5.2.3, Tier 2 Planning for Predominantly Two-Track Blended System (2013-2019), of the Draft EIR/EIS, the blended system framework (which defined the system as a predominately two-track blended system that would remain substantially within the existing Caltrain right-of-way) combined with the spatial constraints of integrating with existing passenger and freight rail in an existing right-of-way, limited the range of alignment alternatives for the Project Section. Consequently, the alternatives development process for the blended system focused largely on blended system operations. The passing track alternatives, LMF alternatives, and configuration through San Jose Diridon Station were key considerations in the project-level evaluation of alternatives within the Project Section. As described in Standard Response FJ-Response-ALT-1, the Draft EIR/EIS identifies and discusses the potential beneficial and adverse impacts of the two alternatives evaluated (Alternative A and B) as well as the No Project Alternative; in the context of the Legislature's directives (via SB 1029 and SB 557) to the Authority to plan for a blended system, this constitutes a reasonable range of feasible alternatives. Additionally, the Authority has identified all

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1430

feasible mitigation measures which would substantially lessen the significant environmental effects of the project.

### 1164-1431

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

As explained in Section 2.5.2.3, Tier 2 Planning for Predominantly Two-Track Blended System (2013-2019), of the Draft EIR/EIS, the blended system framework (which defined the system as a predominately two-track blended system that would remain substantially within the existing Caltrain right-of-way) combined with the spatial constraints of integrating with existing passenger and freight rail in an existing right-of-way, limited the range of alignment alternatives for the Project Section. Consequently, the alternatives development process for the blended system focused largely on blended system operations. The passing track alternatives, LMF alternatives, and configuration through San Jose Diridon Station were key considerations in the project-level evaluation of alternatives within the Project Section. As described in Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, the Draft EIR/EIS identifies and discusses the potential beneficial and adverse impacts of the two alternatives evaluated (Alternative A and B) as well as the No Project Alternative; in the context of the Legislature's directives (via SB 1029 and SB 557) to the Authority to plan for a blended system, this constitutes a reasonable range of feasible alternatives. Additionally, the Authority has identified all feasible mitigation measures which would substantially lessen the significant environmental effects of the project.

The Authority disagrees with the assertion that Alternatives A and B are merely one project with minor design variations. While the two project alternatives are the same throughout much of the Project Section, there are differences between the alternatives in 3 of the 5 geographic subsections used to describe the project alternatives. Key differentiators include the location of the LMF east or west of the Caltrain corridor in the San Francisco to South San Francisco Subsection, the presence or absence of additional passing tracks in the San Mateo to Palo Alto Subsection, and the design of the tracks, systems, and station in the San Jose Diridon Station Approach Subsection. Table S-1 in the Draft EIR/EIS Summary conveys that these differences between the alternatives affect the amount and location of track modifications and OCS pole relocations, roadway modifications, the modifications required to Caltrain stations, modifications to underpasses, culverts, retaining walls, and the number of at-grade crossings where safety improvements would be applied. Operationally, the two project

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1431

alternatives differ in their travel times, their effects on the capacity of the Caltrain corridor, and the length of blended system versus dedicated HSR operations.

The differences in the project design, construction activities, and location of community and environmental resources results in variations in the environmental impacts between Alternatives A and B. As shown in Table 8-1 and described in Draft EIR/EIS Section 8.4.1, Review of Alternative Key Differentiators by Subsection, there are some key differences in community and environmental impacts between Alternatives A and B. While Alternative A would generally have fewer impacts on environmental and community resources, Alternative B would have fewer severe noise impacts; would affect less habitat for special-status plant species, burrowing owl, and essential fish habitat for Chinook Pacific Coast and Pacific Coast groundfish; and would have fewer project improvements within BCDC jurisdiction. Feasible mitigation measures are proposed for each project alternative to address significant impacts, and there are differences in the proposed mitigation for some resources topics.

Further, contrary to the commenter's assertion, the Authority has not made a decision on whether to approve the project. After consideration of public comments on the Draft EIR/EIS and preparation and issuance of this Final EIR/EIS, the Authority will consider whether to certify the Final EIR/EIS and approve the Preferred Alternative or another alternative for the Project Section.

### 1164-1432

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

As discussed in detail in the standard response, the Authority has considered a range of LMF site locations as part of the project-level environmental analysis.

Regarding the West Oakland and Merced options discussed in the 2012 Partially Revised Program EIR, those maintenance facilities either serve other functions for the HSR system or are part of other separate projects that have not been advanced at this time. The comment specifically quotes that "possible Bay Area locations and sites for fleet storage/service and inspection/light maintenance facility along the preferred HST alternative between Gilroy and San Francisco will be considered as part of project-level engineering and environmental review." This is what has been done in the environmental review for the San Jose to Merced and San Francisco to San Jose Project Sections.

Regarding West Oakland, as the comment notes, such a site "would not serve the Pacheco Pass Alternative" and was envisioned as a potential regional rail/HSR project through the Altamont Corridor. The selected HSR alignment is through the Pacheco Pass, not the Altamont Corridor. While there has been regional rail planning in the Altamont Corridor through the ACEforward initiative by the San Joaquin Regional Rail Commission and the Valley Link initiative by the Tri Valley San Joaquin Regional Rail Authority, neither of those planning efforts envisions a maintenance facility in West Oakland. For the HSR system, there is currently no physical way to access West Oakland with electric trains. There are no adopted plans to electrify rail lines in the East Bay. The Link 21 planning initiative, which includes a new tunnel under San Francisco Bay, is only in its very early stages and thus cannot be guaranteed to provide access for HSR to Oakland. As such, a West Oakland LMF is infeasible for the HSR system.

Regarding Merced, the planning to-date has been considering a heavy maintenance facility in the Central Valley, and one location under consideration has been the former Castle AFB location north of Merced. A facility in Merced cannot provide the light maintenance facilities for the HSR trains that end or start their service day in San Francisco due to the operational cost and environmental impacts of running trains

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1432

overnight from the Bay Area to Merced and back. As articulated in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, locating a LMF far from the northern terminus in San Francisco would result in a substantial number of non-revenue trains having to move between a distant LMF and San Francisco, resulting in environmental impacts associated with train operations such as noise as well as additional cost of train operations. As such a maintenance facility in Merced is an infeasible alternative for the purposes of the LMF included in the San Francisco to San Jose Project Section.

### 1164-1433

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

As explained in the standard response referenced above, the Authority has considered a range of LMF site locations as part of the project-level environmental analysis. Contrary to the commenter's assertion, the Checkpoint B Summary Report provided additional assessment of the four LMF sites originally assessed as part of the 2010 alternatives analyses for the San Francisco to San Jose Project Section (Authority 2019c: pgs 3-10 through 3-17). Additional information regarding the site evaluation process has been added to the Final EIR/EIS in Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation.

### 1164-1434

Chapter 2, Section 2.1 Introduction of the Draft EIR/EIS, informs the reader that alternatives analyses that preceded preparation of the Draft EIR/EIS are available on request by contacting the Authority. Please refer to the response to submission FJ-1164, comment 1385. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1435

The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are required.

### 1164-1436

Please refer to the response to submission FJ-1164, comment 1385. However, the Checkpoint B Summary Report was available during the review period for the San Francisco to San Jose Project Section Draft EIR/EIS, and it remains available, on the Authority's website for public reference. It is listed under the Technical Reports tab on the San Francisco to San Jose Draft EIR/EIS website at: [https://hsr.ca.gov/programs/environmental/eis\\_eir/draft\\_san\\_francisco\\_san\\_jose.aspx](https://hsr.ca.gov/programs/environmental/eis_eir/draft_san_francisco_san_jose.aspx).

### 1164-1437

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The Draft EIR/EIS included sufficient information to serve as an informational tool for the public and decisionmakers to understand the project and the impacts of the project. While it is not feasible to include every supporting document in the EIR/EIS, the referenced memo was included as a reference in the Draft EIR/EIS Chapter 2, Alternatives. All cited references in the EIR/EIS were available upon request, and as noted by the commenter, the Authority provided the memorandum to the City of Brisbane upon request. The referenced memorandum has been included in Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS.

### 1164-1438

Please refer to the response to submission FJ-1164, comment 1385. This technical memorandum, TM 5.3: Summary Description of Requirements and Guidelines for: Heavy Maintenance Facility (HMF), Terminal Layup/Storage & Maintenance Facilities & Right-of-Way Maintenance Facilities, was temporarily removed from the Authority's website. The file was being remediated for compliance with state requirements for all electronic and information technology developed or purchased by the State of California Government to be accessible to people with disabilities. Supporting material such as technical memorandum are not required under CEQA or NEPA to be provided on the Authority's website. However, electronic copies of such reports were available upon request.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1439

Please refer to the response to submission FJ-1164, comment 1438. The Authority updated TM-5.3 with TM-5.1, Summary of Requirements for O&M Facilities. This file was temporarily removed from the Authority's website. The file was being remediated for compliance with state requirements for all electronic and information technology developed or purchased by the State of California Government to be accessible to people with disabilities. Supporting material such as technical memorandum are not required under CEQA or NEPA to be provided on the Authority's website. However, electronic copies of such reports were available upon request.

### 1164-1440

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

As explained in the standard response referenced above, the Authority has evaluated a range of LMF site locations. In a recent assessment, the Authority reviewed and reassessed 11 potential LMF site options that were considered during the initial screening process in 2010. The Authority evaluated these sites with respect to their capacity to meet key design, engineering, and operational criteria and to their feasibility in light of roadway circulation impacts, site availability, cost, and other factors. These screening criteria are not related to "optimal" siting but are related to the functional requirements and feasibility of the LMF. This assessment confirmed, consistent with the conclusions of the 2010 Supplemental Alternatives Analysis Report, that only the two Brisbane sites met both the design and engineering criteria for the LMF and would be feasible sites for development of this facility. Additional information regarding the site evaluation process has been added to the Final EIR/EIS in Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation.

### 1164-1441

The comment is noted but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1442

Capital cost estimates for the East and West Brisbane LMF were included on pages 25 and 33 of the Draft EIR/EIS Volume 2, Appendix 6-A, San Francisco to San Jose Project Section: PEPD Record Set Capital Cost Estimate Report. The Authority has conducted additional review of the cost estimates for the East and West Brisbane LMF, which resulted in revisions to Chapter 6, Project Costs and Operations, and Appendix 6-A, San Francisco to San Jose Project Section: PEPD Record Set Capital Cost Estimate Report, of the Final EIR/EIS.

### 1164-1443

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

As explained in the standard response, the Port of San Francisco site was determined to be an infeasible location for the LMF based on potential impacts on the Port of San Francisco (a regionally important use), circulation impacts in South San Francisco, and cost. The San Francisco International Airport site was determined to be infeasible based on its conflicts with airport use and operations, circulation impacts, and cost. Refer to the Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, for additional information. The comment did not result in any revisions to the Draft EIR/EIS, and recirculation based on this comment is not warranted.

### 1164-1444

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The standard response referenced above describes why each of the four LMF alternatives proposed in this comment letter is considered infeasible. The comment did not result in any revisions to the Draft EIR/EIS, and recirculation based on this comment is not warranted.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1445

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The standard response provides information regarding the need and siting criteria for the LMF, including analysis of potential alternatives involving two LMFs, one providing Level I maintenance activities and one providing Level III maintenance activities. As discussed in the standard response, such alternatives were dismissed from further consideration due to the additional cost, operational inefficiencies, and additional environmental effects compared to a single LMF alternative. With respect to Appendix 2-F, please refer to the response to submission FJ-1164, comment 1409.

### 1164-1446

Please refer to the response to submission FJ-1164, comment 1425. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1447

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

### 1164-1448

The Draft EIR/EIS does not identify the No Project Alternative as the environmentally superior alternative for the reasons disclosed in Section 8.5, Environmentally Superior Alternative. If the commenter is expressing their opinion that the No Project Alternative is the environmentally superior alternative, that is noted and will be presented to Authority decision makers when considering project approvals.

As described in Section 1.1.2, The Decision to Develop a Statewide High-Speed Rail System, of the Draft EIR/EIS, the Authority used a tiered environmental review process to support decisions for the HSR system. The Final Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Proposed California High-Speed Train System (Statewide Program EIR/EIS) (Authority and FRA 2005) provided a programmatic analysis of implementing the HSR system across the state and compared it to the impacts of a No Project Alternative and a “modal alternative” that involved expanding airports, freeways, and conventional rail to meet the state’s future transportation needs. At the conclusion of that process, the Authority and the FRA selected the HSR alternative over the modal alternative and the No Project Alternative. Specifically, the No Project Alternative was rejected because it would not support the purpose and need nor the objectives of the statewide HSR system; it would exacerbate existing transportation system constraints, energy use, and dependence on petroleum as demand for intercity travel in California increases; and it would result in environmental impacts but would not offer travel improvement compared to the HSR alternative and modal alternative. These Tier 1 decisions established the broad framework for the HSR system that serves as the foundation for the Tier 2 project-level environmental review.

This project-level EIR/EIS also included an analysis of the No Project Alternative, consistent with NEPA and CEQA requirements, to provide a basis for decision makers and the public to compare the impacts of approving one of the project alternatives to the impacts of not approving any of the project alternatives. A detailed description of the No Project Alternative is provided in Section 2.6.1, No Project Alternative—Planned Improvements, in the Draft EIR/EIS. The potential environmental impacts of the No Project Alternative are discussed in the environmental consequences section of each resource topic within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Draft EIR/EIS. See, for example, Section 3.3.6.2, Air

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1448

Quality, for the analysis of air quality impacts of the No Project Alternative, which is supported by more detailed analysis in Appendix 3.3-A, Air Quality and Greenhouse Gases Technical Report, in Volume 2, Technical Appendices, of the Draft EIR/EIS, including comparisons of the project alternatives to the No Project Alternative for various emission sources. The information provided in Chapter 3 is sufficient to allow a comparison of the impacts of approving the project alternatives with the impacts that would occur if the project is not approved, as required by CEQA and NEPA. As the commenter notes, the CEQA Guidelines state a matrix may be used to summarize the comparison of alternatives, which the Authority did for the two project alternatives in Table 8-1 of the Draft EIR/EIS. The Authority believes that the information regarding the environmental impacts of the project alternatives and the No Project Alternative provided in the EIR/EIS is consistent with NEPA and CEQA requirements and is presented at an appropriate level of detail given that this is a project-level EIR/EIS tiered from a program-level EIR/EIS and following the Tier 1 decision rejecting the No Project Alternative.

As described in Section 3.1.6.4, Methods for Evaluating Impacts, of the Final EIR/EIS, the effects of project actions under NEPA are compared to the No Project condition when evaluating the impact of the project on the resource. The impacts of project actions under CEQA are evaluated against thresholds to determine whether a project action would result in no impact, a less-than-significant impact, or a significant impact.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1449

Please refer to the response to submission FJ-1164, comment 1448.

The CEQA statute and the CEQA Guidelines do not expressly require an EIR to identify the environmentally superior alternative. CEQA Guidelines Section 15126.6(e)(2) states that if the No Project Alternative is the environmentally superior alternative, the EIR must also identify “an environmentally superior alternative” among the other alternatives. The Guidelines do not specify the form or extent of how an EIR should do so. Section 8.5, Environmentally Superior Alternative, of the Final EIR/EIS states that based on the information in the EIR/EIS, the No Project Alternative is not the environmentally superior alternative, and that among the other alternatives, the Preferred Alternative is the environmentally superior alternative. This section meets the requirements of CEQA Guidelines Section 15126.6(e)(2). This conclusion is supported by the analysis of the potential environmental impacts of the project alternatives and the No Project Alternative included in the environmental consequences section of each resource topic within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, Chapter 4, Section 4(f)/6(f) Evaluation, and Chapter 5, Environmental Justice, of the Final EIR/EIS. For example, the statement that the project alternatives help California meet reduction targets for 2030 in SB 32 and beyond is supported by the analysis of the project alternatives and No Project Alternative’s impacts on statewide GHG emissions under Impact AQ#15 in Section 3.3, Air Quality and Greenhouse Gases. A comparison of the project alternatives and No Project Alternative’s impact on VMT is presented under Impact TR#1 in Section 3.2, Transportation. As discussed in the Environmental Consequences sections of each resource topic within Chapter 3, the No Project Alternative would avoid the adverse construction and operational effects of the project alternatives but also would not provide the transportation and environmental benefits provided by the project alternatives. The relative benefits and impacts of the alternatives are considered when determining the environmentally superior alternative.

The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1450

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment asserts that the Authority has prematurely committed to approving the project. The Authority disagrees with this assertion; as described in Standard Response FJ-Response-ALT-1, the legislative directives embodied in SB 1029 (2012) and SB 557 (2013) defined the parameters for the San Francisco to San Jose Project Section. As described in Standard Response FJ-Response-ALT-1, Alternatives A and B constitute a reasonable range of feasible alternatives. The adequacy of the range of alternatives analyzed is understood in the context of a legal requirement that north of Scott Boulevard, the San Francisco to San Jose Project Section would operate as a blended system. After preparation and issuance of this Final EIR/EIS, the Authority will consider whether to certify the Final EIR/EIS and approve the Preferred Alternative pursuant to CEQA, and will consider whether to issue a ROD approving the project pursuant to NEPA.

### 1164-1451

Please refer to the response to submittal FJ-1164, comment 1451, which describes the alternatives evaluation process and explains that Alternatives A and B constitute a reasonable range of feasible alternatives. Contrary to the commenter's assertion, the Authority has not made a decision on whether to approve the project. After consideration of public comments on the Draft EIR/EIS and preparation and issuance of this Final EIR/EIS, the Authority will consider whether to certify the Final EIR/EIS and approve the Preferred Alternative or another alternative for the Project Section.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1452

The Authority disagrees with the commenter's assertion of reliance on inaccurate baselines. Please refer to the response to submission FJ-1164, comment 1508, which addresses exclusion of an existing conditions baseline for the transportation operational analysis. Please also refer to the response to submission FJ-1164, comment 1482, which addresses the existing conditions baselines for the noise analysis. Refer to the response to submission FJ-1164, comment 1625, which addresses the existing conditions baselines for the biological resource analysis. Refer to the response to submission FJ-1164, comment 1561 regarding deferral of Phase 1 and Phase 2 Environmental Site Assessments.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1453

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The Authority disagrees with the commenter's assertion of reliance on inaccurate future baselines. The standard response addresses the consideration of the Brisbane Baylands development in the environmental impact analysis and cumulative impact analysis. As explained in the standard response, neither the Brisbane Baylands Specific Plan nor the proposed Brisbane Baylands development were included in the existing or future environmental baselines (including for the noise and vibration, transportation, or air quality analyses). However, the cumulative impact analysis did consider the proposed changes to zoning and land use designations at the Brisbane Baylands site, consistent with the 2018 Brisbane General Plan Amendment.

While the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS, an assessment of the potential impact of HSR project noise on future planned land uses at the Brisbane Baylands site was prepared as part of Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS to assess whether increased noise, light, and glare from project operations would result in permanent alteration of planned land use patterns. Please refer to the response to submission FJ-1164, comment 1486, for additional information regarding this analysis.

Regarding the basis for the transportation modeling, please refer to the response to submission FJ-1164, comment 2278. The land use forecasts for the Draft EIR/EIS were developed using VTA's travel demand model and the most recent ABAG land use dataset available at the time of the NOP/NOI publication in May 2016. Consistent with best and standard practices for transportation projects in the United States, the analysis in the Draft EIR/EIS was prepared using socioeconomic forecasts as developed by the relevant MPO without adjustments. These forecasts are based on an economic assessment of the reasonable level of growth forecast in the Bay Area by 2040 and are reviewed by local agencies as they are developed.

### 1164-1454

The commenter's assertion that the Draft EIR/EIS provides no explanation for the use of baselines for the operations analysis is incorrect. An explanation of the baselines used for the operational analysis of traffic, noise, and air quality analyses is provided under the Methods for Impact Analysis in the each of the corresponding resource sections within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Draft EIR/EIS

For example, the LOS traffic analysis from project operations uses a multiple baseline approach. The Authority evaluated the project's LOS traffic effects against existing and background (No Project) conditions forecast for 2029 (4th and King Street Station only) and 2040. As explained under the Baseline Operational Analysis subsection in Section 3.2.4.3, Methods for Impact Analysis, "since the HSR project would not commence operation for almost 10 years and would not reach full operation for almost 25 years, use of only existing conditions as a baseline for traffic LOS effects from project operations would be misleading (initial Silicon Valley to Central Valley operations are planned for 2029 with Phase 1 service commencing in 2033)."

Please refer to the response to submission FJ-1164, comment 1485 regarding the baselines for the noise analysis.

### 1164-1455

The comment suggests that the impacts of the Project Section are understated because the Draft EIR/EIS focuses on impacts caused by individual project components. The Authority disagrees with this assertion. The impact analysis in the Draft EIR/EIS may provide impacts associated with certain project components or construction activities but it also presents the impacts for each alternative as a whole. The full extent of the project impacts and benefits is disclosed in the Draft EIR/EIS.

Please refer to the response to submission FJ-1164, comment 1488, which addresses this concern with respect to noise in detail. While it was not evident that a similar comment was made on biological resources, all subsequent individual comments on biological resources have also been addressed.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1456

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

Please also refer to the response to submission FJ-1164, comment 1398, which addresses the adequacy and level of the detail of the Draft EIR/EIS.

The Draft EIR/EIS does present some impacts at a regional level where appropriate, but most impacts are analyzed at a local level. For example, the noise and vibration analysis identifies specific sensitive receptors along the alignment and the location for noise barriers as possible mitigation, as discussed in greater detail in the response to submission FJ-1165, comment 2027. Refer to the responses to submission FJ-1164, comments 1521 and 1522 regarding the level of detail for the air quality analysis related to criteria pollutants and health risk assessment.

Regarding the commenter's concern about a lack of site-specific surveying for biological resources, please refer to Section 3.7.6.4, Field Surveys and Species Habitat Modeling, of the Draft EIR/EIS, which describes the field survey process for the biological and aquatic resources analysis, as well as the responses to submission FJ-1164, comments 1390 and 1626. Regarding the commenter's concern about a lack of site-specific surveying for cultural resources, please refer to the response to submission FJ-1164, comments 1534, 1535, 1536, and 1538. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1457

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

As explained in the standard response, the Authority committed to incorporating features into the project to avoid or minimize the environmental impacts of the statewide HSR system to the maximum extent possible. The IAMFs reflect standard requirements for design and construction and standard procedures to be followed during construction. The Draft EIR/S describes the effectiveness of the IAMFs in avoiding or minimizing impacts and does not omit discussion of the relevant thresholds of significance, and inclusion of IAMFs as part of the project does not interfere with disclosure of the project's impacts or consideration of mitigation measures. This analysis provides the necessary public disclosure function that CEQA and NEPA require.

### 1164-1458

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

IAMFs are project features the Authority committed to as part of the project design and result in a tangible avoidance or minimization of environmental impacts as described in the impact analysis sections. With respect to the commenter's assertions that NV-IAMF#1, TR-IAMF#2, BIO-IAMF#5, and CUL-IAMF#3 are disguised mitigation measures that are deferred and not effective or enforceable, please refer to the responses to submission FJ-1164, comments 1481, 1502, 1627, and 1537 respectively.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1459

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The IAMFs are project features the Authority committed to as part of the project design and construction that result in a tangible avoidance or minimization of environmental impacts as described in the impact analysis sections. Refer to the responses to submission FJ-1164, comments 1674 through 1676, which address the assertion that HYD-IAMF#1 is deferred mitigation. Refer to the response to submission FJ-1164, comment 1627, which explains how BIO-IAMF#5 facilitates the Authority's compliance with the mitigation measures in the EIR/EIS and does not defer mitigation.

With respect to the commenter's concerns about inadequately deferred mitigation measures in the Draft EIR/EIS, please refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation. Additionally, please refer to the response to submission FJ-1164, comment 1476, which addresses the adequacy of LU-MM#1. Refer to the response to submission FJ-1164, comment 1543, which addresses the adequacy of the cultural resources mitigation measures. Refer to the response to submission FJ-1164, comments 1492 through 1496, which address the adequacy of the noise mitigation measures. Refer to the response to submission FJ-1164, comment 1661, which addresses the adequacy of biological resources mitigation measures.

### 1164-1460

The Draft EIR/EIS states that as a state agency, the Authority is not required to comply with regional and local land use and zoning regulations. Consistent with CEQA and NEPA requirements, the Authority considered relevant regional and local plans and policies in the preparation of the Draft EIR/EIS, which are documented by resource topic in Volume 2, Appendix 2-I, Regional and Local Plans and Policies. The project's consistency with these local general plans and policies, as well as a description of how the Authority has attempted to reconcile the inconsistencies, is presented in Volume 2, Appendix 2-J, Policy Consistency Analysis.

Conflicts with regional and local plans and policies are not considered an environmental impact unless they are adopted for the purpose of avoiding or mitigating an environmental impact and the project's conflict with such plans or policies is related to a significant physical impact on the environment. The Draft EIR/EIS did analyze consistency with relevant regional and local plans and policies. Many resource topics within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, include thresholds within the "Method for Determining Significance under CEQA" subsection that consider conflicts with applicable regional or local plans to be significant under CEQA if the project would:

- Section 3.2, Transportation—Conflict with a program, plan, ordinance, or policy regarding public transit [ . . . ]
- Section 3.3, Air Quality and Greenhouse Gases—Conflict with or obstruct implementation of the applicable air quality plan.
- Section 3.6, Public Utilities and Energy—Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.
- Section 3.7, Biological and Aquatic Resources—Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, state, or federal HCP.
- Section 3.8, Hydrology and Water Resources—Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
- Section 3.11, Safety and Security—Conflict with adopted policies, plans, or programs regarding safety of public transit, bicycle, or pedestrian facilities, or otherwise decrease the safety of such facilities.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1460

- Section 3.13, Station Planning, Land Use, and Development—Conflict with any land use plan, policy, or regulations adopted for the purpose of avoiding or mitigating an environmental impact.
- Section 3.15, Aesthetics and Visual Quality—Conflict with applicable zoning and other regulations governing scenic quality in urbanized areas.

Accordingly, the Draft EIR/EIS sufficiently analyzed whether significant environmental impacts would result from the project's conflict with regional and local plans and policies adopted for the purpose of avoiding or mitigating an environmental impact. The environmental impact analysis is consistent with CEQA and NEPA regulations and consistent with legal mandates such as SB 1029. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1461

The commenter asserts that Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS is incomplete. The Authority reviewed relevant regional and local plans and policies for each resource topic, which are documented in Appendix 2-1, Regional and Local Plans and Policies. Appendix 2-J provides an inventory of the inconsistencies between the project and adopted regional or local plans and policies, as well as a description of how the Authority has attempted to reconcile the inconsistencies.

For certain resource topics, a review of relevant regional and local plans and policies identified no inconsistencies. For biological resources and parks, recreation, and open space resources, the Authority determined that the project alternatives were consistent with all regional and local plans and policies; accordingly, no policy inconsistencies were reported for those resource topics in Appendix 2-J. The comment did not result in any revisions to the Draft EIR/EIS.

In subsequent comments, the commenter asserts that additional policies should have been considered in the policy consistency analysis. Each of those specific comments is addressed.

### 1164-1462

The comment asserts that Volume 2, Appendix 2-J, Policy Consistency Analysis, in the Draft EIR/EIS attempts to override adverse impacts with project benefits. The Authority disagrees with this assertion. As explained in Appendix 2-J, CEQ's NEPA regulations and FRA's Procedures for Considering Environmental Impacts require an EIS to discuss any inconsistency or conflict of a proposed action with regional or local plans and laws. Where inconsistencies or conflicts exist, CEQ and FRA require a description of the extent of reconciliation and the reason for proceeding if full reconciliation is not feasible. The text referenced by the commenter provides the rationale for proceeding if full reconciliation is not feasible, consistent with NEPA and CEQA requirements. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1463

Refer to Standard Response FJ-Response-GEN-7: Effects of COVID-19 on HSR Ridership.

The Authority has used the best available methods and data to develop ridership projections. Section 2.7, Ridership, in the Draft EIR/EIS provides a detailed description of the ridership projections from the 2016 Business Plan, which formed the basis for the analysis in the Draft EIR/EIS. To the extent that the lower ridership levels would result in fewer trains operating in 2040, the impacts associated with the train operations in 2040 would be somewhat less than the impacts presented in the Draft EIR/EIS and the benefits accruing to the project (e.g., reduced VMT, reduced GHG emissions, reduced energy consumption) also would be less than the benefits presented in the Draft EIR/EIS. As with the impacts, the benefits would continue to build and accrue over time and would eventually reach the levels discussed in the Draft EIR/EIS for the Phase 1 system.

### 1164-1464

Both the CEQ's NEPA regulations (40 C.F.R. §1506.2) and the CEQA Guidelines (§§ 15222 and 15226) encourage agencies to prepare a joint EIR/EIS and to otherwise reduce duplication between NEPA and CEQA to the fullest extent possible. Accordingly, the Draft EIR/EIS was developed to comply with both CEQA and NEPA. The Authority disagrees that the structure of the Draft EIR/EIS makes it fundamentally inadequate for CEQA compliance purposes. Section 3.1, Introduction, of the Draft EIR/EIS was developed to help the reader navigate the impact analyses included in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures. As explained in Section 3.1, the Environmental Consequences discussion of each resource section describes the full extent of each potential environmental impact. The evaluation of each impact considers project features (IAMFs) that would be implemented during design and construction, and describes the potential impact (e.g., context, intensity, duration) and where it would occur. Each impact discussion that addresses a CEQA threshold also includes a subsection entitled CEQA Conclusion. The CEQA Conclusion subsections identify the relevant CEQA threshold and describe how the project impacts would either exceed or not exceed the threshold. CEQA impacts are categorized as significant, less than significant, or no impact before mitigation. The Mitigation Measures sections identify and describe proposed mitigation measures to avoid, minimize, rectify, reduce, eliminate, or compensate for impacts. Finally, the CEQA Significance Conclusions sections summarize the construction and operations impacts identified in the Environmental Consequences sections and report CEQA significance determinations. For each project alternative, the CEQA Significance Conclusions section uses summary tables and narrative discussion to identify mitigation measures available to reduce significant impacts and report the level of significance after mitigation. For every impact that would be significant prior to mitigation, there is a paragraph after the CEQA Summary table describing how the mitigation would be effective and if it would reduce the impact to less than significant or if the impact would be significant and unavoidable. The Summary of the Draft EIR/EIS also helps the reader by providing one collective location to summarize all the impacts across the resource sections. While the commenter may prefer a different organization, that preference does not indicate an inadequacy for the purposes of disclosure. The comment did not result in any revisions to the Draft EIR/EIS. Please also refer to the response to submission FJ-1164, comment 1512, which addresses the commenter's assertion that analysis of conflicts with transportation programs, plans, ordinances, and policies is incomplete.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1465

Please refer to the response to submission FJ-1164, comment 1464. The section entitled CEQA Significance Conclusions provided in each resource section in Chapter 3 provides the readers and decision makers with a table summarizing the CEQA conclusions, followed by a narrative discussion explaining the impacts, the applicable mitigation measures, and how mitigation would be effective at addressing the impact. Revisions to the Draft EIR/EIS or recirculation based on the concerns identified in this letter is not required.

### 1164-1466

The comment states that the Draft EIR/EIS fails to adequately capture the significant environmental impacts due to the conflicts with the proposed LMF site in Brisbane. Please refer to the response to submission FJ-1163, comment 1131, which addresses this topic. The comment also states that the City of Brisbane opposes locating the LMF in Brisbane. The comment is noted and will be presented to Authority decision makers as part of the Final EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1467

The comment states that the Brisbane LMF is fundamentally inconsistent with the Brisbane General Plan and Plan Bay Area 2040, and that the negative impacts of building the LMF should be disclosed in the Draft EIR/EIS, including impacts on housing affordability, displacement, quality of life, and traffic congestion. As discussed in Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS.

Although the proposed Brisbane Baylands project is not included in the environmental baseline for purposes of the analysis of certain impacts, the impact on the future planned land use is disclosed in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. As discussed in Impact LU#5, construction of the East or West Brisbane LMF would affect areas that have been designated by the Brisbane 2018 General Plan Amendment as planned development (residential permitted) and planned development (residential prohibited). Construction of the Brisbane LMF would reduce the amount of land available for development on the Brisbane Baylands site (see Table 3.13-14 of the Final EIR/EIS). However, the Brisbane LMF would not preclude future development in the area and development has and will continue to occur near train tracks and facilities due to the limited supply of land in the Bay Area.

In addition, please refer to Section 3.12, Socioeconomics and Communities, which addresses impacts related to displacement and quality of life, and Section 3.2, Transportation, which addresses impacts related to traffic congestion.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1468

The comment states that the Draft EIR/EIS incorrectly identifies land uses on the East LMF site as “industrial, vacant, parks/open space” and fails to fully acknowledge the existence of the former Brisbane landfill and the implications of building on top of it. Please refer to Section 3.13.5.1, Existing Land Uses, and Impact LU#5 in Section 3.13, Station Planning, Land Use, and Development, in the Draft EIR/EIS, which acknowledge that the vacant lands where the East Brisbane LMF would be located have a history of being used as a former landfill. The land uses, as they currently exist and as verified by aerial imagery, in fact do include industrial, vacant, parks/open space land uses. The comment did not result in any revisions to the Draft EIR/EIS.

Subsequently, the commenter provides specific comments and suggestions regarding impacts associated with building on top of the former landfill. Each of these specific comments has been addressed. For example, please refer to the response to submission FJ-1164, comment 1506 related to VMT; comments 1548 to 1551 and 1555 to 1560 related to geology and soils; comments 1568 to 1578 related to hazardous materials; comments 1593 and 1614 related to safety and security; comment 1683 related to hydrology and water quality; and comments 1716, 1717, and 1721 public utilities and energy.

### 1164-1469

The comment states that the Draft EIR/EIS does not provide evidence for the conclusion that development can still occur with the Brisbane Baylands area, even though the project would affect areas that the Brisbane General Plan identifies for planned development. The comment also states that the project would have a significant impact on the viability of the proposed Brisbane Baylands development. As described under Impact LU#5 in Section 3.13, Station Planning, Land Use, and Development, construction of the Brisbane LMF would reduce the amount of land available for development on the Brisbane Baylands site (see Table 3.13-14 of the Final EIR/EIS).

Although the East Brisbane LMF and West Brisbane LMF would reduce the area where this development could occur, development is likely to occur in the areas not affected by the project. Development has and will continue to occur near railways and rail facilities due to the limited supply of land in the Bay Area. It is reasonable to assume development would occur on the remainder of the Brisbane Baylands due to the adoption of General Plan Amendment GP-1-18 (which permits development of 1,800 to 2,200 dwelling units and up to 6.5 million square feet of non-residential use, with an additional 500,000 square feet of hotel use within the Baylands Subarea); due to the large size of the remaining site (approximately 470 acres of land designated as planned development would be unaffected by the HSR project); and due to the site’s potential for TOD, which is reflected in its status as a priority development area.

Regarding the comment that this impact is understated in the Draft EIR/EIS, the Draft EIR/EIS discloses a significant and unavoidable impact related to the impacts on planned development in Brisbane (Impact LU#5). A significant and unavoidable impact is not an understated impact.

Additionally, as described in Impact LU#6, the changes in light and glare due to operations of the Brisbane LMF would be similar to existing levels and would not affect the habitability of existing and planned land uses; changes in noise due to operations of the Brisbane LMF would be addressed through mitigation described in Section 3.13.7, Mitigation Measures. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1470

The Authority appreciates your comments on the Draft EIR/EIS. In subsequent individual comments (i.e., Table 1 of the Metis letter), specific comments are provided regarding environmental impacts associated with conflicts with the Brisbane General Plan. Each of these specific comments is addressed in the response to the Metis letter.

### 1164-1471

The Draft EIR/EIS acknowledges under Impact LU#5 that the project's acquisition of lands in Brisbane, where residential development is planned and permitted, could affect the City of Brisbane's ability to meet its required Housing Element and RHNA. However, as explained in the response to submission FJ-1164, comment 1469, the Brisbane LMF would not preclude future development in the area; development has and will continue to occur near train tracks and facilities due to the limited supply of land in the Bay Area.

Regarding the comments about SB 672 and the City of Brisbane's RHNA, the Final EIR/EIS has been revised to remove reference to SB 672 and to clarify that ABAG may increase the RHNA in the next planning period. In addition, the Final EIR/EIS was revised to clarify that the 2015–2022 Housing Element identifies 210 units that were carried over from the 2007–2014 planning period and 83 that were identified for the 2015–2022 planning period.

### 1164-1472

Please refer to Impact LU#6, which identifies the potential noise impacts on planned land use patterns. The Draft EIR/EIS concludes that with implementation of LU-MM#1, the Brisbane LMF would not result in a substantial change in planned land use patterns and would not inhibit the ability to reach potential allowable residential buildout levels for the planned development (residential permitted) area west of the Caltrain tracks. In addition, please refer to the response to submission FJ-1164, comment 1469, which describes how development could still occur notwithstanding implementation of the project. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1473

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment asserts that because the Draft EIR/EIS considers the cumulative effects of noise and light/glare separately, the Draft EIR/EIS does not adequately disclose potential effects on planned land uses, particularly the Brisbane Baylands. Cumulative impacts on existing receptors due to cumulative noise and cumulative aesthetics and visual resources (including light and glare), in and of themselves, are presented separately.

Moreover, the cumulative analysis does not and cannot address noise, light, and glare direct impacts on future receptors for areas like the Baylands. The Draft EIR/EIS examines the 2018 Brisbane General Plan Amendment, which identifies allowable land use types and intensities, and considers the potential for the HSR project to result in impacts on these allowable land use types and intensities. However, the 2018 General Plan Amendment does not permit or entitle any specific development in any specific location. Accordingly, noise and visual analysis in this area on sensitive receptors is not included because the locations of such sensitive receptors are entirely speculative. The 2018 General Plan Amendment does not prescribe how buildings may be oriented in relation to the existing rail corridor, the mix of land uses within such buildings, or other similar specific factors that would allow the type of analysis suggested as imperative by the comment.

The Draft EIR/EIS takes into account the potential collective cumulative impacts of cumulative noise and visual impacts on land use patterns. The focus of this analysis was whether cumulative plus project noise, light, and glare would cause a substantial change in land use patterns by introducing incompatible land uses. Refer to Draft EIR/EIS Section 3.18.6.12, Station Planning, Land Use, and Development, for analysis of the potential alteration of land use patterns due to noise and visual changes.

In response to this comment, the cumulative impact analysis was revised in the Final EIR/EIS to include analysis of potential alterations to land use patterns due to noise, light, and glare relative to Brisbane land use patterns. As discussed in the revisions, operations of the Brisbane LMF, with the proposed lighting design and with LU-MM#1, would not result in noise, light, and glare that would be incompatible with planned development consistent with the 2018 General Plan Amendment and thus would not preclude the planned land use pattern of development in Brisbane.

No new significant impacts or substantially more severe impacts were identified through

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1473

addition of this additional analysis.

Please also refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which addresses the consideration of the proposed Brisbane Baylands project in the environmental analysis.

### 1164-1474

The comment requests that Figure 1 of Appendix 3.13-A, General Plan Land Use Maps, of the Draft EIR/EIS be revised to indicate the land use designations from the Brisbane General Plan of Planned Development. To address this comment, the Authority revised Figure 1 of Appendix 3.13-A of the Final EIR/EIS. In addition, please refer to Figure 3.13-6, which shows the land use designations of Planned Development (residential permitted) and Planned Development (residential prohibited) from the Brisbane General Plan, relative to where the East Brisbane LMF or West Brisbane LMF would be located.

### 1164-1475

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1476

The comment asserts that LU-MM#1 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS is improperly deferred mitigation. LU-MM#1 includes requirements to implement noise mitigation where significant impacts from HSR trains would occur on sensitive receptors at planned development in Brisbane. The Brisbane Baylands development is still being designed and there is no specific design available at present by which to identify the actual locations of sensitive receptors. The Brisbane Baylands development has not completed its environmental review and is not yet approved, so the exact form of the future land uses cannot be determined at this time. Furthermore, as requested by the Authority in its scoping letter on the Brisbane Baylands development, the EIR for that project should analyze an alternative that includes the HSR project. If it does not do so, the land uses proposed for the Brisbane Baylands project may not be in the final locations with HSR project implementation and the Brisbane Baylands project may need to be redesigned later. As such, it is not feasible at this time to identify the specific locations for application of mitigation and it will not be feasible to do so until both the HSR project is approved (including the decision on the location of the LMF) and the Brisbane Baylands project is approved and the conflicts between the two projects are resolved.

Accordingly, LU-MM#1 identifies a range of potential mitigation measures including noise barriers and noise insulation for new development. These noise measures are standard practice for rail and roadway projects because they are effective in reducing noise emissions. The comment provides no evidence that the range of potential noise reduction options is infeasible. In fact, the range of options is the same options that the City of Brisbane identified as feasible mitigation for addressing noise from rail operations to adjacent development in the 2013 EIR for the Brisbane Baylands project in the same location.

Regarding performance standards, the identified standards are those from the Brisbane General Plan and the City did not object to the use of those standards for this mitigation measure, so they are presumed to be acceptable. CEQA does allow for a phased approach to the development of specific mitigation measures, provided the measure in the CEQA document identifies the impact the measure is planned to address, provides a fixed performance standard that the specific measures should be designed to meet, and identifies a range of feasible methods by which to provide reductions of the impact. LU-

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1476

MM#1 meets those requirements. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1477

The comment states that Table 3.13-7 of the Draft EIR/EIS identifies an overview of the right-of-way acquisition for the project but does not identify acreages of acquisitions or partial acquisitions. Please refer to Table 3.13-9, which shows the acreages of acquisitions for the track alignment right-of-way; Table 3.13-10, which shows the acreages of acquisitions for stations right-of-way; and Table 3.13-11, which shows the acreages of acquisitions for the LMFs. The comment also states that impacts on Golden State Lumber and the Kinder Morgan Brisbane Terminal, from the loss of existing buildings, is not addressed and should be presented. Regarding impacts to Golden State Lumber, please refer to the response to submission FJ-1164, comment 1727, which addresses this topic. Regarding the Kinder Morgan Brisbane Terminal, please refer to the response to submission FJ-1165, comment 1929. No permanent acquisition for any component of the Kinder Morgan Brisbane Terminal is proposed. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1478

The Draft EIR/EIS included mitigation measure LU-MM#2 in Section 3.13.7, Mitigation Measures, which would require the relocation of Lagoon Road outside of BCDC's jurisdiction. The Authority incorporated this mitigation measure into the project as part of the Final EIR/EIS. Revisions have also been made to the project description and impact analysis throughout the Final EIR/EIS to reflect this change.

Accordingly, the impacts associated with the realignment of Lagoon Road have been disclosed in detail in the Final EIR/EIS, including impacts on aquatic resources which are addressed under Impact BIO#19. As discussed in Section 3.7.9, Mitigation Measures, the Authority has identified BIO-MM#36 and BIO-MM#37, which would be implemented to reduce impacts on aquatic resources to a less-than-significant level. BIO-MM#36 includes performance standards to ensure the effectiveness of this measure, including restoring temporarily affected aquatic resources within 90 days of construction activities and maintenance monitoring. Likewise, BIO-MM#37 includes performance standards such as ratios for compensatory mitigation.

### 1164-1479

Please refer to the response to submission FJ-1165 comment 2223, which provides additional information about the revisions made in the Final EIR/EIS to respond to this comment.

### 1164-1480

Please refer to the responses to submission FJ-1164, comment 1473 and submission FJ-1165, comment 2223 for additional information about cumulative impacts in Brisbane and Millbrae.

With regard to the comment's assertions of the insufficiency of disclosing "broad scale" impacts, the Final EIR/EIS reflects revisions that closely examine the potential for land use pattern changes, particularly in Brisbane and Millbrae. Refer to Final EIR/EIS Section 3.18.6.12, Station Planning, Land Use, and Development.

### 1164-1481

The Authority disagrees with the assertion that the noise and vibration analysis is inadequate. In subsequent individual comments, the commenter provided more detail about what they considered to be deficiencies in the noise and vibration analysis in the Draft EIR/EIS. Each of these specific comments is addressed below.

With respect to the commenter's assertion that NV-IAMF#1 is an improperly deferred mitigation measure, please refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features. NV-IAMF#1 addresses both noise and vibration from construction. It requires the application of the construction practices identified in the FTA and FRA guidelines to minimize temporary construction impacts on sensitive receptors. These include: the contractor would construct temporary noise barriers, route truck traffic away from residential streets, employ construction phasing, and use alternative construction methods to avoid the use of impact pile driving near vibration-sensitive land uses where possible. The contractor would document in a construction noise and vibration control plan how these measures would be employed to minimize construction noise and vibration within 1,000 feet of sensitive receptors. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1482

Please refer to Section 3.4, Noise and Vibration, and Appendix 3.4-A, Noise and Vibration Technical Report, for detailed discussion regarding ambient existing noise measurements and the noise modeling approach, specifically Section 5.1.1.2, Noise Measurement and Modeling Discussion, of Appendix 3.4-A. All noise-sensitive receptors for both alternatives were analyzed. The ambient noise monitoring results provided a baseline for establishing existing noise levels at sensitive receptors. Most measurement sites were adjacent to existing rail tracks, and some were adjacent to heavily traveled roadways. The noise from these transportation sources has not changed substantially since the ambient noise measurements were collected, and therefore, they remain valid and reliable and do not need to be updated. Analysts prepared detailed models of the existing conditions, which included existing rail operations and noise from major roadways. The existing conditions noise model was calibrated with the noise measurement results. Through this method, accurate existing noise levels were calculated at all noise-sensitive receptors, allowing for comparison with future predicted noise levels, which were then compared to the impact criteria. The existing noise model uses typical daily rail operations listed in Table 4-7 of Appendix 3.4-A. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1483

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. Please also refer to the response to submission FJ-1164, comment 1485, which explains that the impact analysis was conducted by comparing existing noise levels (i.e., the baseline) to future 2029 and 2040 projected noise levels. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1484

The Authority disagrees with the commenter's assertion that the noise analysis does not follow FTA and FRA guidance. Please refer to Appendix 3.4-A, Noise and Vibration Technical Report, Chapter 4, Methods for Evaluating Effects, for detailed discussion and documentation of all noise and vibration analysis assumptions. Tables 5-9 and 5-10 include details regarding the specific noise impacts, levels, and locations before mitigation. A new appendix, Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, with new figures showing the location of noise impacts and proposed noise barriers in greater detail.

### 1164-1485

The existing noise conditions are the baseline for the noise impact assessment. As explained in Section 3.4.4.3, Methods for Impact Analysis, of the Draft EIR/EIS, the scenarios evaluated for the noise analysis include existing conditions and future 2029 and 2040 conditions. The noise impact assessment was conducted by comparing existing noise levels to future projected noise levels. This approach is consistent with FRA guidelines and has been implemented because comparison of a projection with an existing condition is more reflective of an impact than a comparison of two projections. The application of this approach is evident in Tables 5-9 and 5-10 of Appendix 3.4-A, Noise and Vibration Technical Report, which identify the existing noise levels, predicted future noise levels, and the increase in noise levels between existing and predicted future noise levels for specific clusters of sensitive receptors. Based on the increase in noise levels between existing and predicted future noise levels, the tables identify the number of severe and moderate noise impacts. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1486

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

As stated in Section 3.4.2.3, Regional and Local, of the Draft EIR/EIS, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. The project is subject to the FRA noise and vibration impact criteria, and the noise and vibration impact assessments were conducted following FRA methodology and criteria. Inconsistencies with local noise policies and laws are discussed in Section 3.4.3, Consistency with Plans and Laws, of the Draft EIR/EIS. No revisions to the noise analysis impact criteria are warranted.

While the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS (see Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects), an assessment of the potential impact of HSR project noise on future planned land uses at the Brisbane Baylands site was prepared as part of Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS to assess whether increased noise, light, and glare from project operations would result in permanent alteration of planned land use patterns. In that assessment, the Authority used the guidance from the General Plan policies, based on the State's Land Use Compatibility Guidelines, to assess the potential impact of HSR project noise on future planned land uses at the Brisbane Baylands site. That analysis found increased train service in the Brisbane area would result in noise levels that exceed the City of Brisbane's General Plan noise compatibility standards for planned land uses. The Authority identified LU-MM#1, which includes several options to address noise impacts, including noise barriers, building insulation, and building location requirements that would reduce noise levels for future planned land use to meet the City of Brisbane's General Plan noise compatibility standards. The Draft EIR/EIS concluded that with the implementation of Mitigation Measure LU-MM#1, project operations would not affect planned land uses such that a substantial change in land use patterns would occur. No revisions to this analysis or its location are warranted.

### 1164-1487

Section 3.4, Noise and Vibration, in the Draft EIR/EIS summarizes the noise analysis results, which were based on an evaluation of impacts to all noise-sensitive receptors affected by either project alternative. Tables 5-9 and 5-10 of Appendix 3.4-A, Noise and Vibration Technical Report, in the Draft EIR/EIS show a detailed breakdown of the specific noise impacts, levels, and locations before mitigation.

The HSR system uses noise impact criteria and analytical methods adopted by the FRA to assess the contribution of the noise from HSR operations and construction to the existing environment and noise impact criteria, and analytical methods adopted by the FTA to assess the contribution of the noise from conventional-speed rail operations and stationary facilities. The FRA noise impact criteria are based on maintaining a noise environment considered acceptable for land uses where noise may have an impact. Land use also factors into determining an impact; while impacts on industrial uses are not considered, places where people sleep or where quiet is an integral component of the land use require evaluation to determine if noise impacts would occur and if mitigation is appropriate. As explained in Section 4.1.1, Descriptors, of Appendix 3.4-A, Ldn (24-hour day-night sound level) noise metric is used for land uses where people sleep, and the hourly Leq (hourly equivalent sound level) is used for nonresidential noise-sensitive land uses. The use of these noise metrics is consistent with FRA and FTA guidelines. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1488

The commenter incorrectly asserts that the cumulative operational noise impacts were not analyzed. Consistent with FRA guidelines, future noise levels were predicted by combining project train noise from all trains operating in the corridor (i.e., HSR, Caltrain, Amtrak, and freight), all trains sounding horns approaching at-grade crossings, noise from passenger station parking facilities, and noise from LMF operations. The future predicted noise levels with the project alternatives were then compared to the existing noise levels and the FRA noise impact criteria were applied to determine the severity of each impact. The results of this analysis are presented in the impact numbers in Impact NV#2. The information presented in Impact NV#3 and Impact NV#4 are additional information stating the contribution of noise from passenger station parking and LMF, respectively, to the passing train project noise. As stated in Impact NV#3 and Impact NV#4, the noise from passenger station parking and LMF would be significantly less than from passing trains. Noise from vehicle traffic was assessed separately as detailed in Section 3.4.4.3, Methods for Impact Analysis, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1489

Please refer to the response to submission FJ-1164, comment 1488 which addresses how the operational noise impact analysis combines all project-related noise and presents the results of this analysis under Impact NV#2. Consistent with FRA guidelines, this analysis uses Ldn noise metrics for residential land uses, which represents the cumulative noise exposure over a 24-hour period with a 10-dB penalty for noise events that occur at night (between 10 p.m. and 7 a.m.).

The information presented in Impact NV#4 is additional information stating the contribution of noise from the LMF compared to the passing train project noise. As stated in Impact NV#4, the noise from the LMF would be significantly less than from passing trains. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1490

As explained in Section 4.1.5.2, Operations Noise, of Appendix 3.4-A the noise impact assessment followed the FRA guidelines for a detailed noise analysis that accounts for ground propagation attenuation effects, cross-sectional geometry, and shielding. Appendix 3.4-A has been updated for the Final EIR/EIS to clarify that terrain and elevation of receptors was also considered in the noise analysis. Noise reflections off nearby hills would produce lower noise levels than the direct noise from the trains and LMF operations to residences, due to the significantly longer path. Additionally, noise reflecting off nearby hills would not be reflected perfectly, and therefore would experience some reflection loss, further decreasing the noise levels from reflected noise. The terrain in the Brisbane area would not amplify noise from the project materially enough to affect the projected noise impact results. Direct noise from trains in the corridor would be the dominant noise sources at all affected locations as documented in Section 3.4, Noise and Vibration, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1491

Section 3.4, Noise and Vibration, and Appendix 3.4-A, Noise and Vibration Technical Report, state that the noise and vibration assessments follow FRA and FTA guidelines and impact criteria. The FRA guidance manual states that the noise impact criteria are based on noise levels that “protect public health and welfare”. The FRA noise impact criteria are based in part on a report prepared by USEPA, Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (USEPA 1974), which identifies noise levels consistent with the protection of public health and welfare against hearing loss, annoyance, and activity interference. Additional detail regarding the specific noise impacts, levels, and locations before mitigation can be found in Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report, in Tables 5-9 and 5-10, of the Draft EIR/EIS. Additional detail regarding the specific vibration impacts, levels, and locations before mitigation can be found in Tables 5-19 and 5-20. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1492

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The Draft EIR/EIS provides an extensive set of effective and enforceable mitigation measures to address noise and vibration impacts, which are consistent with NEPA and CEQA mitigation requirements.

NV-MM#1 in Section 3.4.7, Mitigation Measures, discusses construction noise mitigation measures and includes performance standards. NV-MM#1 requires the contractor to establish a construction noise monitoring program and implement measures to comply with FRA construction noise limits (an 8-hour Leq, dBA of 80 during the day and 70 at night for residential land use, 85 for both day and night for commercial land use, and 90 for both day and night for industrial land use) where a noise-sensitive receptor is present and wherever feasible. Measures for minimizing construction noise would include prohibiting certain noise-generating activities during nighttime hours, but due to the constraints of working within an active rail corridor, some track realignments would require nighttime construction work that could exceed FRA construction noise limits at night. Accordingly, even with the implementation of NV-MM#1, the Draft EIR/EIS concludes that some construction noise impacts would remain after mitigation, and therefore, the impact would be significant and unavoidable under CEQA for both project alternatives. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1493

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

Consistent with NV-MM#2 in Section 3.4.7, Mitigation Measures, the contractor would provide the Authority with a construction vibration technical memorandum stating how the project construction vibration criteria would be met. The construction vibration criteria are included in Tables 3.4-8, 3.4-9, and 3.4-10 in Section 3.4.4.3, Methods for Impact Analysis, of the Draft EIR/EIS. The contractor would then be required to comply with required vibration reduction methods described in that memorandum to achieve the vibration criteria during construction. When a construction scenario has been established, the contractor would conduct pre-construction surveys at locations within 50 feet of pile driving to document the existing condition of buildings in case damage is reported during or after construction. If damage is reported, the contractor would arrange for the repair of damaged buildings or would pay compensation to the property owner. Therefore, the measure includes performance criteria that would effectively avoid or offset vibration impacts from construction and requires the performance criteria to be met during construction. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1494

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

Mitigation Measure NV-MM#3 summarizes the Authority's mitigation guidelines, which consider multiple factors for determining the reasonableness and feasibility of noise barriers as mitigation for severe noise impacts. Refer to Volume 2, Appendix 3.4-B, Noise and Vibration Mitigation Guidelines, for details on the Authority's noise and vibration mitigation guidelines and criteria for effectiveness. Based on the consideration of the factors detailed in the mitigation guidelines, the Authority has identified potential noise barrier locations which were found to be acoustically feasible and cost-effective in Table 3.4-21 and Figures 3.4-32 through 3.4-43 of the Draft EIR/EIS. Per the guidelines, the Authority would conduct outreach to affected parties because installation of noise barriers requires approval of 75 percent of affected parties in a community. Where noise barriers are not proposed, building sound insulation would be considered as a potential measure to mitigate severe noise impacts. If substantial noise reduction cannot be completed through installation of noise barriers or sound insulation, the Authority would consider acquiring a noise easement. A range of options is identified to reduce the identified noise impacts because implementation of the noise mitigation options identified in NV-MM#3 is constrained by approval of affected parties. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1495

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The HSR project would be constructed as a design-build project—an approach common for large transportation infrastructure projects. Preliminary engineering design was the basis for the analysis in the Draft EIR/EIS, whereas the final engineering design would be completed by the contractor chosen to build the project. NV-MM#6 would be implemented during final design and prior to construction because at this stage of design the locations and types of special trackwork at crossovers and turnouts will be known. This measure would require the contractor to provide the Authority with a HSR operation noise technical report that would address the minimization/elimination of rail gaps at crossovers and turnouts.

NV-MM#7 would require the Authority to prepare necessary environmental documentation, as required by CEQA and NEPA, to reassess noise and vibration impacts and mitigation if the final design results in changes to the assumptions underlying the noise technical report. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1496

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

Additional vibration propagation tests would occur, and analysis would be performed to assess site-specific conditions during subsequent stages of design, which would inform the specific design and implementation of vibration mitigation measures. Accordingly, NV-MM#8 identifies a range of potential vibration mitigation options that would be considered for implementation. The Authority has provided additional clarification regarding NV-MM#8 and the relevant performance standards in Section 3.4.7, Mitigation Measures, of the Final EIR/EIS. As explained in the clarified NV-MM#8, performance standards for the mitigation measure are inherent in the FRA vibration criteria presented in Tables 3.4-9 and 3.4-10 in Section 3.4.4.3, Methods for Impact Analysis. Even with implementation of mitigation, there would still be significant and unavoidable impacts under CEQA associated with vibration from train operations because it may not be cost-effective or feasible to mitigate all vibration impacts; if substantial vibration reduction cannot be achieved, the Authority will consider acquiring a vibration easement on properties with severe impacts on a case-by-case basis.

### 1164-1497

Please refer to the response to submission FJ-1165, comment 2217, which addresses the commenter's recommendations for additional noise and vibration mitigation measures. Section 3.4.7, Mitigation Measures, of the Draft EIR/EIS includes an extensive set of enforceable noise and vibration mitigation measures to address significant noise and vibration impacts. No additional mitigation measures are required.

### 1164-1498

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment states that the cumulative impact analysis of noise is inadequate.

Please refer to Draft EIR/EIS Section 3.18, Cumulative Impacts, which includes results of the quantitative cumulative noise impact assessment that was conducted at all noise-sensitive receptors in the project corridor. Only existing structures and developments that are already approved are included in the noise and vibration analyses; please refer to the response to submission FJ-1164, comment 1473 for more on this point.

The primary non-HSR project generators of operational noise along the project corridor are Caltrain and freight. Accordingly, the cumulative noise analysis takes into account the Caltrain increase in service associated with PCEP as well as the projected increase in freight service over time. Traffic noise associated with the HSR project would only occur in proximity to the LMF and the stations. As explained in Section 3.4, Noise and Vibration, the LMF would only generate a limited amount of traffic, and thus would not contribute meaningfully to any cumulative traffic noise in combination with other cumulative development. As explained in Section 3.18, the HSR project would contribute to cumulative noise impacts at the 4th and King Street Station and at the San Jose Diridon Station, but not at the Millbrae Station. The cumulative analysis in Section 3.18 does identify that the HSR project would contribute to cumulative noise impacts along the project corridor due to train operations (primarily, but not exclusively from sounding horns at the at-grade crossings).

The cumulative analysis focuses on the potential for the project to combine with other past, present, and reasonably foreseeable projects, and result in significant cumulative impacts.

For example, as discussed in Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, the City of Brisbane has approved a General Plan Amendment for the area including the Baylands, but as of May 2022 the City has not approved any specific plan or specific development entitlement (e.g., vesting tentative map) indicating precise placement of any building in relation to the Caltrain corridor (and thus HSR project operations). Lacking greater specificity about building placement (and thus the presence of sensitive receptors, a foundational element to the noise analysis process), any further analysis would be speculative and is not required by CEQA or NEPA. Nonetheless, the cumulative analysis considers the potential for collective

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1498

cumulative impacts on land use patterns as a result of cumulative noise and this analysis considers the Brisbane Baylands 2018 General Plan Amendment. The Draft EIR/EIS properly focuses on the potential for the project to contribute considerably to significant cumulative impacts. The cumulative noise analysis does not require project-level noise analysis of the effect of the project upon any particular future development project, but instead the total effect of the HSR project plus other cumulative projects on the environmental baseline. The EIR/EIS identifies the cumulative noise effect and discloses the contribution of the project to that cumulative effect where it is considerable/significant.

### 1164-1499

The comment asserts that the conclusions of the cumulative construction noise analysis rely on an unsupported assumption concerning the timing of construction activities. Contrary to this assertion, the cumulative construction noise analysis was reliant on an iterative process that fully considered the potential for the noise effects of project construction to combine with construction noise from the cumulative projects. Refer to Draft EIR/EIS Section 3.18, Cumulative Impacts, which includes an analysis of construction noise in the project corridor consistent with FRA guidelines. The steps in this analysis include a review of information regarding cumulative projects from published environmental documents, consideration of the locations of such projects in relation to HSR project construction, and consideration of qualitative factors such as the anticipated construction timing of the cumulative projects in relation to anticipated timing of HSR project components. A cumulative construction noise impact would require construction projects to be close in both geography and time. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1500

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment asserts inadequacies in the analysis and conclusions of cumulative operational noise impacts. Please refer to the responses to submission FJ-1164, comments 1473, 1498, and 1499.

Draft EIR/EIS Section 3.18, Cumulative Impacts, includes a quantitative cumulative noise impact assessment at all existing noise-sensitive receptors in the project corridor. Only existing structures and approved developments are included in the noise and vibration analyses because the estimation of noise and vibration levels requires certainty about the locations of buildings and sensitive receptors. The Baylands site has no existing receptors. As of May 2022, there is no specific plan or other development entitlement (e.g., vesting tentative map) indicating precise placement of land uses in relation to the Caltrain corridor. Accordingly, any site-specific cumulative noise analysis (e.g., on a particular receptor within a particular building) is too speculative.

Because no specific approved development or any physical buildings associated with the Brisbane Baylands is part of the existing environment, potential future receptors are not part of the environmental baseline for the cumulative impacts analysis. Similarly, impacts on future receptors are not impacts over the existing environmental baseline.

The Draft EIR/EIS considered the potential for project-level noise impacts to affect planned land use patterns in Brisbane, in recognition of the City's adoption of the 2018 General Plan Amendment. Refer to Draft EIR/EIS Section 3.13, Station Planning, Land Use, and Development. In that section, Impact LU#6 identifies a significant unavoidable project-level impact on planned land uses (e.g., those associated with the 2018 General Plan Amendment) in the Baylands area. This impact is due in part to anticipated noise impacts on the lands covered by the 2018 General Plan Amendment. Section 3.13 includes a mitigation measure (LU-MM#1) to address the project-level effects.

Separately, the focus of the cumulative impact analysis is on the combined effect of cumulative projects and the HSR project on the environment (specifically, the environmental baseline) and the HSR project's contribution to potential cumulative impacts. As described in Final EIR/EIS Section 3.18.6.12, Station Planning, Land Use,

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1500

and Development, the potential for a significant cumulative impact related to alteration of land use patterns was considered, but no significant impact was identified.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1501

The comment makes several assertions about the cumulative noise methodology, including an assertion that the Draft EIR/EIS did not consider incremental increases in noise.

As set forth in Draft EIR/EIS Section 3.4.4.3, Methods for Impact Analysis, the Authority utilized noise methodologies from both FTA and FRA in the analysis. For context, the FTA Transit Noise and Vibration Impact Assessment methodology and criteria were first published in 1995 in the FTA Guidance Manual. High-speed train operations were not anticipated in that document.

The FRA High-Speed Ground Transportation Noise and Vibration Impact Assessment Guidance Manual (FRA Manual) was issued in 2005. The FRA Manual utilizes the same noise and vibration assessment criteria as described in the FTA Guidance Manual, but added content that is unique to HSR systems (e.g., source levels for high-speed trains, methods for calculating pantograph noise and aerodynamic noise at higher speeds). The FRA Manual incorporates by reference methods and criteria in the FTA Guidance Manual for system components that are not addressed directly in the FRA Manual. Examples include noise from electrical substations, maintenance facilities, yards, and stations.

Noise and vibration from project construction and operations were quantitatively assessed using the methodology and criteria published in the FRA Manual. Noise and vibration from stations, maintenance facilities, and conventional-speed railroad sources were quantitatively assessed using the methodology published in the FTA Guidance Manual.

As stated in Draft EIR/EIS Section 3.4.2.3, Regional and Local, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. As a linear HSR project that crosses multiple jurisdictions, the project is subject to the FRA noise and vibration impact criteria, and the noise and vibration impact assessments were conducted following FRA methodology and criteria. Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.1.3.2, Operations, states that the FRA noise impact criteria for human annoyance are based on comparison of the existing outdoor noise levels and

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1501

the future outdoor noise levels with the project. The FRA and FTA noise and vibration impact criteria (which are the same) are not solely based on the total with project cumulative noise or vibration but take into account the incremental change from existing levels (refer to FRA Manual page 3-2, Basis of Noise Impact Criteria, and FTA Guidance Manual page 28, Option B: Cumulative Noise Impact Criteria Presentation).

To illustrate the point, please refer to Draft EIR/EIS Figures 3.4-5 and 3.4-6. These figures illustrate the incremental change in noise levels that would result in moderate or severe impacts as the noise level increases. Thus, the comment's assertion that the analysis ignores incremental changes in noise is not accurate. Both FRA and FTA noise and vibration impact assessment guidelines provide substantial evidence supporting the use of their methodological approaches and thresholds including consideration of human reaction to different levels of noise and ability to carry on normal activities (e.g., conversation, sleep). As a result, the comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1502

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The IAMFs are enforceable commitments the Authority incorporated into the project design and construction that avoid and minimize environmental impacts as described in the impact analysis for each resource section. TR-IAMF#2 requires the contractor to prepare a detailed CTP for the project, with a performance standard of minimizing the impact of construction and construction traffic on adjoining and nearby roadways to the extent practicable, in close consultation with the local jurisdiction having authority over the site. TR-IAMF#2 identifies a minimum of 14 elements that must be included in the CTP traffic control plans. The traffic control plans must be coordinated with the local jurisdiction with authority, providing a mechanism both for design review of the traffic control plans and monitoring. TR-IAMF#11 requires the preparation of a specific CMP with a stated performance measure of maintaining transit access during the construction period. TR-IAMF#11 also describes six construction activities that may limit transit access during the construction period that will be addressed in the CMP, which will be a part of the CTP. Pedestrian and bicycle accessibility will be provided and supported across the corridor, as documented in the technical memorandum required by TR-IAMF#12, with a performance standard of maintaining a priority for safety for pedestrians and bicycles to encourage maximum potential access from nonmotorized modes. Specific strategies to achieve the standard are identified, such as maintaining or enhancing local access programs such as Safe Routes to School and access for vulnerable populations adjacent to construction areas. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1503

The comment states that the Draft EIR/EIS omitted analysis of VMT from construction vehicles. The Authority developed the methodology and significance criteria applied for the Draft EIR/EIS assessment in accordance with CEQA and NEPA guidelines. The Draft EIR/EIS followed the best practices and guidance provided by the OPR in its Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018). OPR indicates that “transit and active transportation projects generally reduce VMT and therefore are presumed to cause a less-than-significant impact on transportation. This presumption may apply to all passenger rail projects, both bus and rapid transit projects, and bicycle and pedestrian infrastructure projects. Streamlining transit and active transportation projects aligns with each of the three statutory goals contained in SB 743 by reducing GHG emissions, increasing multimodal transportation networks, and facilitating mixed use development.” The Draft EIR/EIS goes beyond the OPR guidance and provides total VMT by county for 2040 with and without the project, the approach recommended by OPR for estimated VMT impacts from projects that have a potential VMT effect. The VMT analysis concluded that the HSR project would result in a reduction in VMT, which provides the basis for the conclusion that the project would not have a VMT impact. Further, CEQA Guidelines Section 15064.3, subdivision (a), states, “For the purposes of this section, ‘vehicle miles traveled’ refers to the amount and distance of automobile travel attributable to a project.” Regarding this Guideline section, the OPR guidance explains, “Here, the term ‘automobile’ refers to on-road passenger vehicles, specifically cars and light trucks. Heavy-duty truck VMT could be included for modeling convenience and ease of calculation (for example, where models or data provide combined auto and heavy truck VMT).”

As a construction VMT analysis is not required under CEQA for projects that would reduce VMT, a construction VMT analysis was not prepared as part of the EIR/EIS. However, as described in the response to submission FJ-1164, comment 1504, additional details about construction traffic at the LMF associated with the transport and disposal of materials at off-site facilities has been added to Impact TR#3 in the Final EIR/EIS. In addition, the Authority has committed to implementation or project features such as TR-IAMF#2, which would minimize impacts from construction traffic through preparation of a CTP that would identify activities to maintain traffic flow and institute traffic controls. The CTP would be developed in close consultation with the local jurisdiction having authority over the site and would provide the opportunity for local input on the activities to be performed under the plan.

### 1164-1504

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation, FJ-Response-TR-2: Construction Traffic and Parking Management.

The comment asserts that the Draft EIR/EIS fails to provide analysis or evidence to support Impact TR#2 or Impact TR#3, improperly defers impact analysis and mitigation, and understates the severity of the project’s construction traffic impacts. The Authority disagrees with these assertions. Please refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation. Please also refer to Standard Response FJ-Response-TR-2: Construction Traffic and Parking Management, which describes the approach to the construction-related traffic impact analysis.

Impact TR#2 in Section 3.2, Transportation, of the Draft EIR/EIS relates to the temporary consequences of road closures, relocations, or modifications to intersection operations, while Impact TR#3 relates to the temporary consequences of added construction vehicle traffic on major roadways and intersections. For the affected area in Brisbane, Impact TR#2 in the Draft EIR/EIS provides the following discussion of effects related to road closures, relocations, and/or modifications. Construction of the East Brisbane LMF under Alternative A would require the realignment of Tunnel Avenue to the east to allow construction of the LMF, and a temporary street closure to reconnect both ends of the realigned segment. Construction of either the East or West Brisbane LMF would require realignment of the Tunnel Avenue overpass and extension of Lagoon Road in Brisbane, which would require temporary street closures to reconnect these realigned streets. The realignment of the Tunnel Avenue overpass would also include relocating the southern terminus of Tunnel Avenue from the Bayshore Boulevard/Old County Road intersection to the Bayshore Boulevard/Valley Drive intersection, which may require temporary lane closures at these intersections. Impact TR#2 indicates that these changes would lead to temporary changes in vehicle circulation and/or temporary disruption of transportation system operations. The CEQA conclusion for Impact TR#2 is that construction of both alternatives would result in an increase in congestion and intersection delay, but that automobile delay is not a significant environmental impact under CEQA. The contractor would prepare a CTP as described in TR-IAMF#2 to reduce conflicts caused by construction. TR-IAMF#2 calls for the preparation of a detailed CTP by the contractor for the project, for the purpose of minimizing the impact of construction and construction traffic on adjoining and nearby roadways, in close

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1504

consultation with the local jurisdiction having authority over the site.

Since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process. Construction of the new Tunnel Avenue overpass under both project alternatives would occur prior to removing the existing Tunnel Avenue overpass from operation, eliminating the need for a temporary road closure. As such, access to Tunnel Avenue and Sierra Point would be maintained throughout construction. Revisions have been made throughout the Final EIR/EIS, including to Impact TR#2, to clarify the construction phasing for the Tunnel Avenue overpass.

Impact TR#3 in the Draft EIR/EIS indicates that construction of the Brisbane LMF would result in construction traffic, including heavy truck traffic entering and exiting the LMF construction site to deliver materials, transport demolished or excavated materials, and move heavy construction equipment onto the construction site. The CEQA conclusion for Impact TR#3 is that construction vehicle operations under both alternatives would result in an increase in congestion and intersection delay, but that automobile delay is not a significant environmental impact under CEQA. The contractor would prepare a CTP as described in TR-IAMF#2 to reduce conflicts caused by construction vehicle traffic. All truck traffic, either for transporting excavated materials from the site or for transporting construction materials to the site, would use the designated truck routes in each city (TR-IAMF#7) to the extent feasible. For LMF construction in Brisbane, this would most likely involve accessing US 101 at the US 101/Candlestick Point interchange immediately east of the LMF sites. Trips for construction workers would generally occur outside of peak hours for roadway and freeway traffic. The contractor would limit the number of construction employees arriving or departing the site between the hours of 7:00 a.m. and 8:30 a.m. and 4:30 p.m. and 6:00 p.m. (TR-IAMF#6). The contractor would also limit construction material deliveries between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. on weekdays to reduce traffic conflicts generated by construction traffic. Any roadway closures due to project construction would be limited in duration and alternative access routes would be provided.

To address comments received on the Draft EIR/EIS, additional details about

### 1164-1504

construction traffic at the LMF associated with the transport and disposal of materials at off-site facilities has been added to Impact TR#3 in the Final EIR/EIS. This additional information includes an estimate of daily employee trips and truck trips, likely truck routes for transport of materials off-site, and a qualitative assessment of the effects of the peak levels of construction activity on the transportation network. This additional information did not result in a change to the impact determinations under CEQA or NEPA for Impact TR#3.

### 1164-1505

Please refer to the response to submission FJ-1164, comment 1503, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1506

The comment states that the Draft EIR/EIS must evaluate the LMF construction VMT. Assumptions regarding truck trips required for disposal of materials excavated at the site of the East or West Brisbane LMF have been refined for the Final EIR/EIS. Refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS. Accordingly, additional details have been added to Section 3.2, Transportation, and Section 3.3, Air Quality and Greenhouse Gases, of the Final EIR/EIS. None of the revisions to the analysis resulted in changes to the impact determinations under CEQA or NEPA. No revisions were required in Section 3.4, Noise and Vibration, which previously evaluated trucks as part of the construction noise impact analysis and concluded that there would be significant and unavoidable construction noise impacts.

In Section 3.2, additional information about construction traffic at the LMF associated with the transport and disposal of materials at off-site facilities has been added to Impact TR#3 in the Final EIR/EIS. This new content includes an estimate of daily employee trips and truck trips, likely truck routes for transport of materials off-site, and a qualitative assessment of the effects of the peak levels of construction activity on the transportation network. This additional information did not result in a change to the impact determinations under CEQA or NEPA for Impact TR#3. Refer to the response to submission FJ-1164, comment 1503, regarding evaluation of VMT from construction vehicles.

### 1164-1507

The comment notes that the Draft EIR/EIS forecasts used for the LOS analysis do not include the Brisbane Baylands development. Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. The Brisbane Baylands project is not yet an approved project and environmental review of the project is still pending.

Analysts developed forecasts of vehicles that would travel on the freeways and roads for the Draft EIR/EIS using the model developed by VTA staff for C/CAG. This forecasting tool was identified as the most appropriate for the project because it was designed and calibrated for that purpose. The VTA model accurately reflects land use, travel demand, and infrastructure changes within the RSA for the Draft EIR/EIS horizon years. The land use forecasts were based on the most recent ABAG land use forecasts available at the time of NOP/NOI release in May 2016 when the Authority began work on the Draft EIR/EIS. Forecasts developed for virtually all major transit projects in the United States are prepared based on socioeconomic forecasts as developed by the relevant metropolitan planning organization without adjustments. The Draft EIR/EIS followed this best practice by using the most current ABAG forecasts as of May 2016, which are based on an economic assessment of the reasonable level of growth forecast in the Bay Area by 2040. The ABAG land use forecasts are reviewed by local agencies as they are developed. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1508

The comment suggests that Draft EIR/EIS should have used an existing conditions baseline in addition to future baselines for the transportation analysis and incorrectly asserts that no explanation for this approach was provided. As explained under the Baseline Operational Analysis subheading in Section 3.2.4.3, Methods for Impact Analysis, of the Draft EIR/EIS, since this project would not commence operation for almost 10 years and would not reach full operation for almost 25 years, use of existing conditions as a baseline to assess impacts of project operations would be misleading (initial Silicon Valley to Central Valley operations are planned for 2029 with Phase 1 service commencing in 2033). Therefore, the analysis of project operations uses a multiple baseline approach.

For the operational VMT analysis, future 2029 and 2040 baselines were used to provide the most accurate depiction of the project's impacts at a time when the project would be operational and when it would actually have an operational effect on VMT or levels of service. For assessing traffic effects due to project operations, the Authority evaluated the project's LOS traffic effects against existing and background (No Project) conditions forecast for 2029 (4th and King Street Station only) and 2040.

Since the project will not operate until 2029, comparison of project operational impacts in 2029 or 2040 to existing VMT or existing levels of service would assign all changes in VMT or level of service from the present to 2029 or 2040 that occur due to other development and projects to the HSR project, which would be misleading and would be of no informational value in analyzing or understanding the impacts of the HSR project itself. Furthermore, analysis of an operational scenario combining project operations and existing conditions would also be misleading and of no informative value since it is an impossible condition to occur in the real world. The comment did not warrant or result in any revisions to the Draft EIR/EIS.

### 1164-1509

The comment suggests that the trip generation estimates for the Brisbane LMF in the Draft EIR/EIS were erroneous. The trip generation for the Brisbane LMF sites was calculated based on an estimated 150 employees at the proposed facility. The Brisbane LMF vehicle trip generation was based on trip rates identified in the Institute of Transportation Engineers Trip Generation for a general light industrial use. It was assumed that full employment of 150 employees would be required by 2040. The LMF is forecast to generate approximately 470 daily vehicle trips, with roughly 70 vehicle trips each during the AM and PM peak hours. From a daily perspective, the forecast of 470 daily trips represents 3.13 trips per employee. This trip level is reasonable for the LMF use as it reflects the two daily vehicle trips (one in, one out) that would be made if every employee drove to work each day as well as an additional amount of trips due to visitors and deliveries. Not every employee is expected to drive to work every day because a measurable share are expected to travel to the LMF by transit given the close proximity of the LMF to the adjacent Bayshore Caltrain Station, and not all employees would work every day. From a peak hour perspective, the light industrial trip generation rate applied to the LMF forecasts that about 15 percent of all daily trips would occur during the AM peak hour (highest hour between 7:00 a.m. and 9:00 a.m.) and 15 percent of all daily trips occur during the PM peak hour (highest hour between 4:00 p.m. and 6:00 p.m.). The LMF would operate 24 hours a day with three shifts, with each shift varying in level of activity. The night shift would be the most active for train maintenance activities. A representative schedule would involve a morning shift from 6:00 a.m. to 2:00 p.m., an afternoon shift from 2:00 p.m. to 10:00 p.m., and the largest night maintenance shift from 10:00 p.m. to 6:00 a.m. None of these shifts would involve employees arriving or departing for their work commutes during the AM peak period (7:00 a.m. to 9:00 a.m.) or PM peak period (4:00 p.m. to 6:00 p.m.). As such, the use of the Institute of Transportation Engineers trip rate for a general light industrial use, which estimates 30 percent of trips occur during the two peak hours, is conservative and likely overstates the effect of the LMF on intersection operations during the weekday peak hours. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1510

The comment suggests that the intersection LOS in the Draft EIR/EIS is erroneous in that it omitted the Brisbane Baylands development from the forecasts and did not evaluate the Bayshore Boulevard/San Bruno Avenue intersection. Please refer to the response to submission FJ-1165, comment 1507, which addresses the forecasts used for the LOS analysis and treatment of the proposed Brisbane Baylands development for the Draft EIR/EIS.

The comment also suggests that the intersection LOS analysis in the Draft EIR/EIS is erroneous in that it did not evaluate the Bayshore Boulevard/San Bruno Avenue intersection. The study intersections evaluated in the Draft EIR/EIS include critical intersections located around HSR stations or maintenance facilities as well as critical intersections near at-grade crossings. As explained in Table 3.2-1 in Section 3.2, Transportation, the study locations include intersections that would be physically modified by the project or would serve 50 or more project trips in either the AM or PM peak hour. A total of 158 intersections were evaluated in the Draft EIR/EIS based on this methodology. During project scoping in 2016, the Authority submitted letters to each of the jurisdictions along the alignment with a proposed list of study intersections and the basis for selecting those locations. The Authority added 15 study intersections based on requests from seven local jurisdictions. The LMF, which is estimated to generate a total of about 70 peak hour vehicle trips, would add substantially less than 50 peak hour trips to the Bayshore Boulevard/San Bruno Avenue intersection that is located approximately 2 miles south of the parking facilities for the LMF alternatives. As lead agency, the Authority developed the methodology and significance criteria applied for the Draft EIR/EIS assessment in accordance with CEQA and NEPA guidelines. The Authority identified a common methodology for identifying study intersections along the corridor, and for other corridors throughout the state, to provide a fair and consistent evaluation of project impacts. Please refer to Sections 3.2.4.4, Method for Evaluating Impacts under NEPA, and 3.2.4.5, Method for Determining Significance under CEQA, of the Draft EIR/EIS for a description of the methods and impact criteria incorporated within the transportation assessment. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1511

The comment notes that the Draft EIR/EIS did not evaluate intersections along Visitacion Avenue or the Valley Drive/Park Place intersection. Based on feedback provided by the City of Brisbane and other public comments, the extension of Visitacion Avenue from Old County Road to Valley Road has been removed from the project alternatives since publication of the Draft EIR/EIS. Revisions have been made to the project description in Chapter 2, Alternatives, and to the impact analysis throughout the Final EIR/EIS to reflect the removal of this roadway extension. This change to the project did not require any revisions to Impact TR#4 in Section 3.2, Transportation.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1512

The comment states that the Draft EIR/EIS should identify impacts based on policy conflicts with each jurisdiction's general plan or local circulation element. Section 3.2.3, Consistency with Plans and Laws, of the Draft EIR/EIS provides an overview of the General Plan review process and lists where the project alternatives were deemed to be inconsistent with 11 policies, programs, or objectives in General Plans for jurisdictions along the corridor. Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS provides a statement of each policy that the project is inconsistent with and an explanation of any inconsistency, reconciliation approaches that the Authority has committed to take to reconcile any inconsistency, and a rationale for moving the project forward if it remains inconsistent with the policy despite the approaches. Relevant policies in the City of Brisbane General Plan were reviewed for this policy consistency analysis in the Draft EIR/EIS. Although the Draft EIR/EIS describes the project's inconsistency with local plans to provide a context for the project, inconsistency with such plans is not in itself considered an environmental impact, as discussed in more detail in Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The comment states that the Draft EIR/EIS analysis of conflicts with policies for transit, nonmotorized transportation and vehicular circulation is unsupported and incomplete. As an example, the comment states that the design of the Brisbane LMF would preclude the planned Geneva Avenue overcrossing of the Caltrain right-of-way. Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which addresses the consideration of the Geneva Avenue extension and Geneva-Harney Bus Transit Project in the Draft EIR/EIS. While the Geneva Avenue Extension and the related Geneva-Harney BRT project are not included in the environmental baseline, they are included in Plan Bay Area 2040 (ABAG and MTC 2017). Additional information has been added to Impact TR#11 of the Final EIR/EIS to address the project's consistency with Plan Bay Area 2040 with respect to the Geneva-Harney BRT project. As explained in the added text, because construction of the Geneva Avenue extension would remain feasible under both project alternatives, albeit with increased costs and some implications on circulation within the proposed Brisbane Baylands development, there would be no conflict with Plan Bay Area 2040 or effect on any future bus routes that would use the extension when constructed.

### 1164-1512

The commenter raises no other specific concerns or evidence for the assertion that the analysis of conflicts with policies for transit, nonmotorized transportation and vehicular circulation is inadequate. Accordingly, no further response is required.

### 1164-1513

The comment states that the Draft EIR/EIS's analysis of conflicts with plans, policies, and regulations focuses almost exclusively on LOS impacts and must recognize the project's conflicts with circulation element policies. Please refer to the response to submission FJ-1164, comment 1512. Relevant policies in the City of Brisbane General Plan Circulation Element were reviewed for the policy consistency analysis in the Draft EIR/EIS. Section 3.2.3, Consistency with Plans and Laws, of the Draft EIR/EIS identifies that the project would be inconsistent with Policy C.2 of the Brisbane General Plan. The commenter references Table Metis-1 in the comment letter, which identifies additional potential conflicts with policies in the circulation element of the Brisbane General Plan. Please refer to the responses to submission FJ-1165, comments 2228 through 2233, which address the project's consistency with Policies C.2, C.3, C.5, C.6, C.7, C.44, and Program C.5a of the Brisbane General Plan.

### 1164-1514

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

In response to comments on the Draft EIR/EIS, the Authority conducted further analysis and developed site-specific mitigation measures for consideration that could reduce identified adverse traffic effects identified in the EIR/EIS. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation considered and proposed for the NEPA traffic delay effects. Since one of the screening criteria is that mitigation measures for consideration should not result in unmitigable secondary environmental impacts, the mitigation measures presented in the Final EIR/EIS would not result in new significant impacts nor substantially more severe impacts than presented in the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1515

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation, FJ-Response-TR-4: Project Impacts on Freight.

The comment suggests that Draft EIR/EIS mitigation measures TR-MM#3 and TR-MM#5 are improperly deferred mitigations with no performance standards. Please refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation. The Draft EIR/EIS provides a set of effective and enforceable mitigation measures to address transportation impacts, which are consistent with NEPA and CEQA requirements.

The performance standard of Mitigation Measure TR-MM#3 is minimizing the duration of disruption of passenger and freight operations and maintaining reasonable level of service while allowing for an expeditious completion of construction. This would be accomplished by preparation and implementation of a railway disruption control plan during construction. The construction contractor is required to coordinate with Caltrain and UPRR in advance and during any potential disruption to passenger or freight operations or Caltrain or UPRR facilities. The construction contractor is also required to maintain emergency access to and from Caltrain and UPRR throughout construction. As explained in Standard Response FJ-Response-TR-4: Project Impacts on Freight, TR-MM#3 has been modified in the Final EIR/EIS to incorporate additional consultation requirements for coordination between the Authority and freight operators and shippers and to incorporate other measures to minimize construction disruption.

Mitigation Measure TR-MM#5 calls for the Authority to make a fair share contribution to pedestrian improvements at the 4th and King Street station. The mitigation measure requires that the contractor work with Caltrain and the City and County of San Francisco to develop an improvement plan to increase sidewalk capacity on Fourth Street along the station frontage between Townsend Street and King Street. The exact design of the sidewalk improvement would be a function of the timing of HSR service levels and implementation of DTX. The mitigation measure calls for the Authority's contractor to work with Caltrain and the City and County of San Francisco to develop a specific improvement plan to increase sidewalk capacity. These plans will account for both the Townsend Corridor Improvement Project that was under construction at the time of the Draft EIR/EIS preparation and any improvements that Caltrain constructs prior to HSR operation pursuant to a mitigation measure for a pedestrian impact identified at the station in the PCEP EIR.

### 1164-1516

The comment suggests that the Draft EIR/EIS mitigation measures are uncertain and unenforceable because they require approvals and actions by other agencies and that the Authority may not rely on these mitigations to conclude that certain significant impacts would be less than significant under CEQA with mitigation. The Authority disagrees with this assertion. The mitigation measures would be enforced through agreements between the Authority and the design-build contractor, who would be obligated to complete TR-MM#2 (transit priority treatments) prior to commencement of rail operations, TR-MM#4 (sidewalk improvements connecting the relocated San Carlos Caltrain station to land uses in the current station location) prior to construction of Alternative B, and TR-MM#5 (sidewalk improvements at the 4th and King Street Station) prior to construction. The Draft EIR/EIS concludes that TR-MM#2 would not fully mitigate impacts to Muni Routes 30, 45, and 55, and that the impacts would be significant and unavoidable under CEQA given the level of congestion that is forecast to occur in 2040 in San Francisco in the vicinity of the 4th and King Street Station and along the 16th Street corridor. The provision of funding to implement transit signal priority treatments to address affected SamTrans and VTA routes is deemed to be feasible in terms of the likelihood that the Authority and agencies would reach agreement on the improvements, and those transit effects are thus deemed to be less than significant with mitigation. The construction of sidewalk and streetscape improvements in San Carlos at the relocated Caltrain station under Alternative B and sidewalk improvements in San Francisco at the 4th and King Street Station are deemed to be feasible in terms of the likelihood that the Authority and agencies would reach agreement on the improvements, and those pedestrian effects are thus deemed to be less than significant with mitigation.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1517

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment asserts that the Draft EIR/EIS cumulative transportation analysis is inadequate because the land use forecasts used for the cumulative transportation analysis are unclear, that the cumulative analysis does not include the Baylands development, that the cumulative analysis should be revised to include all reasonably foreseeable development projects, that the cumulative analysis should identify whether cumulative impacts cause location-specific conflicts, and should identify cumulative conflicts with each jurisdiction's General Plans or local circulation elements to determine if the Project's impacts are cumulatively considerable.

Contrary to the commenter's assertion, the EIR/EIS analysis complies with CEQA and NEPA. Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which addresses the topics of the Draft EIR/EIS approach to plans and projects in general, including with respect to the Baylands development and cumulative impacts. Analysts developed forecasts of vehicles that would travel on the freeways and roads for the Draft EIR/EIS using the model developed by VTA staff for San Mateo County for the C/CAG. The land use forecasts were based on the current ABAG land use forecasts available at the time of NOP release in May 2016, which is ABAG Projection 2013 as noted in the comment. ABAG Projection 2013 was developed for Plan Bay Area, MTC's regional transportation plan with a 2040 horizon year. The Baylands project in Brisbane was not included in ABAG Projection 2013 because it was not an approved project at the time; environmental review of the project is still pending as of September 2021. It is standard practice for major transit projects to use the current land use forecast for the adopted regional transportation plan, as was the case for the Draft EIR/EIS forecasts, and not an unconstrained list of land use development. The Draft EIR/EIS followed this best practice by using the most current ABAG forecasts as of May 2016, which are based on an economic assessment of the reasonable level of growth forecast in the Bay Area by 2040. The current adopted regional transportation plan, Plan Bay Area 2040, which was adopted subsequent to the NOP release, also has a horizon year of 2040 with similar 2040 household and employment forecasts for San Mateo County as the Plan Bay Area forecasts that were used in the Draft EIR.

Section 3.2.3, Consistency with Plans and Laws, of the Draft EIR/EIS provides an overview of the General Plan review process and lists where the project alternatives were deemed to be inconsistent with policies, programs, or objectives in General Plans

### 1164-1517

for jurisdictions along the corridor. Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS provides a statement of each policy that the project is inconsistent with and an explanation of any inconsistency, reconciliation approaches that the Authority has committed to take to reconcile any inconsistency, and a rationale for moving the project forward if it remains inconsistent with the policy despite the approaches. Relevant policies in the City of Brisbane General Plan were reviewed for this policy consistency analysis in the Draft EIR/EIS. Although the Draft EIR/EIS describes the project's inconsistency with such local plans to provide a context for the project, inconsistency with such plans is not in itself considered an environmental impact.

The Authority's cumulative impacts analysis was conducted at an appropriate level of detail to inform decision makers. The analysis considered the Project's contributions to cumulative impacts as well as those from projects plans, and actions identified over three counties, and 19 jurisdictions along the 49 miles of the project area. The analysis focuses on the contributions of the project to cumulative impacts.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1518

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The Authority disagrees with commenter's assertion that AQ-IAMF#1 is improperly deferred mitigation because it calls for the contractor to prepare a detailed fugitive dust control plan after project approval and includes no performance standards to be achieved. Please refer to Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Final EIR/EIS for a description of the specific standards included in AQ-IAMF #1 (e.g., limits on travel speed, suspending activities when wind speeds exceed 25 mph). Further, as discussed in Section 6.4.7, Project Design Features, of Appendix 3.3-A, Air Quality and Greenhouse Gases Technical Report, of the Draft EIR/EIS, AQ-IAMF#1 is consistent with BAAQMD's basic and enhanced fugitive dust control measures. As discussed in that section, AQ-IAMF#1 is expected to reduce fugitive dust from ground disturbance (e.g., scraping and grading activities), unpaved vehicle travel, and demolition by 75 percent, 75 percent, and 36 percent, respectively. Consistent with BAAQMD guidance, with AQ-IAMF#1, impacts related to fugitive dust emissions would be less than significant. Preparation of the fugitive dust control plan by the contractor at the time of construction and after project approval is appropriate for AQ-IAMF#1 because it is impractical and infeasible to develop the plans until the segment contracts are in place and on-the-ground environmental conditions are assessed, and the measure includes specific performance standards for the plan and types of actions that may achieve the standards. Further, these standards are consistent with BAAQMD's regulatory standards.

### 1164-1519

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1520

The air quality and GHG analyses in Section 3.3.6, Environmental Consequences, have been revised to account for the effects of the SAFE Rule on emissions in the Final EIR/EIS. Accounting for the effects of the SAFE Rule did not change the impact conclusions. Also, text has been revised throughout Section 3.3, Air Quality and Greenhouse Gases, to acknowledge the May 12, 2021, proposed rule that would repeal the SAFE Rule. The air quality analysis for the Final EIR/EIS was completed before issuance of this proposed repeal and therefore includes the effects of the SAFE Rule on light-duty vehicle emission rates. As of August 1, 2021, NHTSA has not issued a final rule.

### 1164-1521

The air quality analysis presented in Impact AQ#5 of the Final EIR/EIS (formerly Impact AQ#3 in the Draft EIR/EIS) provides sufficient detail to characterize impacts of the project. As shown in Tables 3.3-18, 3.3-20, 3.3-22, and 3.3-23, the only exceedances of standards in the San Francisco to South San Francisco Subsection, which includes Brisbane, are due to the PM10 background levels already exceeding the PM10 CAAQS. Because background levels already exceed the CAAQS, all receptors would experience concentrations greater than the standard even without the HSR project. During construction, the maximum concentrations would occur at receptors nearest the alignment. The incremental increases in PM10 concentrations due to project construction would vary by construction location and project alternative, and would range from 0.8 µg/m<sup>3</sup> to 22.8 µg/m<sup>3</sup> (24-hour average) and from 0.1 µg/m<sup>3</sup> to 3.5 µg/m<sup>3</sup> (annual average). These incremental increases would represent 1.2 percent to 33.0 percent (for 24-hour average) and 0.5 percent to 15.8 percent (for annual average) of the background concentrations, and 1.1 percent to 24.8 percent (for 24-hour average) and 0.5 percent to 13.5 percent (for annual average) of the total concentrations. The maximum concentrations could occur for up to the duration of construction in the subsection (about 18 months for the LMF under Alternative A or 35 months under Alternative B, and 53 months for the subsection as a whole), depending on the specific construction sites and schedule. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1522

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

As discussed in Section 2.4.8, Maintenance Facilities, in the Draft EIR/EIS, maintenance activities conducted at the LMF would include train washing, interior cleaning, wheel truing, testing, and inspections. These activities produce negligible TACs. The emissions for the LMF are also discussed in Section 6.3.2, Light Maintenance Facility, of Volume 2, Appendix 3.3-A, Air Quality and Greenhouse Gases Technical Report, of the Draft EIR/EIS. As stated in that section, the anticipated truck traffic to the LMF during operations would be only 20 trucks per day, and the TAC emissions from this volume of trucks would be negligible. That section also discusses emissions from a diesel-fueled emergency generator. The generator is required to obtain an air quality permit from BAAQMD, which requires that health risks remain less than BAAQMD thresholds. The Authority conducted a site-specific health risk assessment of the LMF. As shown in Table 10-2 of Appendix 3.3-A of the Draft EIR/EIS, the estimated risks are less than the BAAQMD thresholds.

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1523

Please refer to the response to submission FJ-1164, comment 1522, which explains that operation of the Brisbane LMF would produce negligible TAC/MSAT emissions from maintenance activities and from anticipated truck traffic to and from the LMF. The BAAQMD health risk assessment guidance referenced by the commenter was not used for the purposes of assessing exposure to MSATs because it is oriented toward freeways, manufacturing facilities, and similar large sources, and does not discuss assessment of sources with very low TAC/MSAT emissions. In contrast, the FHWA guidance is specifically intended for analysis of MSATs and applies to all quantities of emissions, and therefore was used to assess exposure to MSATs as part of Impact AQ#10 in the Draft EIR/EIS (renumbered as Impact AQ#12 in the Final EIR/EIS). With respect to the analysis of local PM<sub>2.5</sub> concentrations presented under Impact AQ#12 in the Draft EIR/EIS (renumbered as Impact AQ#14 in the Final EIR/EIS), the BAAQMD guidance was not used for the purposes of this analysis because it does not provide a specific methodology for analysis of PM<sub>2.5</sub> "hot spots" while the USEPA guidance is specifically intended for this purpose. TAC/MSAT emissions from the projected volume of trucks would be negligible. Operation of the emergency generators at the LMF was also assessed as part of Impact AQ#12 in the Draft EIR/EIS. BAAQMD guidance specifies a radius of 1,000 feet around an emissions source as the area within which impacts on receptors should be considered. As noted in Table 3.3-26 of the Draft EIR/EIS, BAAQMD does not require a health risk analysis for receptors at distances greater than 1,000 feet. There are no receptors within 1,000 feet of the locations of the Brisbane LMF emergency generators, therefore, a health risk analysis was not required per BAAQMD guidance. The comment did not result in any revisions to the Draft EIR/EIS.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1524

Long-term operations of the project would result in a net reduction of regional and statewide GHG emissions when compared to 2015 existing conditions and the 2029 and 2040 No Project conditions. Construction of the project would result in the temporary generation of GHG emissions, which are disclosed in Table 3.3-27 of the Draft EIR/EIS in compliance with the requirements of CEQA Guidelines, Section 15064.4, subdivision (a). Both the total GHG emissions for the construction of the project and the amortized emissions are calculated and disclosed. In determining whether the project's construction-related GHG emissions are cumulatively considerable (per CEQA Guidelines §15064.4, subd. (b), 15183.5), the Authority considered the net GHG reductions that the project would achieve during its operations (because of reduced car and aircraft trips in Northern California and statewide). As disclosed in Table 3.3-27 of the Draft EIR/EIS, the total construction-related GHG emissions would be completely offset by project operations in approximately 1 to 7 months. Accordingly, the project would result in a net reduction in GHG emissions that would be beneficial to the RSA and the state of California and would help meet local and statewide GHG reduction goals. Therefore, the Authority properly determined the project does not result in an incremental contribution of GHGs that is cumulatively considerable. The Authority's Sustainability Policy does not require the project to achieve net-zero construction GHG emissions, but presents net-zero as a principle and an objective for the project. Since the project results in net reductions in GHG emissions that are far greater than the short-term construction-related emissions, the project goes beyond net-zero GHG emissions. The Authority disagrees with the commenter's assertion that construction GHG emissions should be considered separately from the project operational reductions and mitigated because a delay in reducing GHG emissions worsens the climate crisis. Because the radiative forcing impacts from GHG emissions are cumulative, the year in which they are emitted is of less importance than for criteria pollutants, which are subject to annual standards. The operational reductions for the project are far greater than the short-term construction emissions, and although the reductions would not occur until after construction, the project's contribution to the cumulative climate change impact is not significant, but instead beneficial. All feasible emission reduction measures would be implemented for the project to reduce GHG emissions, including AQ-IAMF#3 (renewable diesel fuel) and AQ-MM#2 (a new mitigation measure incorporated into the Final EIR/EIS that includes additional on-site measures, such as electric and alternative-fuel vehicles and equipment) to minimize

### 1164-1524

construction-related GHG emissions to the degree feasible. In response to this comment, the calculation of "payback period" in Table 3.3-27 of the Final EIR/EIS has been clarified.

### 1164-1525

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The Authority's process for implementing offsets under AQ-MM#1 (renumbered to AQ-MM#2 in the Final EIR/EIS) would be effective in offsetting emissions generated during construction of the project through the funding of emissions reduction projects. The measure requires that prior to issuance of construction contracts, the Authority would enter into an agreement with the BAAQMD to reduce ROG/VOC and NOx emissions to the required levels. As noted by the commenter, the measure establishes a detailed process and standards for offset projects.

With regard to uncertainty, the Authority coordinated with BAAQMD to confirm the feasibility of this measure, and confirmed that based on BAAQMD's experience, implementation of an offset agreement is feasible mitigation that effectively achieves actual emissions reductions. Based on the performance of current incentive programs and reasonably foreseeable future growth, BAAQMD has confirmed that enough emissions reduction credits would be available to offset emissions generated by the project for all years in excess of the BAAQMD's thresholds and General Conformity *de minimis* thresholds (refer to Volume 2, Appendix 3.3-B, General Conformity Requirements and Process). The specific projects, which must meet the requirements specified, would be identified by BAAQMD and funded by the Authority at the time of construction based on exceedances identified. *Gray v. County of Madera* is not applicable here. In that case a traffic impact fee was found improper because there was no evidence of a definite commitment to the traffic improvements needed to mitigate the traffic impact identified. AQ-MM#1 (renumbered to AQ-MM#2 in the Final EIR/EIS) is not an impact fee but instead a commitment to fund specific projects that achieve the emission reductions required to offset construction emissions below BAAQMD's thresholds and to meet the General Conformity Rule. As described above, BAAQMD has confirmed there would be sufficient credits available to offset the emissions. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1526

Project features that minimize air quality impacts (AQ-IAMF#1 through AQ-IAMF#6) are described in detail in Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Final EIR/EIS. These project features represent the best available on-site controls to reduce construction emissions. For example, AQ-IAMF#1 minimizes fugitive dust emissions consistent with BAAQMD's requirements and recommendations, and AQ-IAMF#3 minimizes exhaust emissions from off-road equipment through the use of renewable diesel fuel. The Authority has also included, as part of AQ-MM#1 in the Final EIR/EIS, on-site mitigation measures for project-related on-road vehicles and off-road equipment that were suggested by BAAQMD. The Authority will implement all feasible on-site mitigation measures. Please also refer to the response to submission FJ-1164, comment 1525.

### 1164-1527

The Authority's Sustainability Policy does not require that the project achieve net-zero emissions. It presents a principle that sets net-zero emissions as a goal. The commenter refers to AQ-MM#3, which was not a mitigation measure in the Draft EIR/EIS. The Authority believes the commenter may have intended to refer to AQ-MM#1 (now renumbered to AQ-MM#2 in the Final EIR/EIS). For construction-related pollutants that require offsets to comply with the General Conformity Rule, with implementation of AQ-MM#2, the project achieves net-zero emissions. For construction-related exceedance of BAAQMD's thresholds, AQ-MM#2 offsets VOC (under Alternative B only) and NOx emissions (for both alternatives) to below BAAQMD's CEQA thresholds, and thereby result in less-than-significant impacts under CEQA for Impacts AQ#1 and AQ#2 (the latter of which was renumbered to Impact AQ#4 in the Final EIR/EIS). The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1528

Please refer to the response to submission FJ-1164, comment 1524. As discussed under Impact AQ#14 in the Draft EIR/EIS, construction of both alternatives would result in a less-than-significant GHG impact because emission reductions during operations from reduced auto and aircraft trips would more than offset the short-term construction-related contribution to increased GHG emissions. Accordingly, mitigation to reduce construction-generated GHG emissions is not required. The Authority's Sustainability Policy states the goal of reducing GHG emissions. This goal is not a CEQA significance threshold, has not been adopted as such by the Authority or BAAQMD, and the project is not inconsistent with the policy. Therefore, no revisions to the Draft EIR/EIS or recirculation is required to address the policy.

As for incorporation of best management practices to minimize GHG emissions, AQ-IAMF#3 requires construction contractors to use renewable diesel fuel in all heavy-duty off-road diesel-fueled construction equipment and on-road diesel trucks, which would reduce associated GHG emissions. Construction of the project is also subject to the Authority's Sustainability Policy, which requires recycling 100 percent of the steel and concrete from construction and demolition and diverting at least 75 percent of all other construction and demolition waste from landfills, unless local regulations specify a higher diversion rate. The Authority is also committed to sustainable and local procurement. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1529

The comment asserts that the air quality cumulative analysis is inadequate.

Please refer to the response to submission FJ-1164, comment 1531, which explains that the cumulative analysis focuses on the potential for the project to combine with other past, present, and reasonably foreseeable projects, and result in significant cumulative impacts. A cumulative air quality analysis does not require a project-level analysis of the effect of the HSR project on any particular future development project, but instead the total effect of the HSR project plus other cumulative projects.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1530

The comment asserts that a cumulative project-specific cancer risk and chronic health hazard assessment complying with BAAQMD requirements should have been conducted. A cumulative cancer risk assessment was conducted for the Draft EIR/EIS as discussed in Section 3.18, Cumulative Impacts, and the results are shown in Tables 3.18-3 and 3.18-4. Following BAAQMD guidance, the cumulative assessment includes the existing ambient risk/exposure levels from existing sources in proximity to the project in combination with the project.

Regarding the footnote to the two tables, it refers only to the fact that the analysts assumed that the project generator emissions would be less than the project-specific thresholds of 10 in a million cancer risk, <1.0 chronic hazard index, and <0.1 microgram per cubic meter of PM<sub>2.5</sub>. Those levels are presumed because BAAQMD mandates that they must be less than these levels or BAAQMD will not issue a permit. The footnote has been revised in the Final EIR/EIS to clarify this point and to delete the prior incorrect reference stating that no cumulative assessment was conducted.

Regarding emergency generators, when permitting the generator, the Authority will demonstrate to the satisfaction of BAAQMD that generator operation will not result in cancer or acute hazard impacts in excess of BAAQMD's health risk thresholds of significance, as required under Regulation 2, Rule 5, Section 302. The Authority will operate the LMF generator in compliance with its BAAQMD air quality permit. Therefore, generator operation will not result in a significant cancer or acute hazard impact. Generators are routinely permitted by BAAQMD in compliance with the cited regulation. Once HSR obtains its permit, it will comply with all BAAQMD requirements concerning the installation of emergency generators.

### 1164-1531

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment asserts that the cumulative air quality analysis did not take into account any development at Brisbane Baylands. For more information on the consideration of the Brisbane Baylands in both project and cumulative analyses, please refer to the standard response referenced above.

The cumulative analysis focuses on the potential for the project to combine with other past, present, and reasonably foreseeable projects, and result in significant cumulative impacts. Cumulative air quality analysis does not require project-level analysis of the effect of the HSR project on any particular future development project, but instead the total effect of the HSR project plus other cumulative projects.

For example, as described in Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, the City of Brisbane has approved a General Plan Amendment indicating land use designations for the Baylands area, but as of September 2021, there is no specific plan or other development entitlement (e.g., vesting tentative map) indicating precise placement of land uses in relation to the Caltrain corridor. Accordingly, it would be speculative to draw conclusions about air quality effects on any specific sensitive receptors that may or may not eventually be present at the Brisbane Baylands. Please also refer to the response to submission FJ-1164, comment 1532.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1532

The comment questions the methodology for the cumulative operational air quality analysis.

As stated in Draft EIR/EIS Section 3.18.6.2, Air Quality and Greenhouse Gases, the methodology for the air quality analysis relies on regional models and is thus inherently cumulative. Specifically, Section 3.18.6.2 states that the cumulative analysis uses the same thresholds as the project-level thresholds developed by the BAAQMD, which are based on projections of future development (i.e., projections method) relative to existing conditions. CEQA Guidelines Section 15130(b) states that a cumulative impact analysis can be conducted using either the "list" method or the projections method.

Criteria pollutant concentrations that exceed air quality standards under modeled conditions are considered to reflect the cumulative impacts resulting from contributors in the air basins. Exceedance of project-level thresholds indicates that there would be both a project-level and a cumulative impact.

As referenced in Draft EIR/EIS Section 3.3, Air Quality and Greenhouse Gases, BAAQMD thresholds used for the analysis of regional criteria pollutants are designed to assess a project's contribution to regional air quality as described in the BAAQMD 2017 CEQA guidance for their thresholds.

Regarding cumulative TACs, please refer to the response to submission FJ-1164, comment 1530.

### 1164-1533

The conclusions regarding the project's contribution to cumulative impacts are provided on Draft EIR/EIS page 3.18-24 and comply with CEQA requirements. As stated on page 3.18-24, construction of either of the project alternatives, in combination with cumulative projects, would result in significant cumulative impacts. With respect to NO<sub>x</sub>, the project alternatives' contribution to this significant cumulative impact would not be cumulatively considerable because purchase of offsets through project-level mitigation would offset NO<sub>x</sub> emissions to below the BAAQMD threshold. The BAAQMD criteria pollutant thresholds (for all criteria pollutants, not just NO<sub>x</sub>) are specifically designed to assess a project's contribution to cumulative regional emissions (as described in the BAAQMD 2017 CEQA guidelines, which were specifically referenced in Draft EIR/EIS Section 3.3, Air Quality and Greenhouse Gases). As such, when a project mitigates its contribution of a criteria pollutant below a BAAQMD criteria pollutant threshold, the BAAQMD considers the project to not make a considerable (or significant) contribution to cumulative air quality impacts. With respect to PM, the project alternatives' contribution would be cumulatively considerable because total PM<sub>10</sub> and PM<sub>2.5</sub> concentrations would exceed the CAAQS and would remain above the CAAQS even after all feasible mitigation. No further mitigation is available to address this cumulative impact, which would be significant and unavoidable. With respect to health risk, the impact of project construction would be cumulatively considerable because the BAAQMD cumulative thresholds would be exceeded. Although the contributions of the project alternatives by themselves are less than the BAAQMD thresholds, emissions from construction of cumulative projects, including the project alternatives, would lead to cancer risks and PM<sub>2.5</sub> concentrations greater than the thresholds, and so would result in a cumulative impact. The exceedances are the result of existing ambient risks. No further mitigation is available to address this cumulative impact, which would be significant and unavoidable. Regarding the assertion that a project's construction cumulative contribution must be analyzed pre-mitigation, as described in Section 3.18, Cumulative Impacts, the cumulative analysis discloses a significant cumulative impact related to NO<sub>x</sub> before consideration of project mitigation for NO<sub>x</sub>. Similarly, project construction contributions to cumulative PM impacts are identified as cumulatively considerable before mention of project mitigation. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1534

Refer to Standard Response FJ-Response-CUL-2: Changes to the Archeological Survey Report.

The comment expresses concern that the Authority did not investigate the potential to encounter unrecorded resources during project construction and that the Authority did not consider known archaeological sites that could be classified as historical resources. Chapters 6 and 7 of the project's ASR contain an analysis to assess the potential for encountering unrecorded archaeological resources (Authority 2019b). The findings of this analysis are summarized in Section 3.16.6.1, Archaeological Resources, of the Draft EIR/EIS. Both the ASR and Draft EIR/EIS identified and discussed all archaeological sites with documentation on file at the NWIC as of May 2016 in the APE; the analysis of impacts on these resources is presented under Impact CUL#2. Additionally, the potential for disturbance of unknown archaeological resources is addressed under Impact CUL#1. As explained in Standard Response FJ-Response-CUL-2: Changes to the Archeological Survey Report, the identification of known archaeological resources reflected in the ASR and EIR/EIS represents the most accurate data available at the time of the NOP/NOI in May 2016, which established the existing conditions baseline for the Draft EIR/EIS. All archaeological resources that were not previously evaluated for NRHP eligibility were assumed to be eligible for the NRHP in the EIR/EIS (Table 3.16-2). Not all resources were accessible at the time the ASR and EIR/EIS were prepared, and both documents propose phased identification once the project design is finalized. In instances where either known resources could not be accessed or where archaeological sensitive areas were identified, CUL-MM#1 calls for the treatment of archaeological resources in accordance with the stipulations provided in the PA and MOA. The PA stipulates the development of an archaeological treatment plan for the investigation and treatment of both known and unknown archaeological resources. CUL-MM#2 calls for adherence to the MOA, PA, and ATP in the event of an archaeological discovery. CUL-MM#3 provides for the treatment of all known archaeological resources (either determined or assumed eligible). Combined, these mitigation measures would mitigate for impacts to both known and unknown archaeological resources. With respect to the commenter's assertion that the Draft EIR/EIS failed to consider known archaeological resources, please refer to the responses to submission FJ-1164, comments 1535 and 1536. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1535

Refer to Standard Response FJ-Response-CUL-1: Baseline for Identification of Historic Properties, FJ-Response-CUL-2: Changes to the Archeological Survey Report.

This comment states the Authority should have sought additional information about archaeological sites, and that the Draft EIR/EIS is inadequate because it did not consider the results of a technical study presented to the City of Brisbane in June 2020 to inform identification of archaeological resources in the ASR. Identification of known archaeological resources, including presence, location, and extent, reflected in the ASR and analyzed in the EIR/EIS represents the most accurate data available via record search and archaeological sensitivity analysis at the time of the NOP/NOI in May 2016, which established the existing conditions baseline for the Draft EIR/EIS. Findings from the technical study presented to City of Brisbane in June 2020 were not available at this time for analysis in the ASR. The SHPO concurred with the identification of archaeological resources as represented in the ASR in August 2019, as well as the FOE Report for those historic properties in May 2020. The Authority has prepared the appropriate analysis in the ASR to identify known cultural resources and establish the likely presence of previously unidentified cultural resources within the APE. As such, the existing analysis provides sufficient understanding of archaeological sensitivity within the APE to assess effects in the EIR/EIS. To address the risk of encountering unknown archaeological resources, CUL-MM#1 calls for the treatment of archaeological resources in accordance with the stipulations provided in the PA and MOA. This mitigation measure also explicitly identifies approaches to resource-specific mitigation. The PA stipulates the development of an archaeological treatment plan for the investigation and treatment of both known and unknown archaeological resources. The archaeological treatment plan includes methods for subsurface testing to the maximum depth of ground disturbance or until sediments with limited sensitivity for containing archaeological deposits are encountered in areas defined as having a high degree of archaeological sensitivity (including areas in the vicinity of known archaeological sites). CUL-MM#2 calls for adherence to the MOA, PA, and ATP in the event of an archaeological discovery. Combined, these mitigation measures would mitigate impacts to both known and unknown archaeological resources, including potential archaeological resources that may be encountered at the West Brisbane LMF site. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1536

Please refer to the response to submission FJ-1164, comment 1535, which explains that the PA stipulates preparation of an ATP. This plan includes methods for subsurface testing to the maximum depth of ground disturbance or until sediments with limited sensitivity for containing archaeological deposits are encountered in areas defined as having a high degree of archaeological sensitivity, including areas in the vicinity of known archaeological sites. Please also refer to Section 3.16.8, Mitigation Measures, of the EIR/EIS, which identifies cultural resources mitigation measures (CUL-MM#1 through CUL-MM#3) that would mitigate impacts on both known and unknown archaeological resources.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1537

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The IAMFs are project features the Authority committed to incorporating into the project design to avoid or minimize the environmental impacts of the statewide HSR system to the maximum extent possible. As explained in Standard Response FJ-Response-GEN-5, the IAMFs were developed on a statewide level to ensure consistency across all sections of the HSR project and typically represent best practices, industry-recognized performance standards, and compliance with regulatory requirements.

As described in Section 3.16, Cultural Resources, of the Draft EIR/EIS, the cultural resources IAMFs require thorough documentation of resources in close enough proximity to be potentially damaged during construction prior to initiating construction and would establish guidance and procedures for avoiding inadvertent damage and demolition during construction.

For example, cultural resource specialists will create a geospatial data layer to identify the locations of all known archaeological and historic built resources and provide it to the design builder's required project archaeologist (CUL-IAMF#1). Based on the information presented in this layer, the project archaeologist will notify construction staff which areas would require pre-construction cultural resource surveys or archaeological monitoring. Construction staff will be trained through a worker environmental awareness program (WEAP) that describes the legal context for cultural resource protection and the types of cultural sites, features, and artifacts that could be uncovered during construction. The WEAP training sessions will enable construction personnel to recognize potential archaeological resources if uncovered during construction if a monitor is not present, and what actions to then take, thereby minimizing the impact on that resource from construction activities (CUL-IAMF#2). Archaeologists will conduct pre-construction cultural resource surveys in all areas not previously surveyed because of lack of legal access except for locations that lack ground exposure, such as paved areas (CUL-IAMF#3). These surveys reduce the area that could contain unknown archaeological resources or historic properties and therefore minimizes potential impacts on unknown resources by providing assurance that HSR cultural resource protocols and procedures will be implemented on previously inaccessible portions of the APE. The geospatial data

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1537

and surveys will further inform the relocation of access areas and laydown sites if their location will potentially affect newly discovered archaeological resources or historic built resources (CUL-IAMF#4). Monitoring requirements include preparation of an archaeological monitoring plan (CUL-IAMF#5) for archaeologically sensitive areas; implementation of the plan during construction further reduces the potential to disturb archaeological materials.

Cultural resource specialists will prepare pre-construction conditions assessments for resources not adversely affected by the project where the project footprint crosses into the historic property boundary or where resources sensitive to impacts are identified. To protect the resources, the MOA, supported by a more detailed BETP, will be prepared to stipulate which properties would be included in the Pre-Construction Conditions Assessment, Plan for Protection of Historic Built Resources, and Repair of Inadvertent Damage, and will articulate the requirements of those protection activities (CUL-IAMF#6). An architectural historian will monitor the efficacy of the protective measures, as defined in the plan. Should any inadvertent damage occur during construction, the contractor's qualified architectural historian and, if needed, a structural engineer will assess the damage and determine the best approach to repair the buildings, following the SOI's Standards for the Treatment of Historic Properties and in consultation with the Authority and the SHPO. A built environment monitoring plan (BEMP) will be prepared prior to construction to detail the monitoring methods and process required prior to initiation of ground-disturbing activities within 1,000 feet of the property (CUL-IAMF#7). The contractor will implement these planning documents to put protective measures in place prior to the start of construction (CUL-IAMF#8).

The EIR/EIS identifies potential impacts and describes the effectiveness of the IAMFs in avoiding and minimizing impacts. The IAMFs include sufficient specificity to support their effectiveness. The Authority includes IAMF requirements in the design-build contracts for the HSR system and tracks them through planning, design, construction, and operation as part of contract compliance. This ensures common interpretation of the design features so that they are fully and effectively implemented. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1538

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Please also refer to the response to submission FJ-1164, comment 1537.

As stated in Section 3.16.7.1, Overview, of the Draft EIR/EIS, reconnaissance-level field surveys were not conducted for the archaeological investigation because of access and visibility limitations. The Authority is conducting a phased approach to archaeological site identification and evaluation as parcel access is obtained and design work is completed. Once parcels are accessible, additional surveys for archaeological resources would be completed in accordance with the documentation requirements stipulated by the Section 106 PA. Should the Authority determine, in consultation with the SHPO, that any newly identified historical resources would be adversely affected, the ATP would be amended to document mitigation measures agreed upon by the MOA signatories.

The archeological monitoring plan and implementation would provide assurances that construction activities would be conducted in a manner consistent with HSR cultural resource protocols and procedures. Oversight by the cultural resource compliance manager and monitoring by qualified cultural resource and tribal monitors of construction activities near archaeologically sensitive areas would reduce the potential for inadvertent construction impacts on cultural resources.

In addition, the EIR/EIS identifies a host of Mitigation Measures that will reduce significant impacts.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1539

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Please also refer to the response to submission FJ-1164, comment 1537.

A built environment monitoring plan (BEMP) will be prepared prior to construction to detail the monitoring methods and process required prior to initiation of ground-disturbing activities within 1,000 feet of the property (CUL-IAMF#7). The preparation of a BEMP is a common construction best practice. The BEMP will describe the properties that will require monitoring, the type of activities or resources that will require full-time monitoring or spot checks, the required number of monitors for each construction activity, and the parameters that will influence the level of effort for monitoring. Monitoring maximum vibration thresholds will be included in the BEMP. Refer to Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Final EIR/EIS for the full text of CUL-IAMF#7.

Contrary to the commenter's suggestion, the EIR/EIS does not rely on CUL-IAMF#7, by itself, to find that the impacts on historic built resources would be less than significant. CUL-IAMF#7 is one of several IAMFs included as part of the project design. Section 3.16, Cultural Resources, also identifies and discusses 11 mitigation measures that would mitigate significant impacts to cultural and archaeological resources.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1540

Please refer to the response to submission FJ-1164, comment 1537.

### 1164-1541

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Please refer to the response to submission FJ-1164, comment 1537, which describes how geospatial data and pre-construction surveys would inform the relocation of access and laydown sites should newly discovered resources be affected. If avoidance is not feasible, then mitigation measures described in Section 3.16.8, Mitigation Measures, of the Final EIR/EIS, would be applied. Mitigation available to address disturbance of unknown archaeological resources includes avoidance, evaluation, and data recovery (CUL-MM#1); methods to address unanticipated discoveries (CUL-MM#2); and mitigation for impacts on unidentified Native American archaeological resources (CUL-MM#3).

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1542

Refer to Standard Response FJ-Response-CUL-4: Continued Tribal Consultation.

This comment suggests the Draft EIR/EIS does not sufficiently analyze impacts on tribal cultural resources. Section 3.16.6.3, Resources of Importance to Native Americans and Other Interested Parties, of the Draft EIR/EIS notes that consultation with the NAHC, Native Americans, and other interested parties did not result in the identification of specific resources of importance to Native Americans and other interested parties in the APE. For more detail about the consultation process applied to identify Traditional Tribal Properties, please refer to Section 3.16.6.3. Because no tribal cultural resources were identified, no further assessment of impacts was required.

As described in Standard Response FJ-Response-CUL-4: Continued Tribal Consultation, the Authority will continue tribal consultation throughout project planning and development of the Section 106 MOA and associated treatment plans. Specifically, the ATP has been prepared in consultation with the tribes to focus on the treatment of known and unknown archaeological resources, and requires the phased identification, evaluation, and mitigation of archaeological resources that may be on parcels for which legal access has yet to be granted. The ATP includes provisions that all inaccessible areas would be surveyed prior to the commencement of any ground-disturbing activities. It identifies archaeological monitoring (CUL-IAMF#5) and Native American monitoring as general treatment measures. It also provides requirements for procedures and protocols to be followed in the event of unanticipated discoveries during construction.

### 1164-1543

This comment expresses concern that mitigation measure development is improperly deferred to the Section 106 consultation process, and mitigation measures in the EIR/EIS do not meet the requirements for effectiveness, enforceability, and non-deferral under CEQA.

The EIR/EIS provides an extensive set of enforceable mitigation measures to address impacts on cultural resources (CUL-MM#1 through CUL-MM#11), which are consistent with 14 Cal. Code Regs. Section 15126.4(b) and fulfill the requirements of CEQA and NEPA. For example, CUL-MM#1 requires compliance with the stipulations regarding the treatment of archaeological and historic built resources in the PA and MOA, which is reasonable given reliance on information that is not currently available. The measure provides a summary of the process for compliance with these agreements, but also indicates that expanded detail on implementation, including assignment of specific responsibilities that ensure the Authority's ability to enforce compliance with mitigation commitments, is available in the BETP and ATP. The process for implementing this mitigation measure reflects standard best practice in the construction industry, particularly for projects requiring a phased approach. CUL-MM#2 also requires compliance with the stipulations of the PA, MOA, and ATP and specifies that activities required by the measure must be performed consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, as well as all state and federal laws. The measure elaborates on specific activities that are consistent with the standards established by these agreements, policy, and laws. CUL-MM#3 also specifies compliance with the MOA and ATP. In addition, it is standard practice for construction projects to include commitments in their contracts and specifications that enforce contractor compliance with the mitigation obligations stipulated in the PA, MOA, and treatment documents. This further supports enforceability of the mitigation measures as written. The practice of halting work in the event of an archaeological discovery is a common best practice in the construction industry because it is effective for projects with a phased approach.

The Draft EIR/EIS mitigation measures are not improperly deferred; they are enforceable and include performance standards and the conclusion that these measures reduce impacts to less-than-significant levels is supported by substantial evidence.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1543

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1544

Please refer to the response to submission FJ-1164, comment 1543. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1545

Please refer to the response to submission FJ-1164, comment 1543. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1546

The cumulative impact analysis for archaeological resources is adequate. It does not assume existing laws, regulations, and mitigation measures would prevent any cumulative impacts on archaeological resources. The analysis explains that compliance with existing laws, regulations, and the mitigation measures identified in Section 3.16, Cultural Resources, would prevent this project's contribution to cumulative impacts from being significant. Moreover, it is reasonable to assume that other projects included in the cumulative impacts analysis would have to comply with applicable laws and regulations related to cultural resources because they are legally required. Further, impacts on archaeological resources are typically location- or resource specific, meaning that it is unlikely multiple projects would cumulatively affect the same resource. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1547

The cumulative impact analysis for archaeological resources appropriately concluded that impacts on archaeological resources would not be cumulatively significant and the project would not result in a cumulatively considerable contribution to a cumulatively significant impact. Section 3.16, Cultural Resources, identifies numerous mitigation measures that will mitigate project-specific impacts. CUL-MM#1, CUL-MM#2, and CUL-MM#3 would reduce Impact CUL#1 and Impact CUL#2 to less-than-significant levels under CEQA; they are mitigation measures that comply with the requirements for mitigation measures sufficient to address impacts on cultural resources under 14 Cal. Code Regs. Section 15126.4(b). The Draft EIR/EIS reasonably assumes that other projects in the cumulative impact analysis will also comply with applicable laws and regulations because they are legally required. In addition, impacts on archaeological resources are typically location or resource specific, meaning it is unlikely that multiple projects would cumulatively affect the same resource. Please also refer to the responses to submission FJ-1164, comments 1535, 1536, and 1546. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1548

The Authority disagrees with the commenter's assertion that the Draft EIR/EIS fails to adequately analyze soils and geologic hazards associated with construction on a landfill. The impacts analysis in Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources, of the Draft EIR/EIS includes summarized technical information sufficient to allow a full assessment of the impacts of the project related to geology, soils, seismicity, and paleontological resources. The discussion in Section 3.9.5, Affected Environment, of the Draft EIR/EIS recognizes the soil and geologic conditions for the former Brisbane Landfill. Specifically, please refer to the Landfill Gas and Refuse subsection under Section 3.9.5.2, Geologic Hazards, which discusses potential hazards and characterizes the soil/geologic condition of having 35 to 40 feet of refuse on Young Bay Mud deposits. Additional description of the LMF location in relation to the landfill has also been added to Section 3.9.5.1, Physiography and Regional Geologic Setting, Geologic Conditions, and Soils, of the Final EIR/EIS.

Please refer to Impact GEO#1 in the Draft EIR/EIS, which addresses risks associated with construction on unstable soils, which is relevant to construction of the Brisbane LMF. As noted under the soft soils subsection of this impact, the design-build contractor would assess geotechnical conditions and, if necessary, employ ground improvement methods such as stone columns, cement deep-soil mixing, or jet grouting, or excavating and replacing soft soil with engineered fill. Heavily loaded structures would be constructed with deep foundations that would transfer the structural loads to noncompressible soil layers. Please also refer to Impact GEO#6 in the Draft EIR/EIS, which addresses geotechnical hazards relevant to construction on a landfill, including the release of flammable gases and potential for ground settlement and slope instability. The risks associated with excavation and landfill gas would be addressed through the preparation of a CMP, which would include gas monitoring during construction, the use of construction BMPs including the use of safe and explosion-proof equipment during construction, and compliance with OSHA/Cal-OSHA regulatory requirements for excavations (GEO-IAMF#3). The risks associated with potential for ground settlement would be addressed through ground improvement such as preloading to reduce future ground settlement or using deep foundations systems such as piles to transfer the weight of a building to soil/rock below the refuse (GEO-IAMF#1). Additionally, buildings would be designed consistent with the California Building Code, requiring the contractor to account for ground settlement resulting from the compression or decomposition of

### 1164-1548

landfill refuse (GEO-IAMF#10). Additional geotechnical information would be collected, and analysis would be performed as a part of the contractor's geotechnical design; this approach is consistent with standard practices for design-build projects, where the environmental analysis process occurs before completion of final engineering design. The project features and compliance with regulatory requirements would ensure that there is no route of exposure to landfill gas associated with the former Brisbane Landfill that results in substantial risks of loss of life or destruction of property, and also that there is no increased risk of loss of life or destruction of property from ground settlement from compression or decomposition of landfill refuse by using safe construction methods, monitoring for gases, and preloading structural areas. Accordingly, the impact would be less than significant under CEQA, and no mitigation would be required.

The comment also indicates that the Draft EIR/EIS does not provide a full characterization of the Brisbane Landfill. Please refer to Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS, for a discussion of the potential contaminants that may be encountered during excavation. Additionally, Impact HMW#10 in Section 3.10 addresses the hazards to the public or environment associated with the handling or release of hazardous materials due to project construction on and within a landfill. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1549

Please refer to the response to submission FJ-1164, comment 1548, which addresses how the Draft EIR/EIS adequately addressed geotechnical hazards relevant to construction on a landfill and explains how project features and compliance with regulatory requirements would result in avoidance or minimization of risks associated with construction on a landfill.

Please refer to the responses to submission FJ-1164, comments 1552, 1553, and 1555, which address the commenter's assertion that IAMFs are deferred mitigation measures.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1550

Please refer to the response to submission FJ-1164, comment 1548, which addresses how the Draft EIR/EIS adequately addressed geotechnical hazards relevant to construction on a landfill.

As explained in Impact GEO#6 of the Draft EIR/EIS, while subsurface landfill gases could pose a risk for construction of the West Brisbane LMF, this risk would be minimized through construction gas monitoring, the use of construction BMPs including the use of safe and explosion-proof equipment during construction, and compliance with OSHA/Cal-OSHA regulatory requirements for excavations (GEO-IAMF#3). The West Brisbane LMF is not expected to be subject to risks associated with ground settlement from the former Brisbane Landfill.

Please refer to Impact HMW#10 in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS, which addresses the hazards to the public or environment associated with the handling or release of hazardous materials due to project construction within a landfill.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1551

The analysis in Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources, of the Draft EIR/EIS was not intended to focus on soil and groundwater cleanup or hazardous materials and wastes; these topics, including Title 27 requirements and the project's consistency with these requirements as they relate to hazardous materials and wastes impacts, are evaluated more fully in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS. However, both Section 3.9.2, Laws, Regulations, and Orders, and Impact GEO#6 were revised in the Final EIR/EIS to include the requirements of Title 27 as they relate to the geology, soils, and seismicity.

### 1164-1552

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

IAMFs reflect project features that are committed to as part of the project design and would result in a tangible avoidance or minimization of environmental impacts as described in the impact analysis for each resource section. There is no requirement to analyze the impacts without implementation of IAMFs because IAMFs would be implemented as part of the project.

As explained in Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources, of the Draft EIR/EIS, project features including IAMFs, design standards, and compliance with the Authority's project design guidelines and technical memoranda would be incorporated into the project to address project construction and operation in areas with geologic, soil, and seismic hazards. Refer to Section 3.9.6.1, Overview, of the Draft EIR/EIS for a discussion of IAMFs relevant to geology, soils, seismicity, and paleontological resources. The mechanisms by which the IAMFs would avoid and minimize impacts are described briefly in the individual impact discussions. They contain sufficient specificity to be effective and are enforceable. Moreover, the IAMF requirements are included in the design-build contracts for the HSR system, and their implementation would be tracked by the Authority through planning, design, construction, and operation as part of contract compliance. This practice would ensure common interpretation of the design features so that they are fully and effectively implemented. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1553

Please refer to the response to submission FJ-1164, comment 1552. The HSR project would be constructed as a design-build project—an approach common for large transportation infrastructure projects. Preliminary engineering design was the basis for the analysis in the Draft EIR/EIS, whereas the final engineering design would be completed by the contractor chosen to build the project. Additional geotechnical information would be collected, and analysis would be performed, as a part of the contractor's geotechnical design. This information would inform the preparation of the CMP (GEO-IAMF#1) which would address groundwater withdrawal, unstable soils, subsidence, water and wind erosion, soils with shrink-swell potential, and soils with corrosive potential and would document how the engineering design appropriately addresses these geologic constraints in accordance with the guidelines and standards documented under GEO-IAMF#10. Due to the design-build approach to the project, the specific details of these design measures are not yet known. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1554

Please refer to the response to submission FJ-1164, comment 1553.

### 1164-1555

Please refer to the responses to submission FJ-1164, comments 1552 and 1553, addressing the commenter's concern regarding IAMFs as deferred mitigation measures. GEO-IAMF#3 would require a CMP addressing how gas monitoring would be conducted during construction, how the project would comply with strict OSHA/Cal-OSHA regulatory requirements for excavation, and construction BMPs including the use of safe and explosion-proof equipment during construction and regular testing for gases. In addition, installation of passive or active venting systems, as well as active monitoring systems and alarms would be required. These measures are proven methods of significantly reducing or eliminating hazards related to potential migration of hazardous gases due to presence of subsurface sources. In this way, GEO-IAMF#3 addresses both worker safety and the safety of the community during construction by reducing the potential for hazards and requiring consultation with regulatory agencies such as the consulting with other agencies as appropriate, such as the Department of Toxic Substances Control, regarding known areas of concern. Other project commitments and actions, discussed in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS would address the long-term requirements for landfill gas monitoring. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1556

The Authority disagrees with the commenter's assertion that the Draft EIR/EIS fails to adequately analyze the impacts associated with construction of the Brisbane LMF. The impact analysis of the Draft EIR/EIS provides summarized technical information sufficient to assess the environmental impacts of the project. Impact GEO#1 addresses project construction on unstable soils, Impact GEO#6 addresses geotechnical hazards relevant to construction on a landfill, and Impact HMW#10 addresses the hazards to the public or environment associated with the handling or release of hazardous materials due to project construction on and within a landfill. Although the commenter may prefer that these topics are consolidated into a single impact discussion, this preference does not relate to the adequacy of the analysis.

Section 3.9.5.1, Physiography and Regional Geologic Setting, Geologic Conditions, and Soils, of the Draft EIR/EIS provides information about the presence of soft soils. Specifically, Figure 3.9-6 maps the soil associations in the RSA and Table 3.9-5 summarizes the soil hazards for each soil association, providing the context for the impact analysis. The analysis under Impact GEO#1 discloses that the Brisbane LMF would be located on artificial fill underlain by Young Bay Mud and would be subject to soft soil conditions. The analysis explains that the design-build contractor would assess geotechnical conditions and, if necessary, employ ground improvement methods such as stone columns, cement deep-soil mixing, or jet grouting, or excavating and replacing soft soil with engineered fill. Heavily loaded structures would be constructed with deep foundations that would transfer the structural loads to noncompressible soil layers. Excavations through soft soil would be benched or braced to keep the excavation stable. Engineering solutions would be developed in accordance with relevant design guidelines and standards such as those developed by AREMA, FHWA, and Caltrans (GEO-IAMF#10) and a CMP would be developed to address how and where these techniques would be used minimize or avoid exposure of people or structures to impacts from soft soil (GEO-IAMF#1). As a result of implementing these project features, construction activities would not increase exposure of people to injury or loss of life or property to damage or destruction from differential settlement or ground failure caused by soft soil. Accordingly, the impact would be less than significant under CEQA, and no mitigation would be required. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1557

This footnote references information from the Final Program EIR for the Brisbane Baylands project regarding the geologic and soil conditions. The Authority has reviewed and confirmed that the conditions described in the Final Program EIR for the Brisbane Baylands project are consistent with the description of geologic and soil conditions presented in Section 3.9.5, Affected Environment, of the Draft EIR/EIS. Specifically, the Landfill Gas and Refuse subsection under Section 3.9.5.2, Geologic Hazards, describes the artificial fill in the Brisbane area overlaid with 35 to 40 feet of solid waste disposed of at the former Brisbane Landfill. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1558

Please refer to the response to submission FJ-1164, comment 1556, which addresses this topic.

### 1164-1559

Please refer to the response to submission FJ-1164, comment 1548, which addresses how the Draft EIR/EIS adequately addressed geotechnical hazards relevant to construction on a landfill. Some of the information identified by the commenter as incomplete is provided elsewhere in the Draft EIR/EIS. For example, Table 2-25 in Chapter 2, Alternatives, of the Draft EIR/EIS provides the amount of excavation and material disposal required for constructing the Brisbane LMF and other project features. This table has been updated in the Final EIR/EIS to clarify the amount of hazardous and solid waste requiring disposal (consistent with information previously included in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS). GEO-IAMF#1 and GEO-IAMF#10 include measures to avoid subsidence. A more detailed discussion of the Title 27 requirements and the project's consistency with these requirements is included Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS. However, both Section 3.9.2, Laws, Regulations, and Orders, and Impact GEO#6 were revised in the Final EIR/EIS to include the requirements of Title 27 as they relate to the geology, soils, and seismicity. Analysis of the environmental impacts of excavating and building the LMF on the former landfill is presented throughout Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1560

Impact GEO#6 in the Draft EIR/EIS addresses geotechnical hazards relevant to construction on a landfill. The analysis was prepared by geotechnical experts whose qualifications are presented in Chapter 11, List of Preparers. However, the Authority agrees that additional geotechnical evaluation is necessary as part of the final design. As described in Section 3.9, Geology, Soils, Paleontological Resources, of the Draft EIR/EIS, additional geotechnical information would be collected and analysis would be performed as a part of the contractor's geotechnical design; this approach is consistent with standard practices for design-build projects, where the environmental analysis process occurs before completion of final engineering design. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1561

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The Authority disagrees with the commenter's assertion that the baseline conditions related to hazardous materials and wastes were not adequately described in the Draft EIR/EIS because Phase I and Phase II ESAs have not been completed. As described in detail in the San Francisco to San Jose Project Section Hazardous Materials and Waste Technical Report, the Authority conducted sufficient analysis to support the characterization of the existing environmental setting, using widely recognized sources. These sources included the identification of PEC sites based on an Environmental Data Resources, Inc. database search; review of property history, public records, aerial photographs, historical maps, and previous environmental reports; regulatory agency files review; and site reconnaissance. Section 3.10.5, Affected Environment, of the Draft EIR/EIS summarizes technical information at a sufficient level of detail to allow a full assessment of the environmental impacts of the project.

HMW-IAMF#1 addresses potential impacts resulting from hazardous materials and waste by requiring completion of a Phase I ESA during the right-of-way acquisition phase. A Phase II ESA (e.g., soil, groundwater, soil vapor subsurface investigations) may be required based on the results of the Phase I ESA. If the Phase II ESA concludes that the site is affected, remediation or corrective action (e.g., removal of contamination, in-situ treatment, or soil capping) will be conducted with approval by state and local agency officials and in full compliance with applicable state and federal laws and regulations. These regulatory requirements are the performance standards.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1562

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The IAMFs are project features the Authority committed to incorporate into the project design and construction. As explained in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS, project features include adherence to federal laws that outline procedures on proper handling and preparation for handling hazardous materials; implementation of material designations and labeling, packaging requirements, and operational rules; and compliance with permit conditions and implementation of a spill prevention, control, and countermeasure plan; and completion of pre-construction activities, including Phase I, Phase II, and Phase III ESAs and coordination with site remediation activities that minimize potential environmental and safety impacts on workers and the general population from the transport, use, storage, and disposal of hazardous materials and wastes and from the disturbance of in-situ hazardous materials. The mechanisms by which the IAMFs would avoid and minimize impacts and their effectiveness are described in the individual impact discussions. The IAMFs include sufficient specificity to support their effectiveness. The Authority includes IAMF requirements in the design-build contracts for the HSR system and tracks them through planning, design, construction, and operation as part of contract compliance. This ensures common interpretation of the design features so that they are fully and effectively implemented.

Refer to the responses to submission FJ-1164, comments 1563, 1564, 1565, 1566, and 1567 which address the commenter's concerns about HMW-IAMF#4 through HMW-IAMF#6 and HMW-IAMF#9 more specifically.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1563

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

HMW-IAMF#4 reduces potential impacts resulting from hazardous materials and waste by requiring a CMP that includes procedures for addressing potential disturbance of undocumented contaminated soil. Since publication of the Draft EIR/EIS, the Authority has further clarified the description of HMW-IAMF#4 in Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Final EIR/EIS. As revised, HMW-IAMF#4 requires the contractor to contact the local RWQCB and the DTSC upon discovery of undocumented contamination. The contractor will work with the RWQCB and DTSC to provide information on the contamination and to establish requirements for investigating the extent of the contamination and remediate it as necessary. The contractor will notify the Authority of the discovery of any undocumented contamination within 24 hours, and will provide a copy of all documentation pertaining to the investigation, remediation, and disposal of the contamination to the Authority within 30 days of completion of the incident. The Draft EIR/EIS does not state that HMW-IAMF#4 would address impacts on sites where contamination is already documented.

The Authority is committed to constructing the project in a manner that is protective of the natural environment and public safety. The Authority incorporated a number of project features that govern the disturbance, use, storage, disposal, and transport of hazardous materials encountered at the East or West Brisbane LMF sites or other sites with known hazardous impacts, including HMW-IAMF#1, HYD-IAMF#3, HMW-IAMF#7, and HMW-IAMF#8. As noted in HMW-IAMF#1, remediation or other corrective action (e.g., removal of contamination, in-situ treatment, or soil capping) will be conducted with state and local agency officials (as necessary) and in full compliance with applicable state and federal laws and regulations.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1564

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

HMW-IAMF#5 avoids or minimizes potential impacts resulting from hazardous materials and waste by requiring a demolition plan for the safe dismantling and removal of building components and debris, including a plan for lead and asbestos abatement, which can be prevalent in older structures. As further explained under Impact HMW#4 in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS, this project commitment requires construction contractors to prepare demolition plans with specific provisions for lead and asbestos abatement for all commercial and industrial buildings or roadways slated for demolition or renovation. Prior to demolition, the contractor will evaluate whether the structures proposed for demolition contain asbestos or lead, in accordance with 15 U.S.C. Section 2601 et seq.; 40 C.F.R. Part 763, Subpart G; and 40 C.F.R. Part 745. Section 3.10, Hazardous Materials and Wastes, describe applicable state and federal regulations, and explain how compliance with those regulations minimizes impacts related to lead and asbestos.

Since publication of the Draft EIR/EIS, the Authority has further clarified the description of HMW-IAMF#5 in Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Final EIR/EIS to identify the federal and state regulations relevant to handling and disposal of demolition debris.

### 1164-1565

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

HMW-IAMF#6 reduces potential impacts resulting from hazardous materials and waste by requiring a preparation of a CMP, including a construction period spill prevention plan. The plan will identify construction BMPs designed to contain and prevent accidental spills, including procedures to clean up any accidental hazardous material release. Since publication of the Draft EIR/EIS, the Authority has further clarified the description of HMW-IAMF#6 in Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Final EIR/EIS. As revised, HMW-IAMF#6 includes the following list of example BMPs: all containers are to remain tightly covered unless removing contents/adding to them; drums and other containers are not to be stacked; all containers with liquids are to have secondary containment; a spill response/containment kit is to be available in the area where the hazardous materials are stored. Following these BMPs will effectively minimize direct risk to workers and the public as well as indirect risk to off-site resources because these BMPs prevent or require quick response to any spills or accidental releases of hazardous materials during construction.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1566

Please refer to the response to submission FJ-1164, comment 1562 which addresses the commenter's assertion that IAMFs are improperly deferred mitigation measures.

The Authority's Sustainability Policy includes commitments to make the use of non-hazardous materials a priority and minimize the use of those harmful to human health or the environment. This policy is incorporated as a project commitment through HMW-IAMF#9, which requires the use of an Environmental Management System to conduct an annual review of hazardous materials used during construction and operation and assess whether there are acceptable nonhazardous material substitutes, and to replace hazardous substances with nonhazardous materials. This process will minimize the use of materials that are harmful to human health and the environment. This IAMF, in combination with the other IAMFs described in Section 3.10, Hazardous Materials and Wastes, ensure that impacts related to hazardous substances are less than significant. It is not possible at this time to evaluate the full inventory of hazardous materials that may be included in the material selection process for construction, operation, and maintenance of the HSR system.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1567

Please refer to the response to submission FJ-1164, comment 1562 which explains that IAMFs are project features committed to as part of the project design and addresses the commenter's assertion that IAMFs are not enforceable. Please also refer to the response to submission FJ-1164, comment 1566.

The reference "[t]o the extent feasible. . ." refers to the Authority's ability to identify acceptable nonhazardous material substitutes, as there may be some instances in which no suitable nonhazardous material substitute is available. If there are such instances, compliance with state and federal regulations and other project features (e.g., compliance with regulations that control the transport, use, and storage of hazardous materials; proper permitting; and the implementation of a written hazard communication plan and spill prevention plan) minimize potential safety impacts on workers and the general population from the transport, use, storage, and disposal of hazardous materials and wastes. To address this comment, the Authority revised the description of HMW-IAMF#9 in Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Final EIR/EIS to clarify that it "will replace hazardous substances with nonhazardous materials to the extent that appropriate substituting materials are available." The Authority has committed to implementing an Environmental Management System and the implementation of the system is not discretionary.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1568

The comment indicates that the Draft EIR/EIS does not provide sufficient analysis of the Brisbane LMF. In response to this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

The Draft EIR/EIS addresses known and unknown contaminants and analyzes impacts accordingly in Section 3.10.6, Environmental Consequences. Phase I and Phase II site assessments will be required during property acquisition and will inform development of the remedial action plan based on the information gathered during those assessments (HWM-IAMF#1). The contractor will comply with applicable state and federal regulations to avoid or minimize risks associated with construction on or near a former landfill, such that construction of the project would not pose a significant hazard to the public or environment (MW-IAMF#7). A remedial action plan would achieve the goal of bringing the contamination level below the regulatory toxic limit for a commercial/industrial site.

### 1164-1569

The comment states that the Draft EIR/EIS does not address long-term protection of human health and the environment within the landfill footprint. Please refer to the Draft EIR/EIS Section 3.10.2.2, State, subsection Closure and Post-Closure Maintenance of Landfills, and Impact HMW#2, which include information pertaining to Title 27 requirements that specify a post-closure cap and maintenance plan be prepared for redevelopment over existing landfills. While the initial impact would be temporary during construction, the intent of the removal action plan is to address long-term protection of human health and the environment in the post-closure condition.

To address this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1164-1570

The comment states that the Draft EIR/EIS does not sufficiently analyze site-specific hazards associated with the LMF construction for both alternatives. The Draft EIR/EIS addresses known and unknown contaminants and analyzes impacts accordingly in Section 3.10.6, Environmental Consequences. As indicated in HWM-IAMF#1, the Authority would conduct Phase I and Phase II site assessments during property acquisition and will inform development of a remedial action plan based on the information gathered during those assessments.

To address this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1571

With respect to the Brisbane Landfill classification, it is considered a Class II landfill based on the RWQCB's WDRs and is subject to the post-closure requirements as a Class II landfill. The comment also states that the Draft EIR/EIS does not provide sufficient analysis of the Brisbane LMF. The Draft EIR/EIS addresses known and unknown contaminants and analyzes impacts accordingly in Section 3.10.6, Environmental Consequences. As indicated in HWM-IAMF#1, the Authority would conduct Phase I and Phase II site assessments during property acquisition and will inform development of the remedial action plan based on the information gathered during those assessments.

To address this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA. A remedial action plan would provide measures and handling procedures for potential hazardous waste encountered.

### 1164-1572

The comment indicates that the Draft EIR/EIS does not sufficiently analyze site-specific hazards associated with the LMF construction for both alternatives. The Draft EIR/EIS addresses known and unknown contaminants and analyzes impacts accordingly in Section 3.10.6, Environmental Consequences. As indicated in HWM-IAMF#1, the Authority would conduct Phase I and Phase II site assessments during property acquisition and will inform development of a remedial action plan based on the information gathered during those assessments. The landfill cap will be developed when more information is available to address the containment of hazards that may remain at the site following disturbance. Please also refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements related to waste disposal, post-closure cap, and maintenance plan for redevelopment over existing landfills.

In response to this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF facilities, has been added to Sections 3.10.5.2, 3.10.5.10, and 3.10.6.2 of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

Please refer to the response to submission FJ-1165, comment 1963, which addresses slope stability. Additionally, Section 3.9, Geology, Soils, Seismicity, and Paleontology addresses issues of soils and slope stability. Project engineers estimated the amount of excavation based on the preliminary engineering design, topographical maps, and available information characterizing the former Brisbane Landfill. This information is at a sufficient level of detail to disclose the environmental impacts of the project, consistent with CEQA and NEPA requirements. Detailed site surveys and grading plans would be developed as part of final design.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1573

The comment asserts that the Draft EIR/EIS provides no information on impacts associated with movement of contaminated soils, the quantity of replacement soil, and disposal locations. Please refer to Impact HMW#1, which addresses the impacts associated with transport, storage, and disposal of hazardous materials and wastes during construction. Please refer to Section 3.6, Public Utilities and Energy, which identifies solid waste facilities that could serve the project and their capacities, including the three RCRA-permitted hazardous waste landfills in California. Additionally, Impact PUE#7 in Section 3.6, provides an estimate of the amount of solid waste and hazardous waste generated by project construction.

Assumptions regarding the quantities of hazardous material to be disposed of under the East Brisbane LMF have been refined for the Final EIR/EIS. Refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS, including those related to the quantity of materials, transport of materials, and disposal locations. Revisions have been implemented or additional clarifying information has been added to Section 3.6, Public Utilities and Energy, and Section 3.10, Hazardous Materials and Wastes, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1164-1574

The comment is noted. The locations and depths of excavations were considered in the estimated earthwork quantities for the Brisbane LMF presented in Table 2-25 in Section 2.10.3, Major Construction Activities, of the Draft EIR/EIS. Project engineers estimated the amount of excavation based on the preliminary engineering design which reflects the proposed elevations of the East Brisbane LMF (20') and West Brisbane LMF (27'), digital elevation models developed by Caltrain for PCEP, and available information characterizing the former Brisbane Landfill. This information is at a sufficient level of detail to disclose the environmental impacts of the project, consistent with CEQA and NEPA requirements. Detailed site surveys and grading plans would be developed as part of final design.

### 1164-1575

Please refer to Section 2.10.3, Major Construction Activities, of the Final EIR/EIS for a description of the construction assumptions used as the basis of the analysis, including the duration of activities such as excavations and transport of materials.

### 1164-1576

The comment is noted and is consistent with information reported in Table 3.6-2 in Section 3.6, Public Utilities and Energy of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1577

The comment incorrectly asserts that there was no factual basis for the estimate that approximately 20 percent of the excavated materials for construction of the West Brisbane LMF would be hazardous materials requiring disposal. The estimate of 432,000 cubic yards of hazardous materials assumed that the top 4 feet of the site would be contaminated. This estimate is comparable to estimates of 20 percent hazardous materials applied to the same site by Baylands Development Inc. in the Draft Final Feasibility Study/Removal Action Plan, San Mateo County Portion of Universal Paragon Corporation Operable Unit (UPC OU-SM) Brisbane, California.

The comment indicates that the Draft EIR/EIS does not address site remediation for the West Brisbane LMF. To address this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns, to support the information in Table 2-25 and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1578

With respect to the commenter's concern that the Draft EIR/EIS does not sufficiently address remediation and handling of hazardous waste please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS for Title 27 requirements. In response to this comment, Impact HMW#10 in the Final EIR/EIS has been clarified as it relates to the requirements of Title 27 and to provide additional information about the excavation quantities and depth (which had been disclosed under Impact HMW#1). Additional clarification of the quantities of hazardous materials that would be transported has been added to Impact HMW#1 in the Final EIR/EIS. Additionally, please refer to Section 2.10.3, Major Construction Activities, of the Final EIR/EIS for additional information about construction assumptions for the project alternatives, including the Brisbane LMF.

Section 3.18, Cumulative Impacts, has been updated to include planned development consistent with the 2018 Brisbane General Plan Amendment analysis, which requires remediation of the site prior to implementation. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1164-1579

The comment that the Authority should approve and develop a Brisbane LMF site only after regulatory agency final approvals is noted. The comment also indicates that the Draft EIR/EIS does not address construction timing for the LMF in relation to the remediation requirements. Refer to Section 2.10, Construction Plan, of the Final EIR/EIS which includes a discussion of the construction assumptions used for the purposes of the Final EIR/EIS, including timing of various construction activities. As shown in Table 2-22, environmental remediation would occur following right-of-way acquisition and before mobilization of construction activities.

### 1164-1580

The comment indicates that the Draft EIR/EIS does not address impacts related to the transport of hazardous wastes. Please refer to Impact HMW#1, which addresses the impacts associated with transport, storage, and disposal of hazardous materials and wastes during construction. The comment did not result in any revisions to the Draft EIR/EIS

### 1164-1581

The comment states that the Draft EIR/EIS does not sufficiently analyze site-specific hazards or regulatory oversight associated with the LMF construction for both alternatives. As described in Section 3.10.6.2, Hazardous Material and Waste Sources, of the Draft EIR/EIS, a Phase III ESA that would address remediation and mitigation as required would be completed. These activities would be performed in accordance with the agency providing oversight. In response to this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS.

With respect to the commenter's assertion that the Draft EIR/EIS does not sufficiently address remediation and handling of hazardous waste, please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses this and Title 27 requirements. In response to this comment, Impact HMW#10 in the Final EIR/EIS has been clarified as it relates to the requirements of Title 27. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1164-1582

Please refer to the response to submission FJ-1164, comment 1581, which addresses this topic.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1583

The comment indicates that the Draft EIR/EIS does not adequately analyze site-specific hazards associated with or address oversight related to the LMF construction for both alternatives. In response to this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. Specifically, Impact HMW#2 under Section, 3.10.6.2 has been revised to clarify the PEC sites that are currently under regulatory oversight. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1164-1584

With respect to the commenter's concern related to Title 27 requirements please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses this topic. In addition, Impact HMW#10 in the Final EIR/EIS has been clarified as it relates to the requirements of Title 27.

Refer to Section 2.10, Construction Plan, of the Final EIR/EIS which includes a discussion of the construction assumptions used for the purposes of the Final EIR/EIS, including timing of various construction activities. As shown in Table 2-22, environmental remediation would occur following right-of-way acquisition and before mobilization of construction activities. Site remediation and landfill closure approvals were added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

### 1164-1585

Additional publicly available information about on-site remediation of the Brisbane Baylands site, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. As part of these updates, additional information regarding the Bayshore Railyard North Area (OU-SM) and the draft cleanup plans released in 2020 was incorporated into Section 3.10.5.10. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1586

The Authority conducted a review of relevant regional and local plans and policies, which are inventoried in Volume 2, Appendix 2-1, of the Draft EIR/EIS. Policy BL.1 of the Brisbane General Plan was not included in the list of relevant policies in Appendix 2-1 because it is specific to requirements for adoption of the Brisbane Baylands Specific Plan and a development agreement for planned residential and commercial uses on Brisbane Baylands.

The Authority is committed to constructing the project in a manner that is protective of the natural environment and public safety. As explained under Impact HMW#2 in the Final EIR/EIS, the Authority would seek regulatory approval for construction at contaminated sites and would work with the appropriate regulatory agencies to achieve remediation objectives for commercial/industrial land uses within the limits of project footprint. Remediation or other corrective action (e.g., removal of contamination, in-situ treatment, or soil capping) would be conducted with state and local agency officials (i.e., DTSC, RWQCB, and San Mateo County Health Systems) and in full compliance with applicable state and federal laws and regulations (HMW-IAMF#1). As explained under Impact HWM#10, for construction of the East Brisbane LMF under Alternative A, the Authority would prepare a removal action plan that prescribes requirements for removal, transportation, and disposal of excavated materials within the landfill footprint. The removal action plan would be executed in accordance with Title 27 landfill closure requirements. Any on-site management, transport, and disposal of hazardous materials associated with construction on the former landfill would comply with applicable state and federal regulations, such as RCRA, CERCLA, the Hazardous Materials Release Response Plans and Inventory Law, and the Hazardous Waste Control Act, as well as permit conditions (HMW-IAMF#7, HMW-IAMF#8). These commitments would be effective in minimizing potential exposure to hazardous materials and wastes. No additional mitigation would be required.

### 1164-1587

The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS and did not result in any revisions to the Draft EIR/EIS. The comment is noted and will be presented to Authority decision makers when considering project approvals.

### 1164-1588

Refer to Chapter 9, Public and Agency Involvement, of the Draft EIR/EIS for a discussion of the consultation with schools conducted by the Authority. In accordance with the provisions of California Public Resources Code Section 21151.4, in July 2020, a letter and NOA were distributed by direct mail to school districts with schools within 0.25 mile of the project alternatives and to schools with facilities within 0.5 mile of the project alternatives. The letter notified these schools and school districts of the project and the circulation of the Draft EIR/EIS for public review; summarized the potential impacts of the project on schools within 0.25 mile and the proposed mitigation measure; and initiated the consultation required by Section 21151.4. This consultation has not resulted in any revisions to HMW-MM#1, which adequately protects schools from potential impacts. As the Authority complied with California Public Resources Code Section 2151.4 during the circulation of the Draft EIR/EIS, the commenter's assertion that consultation has been improperly deferred is incorrect.

### 1164-1589

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The comment asserts that several IAMFs should be included as mitigation measures and not included as part of the project. As described in the standard response, the Authority developed the IAMFs and integrated them into its Tier 2 project designs to avoid or minimize the environmental impacts of the HSR system to the maximum extent possible consistent with its Tier 1 decisions. The commenter raises more detailed concerns about specific IAMFs in subsequent comments. Each of these comments is addressed below. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1590

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The comment asserts that several safety and security IAMFs and a transportation IAMF are improperly deferred mitigation and fail to include performance standards.

SS-IAMF#1 reduces potential safety and security impacts by requiring the contractor to prepare a construction transportation plan that describes the contractor's coordination efforts with local jurisdictions for maintaining emergency vehicle access during construction.

SS-IAMF#2 reduces potential impacts on safety and security by requiring the contractor to document how various federal (FRA), state (OSHA) and Authority (design guidelines) plans, programs and guidelines were considered in HSR design, construction and eventual operation to protect the safety and security of construction workers and users of the HSR. The SSMP includes construction safety and security plans to establish minimum safety and security guidelines during construction and fire/life safety and security programs that address the safety of passengers and employees during emergency response.

SS-IAMF#3 reduces potential safety and security impacts by requiring the contractor to prepare a PHA, CHA, and TVA. The PHA follows the U.S. Department of Defense's System Safety Program Plan Requirements (MIL-STD-882) to identify and determine the facility hazards and vulnerabilities so that they can be addressed by and either eliminated or minimized through system design. CHAs follow FRA's Collision Hazard Analysis Guide: Commuter and Intercity Passenger Service, which provides a step-by-step procedure on how to perform a hazard analysis and how to develop effective mitigation strategies that would improve passenger rail safety. TVAs establish provisions for the deterrence and detection of, as well as the response to, criminal and terrorist acts for rail facilities and system operations.

Finally, TR-IAMF#2 requires preparation of a detailed CTP by the contractor for the project, with a performance standard of minimizing the impact of construction and construction traffic on adjoining and nearby roadways, in close consultation with the

### 1164-1590

local jurisdiction having authority over the site. TR-IAMF#2 identifies a minimum of 14 elements that must be included in the CTP traffic control plans. The traffic control plans must be coordinated with the local jurisdiction, providing a mechanism both for design review of the traffic control plans and monitoring.

The analysis of safety and security also includes mitigation measures as needed where IAMFs do not fully avoid impacts. For example, under Impact S&S#1, temporary road closures, relocations, and modifications would result in a significant impact on emergency access and response times under Alternatives A and B even with TR-IAMF#2. The Draft EIR/EIS includes SS-MM#1 to reduce the impact of passing track construction on emergency access and response times under Alternative B. The IAMFs are enforceable commitments that include applicable performance standards to avoid, reduce, minimize safety and security impacts. The IAMF performance standards reflect standardized and common construction strategies to be employed system-wide to generally avoid or minimize potential environmental impacts.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1591

The comment states that SS-IAMF#1 in the Draft EIR/EIS, which requires the contractor to prepare a construction safety transportation management plan, is inadequate because it does not provide details regarding the maintenance of emergency vehicle access during construction or regarding procedures for implementing road closures, maintaining access to residences and businesses, and providing alternative access locations.

SS-IAMF#1 requires that the contractor prepare a construction safety transportation management plan that describes the contractor's coordination efforts with local jurisdictions for maintaining emergency vehicle access during construction. The construction safety transportation management plan described in SS-IAMF#1 is an element of the CTP described in TR-IAMF#2, which provides a detailed description of traffic control standards as well as a minimum of 14 specific traffic control elements that would be provided in the CTP. The CTP would be developed in close coordination with the local jurisdiction having authority over the site. One of the required elements of the CTP is provisions for 24-hour access by emergency vehicles. The CTP would also identify procedures for any lane closures during construction as well as access to residents and businesses and alternative access locations. SS-IAMF#1 also requires the preparation of monthly reports documenting CTP implementation activities for compliance monitoring.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1592

The comment asserts that certain safety and security and transportation IAMFs are improperly deferred mitigation and fail to include performance standards or specific mitigation options to meet the standards. Please refer to the response to submission FJ-1164, comment 1590, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1593

The comment asserts various deficiencies with SS-IAMF#3, including that it defers analysis and does not specifically mention remediation/closure of the Brisbane Landfill/Brisbane Rail Yard as part of the Brisbane LMF construction.

Regarding the adequacy of SS-IAMF#3, please refer to the response to submission FJ-1164, comment 1590.

Contrary to what the comment implies, the Final EIR/EIS provides extensive background information and well-supported impact conclusions regarding the former Brisbane Landfill. Please refer to the Final EIR/EIS Section 3.10.5.2, Sites with Potential Environmental Concerns, and Section 3.11.5.2, Community Safety and Security, each of which reflect detailed information about the history of the landfill and the potential to encounter hazardous waste. Further, within Section 3.10, Hazardous Materials and Wastes, please refer to the discussion of Impact HMW#10, which takes into account particular issues associated with the former Brisbane Landfill, and discusses the federal and state agencies that would oversee clean up and transfer of materials from this site to an approved ultimate disposal site.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1594

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the Draft EIR/EIS does not adequately analyze construction impacts on emergency response times and that additional mitigation is required.

Impact S&S#1 in the Draft EIR/EIS Section 3.11, Safety and Security, characterized the nature and magnitude of road roadway modifications with the potential to affect emergency response times. This information was included in Table 3.11-9. The analysis explained that the Authority's contractor would, in coordination with local jurisdictions, prepare a Construction Safety Transportation Management Plan for maintaining emergency access during construction, which would specify the contractor's procedures for implementing temporary road closures, including access to residences and businesses during construction, lane closures, signage, detour provisions, emergency vehicle access, and alternative access locations. With implementation of TR-IAMF#2, the Draft EIR/EIS concluded under Impact S&S#1 that temporary road closures, relocations, and modifications would result in a significant impact on emergency access and response times under Alternatives A and B in several locations, including at the realigned Tunnel Avenue (Alternative A), the Tunnel Avenue overpass (Alternatives A and B), and within the jurisdictions along the passing track (Alternative B). Proposed mitigation measure SS-MM#1 is identified to reduce the impact of passing track construction on emergency access and response times under Alternative B, however, the Draft EIR/EIS concluded that impacts would remain significant and unavoidable under both project alternatives after mitigation.

Since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass required for the Brisbane LMF, such that emergency vehicle access to Tunnel Avenue from Bayshore Boulevard would be retained throughout the construction activities. Similarly, construction of the realigned Lagoon Road would also be conducted in stages so emergency vehicle access to Lagoon Road would be retained throughout the construction activities. As a result, during construction of Tunnel Avenue and the relocated Tunnel Avenue overpass as well as Lagoon Road, access to the Sierra Point area and businesses along Tunnel Avenue including the Kinder Morgan tank farm would be maintained. Impact S&S#1 has

### 1164-1594

been revised in the Final EIR/EIS to clarify that the new Tunnel Avenue overpass and realigned Lagoon Road would be constructed and opened prior to closing the existing Tunnel Avenue or Lagoon Road. Please also refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access for additional information.

### 1164-1595

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the estimated road closure associated with the Tunnel Avenue overpass was underestimated. The Draft EIR/EIS disclosed that the major roadway modifications, such as that proposed for the relocated Tunnel Avenue overpass could take up to 2 years (see Table 2-24), and that temporary road closures associated with this construction would last between 1 to 3 months.

However, since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction period. Construction of the new Tunnel Avenue overpass under both project alternatives would occur prior to removing the existing Tunnel Avenue overpass from operation, eliminating the need for a temporary road closure. Revisions have been made throughout the Final EIR/EIS to clarify the construction phasing for the Tunnel Avenue overpass. Refer to Impact S&S#1 in Section 3.11, Safety and Security, of the Final EIR/EIS for detailed descriptions and illustrations of the proposed construction phasing.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1596

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the Draft EIR/EIS does not evaluate fire service emergency routes sufficiently. Impact S&S#6 addresses continuous permanent impacts on emergency access and response times due to station traffic and increased gate-down time. The emergency vehicle assessment focuses on whether trips generated by the LMF alternatives in Brisbane would have an effect on local intersections. The HSR stations located in San Francisco and Millbrae would not add trips to local intersections and because there are no at-grade crossings, they would not be affected by added gate-down time in Brisbane. The LMF sites would generate approximately 70 peak hour trips. When assigned to the local roadway network in Brisbane, no LOS effects were identified for the study intersections west of US 101. As such, no continuous permanent impacts on emergency access and response times were identified in Brisbane.

For discussion of construction effects on emergency vehicle access in Brisbane, please refer to the response to submission FJ-1164, comment 1413 and Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

### 1164-1597

The comment states the closure of Tunnel Avenue would affect emergency response times and makes assertions regarding SS-IAMF#1 and SS-IAMF#2. Please refer to the response to submission FJ-1164, comment 1413 and Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access, which address this topic. Please also refer to submission FJ-1164, comment 1590, which addresses SS-IAMF#1 and SS-IAMF#2.

### 1164-1598

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the closure of the Brisbane Fire Station would result in a significant impact. As explained in detail in the standard response, the Authority has identified a feasible approach to phased construction that would construct a new operational fire station prior to closure of the existing fire station. In addition, emergency vehicle access to Tunnel Avenue and Lagoon Road would be maintained throughout construction. Revisions have been made to the impact analysis throughout the Final EIR/EIS to reflect these changes.

### 1164-1599

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the closure of the Tunnel Avenue overpass would have a dramatic adverse effect on the Police Department's ability to respond to emergencies east of the Caltrain railroad. As described in the standard response, the Final EIR/EIS has been revised to clarify that the new Tunnel Avenue overpass would be constructed prior to closure of the existing Tunnel Avenue overpass to avoid impacts on emergency access and general access during construction.

### 1164-1600

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the Draft EIR/EIS must analyze the impact of increased emergency response times in the event of a disaster. As described in the standard response, the Final EIR/EIS has been revised to clarify that the new Tunnel Avenue would be constructed prior to closure of the existing Tunnel Avenue to avoid impacts on emergency access and general access during construction.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1601

The comment requests that the Draft EIR/EIS assess how the project may inhibit emergency response to wildfires during construction. Please refer to Section 3.11.6.2, Emergency Services and Response, of the Draft EIR/EIS, which addresses the project's impacts on emergency services and emergency response times. The project would not impede access to San Bruno Mountain during construction because the project would not close any roadways providing access to the mountain in the event of a fire or other emergency. Revisions also have been implemented throughout the Final EIR/EIS to clarify that the relocated Tunnel Avenue overpass would be constructed and opened prior to closing the existing Tunnel Avenue overpass, which would avoid any potential impact on emergency access relative to Tunnel Avenue.

### 1164-1602

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the Draft EIR/EIS fails to analyze the safety impacts of relocating the fire station, construction emergency vehicle access, and the configuration of fire station access. As explained in the standard response referenced above, the Final EIR/EIS includes revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and clarifies the access design for Alternative B. These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff.

### 1164-1603

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the new fire station locations in the Draft EIR/EIS are infeasible. As explained in the standard response referenced above, the Final EIR/EIS includes revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and clarifies the access design for Alternative B. These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff.

### 1164-1604

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the Draft EIR/EIS must analyze the constraints of relocating the fire station to the south. As explained in the standard response referenced above, the Final EIR/EIS includes revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and clarifies the access design for Alternative B. These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff. Revisions have been made to the impact analysis throughout the Final EIR/EIS to reflect this change.

### 1164-1605

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the fire station alternatives in the Draft EIR/EIS are infeasible. As explained in the standard response referenced above, the Final EIR/EIS includes revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and clarifies the access design for Alternative B. These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1606

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the Draft EIR/EIS does not identify how the City's fire station would operate during construction. As explained in detail in the standard response, the Authority has identified a feasible approach to phased construction that would construct a new operational fire station prior to closure of the existing fire station. In addition, vehicle access to Tunnel Avenue and Lagoon Road would be maintained throughout construction. Revisions have been made to the impact analysis throughout the Final EIR/EIS to reflect this change.

### 1164-1607

The comment asserts that the analysis for Impact S&S#1 in the Draft EIR/EIS is inadequate because it does not analyze the magnitude of increased emergency fire response times to vulnerable sites due to the temporary closure of Tunnel Avenue overpass and Tunnel Avenue. Please refer to the response to submission FJ-1164, comment 1594, which addresses this topic.

### 1164-1608

The comment asserts that the Draft EIR/EIS does not analyze safety impacts resulting from delayed emergency response due to bridge and road closures. Please refer to the response to submission FJ-1164, comment 1594, which addresses this topic.

### 1164-1609

The comment asserts that the Draft EIR/EIS does not provide analysis of impacts from potential delayed emergency response times to Golden State Lumber. Please refer to the response to submission FJ-1164, comment 1594, which addresses this topic.

### 1164-1610

The comment asserts that access must be maintained along Tunnel Avenue from Bayshore Boulevard across the Caltrain right-of-way at all times during HSR construction. Please refer to the response to submission FJ-1164, comment 1594, which addresses this topic.

### 1164-1611

The comment notes that the Draft EIR/EIS concludes in Impact S&S#1 that impacts to emergency vehicle access during construction may be significant and unavoidable, yet no mitigation measures are proposed in Brisbane. Please refer to the response to submission FJ-1164, comment 1594, which addresses this topic. The comment also states that Impact S&S#10 should be consistent with Caltrans Interim Safety Guidance. Please refer to the response to submission FJ-1164, comment 1612, which addresses this topic.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1612

The comment states that the safety impact analysis under Impact S&S#10 should have addressed the Caltrans Interim Safety Guidance. The referenced Caltrans Interim Safety Guidance is guidance for Caltrans to review the effect of land use projects and plans affecting the State Highway System for the purpose of Caltrans review of projects during the CEQA process. The Authority is a separate lead agency from Caltrans and can make its own determinations as to the appropriate methods and metrics for analyzing safety impacts; there is no requirement that the Authority comply with the Caltrans Interim Safety Guidance. This interim guidance is intended to apply to proposed land use projects and plans affecting the State Highway System and therefore it does not apply to this project, which is not a land use project.

Nevertheless, the Authority recognizes that the project can be most successful if designed in a manner that is as sensitive as possible to the local environment through which it must travel, while still meeting the unique design constraints of HSR service. Furthermore, through meetings with local agency staff and direct discussions with individual local government officials and staff, the Authority has endeavored to develop a project design that minimizes local impacts and is as consistent with local plans as possible. Consistent with CEQA and NEPA requirements, the project's consistency with local general plans and zoning regulations is discussed in Draft EIR/EIS Section 3.13, Station Planning, Land Use, and Development, and further in Volume 2, Appendix 2-I, Regional and Local Plans and Policies, and Volume 2, Appendix 2-J, Policy Consistency Analysis. Appendix 2-J also contains a discussion of the extent to which the Authority would reconcile the project with the plan as required by 40 C.F.R. Section 1506.2(d).

The comment does not identify any specific deficiencies in the analysis of the actual transportation safety impacts in the Draft EIR/EIS because it does not identify any specific significant safety impacts of the project itself that are not addressed in the EIR/EIS. The comment does not identify any specific safety plans that should have been analyzed in the plan consistency analysis. As indicated in Appendix 2-I (Table 10), the Authority reviewed a wide range of local plans and policies concerning safety, including Brisbane plans related to safety and security. As the comment is nonspecific regarding which plans should have been analyzed in addition to those reviewed and the comment does not specifically identify any safety impacts that were not analyzed, no further response to this comment can be provided.

### 1164-1613

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the Draft EIR/EIS must revise the analysis under Impact S&S#3 to address the constraints associated with relocating Brisbane's fire station to the south. As explained in the standard response referenced above, the Final EIR/EIS reflects revisions to the design for the relocated Brisbane Fire Station (for Alternative A) and clarifies the access design for Alternative B. These revisions were based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff. Revisions have been made to the impact analysis throughout the Final EIR/EIS to reflect this change.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1614

Please refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features, which addresses the commenter's assertion that IAMFs are deferred mitigation.

As noted by the commenter, Section 3.11, Safety and Security, of the Draft EIR/EIS identifies the former Brisbane Landfill as a potential high-risk facility. As explained in Section 3.11.6.1, Overview, during construction the contractor would implement BMPs and design features for methane detection systems, personnel safety training, and fugitive dust control measures.

Please refer to Section 3.10.6.2, Hazardous Material and Waste Sources, of the Draft EIR/EIS, which addresses the project's impacts on the public and environment during construction within and near the former Brisbane Landfill. Specifically, Impact HMW#10 addresses the safety risks associated with the release of flammable gases during construction. Several project features would avoid or minimize risks associated with construction on or near a former landfill, such that construction of either project alternative would not pose a significant hazard to the public or environment associated with the handling or release of hazardous materials into the environment associated with the landfill. HMW-IAMF#2 would reduce potential impacts resulting from hazardous materials and waste by requiring additional methane protection construction procedures for work within 1,000 feet of a landfill including detection systems and personnel training. GEO-IAMF#3 would require the use of safe and explosion-proof equipment as well as testing for gases regularly and installing gas monitoring and venting systems. Accordingly, with these controls in place, construction impacts relative to the release of methane gas would be less than significant. No revisions to the EIR/EIS are required pursuant to this comment.

### 1164-1615

The comment asserts that SS-MM#2 and SS-MM#3 described in the Draft EIR/EIS are deferred mitigation and unenforceable because they require local agency approval and the Authority cannot rely on them to reduce impacts to less-than-significant levels.

The Authority disagrees with the assertion that SS-MM#2 is deferred mitigation and unenforceable. As described in Section 3.11.7, Mitigation Measures, of the Draft EIR/EIS, the mitigation includes the Authority modifying driveway access control for the relocated Brisbane Fire Station under Alternative B. This mitigation measure would install a new mid-block signalized intersection (i.e., signal only for the fire station driveway) and median modifications at the secondary driveway on Bayshore Boulevard between signalized intersections at Valley Drive and Old County Drive to allow fire truck movements and a short southbound left-turn pocket where inbound fire trucks could wait for the fire station signal to be triggered. The details of this measure are fully defined in the Draft EIR/EIS and are not deferred to a later date. In addition, contrary to the commenter's assertions, this modification is technically feasible to construct. The Authority would obtain approval from the City of Brisbane for all work within City-controlled rights-of-way, which is the typical process for any project that affects public roadways. The City of Brisbane can approve such a measure and the commenter provides no evidence that the City would not allow such an improvement to occur. It is in the City's interest for the Authority to implement this measure to avoid impeding emergency vehicle access/response times. The Authority will work with the City of Brisbane during the detailed design phase on the specific designs for this improvement.

SS-MM#3 is also not deferred mitigation or unenforceable. This measure involves installation of emergency vehicle priority treatments near HSR stations in San Francisco, Millbrae, and San Jose. This measure does not require any approvals from the City of Brisbane. The measure is not deferred, but rather presents feasible mitigation options to reduce impacts on fire station emergency access and response time impacts. For example, to address impacts at San Francisco Station 8, the mitigation measures identifies options including installation of a new traffic signal for fire station access at the intersection of either Fourth Street/Bluxome Street or Fifth Street/Bluxome Street and installation of emergency vehicle priority treatments where they do not exist along Fifth Street between Townsend Street and Bryant Street and along Fourth Street between Channel Street and Bryant Street. SS-MM#3 is technically feasible and it is a common

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1615

improvement installed by many municipalities across the country. The comment provides no evidence that San Francisco, Millbrae, or San Jose would refuse such improvements that improve emergency vehicle response times. These improvements do not involve new rights-of-way or substantial construction disruption. As evidence of the feasibility of this measure, the City of San Jose has extensive emergency vehicle priority improvements at hundreds of locations in the city. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1616

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the Draft EIR/EIS identifies a mid-block signalized intersection and median modifications for the relocated Brisbane Fire Station, and there is no guarantee that the proposed relocation would be approved. As explained in the standard response referenced above, the Final EIR/EIS reflects revisions to the design for the relocated Brisbane Fire Station (for Alternative A) and clarifies the access design (for Alternative B). These revisions were based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff.

### 1164-1617

The comment asserts that the Draft EIR/EIS requires the development of an emergency vehicle priority plan and emergency vehicle priority treatments, and states there is no guarantee that the City and County of San Francisco would approve the new traffic control devices. Please refer to response to submission FJ-1164, comment 1615, which addresses SS-MM#3.

### 1164-1618

Refer to Standard Response FJ-Response-SS-2: Emergency Vehicle Response Times.

The comment asserts that SS-MM#4 in the Draft EIR/EIS is an improperly deferred mitigation with no performance standards. SS-MM#4 is identified for locations where increased gate-down time has a significant effect on emergency vehicle response times. This mitigation measure, however, does not apply to any locations in Brisbane, as there are no at-grade crossings in Brisbane.

SS-MM#4 is an adaptive mitigation measure that provides the flexibility to address future conditions around at-grade crossings that are difficult to predict today. Implementation would be based on the following performance measure: an emergency vehicle priority treatment plan would be developed for at-grade crossing locations where increases in emergency response times are 30 seconds or more between the baseline travel time and subsequent "with HSR project" travel times after initiation of HSR service. The performance standard for this measure is a project-related delay of an increase in emergency response times of more than 30 seconds. The mitigation measure identifies eight at-grade crossing locations where travel times would be monitored 1 year prior to implementation of new HSR service to establish a baseline for each corridor, 6 months after initiation of any new service, and annually thereafter for 3 years. Seven emergency vehicle priority treatments are identified for the plan. As an alternative to the listed strategies, the Authority and a local agency may reach a mutual agreement to have the Authority make an in-lieu payment towards other infrastructure projects, including grade-separation projects. The in-lieu payment would be the capital contribution that the Authority would have otherwise made to one or more of the listed emergency vehicle priority treatment strategies.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1619

The comment asserts that SS-MM#4 in the Draft EIR/EIS should be modified so that baseline travel data is collected now to determine baseline travel time. Initial HSR service, however, would not occur for approximately 10 years. Changes in travel patterns between now and that time will occur as a result of changes in population and employment, physical changes to the corridors implemented by local agencies, and other factors not related to the project. Collecting travel time data now would not allow for a determination of whether the project alone causes changes in corridor travel time or if those changes are due to other factors. Please also refer to the response to submission FJ-1164, comment 1618. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1620

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment describes access concerns regarding the proposed relocation of the Brisbane Fire Station. As explained in the standard response referenced above, the Final EIR/EIS includes revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and clarifies the access design (for Alternative B). These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff.

### 1164-1621

Refer to Standard Response FJ-Response-SS-2: Emergency Vehicle Response Times.

The comment asserts that SS-MM#4 in the Draft EIR/EIS is improperly deferred mitigation. Please refer to the response to submission FJ-1164, comment 1618 and the standard response referenced above.

### 1164-1622

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the Draft EIR/EIS must provide details regarding fire station staging facilities, how the construction fits within the project construction schedule, and suggests that SS-MM#4 is proposed to address the relocation of the fire station in Brisbane. Mitigation Measure SS-MM#4 applies to operational delays to emergency vehicle response times related to increased gate down times for at-grade crossings. There are no at-grade crossings in Brisbane. This mitigation measure does not apply to any effects related to the relocation of the fire station in Brisbane. As explained in detail in the standard response referenced above, the existing fire station would remain operational with its current access points during construction until a new fire station is constructed.

### 1164-1623

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the Authority should consider the construction of a temporary replacement fire station during construction. As explained in detail in the standard response referenced above, the existing fire station would remain operational with its current access points during construction until a new fire station is constructed. Accordingly, construction of a temporary fire station would not be warranted.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1624

Refer to Standard Response FJ-Response-SS-2: Emergency Vehicle Response Times.

The comment asserts that SS-MM#4 in the Draft EIR/EIS does not provide the specifics of the Authority's payment of capital funds and no performance measures are articulated. SS-MM#4 applies to at-grade crossing locations where increased gate-down time due to HSR trains would result in significant impacts on emergency vehicle access. As there are no at-grade crossings in Brisbane, this mitigation measure is not applicable to any project-related effects in Brisbane. Please refer to the response to submission FJ-1164, comment 1618 and the standard response referenced above. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1625

The comment states that the Draft EIR/EIS should be revised to provide more current existing conditions baselines for all biological resources. As described in Section 3.7.6, Methods for Evaluating Impacts, in the Draft EIR/EIS, qualified biologists conducted extensive literature reviews to support the characterization of the existing environmental setting, using widely recognized sources. Where access was unavailable (e.g., Icehouse Hill), biologists relied on high-resolution aerial photo interpretation and image processing techniques to map habitat and aquatic resources. The assessment ultimately assumed that all potential habitat for special-status species could be occupied. This broad landcover-based modeling approach reflects the current existing conditions and most likely overestimated the amount of occupied habitat for species within the project area, as not all potentially suitable habitat is occupied.

In early 2021, the USACE conducted a field investigation of the aquatic resources at the Brisbane LMF sites, including the areas around Visitacion Creek and Brisbane Lagoon, for a different project. However, because this work was applicable to this project, the USACE requested that the Authority make additional revisions to the delineation of aquatic resources for the project, which increased the size of some wetlands and reduced the size of others. With the incorporation of USACE's requested revisions based on current site-specific conditions, the boundaries and types of aquatic resources in the Brisbane LMF are accurate and up-to-date. These revisions were incorporated into the land cover mapping for the project and were used to update the land cover, aquatic resources, and species impacts in the Final EIR/EIS.

The comment also states that for the purposes of CEQA, the aquatic resources delineation would not necessarily encompass all wetland resources because the criteria for delineating wetlands for the purposes of the Clean Water Act are more restrictive than other criteria including the state definitions. Please refer to the response to submission FJ-1163, comment 1133, which addresses this topic and describes that the delineation actually included all wetlands that meet federal and/or state definitions and procedures (including the recently adopted state definition and procedures), and thus the impact analysis has taken into account all appropriate aquatic features.

The comment also notes that species-specific surveys consistent with CDFW protocols were not conducted for the Draft EIR/EIS. Please refer to the response to submission FJ-1164, comment 1626, which addresses this topic.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1626

The comment states that according to CDFW comments for a different project, botanical surveys more than 2 years old may overlook the presence or actual density of some special-status plant species and CDFW recommends additional botanical surveys be conducted at the appropriate time of year with proper weather conditions and the results incorporated into the environmental document for review and comment.

Habitat suitability modeling was used to assess potential impacts to special-status plant species because the Authority did not have permission to access many privately-owned parcels. This approach is common and serves to identify potential impacts at a level of detail sufficient to conduct the evaluation under CEQA and NEPA. The Draft EIR/EIS identified significant impacts to special-status plants species and included mitigation measures to reduce those potential impacts to a less-than-significant level. As part of the approach for mitigating impacts, BIO-MM#6 requires pre-construction special-status plant surveys, "consistent with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018c) and Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants (USFWS 2000)." These protocols have specific survey requirements, including requirements to conduct surveys during the appropriate seasonal timing to ensure all potentially occurring plant species are detected, which typically requires multiple surveys in a single season. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1627

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

BIO-IAMF#5 specifically includes a commitment of preparing a BRMP that would compile biological resource mitigation measures and permit conditions and tie implementation of the measures to applicable steps in the construction process. Further, the BRMP would define specific responsibilities and timing to allow for the timely and appropriate implementation of measures. BIO-IAMF#5 would facilitate the Authority's compliance with the mitigation measures in the EIR/EIS but, contrary to commenter's assertion, would not introduce new or different measures from those identified in the EIR/EIS. It works in concert with the specific mitigation measures identified in the EIR/EIS rather than as a stand-alone design feature and does not defer mitigation. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1628

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Although the term Project Biologist is used as an all-inclusive term for all biologists approved to work on the project, as stated in Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Draft EIR/EIS in BIO-IAMF#1, the Project Biologist would be a specific individual or individuals approved by the USFWS, NMFS, and CDFW, if applicable, to conduct specific work. The Project Biologist is responsible for ensuring the timely implementation of the biological avoidance and minimization measures as outlined in the BRMP, and for guiding and directing the work of the Designated Biologists and Biological Monitors.

The comment also requests that BIO-IAMF#2, BIO-IAMF#3, and BIO-IAMF#4 be revised with additional clarifying information. In response to this comment, BIO-IAMF#2 was updated in the Final EIR/EIS to clarify that access to the project site during construction would also be allowed to U.S. Environmental Protection Agency, San Francisco Bay Conservation and Development Commission, and the San Francisco Bay Regional Water Quality Control Board. No additional revisions were warranted to BIO-IAMF#3 or BIO-IAMF#4.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1629

BIO-IAMF#12 includes commitments applicable to where new dedicated HSR track would be built (e.g., the Brisbane LMF, Millbrae Station, and passing track under Alternative B). In other locations along the Caltrain corridor, the OCS system would be installed by Caltrain as part of the PCEP project. As stated in in BIO-IAMF#12, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Draft EIR/EIS, this IAMF requires the project components to be designed using the standards in Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 (APLIC 2006) and Reducing Avian Collisions with Power Lines: State of the Art in 2012 (APLIC 2012). Compliance with these standards for new dedicated HSR track would avoid and minimize impacts on avian species. Contrary to the commenter's assertions, the Draft EIR/EIS does not rely on BIO-IAMF#12 to determine that the project's impacts would be less than significant.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1630

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

The comment asserts that the biological impact analysis fails to address whether structural modifications or relocation of project elements would be required to address sea level rise. As explained in the standard response, PCJPB (as the owner and operator of the Caltrain corridor) would have the primary responsibility for ensuring the overall rail corridor adapts to and remains resilient in the face of sea level rise and climate change, including the mainline tracks between San Francisco and San Jose, stations, and associated infrastructure. At this time, the only land areas owned and operated by the Authority that would be vulnerable to the effects of sea level rise are the East (Alternative A) or West (Alternative B) Brisbane LMF and associated storage tracks within the boundaries of the LMF. To address this vulnerability, and as further detailed in the above standard response, the Authority has designed the Brisbane LMFs to account for the current sea level rise projections for 2050 and 2100, such that the ground surface of the East or West Brisbane LMF would not be susceptible to flooding during the 100-year high tide in either 2050 or 2100. Accordingly, the project design of dedicated HSR facilities has accounted for sea level rise and the impacts associated with the project design have been evaluated throughout the Draft EIR/EIS, including within Section 3.7, Biological and Aquatic Resources.

Sea level rise will be considered by the Authority during the final design selection of mitigation sites and sites would not be chosen that could be at risk of impacts from sea level rise. Please refer to Mitigation Measure BIO-MM#8: Prepare a Compensatory Mitigation Plan for Species and Species Habitat and BIO-MM#9: Implement Measures to Minimize Impacts During Off-Site Habitat Restoration, or Enhancement, or Creation on Mitigation Sites, in the Draft EIR/EIS which further describe how off-site habitat restorations, enhancements, and/or creation address secondary impacts. As described in BIO-MM#9, the Authority will obtain any necessary regulatory authorizations at that time, thus complying with the most current regulatory requirements. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1631

The comment states that potential effects of fugitive dust and landfill pollutants are not sufficiently disclosed in the Draft EIR/EIS. The Authority disagrees. Please refer to Section 3.3.6.2, Air Quality, of the Draft EIR/EIS, which includes a quantitative evaluation of airborne particulate matter concentrations during construction. The Authority has incorporated all feasible measures for reducing particulate emissions from construction. AQ-IAMF#1 minimizes impacts of particulate matter to the maximum extent feasible through implementation of a dust control plan, which incorporates all BMPs and measures as recommended by the air district to reduce fugitive dust. Additionally, increased mobility of landfill pollutants is discussed under Section 3.8, Hydrology and Water Resources, of the Draft EIR/EIS, and the impacts are sufficiently disclosed. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1632

The comment states that the Draft EIR/EIS did not consider potential effects related to bird mortality, invasive species, and increased mobility of landfill pollutants related to the activities of birds and small mammals at an exposed landfill site. The Authority disagrees. The Draft EIR/EIS address birds and small mammals under Impact BIO#14. Impact BIO#14 acknowledges that project construction in all subsections would take place in habitat for non-special-status terrestrial wildlife species and that construction activities could result in mortality. This would include impacts associated with construction of the LMF within the former landfill areas if small mammals and birds were present. The project includes a number of project features (BIO-IAMF#1, BIO-IAMF#3, BIO-IAMF#5, BIO-IAMF#6, BIO-IAMF#7, BIO-IAMF#8, and BIO-IAMF#11) to protect wildlife. The Draft EIR/EIS acknowledges that even with these project features, the risk of disturbance, injury or mortality of individual animals is not eliminated. Impact BIO#14 concludes that while construction activities could cause some mortality of non-special-status wildlife, project construction would not cause a substantial reduction in the habitat for such wildlife, cause any wildlife populations to drop below self-sustaining levels, or threaten to eliminate any such populations given the relatively limited amount of disturbance and habitat loss in the context of the extensive range of common terrestrial species and urban setting of the project.

With respect to invasive plant species, BIO-IAMF#10 requires construction equipment to be cleaned before entering work areas to minimize opportunities for weeds and invasive species to enter the project footprint. Additionally, BIO-MM#2 is proposed to avoid and minimize the spread of invasive weeds during ground-disturbing activities during construction and operation and maintenance activities. Both BIO-IAMF#10 and BIO-MM#2 will reduce the effects of invasive plant species at the former LMF landfill due to project construction. However, the impact under CEQA of invasive plant species with respect to non-special status species would still be less than significant for the reasons described above.

In addition, if migratory birds are attracted to and nest in the LMF site due to exposure of the landfill site, BIO-MM#25 requires pre-construction surveys and active nest buffer exclusion areas to ensure there is no injury or mortality of active birds nests.

Increased mobility of landfill pollutants during construction is discussed in Impact HYD#4 in Section 3.8, Hydrology and Water Resources, of the Draft EIR/EIS. Within respect to their effect on mammals and birds, the CEQA conclusion would still be the same as described above.

### 1164-1632

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1633

The comment states that the Draft EIR/EIS is unclear about the extent of federally protected wetlands and waters that would be affected by the project. Please refer to both Section 3.7.6.5, Delineation of Aquatic Resources, and Table 3.7-14 of the Final EIR/EIS, which include this information. Section 3.7.6.5 provides an overview of the Aquatic Resources Delineation in the Project Section, the details of which, including figures showing wetland limits and sampling points and data sheets, are included in the Aquatic Resources Delineation Report (Authority 2020c), which is available upon request.

The comment also states that there was no separate delineation of waters of the state using new state procedures. Please refer to the response to submission FJ-1163, comment 1133, which addresses this topic and describes that the delineation actually included all wetlands that meet federal and/or state definitions and procedures (including the recently adopted state definition and procedures) and thus the impact analysis has taken into account all appropriate aquatic features.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1634

Each USACE Regional Supplement differs with respect to the soil, hydrology, and vegetation types that qualify as a wetland based on regional differences in climate and geology. When the commenter refers to the 2010 USACE Arid West Supplement that was used in 2014, they are actually referring to the 2010 Western Mountains, Valleys, and Coasts Regional Supplement that was used by delineators in 2014. During the 2020 field visit, the delineator originally used the Western Mountains, Valleys, and Coasts Regional Supplement to maintain consistency within the 2014 data collection protocol, but were asked by the USACE when submitting their PJD to switch to the Arid West Regional Supplement. The differences between the two supplements can be viewed on the Western Mountains, Valleys, and Coasts and Arid West datasheets included as part of the Aquatic Resources Delineation Report (Authority 2020c), which is available upon request.

To address the second part of the comment regarding how the data was integrated, Section 3.7.6.5, Delineation of Aquatic Resources, has been revised in the Final EIR/EIS to clarify that all of the listed field surveys were incorporated into the Aquatic Resources Delineation Report, as is shown and described in that report.

### 1164-1635

The comment states that the Draft EIR/EIS needs to be rewritten to more accurately estimate the types and acreages of jurisdictional waters and wetlands affected by the project in Brisbane and references Metis surveys. The Metis survey data is not publicly available. In order to incorporate this information into the land cover mapping shapefiles upon which the Draft EIR/EIS project impacts are based (including at Icehouse Hill, areas north of Icehouse Hill, near the proposed relocated fire station, and drainage south of the Tunnel Avenue Bridge), the Authority requested the Metis GIS data on November 18, 2020 and December 10, 2020. The Authority did not receive any spatial data, and so could not incorporate this data into the Final EIR/EIS. The Authority also requested but was denied access to Icehouse Hill in September 2020 to conduct its own site-specific surveys. Therefore, as described in Section 3.7.6, Methods for Evaluating Impacts, of the Draft EIR/EIS, qualified biologists conducted extensive literature reviews to support the characterization of the existing environmental setting, using widely recognized sources. Where access was unavailable, biologists relied on high-resolution aerial photo interpretation and image processing techniques to map habitat and aquatic resources. This data is the best publicly available science and is sufficient to support the impact assessment. The assessment did not identify any jurisdictional waters and wetlands on Icehouse Hill, south of the Tunnel Avenue Bridge and the other wetland areas mentioned in this comment. The Authority has also received a PJD that was verified by the USACE for the purposes of supporting an application for a applying for a Section 404 permit to comply with under the federal CWA.

The comment asserts that the Draft EIR/EIS does not evaluate the impacts of the project on Visitacion Creek. Please refer to the response to submission FJ-1164, comment 1638, which addresses this topic.

Please also refer to the response in submission FJ-1164, comment 1625, which address the Authority's incorporation of new aquatic resources data into the Final EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1636

The comment states that it is not clear whether any of the mixed riparian habitat extending beyond the OHWM was included in the Draft EIR/EIS. All riparian habitat within the project footprint was included under CDFW's 1600 jurisdiction. Section 3.7.6.5, Delineation of Aquatic Resources states that "mixed riparian land cover that extends beyond the OHWM was delineated through a desktop review of aerial imagery and field verification."

With respect to commenter's concern about isolated waters and state waters (as opposed to federal waters), the aquatic resources delineation included all aquatic resources meeting federal and state definitions (including the recently updated state definitions of wetlands) including those that may be isolated. To further address this comment, the text under the Porter-Cologne Water Quality Control Act (Waters of the State) subheading in Section 3.7.1.1, Definition of Terminology, of the Final EIR/EIS has been updated to clarify that the Authority would be required to obtain a Section 401 water quality certification for all state waters that are also under federal jurisdiction. Please also refer to the response to submission FJ-1163, comment 1133, which addresses the topic of aquatic features and definitions further.

### 1164-1637

As explained in Section 3.7.7.2, Biological Conditions, of the Draft EIR/EIS, detailed information and mapping of land cover types and aquatic resources is included in the Aquatic Resources Delineation Report (Authority 2020c) and the Biological and Aquatic Resources Technical Report (Authority 2020d). As explained in the NOA for the Draft EIR/EIS, the Authority's website, and in Chapter 3.1, Section 3.1.4, Chapter 3 Organization of the Draft EIR/EIS, technical reports were available upon request during the public comment period for the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1638

The comment asserts that the Draft EIR/EIS does not evaluate the impacts of the project on Visitacion Creek. Please refer to both Section 3.7, Biological and Aquatic Resources, and Section 3.8, Hydrology and Water Resources, in the Draft EIR/EIS, which evaluate the effects of the modification to Visitacion Creek. As addressed in these sections, construction of the East Brisbane LMF under Alternative A would require placing Visitacion Creek into an underground culvert along the current creek alignment. In response to this comment, the text in Section 3.7.8.5, Aquatic Resources, under Impact BIO#19 in the Draft EIR/EIS stating that the project "would result in the conversion and degradation of aquatic resources by relocating a portion of Visitacion Creek" has been updated in the Final EIR/EIS to "culverting a portion of Visitacion Creek" to clarify this point. The project footprint used to analyze impacts for the Draft EIR/EIS identified Visitacion Creek as being permanently impacted under Alternative A, and the impacts resulting from culverting of the channel were quantified in the Draft EIR/EIS. Construction of the West Brisbane LMF under Alternative B would have no impacts on Visitacion Creek because the creek is in an underground culvert within the project footprint in that area, and there would be no proposed changes to that culvert.

The commenter also references a compensatory mitigation concept the Authority considered in the pCMP (Authority 2020e), which would involve rerouting Visitacion Creek into an open channel to connect to Brisbane Lagoon. This concept was not evaluated in the Draft EIR/EIS because it was one of several potential compensatory mitigation measures. The pCMP was available to the public for their review upon request from the Authority during the Draft EIR/EIS public comment period. After further consideration of this concept, the Authority has withdrawn this concept in favor of off-site mitigation. When the Authority develops the CMP, as required under BIO-MM#8, these details of the off-site mitigation will be included. In addition, BIO-MM#9 would avoid and minimize impacts on biological and aquatic resources in mitigation sites, pursuant to regulatory authorizations under FESA or CESA, Cal. Fish and Game Code Section 1600 et seq., the CWA, and the Porter-Cologne Act.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1639

The comment asserts that the Draft EIR/EIS does not evaluate the project's impacts of rerouting Visitacion Creek into Brisbane Lagoon. Please refer to the response to submission FJ-1164, comment 1638, which explains that the design of Alternative A would place Visitacion Creek into an underground culvert along its current alignment. The impacts associated with culverting of Visitacion Creek have been evaluated throughout the Draft EIR/EIS. Because the Authority is not proposing to reroute Visitacion Creek into Brisbane Lagoon as part of the project, the impacts listed in the comment will not occur as a result of the project, and accordingly, do not need to be evaluated in the EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1640

The comment states that grading would eliminate habitat for the callippe silverspot butterfly. Please refer to Section 3.7.8.2, Special-Status Species, of the Final EIR/EIS, which includes an evaluation of impacts to butterfly habitat under Impact BIO #2. Loss of habitat at the East LMF site would not preclude the implementation of compensatory mitigation for Callippe Silverspot. Refer to Section 3.7.9, Mitigation Measures, specifically BIO-MM#5, BIO-MM#8, BIO-MM#9, and BIO-MM#11, which identify mitigation for impacts on listed butterfly.

### 1164-1641

The comment states that the Draft EIR/EIS did not disclose impacts on a population of the rare plant coast iris and native grass and flower fields. Please refer to the subsection Special-Status Species under Section 3.7.1.1, Definition of Terminology, in the Draft EIR/EIS, which addresses species included and excluded. As shown in this section, the analysis excludes list 4 species as special-status species. As stated in the comment, coast iris is a CRPR 4.2 species, so in the Draft EIR/EIS that is not considered special-status and did not require an impact analysis.

The native grass and flower fields, as identified by Metis Environmental Group in their biological survey, is not publicly available data. In order to incorporate this information into the land cover mapping shapefiles upon which Draft EIR/EIS project impacts are based, the Authority requested the Metis GIS data on November 18, 2020 and December 10, 2020. The Authority did not receive any spatial data, and so could not incorporate this information into the Final EIR/EIS. The Authority also requested but was denied access to Icehouse Hill in September 2020 to conduct its own site-specific surveys. Therefore, as described in Section 3.7.6, Methods for Evaluating Impacts, of the Draft EIR/EIS, qualified biologists conducted extensive literature reviews to support the characterization of the existing environmental setting, using widely recognized sources. Where access was unavailable (e.g., Icehouse Hill), biologists relied on high-resolution aerial photo interpretation and image processing techniques to map habitat and aquatic resources. This data is the best publicly available science and is sufficient to support the impact assessment.

The habitat on Icehouse Hill was mapped as annual grassland habitat with smaller patches of coyote brush scrub. As described in Section 5.2.1.3, Herbaceous-Dominated Cover Types, in the Biological and Aquatic Resources Technical Report (Authority 2020d), while California annual grassland habitat is dominated by nonnative annual grasses, native grasslands may be patchily distributed within the larger California annual grassland land cover type (e.g., Icehouse Hill in Brisbane, southeastern slope of San Bruno Mountain). This land cover mapping is further corroborated by the Brisbane Baylands Draft EIR, which states that "Within the Project Site, non-native annual grassland occurs along the south side of Lagoon Way and on the slopes of Icehouse Hill. Non-native annual grassland habitat is also associated with the soil cuts on Icehouse Hill where the eastern slope was graded to accommodate the rail lines, where



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1641

the western slope was graded to construct Bayshore Boulevard, and on the southern toe where various non-specific excavations for fill was conducted. Portions of Icehouse Hill that are regularly grazed by horses are also mapped as non-native grasslands but support limited patches of native annual and perennial grass and forb species” (City of Brisbane 2013). As such, the grasslands on Icehouse Hill would not be classified as native grass and flower fields, although they may contain small patches of this habitat, and as such are not a sensitive natural community. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1642

The comment states the Draft EIR/EIS discounts the possibility that special-status species could occur in some locations, stating: “However, because the project footprint is almost entirely within the existing Caltrain right-of-way, most of the project footprint does not contain habitat for special-status species.” Please refer to Table 5-2 in the San Francisco to San Jose Project Section Biological and Aquatic Resources Technical Report (Authority 2020d). This table quantifies land cover types in the Project Section and identifies urban land as the primary land cover type, comprising approximately 75 percent of the project footprint. Section 5.2.1.5, Developed Land Cover Types, of the technical report describes urban land as “consisting of residential, commercial, industrial, transportation, recreational structures, or other developed land use elements such as highways, city parks, and cemeteries. Vegetation is limited to ornamental tree and shrub plantings too small to map at the 10-acre minimum mapping unit.”

Please also refer to Section 3.7.6.4, Field Surveys and Species Habitat Modeling, in the Draft EIR/EIS, which describes how GIS species-based habitat models were developed for the project that bring together information about environmental attributes, species life history, and environmental requirements to create a spatially explicit representation of areas that are potentially suitable as habitat. Species are assumed potentially present in areas modeled as habitat, including in areas modeled as habitat at the LMF sites. Please refer to the response to submission FJ-1164, comment 1626 which addresses the request for species-specific surveys consistent with CDFW protocols. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1643

The comment states that reliance on old data, desktop analysis, and modeling is inadequate to identify existing conditions and significant impacts on all biological and aquatic resources. Please refer to the response to submission FJ-1164, comment 1635. The Metis survey data is not publicly available and could not be obtained by the Authority, and so could not be incorporated into the Final EIR/EIS. The Authority also requested but was denied access to Icehouse Hill in September 2020 to conduct its own site-specific survey. Instead, as described in Section 3.7.6, Methods for Evaluating Impacts, in the Draft EIR/EIS, qualified biologists conducted extensive literature reviews to support the characterization of the existing environmental setting, using widely recognized sources. Where access was unavailable (e.g., Icehouse Hill), biologists relied on high-resolution aerial photo interpretation and image processing techniques to map habitat and aquatic resources. This data is the best publicly available science and is sufficient to support the impact assessment. The assessment ultimately assumed that all potential habitat for special-status species could be occupied. This broad land cover-based modeling approach most likely overestimated the amount of occupied habitat for species within the project area, as not all potentially suitable habitat is occupied.

With respect to the commenter’s concern that the project would affect coast iris, a CRPR 4.2 species, and locally rare native ferns on Icehouse Hill, and that these are significant impacts not addressed in the Draft EIR/EIS, please refer to the text under Special-Status Species in Section 3.7.1.1, Definition of Terminology, in the Draft EIR/EIS. This section excludes list 4 species as special-status species. In addition, the locally rare fern species identified in the comment does not have any listing status and as such are not special-status species. Impacts on these species do not need to be evaluated under CEQA or NEPA. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1644

White-throated swift is not a listed species, nor is it a California species of special concern. Please refer to Section 3.7.1.1, Definition of Terminology, in the Draft EIR/EIS for the definition of special-status species for the purposes of the analysis. Based on this definition, this species is not a special-status species but would be protected under the MBTA and Cal. Fish and Game Code as a migratory nesting bird. Please refer to Section 3.7.8.3, Non-Special-Status Wildlife, for a discussion of the project impacts on non-special-status species. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1645

The comment states that the Draft EIR/EIS fails to acknowledge that take of a fully protected species is not authorized. The comment also asserts that impacts identified in the Draft EIR/EIS would include effects that could be considered a take of two fully protected species, white-tailed kite and San Francisco garter snake. The Authority disagrees. Please refer to the response to submission FJ-1163, comment 1134, which addresses this topic and explains that the text in Impact BIO#10 has been updated in the Final EIR/EIS to add clarity that the mitigation measures will avoid take of fully protected species.

### 1164-1646

The comment states that the Draft EIR/EIS fails to acknowledge that white-tailed kite is a fully protected species under Cal. Fish and Game Code Section 3511 and that the mitigation identified for Impact BIO#9 is inadequate to prevent significant impacts to nesting white-tailed kites. The Authority disagrees. Please refer to Table 3.7-12 and Impact BIO#9 in the Draft EIR/EIS, which acknowledge that the white-tailed kite is a fully protected species. The mitigation identified for Impact BIO#9 will avoid significant impacts and take white-tailed kites by requiring pre-construction surveys and non-disturbance buffers during the breeding season (February 1 to September 1) prior to any ground-disturbing activity. Additionally, as explained in the response to submission FJ-1164, comment 1647, BIO-MM#25 has been updated in the Final EIR/EIS to increase the survey radius and non-disturbance buffer for white-tailed kite consistent with CDFW guidance.

The comment also states that BIO-MM#12 allows the project biological team to relocate individuals of fully protected species, which constitutes take. In response to this comment, BIO-MM#12 has been updated in the Final EIR/EIS to clarify that relocation of fully protected species is not allowed, and fully protected species would be allowed to move out of the work area of their own volition.

### 1164-1647

The comment states that BIO-MM#25 fails to define an "active nest". The Authority disagrees. The Draft EIR/EIS defines an active nest as a nest with eggs or young, consistent with definition used by USFWS.

The comment also states that CDFW guidance directs a 0.5 mile radius "no disturbance buffer around white-tailed kite nests until the young have fledged. To address this comment, BIO-MM#25 in the Final EIR/EIS has been modified to include a 0.5-mile buffer for white-tailed kite nests, consistent with CDFW guidance.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1648

The comment states that the project would result in illegal take of San Francisco garter snake, which is a fully protected species. The Authority disagrees. Although the commenter is correct that the Draft EIR/EIS notes that without mitigation the project has the potential to result in physical harm and mortality of individuals, the commenter fails to note that the Draft EIR/EIS subsequently identifies mitigation measures that will avoid take of fully protected species. As stated in Section 3.7.11, CEQA Significance Conclusions, of the Draft EIR/EIS under Impact BIO#5, "Mitigation measures to address this impact and avoid take of this fully protected species are identified in Section 3.7.11." These measures include pre-construction surveys (BIO-MM#18), implementation of avoidance and minimization measures (BIO-MM#19), and exclusion fencing (BIO-MM#20).

The comment also states the predator-prey relationship between San Francisco garter snake and California red-legged frog must be considered to determine appropriate locations and ratios for compensatory habitat. This will be considered as part of the CMP, prepared consistent with BIO-MM#8, which would, after coordination with USFWS, identify the final mitigation options. Refer to the response to submission FJ-1164, comment 1667 for additional information about the CMP. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1649

The comment states that the Draft EIR/EIS does not sufficiently disclose the impacts of HSR on special-status wildlife. The Authority disagrees. It is not required to describe species-specific vulnerabilities in detail because operational activities would occur in areas that have been heavily disturbed or developed and are unlikely to continue to support special status species. Impact BIO#13 in the Draft EIR/EIS states that "Special-status amphibians, reptiles, and mammals with small body sizes may still be able to access and occasionally move through or along the right-of-way, but any features that once supported breeding (e.g., aquatic features) would either be removed or degraded during construction." However, Impact BIO#13 also recognizes that "any special-status species that do use the right-of-way after construction would be subjected to increased mortality risk from the addition of HSR trains operating at speeds up to 110 miles per hour (mph)." Consistent with BIO-MM#33, the Authority would install aprons or barrier with security fencing adjacent to natural habitats to mitigate direct mortality of special-status wildlife during operations to a less-than-significant level. The Draft EIR/EIS also includes BIO-MM#34, which requires the Authority to implement deterrent and diversion features for avian species. These measures in combination are sufficient to mitigate the potential impacts on special-status species to a less-than-significant level. The comment did not result in any revisions to the Draft EIR/EIS.

Please refer to the response to submission FJ-1164, comment 1629 which addresses the applicability of BIO-IAMF#12.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1650

The comment states that Impact BIO#15 fails to consider the removal or destruction of migratory bird nests, which would violate Cal. Fish and Game Code Section 3515 and would be at odds with the California Attorney General Advisory affirming California's protection of migratory birds. Please refer to text in Section 3.7.1.1, Definition of Terminology, under Non-Special-Status Wildlife in the Draft EIR/EIS, which states "For the purposes of this analysis, non-special-status wildlife is an umbrella term for wildlife species or species groups that do not meet the definition of a special-status species as defined earlier in this section, but that may still be affected by construction and operation of the project, including native birds protected under the Migratory Bird Treaty Act (MBTA) and Cal. Fish and Game Code Section 3503, as well as species groups of regional or international conservation concern (e.g., waterfowl and shorebirds, roosting bats)." As such, Impact BIO#15 is consistent with the Cal. Fish and Game Code and Attorney General's Advisory.

The comment also states that the Advisory specifically affirms that protections for migratory birds includes a prohibition against an incidental take. BIO-MM#25, which requires pre-construction surveys for migratory nesting birds during the breeding season (February 1 to September 1) prior to any ground-disturbing activities, and no-work buffers if active nests are found, would prevent take of migratory bird species.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1651

The comment states that the definition of active nest should be science based. The definition for "active nest" in the Draft EIR/EIS under BIO-MM#25 is based on the definition applied by USFWS regulatory standards under the MBTA and Cal. Fish and Game Code, which defines an active nest as a nest with chicks or eggs. In addition, BIO-MM#25 requires that prior to ground-disturbing activity, the project biologist conduct a pre-construction survey within the work area to determine whether active nests are present and monitor the active nest during construction. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1652

The comment states that the Draft EIR/EIS does not address project impacts on migratory birds and local wildlife species movement and the Pacific Flyway. While the commenter is correct that the San Francisco Bay is an important stopover for birds moving along the Pacific Flyway, the project will not impact the San Francisco Bay. Further, the LMF sites and surrounding areas are already heavily developed and highly disturbed. The LMF sites have not been identified as wildlife movement corridors or important habitat for birds moving along the Pacific Flyway.

Impacts on wildlife corridors are addressed under Section 3.7.8.7, Wildlife Corridors, and impacts on migratory birds are addressed under Section 3.7.8.3, Non-Special-Status Wildlife, in the Draft EIR/EIS. Any local wildlife movement is already significantly impeded by the existing Caltrain right-of-way, as well as the significant urban development in the project region that has resulted in existing condition with noise and lights (e.g., City of Brisbane, freeways, existing trains).

In addition, the design of the Brisbane LMF would minimize nighttime light and noise impacts due to project operations. As discussed in the Final EIR/EIS Section 3.15, Aesthetics and Visual Quality, the lighting design and use would be consistent with industry best practices to minimize potential impacts associated with nighttime lighting. For example, lights would be installed at the lowest allowable height, would use downcast fixtures to direct light only toward objects requiring illumination, and would operate with the lowest allowable illumination level. With respect to noise generated at the Brisbane LMF, train maintenance would take place inside the maintenance building with minimal noise spillover into surrounding areas. As discussed in Impact NV#4, noise generated from trains moving in and out of the LMF would provide a small contribution to the overall noise generated by project operations. The primary noise source in the vicinity of the Brisbane LMF would be trains operating on the mainline tracks.

In response to this comment, additional text has been added to Impact BIO#25 in the Final EIR/EIS discussing operational lighting and noise impacts; however, the impact under CEQA remains less than significant because any local wildlife movement is already significantly impeded by the existing Caltrain right-of-way, as well as the significant urban development in the region.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1653

The comment states that the Draft EIR/EIS fails to evaluate potential impacts on white-throated swift. Please refer to the response to submission FJ-1164, comment 1644, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1654

The comment states that the Draft EIR/EIS does not sufficiently disclose impacts on special-status species because the impacts are based on outdated information and limited surveys. As stated in Section 3.7.6.4, Field Surveys and Species Habitat Modeling, “species are assumed potentially present in areas modeled as habitat.” This broad land cover–based modeling approach likely overestimates the amount of occupied habitat for species within the project area, as not all potentially suitable habitat is occupied. Please also refer to the response to submission FJ-1164, comment 1643.

Species-specific surveys are not required under CEQA or NEPA, and because species presence was assumed in all areas of suitable habitat, the impacts on these potentially occurring species were evaluated and mitigation was included in the Draft EIR/EIS to reduce those potential impacts to a less-than-significant level. The comment also states that BIO-MM#6 fails to require appropriate seasonal timing to ensure all such plant species could be detected. BIO-MM#6 states that “the surveys would be consistent with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW [2018]) and Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants (USFWS 2000)”. These protocols have specific survey requirements, including requirements to conduct surveys during the appropriate seasonal timing to ensure all potentially occurring plant species are detected, which typically requires multiple surveys in a single season. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1655

As explained in Section 3.7.7.2, Biological Conditions, of the Draft EIR/EIS, detailed information and mapping of land cover types and aquatic resources is included in the Aquatic Resources Delineation Report (Authority 2020c) and the Biological and Aquatic Resources Technical Report (Authority 2020d). As explained in the NOA for the Draft EIR/EIS, the Authority's website, and in Chapter 3.1, Section 3.1.4, Chapter 3 Organization of the Draft EIR/EIS, these technical reports were available upon request during the public comment period for the Draft EIR/EIS. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions.

### 1164-1656

The comment states that the Draft EIR/EIS mitigation measures should not rely on compliance with permit conditions as effective mitigation for impacts on special-status species and sensitive habitat areas. The mitigation measures for biological resources do not rely on future permit conditions to avoid or reduce significant impacts, although they acknowledge that future permit conditions could increase the mitigation requirements beyond what is stated in the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1657

The comment states that the habitat restoration mitigation measures do not meet CEQA requirements. The Draft EIR/EIS includes mitigation for permanent impacts on aquatic resources, riparian habitats, and special-status species habitat. For permanent impacts, the Draft EIR/EIS includes mitigation ratios sufficient to reduce those impacts to a less-than-significant level. The Draft EIR/EIS acknowledges that agencies with regulatory jurisdiction over these resources may require higher ratios.

The comment also states that the Draft EIR/EIS fails to address temporal loss.

Temporary loss of habitat is defined by CDFW as restoration of habitat to pre-project conditions within 1 year of the impact. Both BIO-MM#13 and BIO-MM#36 require that within 90 days of the completion of construction activities in a work area, the Authority would begin to restore impact areas that were temporarily affected by construction. If restoration of certain temporary impacts did not occur close in time to the impact (i.e. one year), they would be considered permanent and would be mitigated at the higher ratio for permanent impacts (which would address the time gap between the impact and the mitigation). In this manner, the Draft EIR/EIS does account for temporal impacts.

The commenter also raises concerns about the potential for the significance of an impact to increase if the impact occurs during a species breeding or blooming season. In most instances, the Draft EIR/EIS mitigation measures require additional actions requiring pre-construction surveys and assessments during the time period when a species is most sensitive to the potential impact. For example, BIO-MM#20 requires a full-time monitor during the peak activity period for San Francisco garter snake and California red-legged frog (March to July) and daily inspections from August to February. Similarly, the mitigation measures in the Draft EIR/EIS for burrowing owls, nesting birds, ringtail, dusky-footed woodrat, and bats, also include work windows to avoid impacts to each species' during the most sensitive time period according to their life history. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1658

The comment states that the time gap between impact and habitat restoration mitigation may increase the significance of an impact. The Draft EIR/EIS includes mitigation for permanent impacts on aquatic resources, riparian habitats, and special-status species habitat at ratios sufficient to reduce those impacts to a less-than-significant level. These selected ratios account for some temporal loss. The Draft EIR/EIS acknowledges that agencies with regulatory jurisdiction over these resources may require higher ratios. Also, as stated under the response to submission FJ-1164, comment 1657, temporary loss of habitat is defined by CDFW as restoration of habitat to pre-project conditions within 1 year of the impact. If restoration of certain temporary impacts did not occur close in time to the impact (i.e., one year), they would be considered permanent and would be mitigated at the higher ratio for permanent impacts (which would address the time gap between the impact and the mitigation).

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1659

The comment states that the Draft EIR/EIS must account for temporal loss for temporary impacts. The Draft EIR/EIS includes mitigation for temporary impacts on aquatic resources, riparian habitats, and special-status species habitat at ratios sufficient to address temporal loss and reduce those impacts to a less-than-significant level. Please refer to BIO-MM#36 in the Draft EIR/EIS, which requires that within 90 days of the completion of construction activities in a work area, the Authority would begin to restore aquatic resources that were temporarily affected by the construction. The Draft EIR/EIS also acknowledges that agencies with regulatory jurisdiction over these resources may require higher ratios. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1660

This comment states that the Draft EIR/EIS fails to consider how effects on Mission Blue Nursery operation would affect San Bruno Mountain habitat conservation activities. Please refer to Impact SOCIO#8 in Section 3.12, Socioeconomics and Communities, and Appendix 3.12-A, Relocation Assistance Documents, of the Draft EIR/EIS for a discussion of the relocation resources that would be available to displaced businesses and nonprofits organizations, including the Mission Blue Nursery, to minimize disruption to operations.

The Mission Blue Nursery is not mentioned in the San Bruno Mountain Habitat Conservation Plan, and therefore is not a requirement of the biological program. The only nursery identified by name in the San Bruno Mountain Habitat Conservation Plan is the Yerba Buena Nursery in Woodside, California (County of San Mateo 1982). Therefore, it is anticipated that other local nurseries are available for restoration and enhancement materials. Therefore, this is not considered a biological impact under CEQA or NEPA. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1661

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The Draft EIR/EIS provides an extensive set of specific, enforceable mitigation measures to address impacts on biological and aquatic resources that are consistent with NEPA and CEQA requirements. Examples of specificity in the measures include references to specific CDFW and other agency species survey protocols, specific survey periods and avoidance buffers, and specific monitoring and reporting requirements under various mitigation measures.

Performance standards in BIO-MM#1 include limits on invasive species "to an increase no greater than 10 percent compared to the pre-disturbance condition, or to a level determined through a comparison with an appropriate reference site consisting of similar natural communities and management regimes." BIO-MM#8 outlines a clear requirement and process for compensatory mitigation and provides a framework for the implementation of the species-specific compensatory mitigation measures that set out the mitigation ratios and provide additional detail on compensatory mitigation. The Authority has already prepared a pCMP, available upon request, which demonstrates the feasibility of implementing the compensatory mitigation for the project. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1662

The comment indicates that the Draft EIR/EIS does not include adequate baseline information. Please refer to the responses to submission FJ-1164, comments 1625 and 1626, which address this topic. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1663

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

Performance standards in BIO-MM#1 include limits on invasive species “to an increase no greater than 10 percent compared to the pre-disturbance condition, or to a level determined through a comparison with an appropriate reference site consisting of similar natural communities and management regimes.” This measure also states that the RRP would be submitted to the Authority and regulatory agencies, as defined in the conditions of regulatory authorizations, for review and approval. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1664

The comment states that special-status plant surveys should have been completed for the Draft EIR/EIS. The Draft EIR/EIS used GIS-based expert opinion models to document baseline conditions within the Project Section, including habitat with the potential to support special-status species. The biologists relied on high-resolution aerial photo interpretation and image processing techniques to map the habitat and aquatic resources. The assessment ultimately assumed that all potential habitat for special-status species could be occupied. This broad land cover–based modeling approach most likely overestimated the amount of occupied habitat for species within the project area, as not all potentially suitable habitat is occupied. The presence/absence botanical surveys required under BIO-MM#6 would then determine whether or not that habitat is actually occupied. Survey areas would conform to the requirements of the state and federal protocols included in BIO-MM#6. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1665

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The commenter asserts that BIO-MM#8 constitutes deferred mitigation. BIO-MM#8 describes the general approach to compensatory mitigation. It requires a number of activities that could not lawfully be implemented at this time, including land acquisition and other expenditures; it also addresses the collaborative process for selecting mitigation lands and designing restoration or enhancement measures, a process that cannot proceed without the participation of regulatory agencies and local conservation agencies and organizations. Authorization of the project is a prerequisite for these actions.

The commenter also raises concerns about the potential for inappropriately timed species surveys to be used as criteria for adjusting the amount of compensatory mitigation. In most instances, mitigation measures requiring pre-construction surveys and assessments for species are based on approved agency survey protocols, where such protocols exist. These protocols describe the appropriate conditions or time of year, as well as other conditions that must be present for the surveys to be considered complete and valid. Accordingly, the use of survey results as one of the criteria for confirming actual project impacts is appropriate. All proposed compensatory mitigation will be prepared under federal agency oversight as part of the Section 404 process. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1667

The comment states that the BIO-MM#8 lacks detail and fails to ensure the mitigation measures would mitigate specific impacts. The CMP will provide the methods and a foundation for the mitigation options that are available to offset the loss of sensitive natural resources within the Project Section. Compensatory mitigation includes purchase of mitigation bank credits; fee-title acquisition; conservation easements; in-lieu fee payments; and conservation projects to create, restore, or enhance habitats. The species-specific compensatory mitigation measures that would be integrated into the CMP provide the specific mitigation ratios that are required. Please refer to the species-specific compensatory mitigation measures and Section 3.7.8.2, Special-Status Species, in the Final EIR/EIS, which describe which non-listed special-status species would be affected by the project and thus require compensatory mitigation.

As explained in the NOA for the Draft EIR/EIS, the Authority's website, and in Chapter 3.1, Section 3.1.4 Chapter 3 Organization of the Draft EIR/EIS, all technical reports, including the pCMP, were made available upon request during the public comment period for the Draft EIR/EIS. The pCMP describes the feasibility of different mitigation options and is seen by the Authority as the first step in a complete mitigation plan. Consistent with BIO-MM#8, the Authority will develop a CMP that would identify the final mitigation options.

### 1164-1668

The comment expresses concern that BIO-MM#8 fails to disclose off-site mitigation actions already being considered as part of the pCMP by the Authority that could be "potentially incorporated in the mitigation measure." The pCMP describes the feasibility of different mitigation options and its preparation is part of the process of demonstrating that the level of compensatory mitigation anticipated under the Clean Water Act is feasible. Although not required, compensatory mitigation opportunities for species and habitat were also included to demonstrate that the compensatory mitigation is feasible.

The CMP to be prepared pursuant to BIO-MM#8 will identify the locations for mitigating impacts on sensitive habitats, plants, and wildlife resulting from construction of the Preferred Alternative, and will detail the strategy to implement mitigation to meet the requirements and standards of the various environmental regulatory agencies with jurisdiction over the project. The CMP will also use land acquisition strategies that consider watershed-level impacts when proposing mitigation, giving priority to areas that provide habitat connectivity and those areas with upland and wetland restoration and creation potential. BIO-MM#8 is to be read in conjunction with the species-specific compensatory mitigation measures, which specify the mitigation ratios and other requirements for each species. The CMP has been prepared and will be finalized as part of the Section 404 permitting process under the requirements of the USACE and USEPA, and in accordance with the MOU between the Authority, FRA, and these agencies. As part of the Section 404 process, all proposed compensatory mitigation will be prepared under federal agency oversight. Only USACE- and USEPA-approved mitigation projects and programs will be used to fulfill mitigation requirements. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1669

The comment states that BIO-MM#8 appears to authorize a reduction in the amount of compensatory mitigation required based solely on the amount of habitat loss. The broad land cover-based habitat modeling approach most likely overestimated the amount of occupied habitat for species within the project area. As such, actual habitat impacts may be lower than the mapped amount of habitat. It is also possible that at final project design the footprint impacts could have decreased or increased. BIO-MM#8 recognizes that the Authority would mitigate for the actual amount of habitat loss, and that the final amounts would be coordinated with the agencies with jurisdiction over the resource. The comment also states that the BIO-MM#8 fails to address temporal loss. Please refer to the response to submission FJ-1164, comment 1657, which describes how the Draft EIR/EIS accounts for temporal impacts.

The comment also states BIO-MM#8 appears to rely on compliance with future permit terms, rather than establishing success criteria and performance standards, to ensure that its future plans would be implemented. The Authority disagrees. BIO-MM#8 implements the species-specific and habitat-specific mitigation measures that set out specific ratios and other performance standards. The commenter is correct that the CMP will be prepared as part of the Section 404 permitting process under the requirements of the USACE and USEPA, and in accordance with the MOU between the Authority, FRA, and these agencies; however, this does not constitute deferred mitigation because the CMP will be a condition of permit compliance. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1670

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The Draft EIR/EIS provides an extensive set of effective and enforceable mitigation measures to address impacts on biological and aquatic resources, which are consistent with NEPA and CEQA requirements. The Authority has included specific performance and success criteria into mitigation measures as appropriate. Examples of specificity in the measures include references to specific CDFW and other agency species survey protocols, specific survey periods and avoidance buffers, and specific monitoring and reporting requirements under various mitigation measures. The aquatic compensatory mitigation plan requirement sets out a commitment to achieve no net loss of wetlands and identifies the mitigation ratios for various types of wetlands and non-wetland waters. Ultimately, the contract with the design-build contractor and the associated implementing manual will ensure common interpretation of the mitigation requirements so that they are fully and effectively implemented. Additionally, as noted in Table 2-26 of the Draft EIR/EIS, the Authority expects that numerous state and federal permits will also be required to construct the project. Each of these permits will also have implementation and reporting requirements, including requirements under a Section 1600 et. seq. Streambed Alteration Agreement with CDFW. Consequently, the Authority also notes that there are multiple levels of enforcement and accountability related to the implementation of mitigation measures. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1671

The commenter states that BIO-MM#12 is ineffective in reducing impacts on special-status species, noting that special-status species, including nesting birds, outside of the work area may be affected by noise, dust, night-lighting and human activity or presence. The RSA is heavily developed and as such special-status species that occur outside of the work areas are habituated to high levels of human disturbance, artificial light, noise, and dust. Thus, the only impact that could result from construction noise, lights, and human activity is temporary disruption of wildlife movement. Please refer to Impact BIO#24 in the Draft EIR/EIS, which states that noise, vibrations, and lights could temporarily disturb wildlife movement under the Caltrain right-of-way, but these impacts would be less than significant. To avoid and minimize dust resulting from construction, the project includes several IAMFs that would also benefit special-status species. These include AQ-IAMF#1, BIO-IAMF#5, and HYD-IAMF#3. With respect to the commenter's concern that relocation of a listed or fully protected species constitutes take, please note that the Authority will acquire the appropriate regulatory permits for incidental take of listed species prior to construction. In response to the commenter's statement about take of fully protected species, BIO-MM#12 has been updated in the Final EIR/EIS to specify that relocation of fully protected species is prohibited.

### 1164-1672

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features, FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The same thresholds are used for the cumulative analysis of biological resources as for the project impact analysis in Section 3.7, Biological and Aquatic Resources, of the Draft EIR/EIS. Section 3.7 identifies that the project-specific impacts on biological resources would be significant (for all the impacts referenced in this comment) before mitigation and would be less than significant after mitigation. In this manner, the impacts before mitigation are recognized, contrary to the commenter's assertion.

The cumulative analysis in Section 3.18, Cumulative Impacts, examines two things: (1) if there is a cumulatively significant impact (including the project); and (2) if the project contributes considerably to a cumulatively significant impact (a "considerable" contribution is considered to be a significant impact). When assessing the project's contribution, the analysis takes into account both the project impacts and mitigation. In Section 3.18, the Authority does conclude that the combination of the project with past, present, and reasonably foreseeable projects would result in a significant cumulative impact on biological resources (refer to the Cumulative Condition subsection in Section 3.18.6.6, Biological and Aquatic Resources). However, the project's contribution to the significant cumulative impact would not be considerable because extensive mitigation measures, such as species-specific avoidance, minimization, and compensatory mitigation measures, are proposed to help reduce the project's contribution to this impact (refer to Contribution of the Project Alternatives in Section 3.18.6.6). The Section 3.18 discussion of the project's contribution discloses the project's effect both before and after mitigation.

Regarding the general comment about adequacy of the biological resources analysis separate from cumulative impact analysis concerns, please refer to the responses to prior comments in submission FJ-1164 regarding IAMFs, mitigation, and impact analyses in Section 3.7. Please also refer to the standard responses referenced above, which address these topics.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1673

The comment questions the cumulative RSA for biological and aquatic resources. The RSA is designed not only to be broad enough to capture all the potential cumulative impacts of the project but is also based on ecoregions to be biologically meaningful. As stated in Draft EIR/EIS Section 3.18.6.6, Biological and Aquatic Resources, "the cumulative RSA captures regional impacts on biological and aquatic resources associated with cumulative projects affecting similar land cover types and occurring within neighboring watersheds."

The comment also states that impacts on habitat based solely in terms of acreage may inappropriately dilute the project's contribution to a cumulative impact. However, the impacts evaluated in Section 3.7, Biological and Aquatic Resources, and Section 3.18, Cumulative Impacts, are not based solely on acreage numbers, but also include considerations such as effects on movement and consistency with existing plans and policies for the protection of biological and aquatic resources.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1674

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

This standard response addresses the topic of why the IAMFs are not deferred mitigation. HYD-IAMF#1 effectively avoids and minimizes impacts on stormwater runoff because it requires during final project design evaluation of the receiving stormwater drainage system's capacity to accommodate project runoff, identifying stormwater BMPs designed to capture runoff from impervious surfaces, and providing treatment prior to discharge in compliance with municipal separate storm sewer systems and construction stormwater general permits issued by the SWRCB. These actions ensure that the project would not exceed drainage capacity or discharge polluted runoff to waterways. HYD-IAMF#2 is effective at reducing impacts on flooding because temporary structures, equipment, and materials will be removed from aquatic resources to avoid substantial increases in the water surface elevations of 100-year floodplain; formworks, falseworks, trestles, and cofferdams will be designed to remain within floodplains during the winter rainy season if needed and withstand the hydraulic forces of flood flows without increasing water surface elevations by 1 foot; and conformance of project improvements with FEMA and local agency standards will be ensured for floodplain development. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1675

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

IAMFs are project features the Authority committed to incorporate as part of the project design and result in tangible avoidance or minimization of environmental impacts as described in the impact analysis sections.

Inherent in HYD-IAMF#1 are the performance standards embedded within applicable MS4 permits the project must comply with. Depending on location, stormwater BMPs will be sized per the Phase II MS4 Permit numeric sizing criteria or the Phase I MRP criteria. These criteria are considered protective of water quality, and compliance with these criteria avoid substantial impacts on water quality associated with runoff. For drainage capacity, HYD-IAMF#1 requires designers to provide adequate capacity. Because CEQA thresholds pertain to exceeding capacity, providing adequate capacity avoids a significant impact. HYD-IAMF#2 includes three performance criteria, as opposed to the singular criterion mentioned in the comment. These criteria include preventing saturation and infiltration of stormwater into the railbed; minimizing development within floodplains to meet specific increases in water surface elevations; and designing floodplain crossings to meet specific increases in water surface elevations. Please refer to Appendix 2-E, Project Impact Avoidance and Minimization Features, in the Final EIR/EIS for the complete text of the IAMFs, which includes additional clarification of the standards since publication of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1676

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Inherent in HYD-IAMF#1 are the performance standards embedded within applicable MS4 permits the project must comply with. Depending on location, stormwater BMPs will be sized per the Phase II MS4 Permit numeric sizing criteria or the Phase I MRP criteria. These criteria are considered protective of water quality, and compliance with these criteria avoid substantial impacts on water quality associated with runoff. For drainage capacity, HYD-IAMF#1 requires the project design to provide adequate capacity. Because the CEQA thresholds pertain to exceeding capacity, providing adequate capacity avoids a significant impact. The Hydraulic and Hydrology Guidelines (TM 2.6.5) are available on the Authority's website:

[https://hsr.ca.gov/programs/environmental/guidelines\\_reports.aspx](https://hsr.ca.gov/programs/environmental/guidelines_reports.aspx) (Authority 2011b).

Refer to Appendix 2-E, Project Impact Avoidance and Minimization Features, in the Final EIR/EIS for the complete text of the IAMFs.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1677

In several comments, the commenter raises concerns with the adequacy of the analysis presented in the Draft EIR/EIS with respect to the effects of the Brisbane LMF on drainage patterns. The Draft EIR/EIS found that construction of either the East or West Brisbane LMF would have less-than-significant impacts under CEQA on drainage patterns. The Authority believes the CEQA conclusions presented in Impact HYD#1 and Impact HYD#2 of the Draft EIR/EIS were warranted for the reasons described below and in the Draft EIR/EIS.

As described in the Draft EIR/EIS, construction of either LMF option would require earthwork. Approximately 2.8 million cubic yards of earthwork would be required to construct the East Brisbane LMF, while approximately 3.6 million cubic yards of earthwork would be required for the West Brisbane LMF (Tables 2-25 and 3.8-16 in the Draft EIR/EIS). The topographic changes resulting from earthwork at the LMF sites are depicted in the plans and cross-sections in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. This earthwork would require filling some wetlands within the proposed LMF sites (Figures 3.8-7 and 3.8-8). As shown in Volume 3 of the Draft EIR/EIS, Alternative A would place Visitacion Creek into a culvert on the existing alignment below the East Brisbane LMF; the creek would not be realigned into Brisbane Lagoon.

The earthwork required to construct the LMF would involve removing substantial quantities of topsoil and fill material from both of the proposed LMF sites as well as importing embankment material, and this earthwork would alter the local topography. In some places, these topographic alterations would change a hill into a flat surface through excavation. In other places, these alterations would increase the elevation of the area by importing embankment material. Considering these changes, the drainage design goal of both project alternatives is to maintain existing drainage patterns to the extent feasible. Although the LMF would result in topographic changes that may result in localized changes to drainage patterns, these changes would not be substantial because runoff from the East or West Brisbane LMF would continue to drain into Visitacion Creek and San Francisco Bay.

To control this sediment and prevent the transport of sediment off-site during the construction phase, several types of BMPs would be used. Administrative controls like

### 1164-1677

scheduling would minimize the quantity of disturbed areas to those can be stabilized before the onset of winter rains, not performing grading or earthwork during the wet months or storm events, and protecting disturbed soil areas with temporary erosion and sediment control BMPs prior to rains (GEO-IAMF#10). Temporary erosion and sediment control measures would be applied to inactive disturbed soil areas during construction, including slope interruption devices (e.g., straw wattles) and linear sediment barriers (e.g., silt fences). As needed, temporary drainage systems may be used to route runoff away from disturbed soils and sediment detention basins may be appropriate for the LMF sites given the large area of disturbed soils and proximity of receiving waters. Additionally, the SWPPP would specify the installation of an erosion control seed mix to assist in temporarily and permanently stabilizing exposed soils. Wind erosion, resulting in fugitive dust emissions, would be avoided or minimized through standard construction site BMPs, such as construction roadway speed limits, halting activities during windy conditions, and dust suppression by wetting disturbed soil areas (AQ-IAMF#1).

The removal of existing wetlands and increases in imperviousness at the proposed LMF sites would likely result in permanent increases in runoff volumes during storm events. Filling wetlands may increase runoff volumes because wetlands provide natural flow attenuation. Impervious surfaces may increase runoff volumes because they preclude the possibility of flow attenuation from natural infiltration. To manage runoff, new drainage systems would be constructed at the LMF site to convey stormwater into receiving waters. Additionally, existing drainage systems may also be utilized to convey stormwater from the project into receiving waters. The Authority has included HYD-IAMF#1 in the project to govern the process by which the project would design new drainage systems and upgrade existing drainage systems to handle expected runoff quantities.

HYD-IAMF#1 would require the contractor to develop a stormwater management and treatment plan prior to construction to permanently control stormwater runoff from the project. As part of developing the stormwater management and treatment plan, engineers would quantify the runoff that would be generated by the LMF and incorporate stormwater management measures (BMPs) to manage the flows in accordance with the Phase II MS4 permit. These BMPs would include LID features such as detention basins, bioretention facilities, and pervious pavement. As defined by the Phase II MS4 permit,

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1677

the goal of these LID features would be to mimic the site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff as appropriate based on location. Where necessary, existing drainage systems would be upgraded to maintain adequate drainage system capacity. These LID features and drainage upgrades would be incorporated into the design of the LMF and adjacent areas to prevent substantial increases in runoff discharged into receiving waters, thereby avoiding potential erosion and sedimentation of receiving waters as a result of altered hydrology. Furthermore, the waterways that would receive runoff from the Brisbane LMF (Visitacion Creek and San Francisco Bay) are tidally influenced. Therefore, patterns of erosion and sedimentation in these receiving waters are primarily controlled by tides rather than runoff from the LMF.

Detailed drainage design plans and a drainage report for the LMF were not prepared for the current preliminary design. During the detailed design phase, the design-build contractor would prepare drainage plans and drainage report for the LMF site describing entirely new drainage systems, proposed LID BMPs, modifications to and impacts on existing drainage systems, calculations used to develop the drainage design such as expected runoff quantities, and applicable design criteria. As the design advances, the drainage report would be updated to reflect refinements made to the drainage design plans. With the performance standards included in HYD-IAMF#1, the drainage design would not exceed the capacity of receiving drainage systems, either existing or planned, because the capacity of receiving drainage systems would be evaluated and features would be incorporated to maintain drainage capacity. Therefore, the proposed LMF would not exceed the capacity of any existing, downstream drainage facilities.

In summary, topographic changes resulting from earthwork at the LMF site would not substantially alter drainage patterns. During construction, BMPs would be used to control runoff and minimize sediment transport off-site. Runoff from the LMF site would be collected in new drainage systems that would include permanent LID features to maintain existing hydrology. In addition, where runoff from the LMF site is collected by existing drainage systems, they would be upgraded to maintain drainage capacity. For these reasons, earthwork, removal of wetlands, construction of impervious surfaces, and new drainage systems at the proposed LMF site would not substantially alter drainage patterns in a manner than would create on-site or off-site erosion, sedimentation, or

### 1164-1677

flooding or exceed the capacity of an existing or planned drainage system. Therefore, a less-than-significant impact under CEQA is warranted for both Impact HYD#1 and Impact HYD#2. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1678

Please refer to the response to submission FJ-1164, comment 1677. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1679

Please refer to the fifth paragraph in the response to submission FJ-1164, comment 1677, which describes the changes in impervious surfaces at the Brisbane LMF. The Authority also revised Table 3.8-18 to show the percentages of impervious areas within the individual and total planning watersheds. The new impervious surfaces for the Brisbane LMF are less than 1 percent of the total planning watershed and the existing impervious surfaces within that planning watershed. The CEQA conclusion for Impact HYD#2 remains the same.

### 1164-1680

Earthwork quantities presented in Tables 2-25 and 3.8-16 are consistent. Please note that Table 2-25 does not include a subtotal of all earthwork, but rather a subtotal of material requiring disposal. Table 3.8-16 provides a subtotal of all earthwork. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1681

The drainage design goal of both project alternatives is to maintain existing drainage patterns to the extent feasible. Please refer to the response to submission FJ-1164, comment 1677, which summarizes the evidence supporting conclusions for Impacts HYD#1 and HYD#2. The Authority did prepare a preliminary drainage study to support the environmental analysis—the San Francisco to San Jose Project Section Hydrology and Hydraulics Report –RECORD PEPD (Authority 2019g). A final drainage study would be prepared during final design, and would include survey information, detailed calculations, and additional information about watersheds in relation to impervious surfaces. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1682

Please refer to the response to submission FJ-1164, comment 1677, which summarizes the evidence supporting conclusions for Impact HYD#2. The Authority did prepare a preliminary drainage study to support the environmental analysis—the *San Francisco to San Jose Project Section Hydrology and Hydraulics Report –RECORD PEPD* (Authority 2019g). A final drainage study would be prepared during final design, and would include survey information, detailed calculations, and additional information about watersheds in relation to impervious surfaces.

The commenter's assertion that Impact HYD#2 is missing a discussion of Visitacion Creek is not accurate. A description and analysis of the impacts on Visitacion Creek is presented on pages 3.8-47 through 3.8-51 of the Draft EIR/EIS, which includes narrative, figures, and tables identifying permanent impacts of project, including the East or West Brisbane LMF. As described in Table 2-21 in Chapter 2, Alternatives, and shown in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, Alternative A would place Visitacion Creek into an underground culvert on the existing alignment below the East Brisbane LMF. The description under Impact BIO#19 to "relocating a portion of Visitacion Creek" referred to relocating the creek into a culvert; this text has been further clarified in the Final EIR/EIS.

### 1164-1683

In several comments, the commenter raises concerns with the adequacy of the analysis presented in the Draft EIR/EIS with respect to the water quality effects of constructing the Brisbane LMF. The Draft EIR/EIS found that construction of the LMF would have less-than-significant impacts under CEQA on water quality during construction. The Authority believes the CEQA conclusion presented in Impact HYD#4 of the Draft EIR/EIS was warranted. The following narrative describes the project features and elements that would avoid substantial changes to water quality during construction. Portions of this narrative were incorporated into Impact HYD#4 to provide additional detail in the Final EIR/EIS.

Impact HMW#1 in Section 3.10, Hazardous Materials and Wastes, describes the potential hazardous materials and wastes that may be encountered during construction of the East or West Brisbane LMF. The East Brisbane LMF would be located on the site of a former Class II landfill, and the West Brisbane LMF would be located on the former Bayshore freight yard. Excavations required to construct the East Brisbane LMF may encounter heavy metals, VOCs, semi-VOCs, petroleum hydrocarbons, PCBs, pesticides, and asbestos products. The excavations required to construct the West Brisbane LMF may encounter metals, petroleum, and VOCs. While the Authority is aware of the challenges these conditions would pose during construction, the Authority is committed to constructing the project in a manner that is protective of the aquatic environment and public safety. For this reason, the Authority has incorporated a number of features into the project that govern the disturbance, use, storage, disposal, and transport of hazardous materials encountered at the East or West Brisbane LMF site, including HMW-IAMF#1, HYD-IAMF#3, HMW-IAMF#7, and HMW-IAMF#8.

As described in Section 3.10 of the Draft EIR/EIS, the Authority would coordinate with regulatory agencies regarding construction on PEC sites, including construction of the Brisbane LMF. Pre-construction activities, such as Phase I and II ESAs, would be conducted during the right-of-way acquisition phase, and appropriate remediation, including removal of contamination, in-situ treatment, or soil capping, would be conducted prior to acquisition (HMW-IAMF#1). Testing and appropriately managing contamination within acquired properties would minimize potential effects from construction on or near PEC sites. Depending on proposed activities, such as subsurface ground disturbance, and the known extent and type of contamination,



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1683

requirements for building at contaminated sites could include further evaluation of the level of contamination and associated potential risks to human health and the environment, as well as site remediation.

The contractor would develop and implement an SWPPP (HYD-IAMF#3) to comply with the NPDES CGP and Section 402 of the CWA. The CGP prohibits the discharge of detectable concentrations of hazardous and nonhazardous substances into aquatic resources during construction. To meet this performance standard of the CGP, the contractor would be required to implement engineering controls, such as BMPs, at the LMF site. A number of standard BMPs described in the Caltrans Construction Site BMP Manual (Caltrans 2017) pertain specifically to projects involving the handling of hazardous waste and contaminated soils and groundwater. These include procedures and methods to minimize water quality impacts from stockpiling, transport, disposal, and exposure to stormwater and groundwater. These BMPs would control and manage hazardous materials and contaminated soil to avoid discharges of hazardous materials into receiving waters. The CGP would also require the contractor to implement procedures to effectively contain and clean any spills of hazardous and nonhazardous materials at the LMF site. The SWPPP is a document that is typically prepared during the construction phase of a project. Therefore, the specific BMPs and control methods that would be used at the LMF site are not known at this time, and they would be determined by the design-build contractor.

Construction activities of the East or West Brisbane LMF would also comply with regulations that control the transport, use, and storage of hazardous materials and minimize the potential for an accidental release of hazardous materials (HMW-IAMF#7 and HMW-IAMF#8). The transport of hazardous materials and wastes is regulated by federal agencies through the Hazardous Materials Transportation Act of 1975. The transport of hazardous materials and wastes is also regulated by state agencies through the Hazardous Waste Control Act. Altogether, these regulations minimize the potential for accidental releases during the transport of hazardous materials and wastes within the construction site and on off-site public roadways by establishing procedures and policies for the proper handling, labeling, packaging, and transportation of these materials. These requirements would apply to haul trucks transporting hazardous materials to an off-site disposal facility on public roadways. These regulations have been

### 1164-1683

proven to ensure that over 99.99 percent of all hazardous waste that is transported is done safely and without incident or risk to public safety (U.S. Department of Transportation 2003). Most incidents of hazardous materials transported by truck involve small leaks from drums with few consequences, if any (Transportation Research Board 2005)

Considering these project features, excavations and earthwork required to construct the East or West Brisbane LMF would not violate any water quality standards or WDRs because the sites would be appropriately remediated in coordination with regulatory agencies and any hazardous materials and wastes encountered during construction of the LMF site would be managed, controlled, and treated as required to prevent their discharge into aquatic resources. Furthermore, the transport and disposal of these materials off-site would not violate any water quality standards or WDRs, because measures compliant with existing federal and state regulations would require hazardous materials to be properly handled, labeled, packaged, and transported and reduce the potential for getting discharged into a waterway. Therefore, a less-than-significant impact under CEQA is warranted.

### 1164-1684

Impact HYD#4 discusses temporary water quality impacts, which do not include relocation of aquatic resources; information on the relocation of Visitacion Creek and other permanent water quality impacts can be found in Impact HYD#5. As described in Table 2-21 in Chapter 2, Alternatives, and shown in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, Alternative A would place Visitacion Creek into an underground culvert on the existing alignment below the East Brisbane LMF. The description under Impact BIO#19 of "relocating a portion of Visitacion Creek" referred to relocating the creek into a culvert; this text has been further clarified in the Final EIR/EIS. The project does not include realigning Visitacion Creek into Brisbane Lagoon.

Please refer to the response to submission FJ-1164, comments 1677 and 1683.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1685

The Draft EIR/EIS found that the Brisbane LMF would have less-than-significant impacts under CEQA on water quality during project operations. After considering several comments expressing concern over the adequacy of the analysis presented in the Draft EIR/EIS, the Authority believes the CEQA conclusion presented in Impact HYD#7 of the Draft EIR/EIS was warranted. The following narrative describes the project features and elements that would avoid substantial changes to water quality during operations.

Section 3.8, Hydrology and Water Resources, of the Draft EIR/EIS describes the pollutants that are expected to be released by trains during project operations and have potential to be discharged into receiving waters. These pollutants may include both inorganic compounds, such as metals, and organic compounds, including PAHs. The dust generated by physical braking processes may contain metals like iron, copper, silicon, calcium, manganese, chromium, and barium, while the use of lubricating oils on trains may release PAHs. Though not quantifiable at this time, the increase in the quantity of brake dust and PAHs that would be discharged into aquatic resources above existing conditions within the existing Caltrain corridor is not anticipated to be sufficient to substantially alter water quality.

The Authority has included HYD-IAMF#1 in the project. This element of the project would require the contractor to develop a stormwater management and treatment plan prior to construction that would control stormwater runoff during operations, including runoff from the LMF. This plan would include BMPs that would improve the quality and reduce the quantity of runoff discharged into aquatic resources, including runoff containing brake dust and PAHs emitted during project operations. These BMPs would include LID features such as detention basins, bioretention facilities, and pervious pavement that infiltrate, filter, store, evaporate, and detain runoff as appropriate based on location. These LID BMPs would be designed based on the expected conditions within the LMF, such as pollutants of concern (e.g., brake dust, PAHs), soil conditions, and runoff quantities. If site soils do not meet design specifications, engineered soil mixtures may be placed in these LID BMPs to ensure they provide sufficient filtration per applicable design guidelines. Underdrains from these LID BMPs may be omitted in areas with high groundwater levels to avoid discharging groundwater into receiving waters. Additionally, impervious liners and flow-through planters can be utilized in areas with high pollutant concentrations in underlying soils and groundwater. If achieving all

### 1164-1685

stormwater treatment requirements for the LMF is not feasible on-site, the Authority would consider working with the City of Brisbane and other local jurisdictions to implement off-site stormwater treatment projects to achieve a comparable level of water quality treatment.

Project operations at the LMF would not violate water quality standards or WDRs, because train emissions would not substantially increase pollutant loads in receiving waters beyond existing conditions. Furthermore, the project would include stormwater treatment BMPs designed to filter pollutants of concern in runoff generated during operations, including brake dust and PAHs, before runoff is discharged into receiving waters. These BMPs would be designed based on site conditions, including soil characteristics and runoff quantities, and to ensure they provide adequate treatment without posing a risk to underlying soil and groundwater contamination. Therefore, a less-than-significant impact under CEQA is warranted. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1686

Please refer to the response to submission FJ-1164, comments 1683 and 1685. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1687

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Please refer to the response to submission FJ-1164, comment 1676. Please also refer to Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, for the complete text of the IAMFs. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1688

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Section 3.10, Hazardous Materials and Wastes, in the Draft EIR/EIS identified locations with known groundwater contamination, the contaminants known to be present at those locations, as well as areas with potential to contain contamination based on historic and current land uses. These findings were incorporated into the analysis presented in Impact HYD#8 in the Draft EIR/EIS. Additional descriptions of these contamination risks were added to Impact HYD#8 in the Final EIR/EIS. Several IAMFs, as described in EIR/EIS, would provide for the proper management, handling, disposal, and transport of any contaminated material encountered during project construction. These revisions included in the Final EIR/EIS did not change the CEQA conclusion HYD#8. Please refer to the revised discussion of these issues for Impact HYD#8 in the Final EIR/EIS.

### 1164-1689

The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS. The comment is noted but did not result in any revisions to the Draft EIR/EIS.

### 1164-1690

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Additional data was added to Table 3.8-13 and additional analysis was provided in Impact HYD#13 in the Final EIR/EIS in response to this comment. HYD-IAMF#2 would be effective at reducing impacts on flooding because the project would be designed to avoid substantial increases in the water surface elevations of 100-year floodplain with three performance criteria. These criteria include preventing saturation and infiltration of stormwater into the railbed; minimizing development within floodplains to meet specific increases in water surface elevations; and designing floodplain crossings to meet specific increases in water surface elevations.

### 1164-1691

HYD-MM#1 provides a range of potential design options that the design-build contractor would consider in meeting the performance standard of maintaining existing 100-year water surface elevations within the Guadalupe River. As a Civil Works projectwaterway regulated under Section 14 of the Rivers and Harbors Act (33 U.S.C. §408), the federal facilities at the proposed crossings of Guadalupe River and adjacent floodplains would require coordination with Valley Water as the nonfederal sponsor and approval by USACE. The Authority cannot presume to know what design these two agencies would find acceptable for the Guadalupe River crossing. For this reason, the mitigation measure provides a range of designs that would meet the performance criterion of no increase in elevation under Section 14 of the Rivers and Harbors Act (33 U.S.C. §408). Ultimately, USACE has the ability to approve the project's design for the Guadalupe River crossing through the Section 14 of the Rivers and Harbors Act (33 U.S.C. §408) permission process, as stated in the description of the mitigation measure. Construction of this project element cannot commence without permission from USACE. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1692

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

The Authority disagrees with the commenter's assertion that sea level rise must be analyzed as a CEQA impact. As explained in the standard response, because construction and operation of the project would not cause sea levels to rise more quickly or to a higher elevation (i.e., make the impact of sea level rise worse), CEQA does not require the Authority to analyze the impacts of sea level rise on the project (e.g., how future sea level rise or future flooding/runoff conditions in combination with sea level rise could affect the operations of the HSR system). In addition, construction of the Brisbane LMF is not anticipated to alter drainage patterns such that the intensity of inundation impacts cause by sea level rise would be affected. Drainage patterns in relation to sea level rise are based on the site elevation. Because the LMF design has been developed in consideration of the current sea level rise projections for 2050 and 2100 under high emissions scenarios, impacts on drainage patterns in relation to sea level rise are not anticipated.

Section 3.8.10, Vulnerability and Adaptation to Sea Level Rise, was updated in the Final EIR/EIS to discuss water quality issues from sea level rise projections. Because the ground elevation of the LMF would be higher than projected sea level rise in 2050 and 2100, vehicles, equipment, materials, and infrastructure at the LMF located on or above the ground are currently expected to be protected from the effects of sea level rise over the long term. Therefore, the vehicles, equipment, materials, and infrastructure at the LMF would not be exposed to Bay waters in such a manner that would create water quality issues as a result of sea level rise.

### 1164-1693

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

Section 3.8.10, Vulnerability and Adaptation to Sea Level Rise, was updated in the Final EIR/EIS to discuss the water surface elevations of the ground elevations at the LMF and sea level rise projections. Based on the current design and projections of sea level rise, the ground surface of either LMF site would not be susceptible to flooding during the 100-year high tide in either 2050 or 2100. The additional information added to the Final EIR/EIS did not affect the conclusions with respect to sea level rise in the Draft EIR/EIS, and recirculation based on this comment is not warranted.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1694

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

As described under Impact HYD#14 in Section 3.8, Hydrology and Water Resources, of the Draft EIR/EIS, operation of HSR trains on blended system infrastructure and intermittent maintenance activities would not alter water flow during flood events and high tide events. Additionally, as described under Impacts HYD#6 and HYD#7, material and chemical storage at the LMF, TPFs, and stations would be designed to avoid the risk of pollutant discharges during floods, and the use of electric locomotive and regenerative braking technologies would minimize the types and quantities of pollutants released during train operations. Therefore, there would be no anticipated contamination concerns during flood events and high tide events.

Section 3.8.10, Vulnerability and Adaptation to Sea Level Rise, was updated in the Final EIR/EIS to discuss water quality issues from sea level rise projections. As explained in Standard Response FJ-Response-HYD-1, PJCPB (as the owner and operator of Caltrain corridor) has the primary responsibility for ensuring the overall rail corridor adapts to and remains resilient in the face of sea level rise and climate change, including the mainline tracks between San Francisco and San Jose, stations, and associated infrastructure. The only areas that would be owned and operated by the Authority (i.e., outside of PCJPB/Caltrain's property) that would be vulnerable to the effects of sea level rise are the proposed East or West Brisbane LMF. Because the ground elevation of the LMF would be higher than projected sea level rise in 2050 and 2100, vehicles, equipment, materials, and infrastructure at the LMF located on or above the ground are currently expected to be protected from the effects of sea level rise over the long term. Therefore, these items would not be exposed to Bay waters in such a manner that would create water quality issues.

### 1164-1695

Analysis of consistency with BCDC's policies was provided in Volume 2, Appendix 3.1-B, San Francisco Bay Conservation and Development Commission Bay Plan Consistency Analysis, of the Draft EIR/EIS. This analysis included an assessment of consistency with BCDC's relevant climate change policies. Accordingly, the comment did not result in any revisions to the Draft EIR/EIS and recirculation based on this comment is not required.

### 1164-1696

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

As addressed in this standard response, the Authority believes that the proposed sea level rise vulnerability assessment and adaptation plan is not improperly deferred. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1697

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

As addressed in this standard response, the Authority believes that the proposed sea level rise vulnerability assessment and adaptation plan is not improperly deferred. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1698

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

It is reasonable to assume that cumulative projects would comply with applicable laws and regulations adopted for purposes of environmental protection. Complying with laws and regulations is necessary to obtain relevant regulatory permits, to project water quality and to prevent/minimize flooding. It would be unrealistic to assume that cumulative projects would not comply with applicable laws and regulations, and it would be speculative to make assumptions about the number or proportion of projects that would not comply and to what degree.

Therefore, for hydrology, floodplain and water quality impacts, regulatory compliance is assumed, and such adherence meets the definition of addressing, minimizing and avoiding impacts on a per-project basis, and if implemented, significant cumulative impacts would not be anticipated.

### 1164-1699

The comment asserts the cumulative analysis of hydrology/water quality effects is inadequate.

As stated in Draft EIR/EIS Section 3.8, Hydrology and Water Resources, the same thresholds are used for the cumulative analysis of hydrology and water resources as for the project impact analysis. Section 3.8 identifies that the project-specific impacts on hydrology and water quality would be significant (for Impacts HYD#4, HYD#5, and HYD#13 under Alternative A) before mitigation and would be less than significant after mitigation. Regarding the comment about impact conclusions in Section 3.8 for Impacts HYD#2, HYD#7, and HYD#13 under Alternative B, please refer to the following responses comments. Regarding Impact HYD#2, please refer to the responses to submission FJ-1164, comments 1677 through 1682. Regarding Impact HYD#7, please refer to the responses to submission FJ-1164, comments 1685 through 1687. Regarding Impact HYD#13, please refer to the response to submission FJ-1164, comment 1690. The analysis in Draft EIR/EIS Section 3.18, Cumulative Impacts, examines two things: (1) if there is a cumulatively significant impact (inclusive of the HSR project's effects); and (2) if the HSR project contributes considerably to a cumulatively significant impact (a "considerable" contribution is considered to be a significant impact). When assessing the HSR project's contribution to a cumulative effect, the analysis takes into account both the project's impacts and mitigation to avoid or minimize those impacts. Section 3.18 considers the potential for significant cumulative impacts related to hydrology and water quality, but does not identify any such significant impacts. Certain cumulative impacts related to hydrology/water quality would occur (refer to the discussion of the cumulative condition under hydrology/water quality in Section 3.18), but the project's contribution to these impacts would not be considerable. Section 3.18 also states that other projects are also required to provide mitigation per CEQA requirements and per state and federal regulatory requirements regarding hydrology and water quality. Section 3.18 discloses the project's effects both before and after mitigation. Regarding the CEQA conclusions, the Final EIR/EIS incorporates clarifying revisions to references to "no cumulative impacts"; these have been changed to be "no significant cumulative impacts" where relevant, consistent with the analysis.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1700

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

AVQ-IAMF#1 and AVQ-IAMF#2 are project features that are committed to as part of the project design as described in Section 3.15, Aesthetics and Visual Quality, of the Draft EIR/EIS. As part of AVQ-IAMF#1, the Authority's contractor would apply the Authority's aesthetic guidelines to non-station HSR infrastructure and would design structures with aesthetic character and in visual harmony with the surrounding environment. The contractor would document in a technical memorandum how these guidelines have been applied to minimize visual impacts. As part of AVQ-IAMF#2, the Authority would conduct an aesthetics review process that would provide opportunities for community input to shape the final design. This process commits the Authority to collaborate with local agencies, stakeholders, and contractors to address HSR aesthetic issues on a consistent basis, by initiating outreach to local affected jurisdictions; identifying key non-station structures for visual mitigation; initiating steps for community design review; and incorporating design requirements into construction procurement documents.

Refer to the response to submission FJ-1164, comment 1410 for a description of the level of detail and design of the Brisbane LMF for the purposes of the aesthetics and visual analysis.

The commenter incorrectly asserts that the Draft EIR/EIS relies on IAMFs to reduce aesthetic impacts of the Brisbane LMF to less than significant. Consistent with the methods described in Section 3.15.4, Methods for Evaluating Impacts, the project's impact within the Brisbane Landscape Unit is based on an assessment of the existing physical characteristics of visual resources and on viewers' awareness of and exposure to those resources. As discussed under Impact AVQ#4, the East or West Brisbane LMF would decrease the visual quality by one level (from moderately high to moderate) for residential viewers on San Bruno Mountain with moderate sensitivity. For the purposes of this analysis, a substantial change in visual character or quality was defined "as a decrease of two or more levels of visual quality in a landscape viewed by viewers with moderate to high viewer sensitivity or as a decrease of one level in a landscape viewed by viewers with high viewer sensitivity" (please refer to Section 3.15.4.5, Method for Determining Significance under CEQA). Accordingly, neither project alternative would

### 1164-1700

substantially degrade the existing visual character or quality within the Brisbane Landscape Unit and the impact on visual quality would be less than significant. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1701

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

As part of AVQ-IAMF#2, the Authority would conduct an aesthetics review process that would provide opportunities for community input to shape the final design. This process commits the Authority to collaborate with local agencies, stakeholders, and contractors to address HSR aesthetic issues on a consistent basis, by initiating outreach to local affected jurisdictions; identifying key non-station structures for visual mitigation; initiating steps for community design review; and incorporating design requirements into construction procurement documents. The Authority would provide local jurisdictions with examples of aesthetic options that can be applied to non-standard structures in the HSR system. The Authority's Aesthetic Options for Non-Station Structures (Authority 2017), which is referenced in AVQ-IAMF#2, identifies examples of these aesthetic options, which include material color, integrated patterns, textures, and wall treatments of structures and parapets; shape of box girders; shape and integrated patterns and textures of columns; non-structural details and colors of bridges (including pedestrian bridges) and overpasses; integrated patterns and textures of retaining walls; material, patterns, and textures for fences, screens, barriers, noise barriers, and access/egress stairs. The application of aesthetic options consistent with local preferences would result in structures that are designed and constructed with aesthetic character and in visual harmony with the surrounding environment.

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. For this reason, the project's visual impacts on the proposed development are not evaluated. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1702

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment states the Draft EIR/EIS does not include the future development in the Brisbane Baylands in the baseline used for the environmental analysis. Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. For this reason, the project's visual impacts on the proposed development are not evaluated.

Existing viewers in the vicinity of the Brisbane Lagoon are accurately described in the Draft EIR/EIS. Stationary recreational viewers are concentrated at the Brisbane Lagoon Fisherman's Park, on the eastern shore of the lagoon. Views of either alternative would be of the railway on the opposite shore of the lagoon and the relocated Tunnel Avenue overcrossing, which would be set further back from the shoreline of the lagoon. Both distance from any visual changes resulting from either alternative and the viewers' primary focus on the activity of fishing make these recreational viewers less sensitive to potential change in visual quality.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1703

To account for different elevations, analysts searched the neighborhoods at higher elevations to find a representative KVP to include in the EIR/EIS to illustrate how the project alternatives would change those views. KVP 4, Kings Road, was selected for the analysis because it provided a clear view to the LMF sites from a location near the top of the residential area on San Bruno Mountain. This is shown in baseline and simulated views for Alternatives A and B at KVP 4, as illustrated by Figures 3.15-23 and 3.15-25 of the Draft EIR/EIS. Consistent with standard practice for visual impact assessments, the visual sensitivity of a viewer is affected by distance to the view, with a greater distance resulting in a lower sensitivity because fewer details are visible. A moderate sensitivity rating was assigned to residents viewing the project from the hills because of the distance of the LMF locations from the KVP. While the construction of either LMF would alter views from KVP 4, the KVP's elevation provides viewers with distant views to Candlestick Point, the downtown San Francisco skyline and across the bay to the East Bay Hills. The expansive views to distant landmarks would not be affected by the Brisbane LMF.

The commenter incorrectly states that the conclusion with respect to the Brisbane LMF references only the distance of residential viewers from the "railway." Impact AVQ#5 states that residential viewers on San Bruno Mountain would be approximately 1 mile from the East or West Brisbane LMF.

The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1704

The analysis and visual simulations of Alternative B (Figures 3.15-24 and 3.15-25) provided in the Draft EIR/EIS were developed to show the West Brisbane LMF and the removal of Icehouse Hill. Updates have been made to the discussion within Impact AVQ#4 in the Final EIR/EIS to describe the removal of Icehouse Hill under Alternative B. With respect to Impact AVQ#4, the effects analysis in the Draft EIR/EIS found that the impact would be less than significant for the Brisbane Landscape Unit, which is supported by the effects analysis and evidence. While the removal of Icehouse Hill under Alternative B would affect residential viewers at KVP 4, this impact is not typical of the other visual changes throughout the overall Brisbane Landscape Unit. Consistent with the methodology outlined in Section 3.15.4.5, Method for Determining Significance under CEQA, the decrease in visual quality by one level from KVP 4 due to the West Brisbane LMF for residential viewers on San Bruno Mountain with moderate sensitivity would not substantially degrade the existing visual character or quality within the overall Brisbane Landscape Unit, resulting in a less-than-significant impact under CEQA. The CEQA conclusion did not change as a result of the addition of text to Impact AVQ#4 in the Final EIR/EIS regarding the removal of Icehouse Hill under Alternative B.

### 1164-1705

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

Please also refer to the responses to submission FJ-1164, comments 1700 and 1701, which address the commenter's assertion that the aesthetic IAMFs are improperly deferred mitigation.

The Authority disagrees with the commenter's assertion that AVQ-MM#3 is a deferred mitigation measure. AVQ-MM#3 requires the incorporation of design criteria for non-station structures that consider the local context, and requires the design-build contractor to prepare and submit to the Authority a technical memorandum that describes how they coordinated with local jurisdictions on the design of non-station structures so that they fit in with the existing visual context. Performance standards are outlined in the Authority's Aesthetic Options for Non-Station Structures (Authority 2017), which is referenced in AVQ-MM#3. These guidelines identify aesthetic options that, when applied consistent with local preferences, would result in structures that are designed and constructed with aesthetic character and in visual harmony with the surrounding environment. Consistent with CEQA requirements, AVQ-MM#3 identifies performance standards and related actions that will ensure effectiveness and requires that the mitigation will be fully developed and in place as part of the final design process.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1706

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The EIR/EIS provides a set of effective and enforceable mitigation measures to address impacts on aesthetics and visual quality, which are consistent with CEQA requirements (14 Cal. Code Regs. §15126.4(b)).

Where appropriate, specific performance standards are provided. For example, AVQ-MM#1 establishes specific replacement ratios for removed shrubs/small trees and mature trees and size requirements for replacement vegetation (i.e., shrubs would be a minimum of 5 gallons and replaced trees would be a minimum 24-inch box and minimum 8 feet in height). AVQ-MM#1 also requires that any graffiti or visual defacement of temporary fencing and walls be painted over or removed within 5 business days. AVQ-MM#2 requires that nighttime construction lighting must be shielded and directed downward to minimize the light that falls outside the construction site boundaries. AVQ-MM#6 requires that design treatments for sound barriers must be incorporated into the final project design and lists specific treatments that must be included. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1707

Additional details about the lighting design for the Brisbane LMF have been added to the project description in Chapter 2, Alternatives, and to the analysis in Section 3.15, Aesthetics and Visual Quality, in the Final EIR/EIS. The lighting design and use would be consistent with industry best practices to minimize potential impacts on nighttime views. Specifically, all outdoor lighting would be designed using the Illuminating Engineering Society's design guidelines and would use International Dark Sky Association–approved fixtures. Lights would be installed at the lowest allowable height, would use downcast fixtures to direct light only towards objects requiring illumination, and would operate with the lowest allowable illumination level. As described under Impact AVQ#17, with the proposed visually sensitive lighting design at the Brisbane LMF, the facility would not be a new source of substantial light adversely affecting nighttime views.

### 1164-1708

Please refer to the response to submission FJ-1164, comment 1700, which addresses the commenter's assertion that AVQ-IAMF#1 is improperly deferred mitigation.

To address this comment, the reference to lighting under Impact AVQ#17 has been removed and additional details about the lighting design for the Brisbane LMF have been added to the project description in Chapter 2, Alternatives, and to the analysis in Section 3.15, Aesthetics and Visual Quality, in the Final EIR/EIS. The lighting design and use would be consistent with industry best practices to minimize potential impacts on nighttime views. Specifically, all outdoor lighting would be designed using the Illuminating Engineering Society's design guidelines and would use International Dark Sky Association–approved fixtures. Lights would be installed at the lowest allowable height, would use downcast fixtures to direct light only towards objects requiring illumination, and would operate with the lowest allowable illumination level.

With respect to Impact AVQ#17, the Draft EIR/EIS found that permanent impacts on nighttime light levels at fixed locations would be less than significant, which is the correct determination based on the effects analysis and substantial evidence. While the East or West Brisbane LMF would contribute to increases in nighttime light levels, the lighting design would limit its radiance. When viewed by residential viewers with moderate viewer sensitivity located 1 mile from either LMF site, the light from the Brisbane LMF would be visible, but would be consistent with the larger context that includes other existing nighttime sources, such as traffic on US 101 and the southern-facing skyline of San Francisco. The impact would be less than significant because the project would not create a new source of substantial light that would adversely affect nighttime views.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1709

Impact AVQ#17 explains that “the light from the Brisbane LMF would be visible but would be consistent with the larger context that includes other existing nighttime sources, such as traffic on US 101 and the southern-facing skyline of San Francisco.”

The sources of light described in the analysis as the “southern-facing skyline of San Francisco” are not limited to downtown San Francisco but include all existing lighting from the urbanized areas in San Francisco and Daly City, each bordering Brisbane and visible from residences on San Bruno Mountain in Brisbane.

Additional details about the lighting design for the Brisbane LMF have been added to the project description in Chapter 2, Alternatives, and to the analysis in Section 3.15, Aesthetics and Visual Quality, in the Final EIR/EIS. The lighting design and use would be consistent with industry best practices to minimize potential impacts on nighttime views. For example, lights would be installed at the lowest allowable height, would use downcast fixtures to direct light only toward objects requiring illumination, and would operate with the lowest allowable illumination level. As described under Impact AVQ#17, with the proposed visually sensitive lighting design at the Brisbane LMF, the facility would not be a new source of substantial light adversely affecting nighttime views.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1710

Please refer to the response to submission FJ-1164, comment 1700, which addresses the commenter’s assertion that AVQ-IAMF#1 is improperly deferred mitigation.

The cumulative analysis of aesthetics and visual quality explains that construction of either project alternative in combination with other cumulative projects would result a permanent construction-related cumulative impact on aesthetics and visual quality at Brisbane Baylands. However, because the HSR project would be designed with input from the local jurisdiction to visually integrate the HSR infrastructure with the local aesthetic through aesthetic treatments and landscaping, the project would not substantially degrade the existing visual character or quality within the Brisbane Landscape Unit. Accordingly, the analysis concludes that the project would not result in a cumulatively considerable contribution to cumulative impacts on aesthetics and visual quality. This conclusion is supported by the effects analysis and substantial evidence. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1711

The comment asserts that the methodology for the water supply analysis is flawed and that water supply-related conclusions in Impact PUE#8 in Draft EIR/EIS Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS are incorrect.

The analysis under Impacts PUE#5 and PUE#8 follow the methodology articulated in the cited appellate case (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412). The analysis focuses on the SFPUC's water supply because the SFPUC provides water to San Francisco and the cities on the San Francisco Peninsula, including providing 100 percent of the City of Brisbane's water supply. Consequently, the EIR/EIS analysis focuses on the effect of the project's water demand on the SFPUC water supply. The water supply for the LMF in Brisbane would be provided through the Brisbane Water District, which receives its water from the SFPUC. The Authority will work with the SFPUC and the Brisbane Water District to adjust the city's allocation as necessary to meet the project demand. The allocations from SFPUC to local water retailers, like the City of Brisbane, are an administrative action. Therefore, the focus of the EIR/EIS analysis is on the effect of the project's water demand on the water supply itself and the potential for any significant physical impacts on the environment resulting from that demand. The EIR/EIS properly focuses on the project's effect on the SFPUC's water supply, which is the supply for the project's water demand, whether provided directly from the SFPUC (such as in San Francisco) or indirectly via local water retailers (such as in Brisbane).

The analysis, as updated in the Final EIR/EIS, concludes there is sufficient remaining water supply from the SFPUC in normal, single dry year, and two dry year scenarios for operational water for the four project facilities anticipated to draw water—the three stations (San Francisco, Millbrae, and San Jose Diridon) and the Brisbane LMF. As explained in the Final EIR/EIS, for three to five dry year scenarios, the SFPUC water supply would be short for cumulative demand in future years. While the project demand would contribute to that cumulative demand during the three to five dry year scenarios, the project's demand is minimal compared to cumulative demand. The project would not result in the need for additional water supply development or an increase in the need for regional water conservation and thus would not result in significant secondary physical effects on the environment. The Final EIR/EIS reflects updates based on SFPUC's 2020 Urban Water Management Plan adopted in June 2021 (SFPUC 2021a). Accordingly, the

### 1164-1711

EIR/EIS concludes there would be a less-than-significant impact on water supplies because sufficient water supplies would be available to serve operation of the project and reasonably foreseeable future development during normal, dry, and two dry year scenarios, and for three to five dry year scenarios, the project demand would not result in the need to develop additional water supply nor would result in a substantial increase in the need for regional water conservation such that any significant secondary physical effects on the environment would occur.

### 1164-1712

Please refer to the response to submission FJ-1164, comment 1711, which explains the allocation of water from the SFPUC and the focus of EIR/EIS analysis on the potential impacts of project's water demand on the water supply from the SFPUC's regional water system.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1713

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

IAMFs are project features that the Authority has incorporated into the project design and that would result in a tangible avoidance or minimization of environmental impacts as described in the impact analysis for each resource section. As explained in Section 3.6, Public Utilities and Energy, PUE-IAMF#4 would require the construction contractor to coordinate with service providers to minimize or avoid utility service interruptions, including interruptions associated with upgrades of existing power lines to connect the HSR system to existing utility substations. This measure would be effective in reducing impacts of public utility interruptions by coordinating planned interruptions, providing utility providers an opportunity to plan appropriately for the service interruption. To be responsive to this comment, Impacts PUE#1 and PUE#1 in Section 3.6 have been revised in the Final EIR/EIS to clarify the performance standards for PUE-IAMF#4.

In addition, as noted in Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, the specific utility connection issues and relocation sites cannot be known until the Authority is engaged in final design and the utility or municipal service providers share information on the impact of the selected alternative on their existing facilities. The Authority has drawn the project footprint with a margin to allow future relocations to be accommodated, but to the extent that any of the needed relocations require land not currently in the project footprint, additional environmental review under CEQA/NEPA may be required.

### 1164-1714

The comment asserts that the conclusion of Impact PUE#4 is not substantiated and further asserts that the project's compliance with CPUC General Order 131-D was invoked in making an impact conclusion.

Figures 3.6-1 through 3.6-5 in the Draft EIR/EIS illustrate both existing and proposed electrical infrastructure associated with the project alternatives. All construction-related impacts, including in Section 3.6, Public Utilities and Energy, take into account the entirety of construction, including all new and/or upgraded electrical infrastructure. Impacts PUE#5, PUE#6, and PUE#7 further describe utility-related impacts associated with the construction of all project infrastructure, including electrical infrastructure. CPUC General Order 131-D is noted in the Impact PUE#4 conclusion insofar as it is cited in Section 3.6.2.2, State and Local Laws, of the Draft EIR/EIS and is a relevant regulatory requirement concerning the construction of new electric-powered railroads and associated infrastructure. However, contrary to the assertion of the comment, compliance with CPUC General Order 131-D was not invoked in making environmental conclusions.

To address this comment, clarifying revisions have been made to Impact PUE#4 in the Final EIR/EIS to further substantiate that the impacts associated with the construction of electrical and other infrastructure would be less than significant under CEQA.

These revisions did not result in any change to the impact determinations under CEQA or NEPA for Impact PUE#4.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1715

The comment asserts that Impact PUE#4 only addresses impacts associated with the construction of electrical infrastructure and therefore does not speak to the environmental impacts associated with construction of other types of utility infrastructure.

To address this comment, the Final EIR/EIS reflects clarifying revisions to Impact PUE#4 to further substantiate that the impacts associated with the construction of electrical and other infrastructure would be less than significant under CEQA.

These revisions did not result in any change to the impact determinations under CEQA or NEPA for Impact PUE#4.

The comment also asserts that the Draft EIR/EIS must discuss the availability and adequacy of existing infrastructure to serve the Brisbane LMF. Impacts PUE#5 and PUE#6 of the Draft EIR/EIS discuss temporary construction impacts on water use and from wastewater and stormwater generation. While these impacts do not expressly identify the LMF or other individual elements, Table 3.6-11 is inclusive of anticipated construction water use for the LMF. Similarly, wastewater and stormwater generation estimates in Impact PUE#6 take into account the LMF. Impacts PUE#8, PUE#9, and PUE#10, respectively, address the project's permanent impacts related to water use, wastewater generation, and storm drainage, inclusive of all facilities that would draw on or otherwise use such utilities. As discussed in Impacts PUE#6, PUE#7, PUE#8, PUE#9, and PUE#10, an analysis of the adequacy of existing infrastructure to serve the project has been conducted. Nonetheless, the utility infrastructure improvements have been identified based on preliminary engineering and are identified in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. If subsequent modifications to the project are determined to require changes to the Final EIR/EIS, additional environmental documentation will be prepared in compliance with CEQA and NEPA.

### 1164-1716

The comment states that the Draft EIR/EIS: (1) does not explain how construction water estimates were calculated, (2) does not consider the amounts of excavation and grading that would be required, and (3) does not consider special conditions associated with the former Brisbane Landfill.

In response to this comment, additional text was added to Volume 2, Appendix 3.6-C, Water Use Assessment, that further clarifies how construction water estimates were developed. Construction water estimates were developed for the Draft EIR/EIS by the engineering team based on professional experience and consideration of the following factors: (1) type of activity (e.g., water trucks would be needed for compaction, excavation, dust control activities, and equipment cleaning); (2) number of water trucks appropriate for each activity (e.g., it is assumed that use of a single grader would require two water trucks); (3) intensity of construction activity; and (4) duration of construction activity. Accordingly, the amount of excavation and grading required for the Brisbane LMF was considered in the estimate of construction water use.

Through the consideration of these four factors, the construction plan for the Brisbane LMF includes the number of water trucks needed to account for any special conditions associated with construction on the former landfill. In addition, the four factors that were considered account for some of the largest construction water needs; therefore, consideration of these factors allows a reasonable estimate based on the preliminary engineering design that is sufficient for assessing environmental impacts.

### 1164-1717

Impact PUE#7 in Section 3.6, Public Utilities, and Energy, of the Final EIR/EIS has been revised to refine the assumptions regarding the amount of solid waste, including the amount of hazardous solid waste that would be generated from construction of the East Brisbane LMF. Please refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS. These revisions did not result in any change to the impact determinations under CEQA or NEPA for Impact PUE#7.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1718

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

IAMFs are project features the Authority has incorporated into the project and that result in a tangible avoidance or minimization of environmental impacts as described in the impact analysis for each resource section.

Construction of the project would cause permanent changes in drainage patterns due to project operations (please refer to Impacts HYD#5, HYD#6, and HYD#7 in Section 3.8, Hydrology and Water Resources, of the Draft EIR/EIS). However, the analysis in Impact PUE#10 focuses on whether the increment of additional runoff associated with the project would result in the need for new or expanded stormwater drainage facilities. Because the project design incorporates numerous features that reduce and treat the amount of stormwater associated with the project per pertinent regulations (including but not limited to infiltration facilities, detention facilities, the incorporation of permeable vegetated surfaces, and similar measures), neither the quantity nor quality of project-related stormwater increases require new or expanded stormwater drainage facilities beyond those built as part of the project. Accordingly, Impact PUE#10 concludes the project would result in a less-than-significant impact on stormwater drainage facilities based on the effects analysis and evidence presented. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1719

The Authority has been designated as a permittee under the Phase II MS4 permit, which requires the Authority to provide stormwater treatment for impervious surfaces using LID features and green infrastructure. For this reason, the stormwater management and treatment plan (HYD-IAMF#1) would seek to maximize the use of these features. The Authority acknowledges that the proposed LMF sites in the Brisbane Baylands pose unique constraints to meet these stormwater treatment obligations under the Phase II MS4 permit. Per Section E.12.e(ii)(h), Allowed Variations for Special Site Conditions, of the Phase II MS4 permit, impervious liners and flow-through planters can be utilized in areas with high pollutant concentrations in underlying soils and groundwater. Additionally, underdrains may be omitted in areas with shallow groundwater. If achieving all stormwater treatment requirements for the LMF is not feasible on-site, the Authority would consider working with the City of Brisbane and other local jurisdictions to implement off-site stormwater treatment projects per Section E.12.I, Alternative Post-Construction Storm Water Management Program, of the Phase II MS4 permit. HYD-IAMF#1 was revised in the Final EIR/EIS to further clarify information about compliance with the applicable state and local NPDES permits for the stormwater treatment measures, which include the alternative post-construction stormwater management/alternative compliance options. For these reasons, HYD-IAMF#1 would be effective at reducing water quality impacts throughout the project area.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1720

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The standard response addresses why the IAMFs are not deferred mitigation. Details about the stormwater treatment types and locations will be determined after the site investigations are completed during the subsequent design phases of the project. The site investigations, which include testing and sampling of the soil and groundwater conditions per the permit conditions, will assist in the determination of stormwater treatment measures. If achieving all stormwater treatment requirements for the project is not feasible on-site, the Authority will work with the City of Brisbane and other local jurisdictions to implement off-site stormwater treatment projects per Section E.12.I, Alternative Post-Construction Storm Water Management Program, of the Phase II MS4 permit. HYD-IAMF#1 was revised in the Final EIR/EIS to clarify information about compliance with the applicable state and local NPDES permits for the stormwater treatment measures, which include the alternative post-construction stormwater management/alternative compliance options. Please refer to the response to submission FJ-1164, comment 1674 for more information.

### 1164-1721

The commenter incorrectly asserts that the Draft EIR/EIS fails to consider conflicts with state or local plans for renewable energy or energy efficiency. Please refer to Volume 2, Appendix 2-I, Regional and Local Plans and Policies, of the Draft EIR/EIS, which provides regional and local plans and policies relevant to public utilities and energy considered in the preparation of the analysis. As presented in Section 3.6.3, Consistency with Plans and Laws, the Draft EIR/EIS includes a review of inconsistencies or conflicts between the project and relevant federal, state, regional, or local plans and laws, although as a state agency, the Authority is not bound by local plans. As determined in this section, the project would be consistent with the local goals, policies, and objectives related to energy efficiency and reliable utility service because the project would provide energy-efficient transportation and would protect utility service during construction and operation. Thus, the project would have no inconsistencies with local goals, policies, and objectives concerning renewable energy or energy efficiency. To address this comment, Impact PUE#12 in Section 3.6, Public Utilities and Energy, has been revised in the Final EIR/EIS to include additional clarifying information about the state or local plans for renewable energy or energy efficiency that were considered. These revisions did not result in any change to the impact determinations under CEQA or NEPA for Impact PUE#12.

The commenter also states that Impact PUE#12 does not discuss the “specific sustainability requirements” that the Authority would include to minimize construction energy consumption in the contract for design-build services. The feasibility and availability of construction-related sustainability measures continues to evolve, and the requirements included in the contract for design-build services will employ the best available methods and technology at that time. An example of the types of construction-related measures to minimize energy consumption is provided by the new AQ-MM#2 in Section 3.3, Air Quality and Greenhouse Gases, of the Final EIR/EIS. As part of AQ-MM#2, the Authority will prioritize use of electric or hybrid-electric off-road construction equipment and heavy-duty vehicles over diesel counterparts.

The comment states that Impact PUE#12 underestimates the amount of energy that would be consumed during construction of the East Brisbane LMF by ignoring the need to haul solid waste excavated from the former Brisbane Landfill to another landfill for disposal. To address this comment, the construction-related energy use was revised to



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1721

include the additional energy demand associated with hauling of solid waste and hazardous materials to disposal facilities. The revised discussion of construction-related energy use has been included in Impact PUE#12 in Section 3.6 of the Final EIR/EIS.

Finally, the comment states that the significance of construction energy impacts should be judged separately, and not be “offset” by assumed reductions in energy consumption during project operations. However, the energy consumption during construction is analyzed separately under Impact PUE#12. Under Impact PUE#12 information is presented on the estimated non-recoverable constructed-related energy consumption for constructing the project alternatives between 2021 and 2026, which is then compared and analyzed against the 2017 statewide consumption to determine the level of significance. The conclusions in Impact PUE#12 rely on the thresholds identified in Section 3.6.4, Methods for Evaluating Impacts, and do not rely on “offsetting” construction impacts through energy reductions from operation of the project.

### 1164-1722

The comments asserts inadequacy of the cumulative impact analysis of public utilities, particularly water supply and stormwater drainage, with a focus on Brisbane.

Regarding the assertion that the project’s direct impacts on water supply are significant, the Authority respectfully disagrees. Please refer to the response to submission FJ-1164, comment 1711, which provides additional information on why this impact was found to be less than significant.

Nonetheless, in response to this comment, the Final EIR/EIS reflects clarifying edits to the cumulative impact analysis to identify why the project would not contribute considerably to a significant cumulative impact.

Regarding the cumulative demand of other development, each development project will be required under state law to demonstrate that their water demands would not result in the need for additional water supplies that would result in significant secondary physical impacts on the environment.

Potential future projects that meet or exceed the project size limits defined in SB 221 or SB 610 will be required to prepare or have prepared a formal water supply assessment examining the effects of projected water demands and the availability of water supplies in average, single dry, and multiple dry years.

Regarding the comment that the project’s direct impacts on stormwater drainage facilities are significant, please refer to the response to submission FJ-1164, comment 1718, which provides additional information on why this impact was found to be less than significant.

The comment also takes issue with the regional approach used in the Draft EIR/EIS for cumulative impacts on stormwater drainage facilities and asserts that the analysis should include location-specific evidence. The comment offers no evidence that data for Brisbane or other specific locale would, in combination with the project and other cumulative development, result in significant cumulative stormwater impacts. Future development would be subject to the NPDES stormwater management programs, as identified in Section 3.18.6.5, Public Utilities and Energy, of the Draft EIR/EIS. The Draft

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1722

EIR/EIS does consider the future cumulative demand on stormwater drainage facilities and identifies that no cumulative impacts would occur with adherence to existing regulations.

### 1164-1723

This comment claims that EMF/EMI-IAMF#1 represents “improperly deferred mitigation”, and in particular, asks that EMF/EMI-IAMF#1 be discussed as an EIR/EIS mitigation measure. Please refer to Standard Response: FJ-Response-GEN-5: Impact Avoidance and Minimization Features, which addresses this topic and provides a description of how each IAMF avoids or minimizes impacts.

The commenter also requests that the EIR/EIS specifically describe the design practices and design provisions referenced in each IAMF to support the significance conclusions. As stated in the description of EMF/EMI-IAMF#1 in Appendix 2-E, Project Impact Avoidance and Minimization Features, the Authority’s EMF/EMI design standards and electromagnetic compatibility design criteria are detailed in the Authority’s Technical Memorandum: CHSTP Implementation Stage EMC Program Plan (ISEP) (Authority 2014a) and California High-Speed Train Project Design Criteria (Authority 2014b). For impacts where an IAMF is relevant to the CEQA or NEPA determination, a description of the relevant design standards or practices that result in the avoidance or minimization of an impact is provided. For example, under Impact EMF/EMI#8, the Draft EIR/EIS states that the Authority’s design criteria for preventing interference with adjacent railroads (EMF/EMI-IAMF#1) would include an assessment of the specific track signal and other communication equipment in use on nearby sections of existing rail lines, evaluation of potential impacts of HSR EMFs and radio frequency interference on adjoining railroad equipment, and application of suitable design provisions (e.g., providing filters for sensitive communication equipment and potentially relocating or reorienting radio antennas) on the adjoining rail lines to prevent interference. During project design, the HSR contractor would work with the engineering departments of Caltrain, freight railroads, and BART, all of which parallel the HSR line, to apply these standard design practices when communication equipment or facilities are installed next to its tracks. Prior to the activation of any potentially interfering HSR systems, the Authority would contract a qualified engineering professional to validate and certify the efficacy of design provisions preventing interference, which would be tracked by the Authority as part of contract compliance. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1724

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The comment asserts that SOCIO-IAMF#1 is a deferred mitigation measure and should not be considered as part of the project description. Please refer to the standard response referenced above, which addresses some of the concerns raised by the commenter regarding IAMFs.

SOCIO-IAMF#1 requires the contractor to prepare a CMP prior to construction addressing how actions pertaining to communications, visual protection, air quality, safety controls, noise controls, and traffic controls will be implemented during construction to minimize impacts on community residents and businesses. The plan also ensures that property access is maintained for local businesses, residences, and emergency services. The plan will include maintaining customer and vendor access to local businesses throughout construction by using signs to instruct customers about access to businesses during construction. In addition, the plan will include efforts to consult with local transit providers to minimize impacts on local and regional bus routes in affected communities.

SOCIO-IAMF#1 is applied in concert with several other construction-related IAMFs with performance standards and specific commitments, such as TR-IAMF#2 and NV-IAMF#1. As a project design feature, SOCIO-IAMF#1 summarizes other commitments like these in the context of lower-income communities and minority communities. Moreover, SOCIO-IAMF#1 includes a clear performance standard to maintain property access to local businesses, residences, and emergency services.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1725

The comment asserts that the Draft EIR/EIS failed to adequately disclose and evaluate the impacts of displacing the City of Brisbane's corporation yard. The comment also asserts that the Draft EIR/EIS does not properly analyze TCEs related to construction of the East or West Brisbane LMF.

Regarding the Brisbane Corporation Yard, which is located on Tunnel Avenue at Lagoon Road, Impact SOCIO#8 addresses its displacement as an industrial business. The City leases the corporation yard space from SFPP (also known as Kinder Morgan). The corporation yard is located on the same parcel as Kinder Morgan. The parcel containing both the industrial use and the corporation yard is identified as fully within the project footprint under Alternative A, even though both the Kinder Morgan tank farm and the corporation yard would still be operable. The corporation yard was counted as an industrial business displacement because the East Brisbane LMF lead track would require relocation of the existing corporation yard building. The Final EIR/EIS includes a clarifying note to this effect. Please also refer to the response to submission FJ-1165, comment 1929 concerning the Brisbane Corporation Yard.

Accordingly, the Draft EIR/EIS accounts for displacement of the Corporation Yard. The concern expressed in the comment regarding the Authority's definition of displacements and relocations is noted but not relevant since no facility has been overlooked. Please refer to Impact SOCIO#9 for all traditional, public-facing government facilities (e.g., parks, libraries) that would be displaced by the project alternatives.

Regarding TCEs in general, please refer to Draft EIR/EIS Section 2.10.2.1, Operational Right-of-Way, which explains that after completing construction, the staging and laydown areas would be restored to pre-construction condition.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1726

The comment asserts that the magnitude of construction activities would physically divide Brisbane and that the Draft EIR/EIS did not disclose this impact.

The Authority respectfully disagrees with the assertion that temporary construction impacts were not adequately disclosed in Impact SOCIO#1 in the Draft EIR/EIS. Table 3.12-6 lists the roadway modifications proposed for Brisbane by alternative. Table 3.12-6 notes that the Authority's Preferred Alternative, Alternative A, would involve realignment of Tunnel Avenue to allow construction of the East Brisbane LMF, realignment of the Tunnel Avenue overpass, and the extension of Lagoon Road.

In the Final EIR/EIS, Table 3.12-6 has been revised to reflect changes since publication of the Draft EIR/EIS. As a result of comments on the Draft EIR/EIS, the Authority identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process. Construction of the new Tunnel Avenue overpass would occur prior to removing the existing Tunnel Avenue roadway and overpass from operation, eliminating the need for a 1–3 month road closure. Accordingly, revisions have been made throughout the Final EIR/EIS to clarify the construction phasing for the Tunnel Avenue overpass, which would reduce construction-related disruption to the City of Brisbane and the Brisbane Fire Station. The Final EIR/EIS reflects that while access would be maintained, temporary construction disruption would be experienced by adjacent industrial businesses along Tunnel Avenue and Bayshore Boulevard. These revisions did not result in changes to the CEQA conclusion for Impact SOCIO#1 in the Final EIR/EIS.

The commenter's reference to temporary construction-related impacts at the at-grade crossings does not apply to the city of Brisbane, which has no at-grade crossings. The commenter's reference to construction occurring over 4.5 years refers to the entire duration of construction for the San Francisco to San Jose project alternatives, whereas construction of the Brisbane LMF is anticipated to occur over a 3-year period and no temporary road closures in Brisbane would be needed.

Additionally, throughout the entire project corridor, the Authority would comply with the following IAMFs to minimize temporary construction-related traffic impacts, all of which

### 1164-1726

are designed to minimize detours and construction-related hazards and maintain accessibility to residents, businesses, and community facilities: TR-IAMF#1, TR-IAMF#2, TR-IAMF#3, TR-IAMF#4, TR-IAMF#5, TR-IAMF#6, TR-IAMF#7, TR-IAMF#8, TR-IAMF#9, TR-IAMF#11, and TR-IAMF#12.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1727

The comment asserts that the Draft EIR/EIS does not address potential financial loss to the City of Brisbane related to a property acquisition.

To clarify, neither project alternative would require acquisition of 601 Tunnel Avenue (APN 005-250-020). This site is owned by Golden State Lumber and includes a lumberyard, retail facilities, and design showroom. Construction of the lead track for the East Brisbane LMF under Alternative A would require the permanent acquisition of right-of-way on the west side of Tunnel Avenue across from Golden State Lumber (APN 005-340-040). Please refer to Appendix 3.1-A, Parcels within the HSR Project Footprint. The affected property, immediately adjacent to the Caltrain corridor, is owned by the Baylands Development Company. According to the commenter, Golden State Lumber uses this site as a laydown yard for lumber deliveries offloaded from trains.

The Authority has coordinated with Baylands Development Company during the preliminary design and development of the EIR/EIS and coordination with Golden State Lumber would occur during final design of the project. The Authority would develop a relocation mitigation plan prior to acquisition, in consultation with cities, counties, and property owners (SOCIO-IAMF#3). If warranted, this could include assistance to relocate the laydown yard to a mutually agreeable location. The prospect raised by the comment of Tunnel Avenue requiring blockage to immediately offload materials from trains is highly speculative. Accordingly, it is reasonable to assume that the business site at 601 Tunnel Avenue would continue to operate with no reduction in sales tax revenues to the City of Brisbane.

Parcel-specific analysis will take place during the appraisal process before property acquisition, consistent with the Uniform Relocation Act, which establishes minimum standards for the treatment of and compensation to individuals whose real property is acquired for a federally funded project. Displaced businesses are entitled to reimbursement of moving costs and certain related expenses incurred in moving. A full description of the right-of-way acquisition process can be found on the Authority's website here: [hsr.ca.gov/programs/private-property/](http://hsr.ca.gov/programs/private-property/)

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1727

### 1164-1728

Please refer to the response to submission FJ-1164, comment 1726. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1729

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Please refer to the responses to submission FJ-1164, comments 1726 and 1590.

In addition, the comment questions the efficacy of TR-IAMF#2 in reducing Impact SOCIO#1. TR-IAMF#2 is effective because it ensures that all construction-related transportation activities are reviewed in consultation with the affected local jurisdiction. The Authority will review and approve the CTP prior to the start of any construction activities and the Authority will also provide ongoing monitoring to ensure the plan is being appropriately implemented. Adherence to TR-IAMF#2 thus minimizes construction-related disruption to or division of communities.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1730

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment includes a number of assertions regarding the potential for project construction and operations to result in temporary and permanent division of the community in Brisbane.

Regarding the assertions of construction-related division of the community, please refer to the response to submission FJ-1164, comment 1726, which clarifies that engineering plans have been revised in response to comments on the Draft EIR/EIS to avoid all temporary road closures in Brisbane during construction.

Regarding Alternative B, the West Brisbane LMF, and the Brisbane Fire Station, the text and figures in the Final EIR/EIS have been revised to clarify that the relocated station would have means of access to roadways similar to existing conditions. The relocated Brisbane Fire Station would be approximately 150 feet south of the existing fire station, with access via the new Tunnel Avenue/Bayshore Boulevard intersection, which would allow turns to both northbound and southbound Bayshore Boulevard. The relocated station would also have a secondary driveway to Bayshore Boulevard. Refer to Figure 3.11-19 in Section 3.11, Safety and Security, of the Final EIR/EIS.

The Final EIR/EIS reflects revisions to Alternative A concerning relocation of the Brisbane Fire Station. Alternative A has been revised to relocate the Brisbane Fire Station about 800 feet south of its existing location. At the revised relocation site, the Brisbane Fire Station driveway would have exclusive use of the east leg of a signalized intersection on Bayshore Boulevard.

Please also refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access, regarding disposition of the fire station under both Alternatives A and B.

The Authority respectfully disagrees with the assertion that the Draft EIR/EIS does not sufficiently address impacts in Brisbane related to disruption or physical division of communities as a result of temporary construction activities, permanent infrastructure

### 1164-1730

changes, and project operations. These topics are addressed under Impact SOCIO#1, Impact SOCIO#2, and Impact SOCIO#3, respectively. Similarly, the project's impacts on children's health and safety address temporary construction activities (Impact SOCIO#4), permanent infrastructure changes (Impact SOCIO#5), and project operations (Impact SOCIO#6).

Impact SOCIO#2 acknowledges that the permanent infrastructure changes in Brisbane would have minor impacts on automobile traffic and pedestrian, bicycle, and transit circulation patterns, potentially causing minor inconveniences to residents and businesses. Impact SOCIO#2 concludes, however, that these minor changes would not greatly affect travel times for pedestrians, bicyclists, motorists, and transit or access to communities or community facilities. In addition, access to existing roadways and communities would be maintained. Neither alternative would include any new at-grade rail crossings in Brisbane.

Because there would be only a small number of permanent road realignments and no road closures in Brisbane, access to communities and community facilities would not be disrupted, nor would community interactions change. Minor inconveniences to residents and businesses may result from roadway realignments, though these inconveniences would not disrupt access or divide a community. Established social engagement patterns within communities would not change from permanent changes to the transportation system. Therefore, the permanent transportation features associated with the project alternatives would not physically divide an established community.

As discussed under Impact SOCIO#3, project operations would result in increased traffic near the Brisbane LMF. As shown in Table 3.12-9, traffic activity associated with LMF operations would result in two additional intersections experiencing adverse effects resulting in delays. Such delay is not of the magnitude that community cohesion would be substantially weakened or that would result in physical division of the community.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1731

The commenter asserts that Impact SOCIO#2 fails to address business displacements. The Authority respectfully disagrees with this assertion.

Impact SOCIO#2 summarizes both residential and business displacements (refer to Table 3.12-8) as they relate to the permanent disruption or division of communities. Refer to the CEQA Conclusion subsection under Impact SOCIO#2 for the rationale of the less-than-significant impact conclusion with respect to permanent disruption or division of established communities.

Impact SOCIO#8 provides the analysis for the displacement and relocation of commercial and industrial businesses in Brisbane. The three displaced businesses in Brisbane are generally warehouses and various outbuildings, with the exception of one retail greenhouse. Additional information on displacements and relocations, can be found in the San Francisco to San Jose Project Section Draft Relocation Impact Report (Authority 2019d). The Draft Relocation Impact Report is available upon request from the Authority.

As noted in the discussion of Impact SOCIO#8, the Authority would acquire any needed property consistent with requirements of the Uniform Relocation Act, which establishes minimum standards for the treatment of and compensation to individuals whose real property is acquired for a federally funded project. The conclusion of Impact SOCIO#8 further notes that business relocations are not considered significant effects on the environment under CEQA, so no CEQA finding of significance is needed for Impact SOCIO#8. However, the Authority's adherence to the requirements of the Uniform Relocation Act underlies the NEPA conclusion of no adverse effect.

While the proposed development of the Brisbane Baylands project is not included in the existing conditions environmental baseline for the Draft EIR/EIS, an assessment of HSR project's impacts on planned land uses is provided in Impact LU#5 in the Draft EIR/EIS Section 3.13, Station Planning, Land Use, and Development.

### 1164-1732

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS, including specifically why instead of being addressed in Section 3.12, Socioeconomics, proposed development on Brisbane Baylands is addressed in Section 3.13, Land Use and Station Planning. Refer to Impacts LU#5 and LU#6 in Section 3.13, Station Planning, Land Use, and Development, which address impacts of the Brisbane LMFs on existing land uses and planned land uses consistent with the Brisbane 2018 General Plan Amendment. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1733

Comment asserts that analysis of impacts on potentially displaced businesses is insufficient in the Draft EIR/EIS.

Impact SOCIO#8 discusses the displacement and relocation of commercial and industrial businesses. As discussed in Section 3.12, Socioeconomics and Communities, of the Draft EIR/EIS and in more detail in the San Francisco to San Jose Project Section Draft Relocation Impact Report (Authority 2019d), a review of available properties as potential relocation sites for commercial and industrial facilities identified 666 commercial or industrial buildings for sale or rent in the relocation RSA for Alternative A, and 784 commercial or industrial buildings for sale or rent in the relocation RSA for Alternative B. As described in detail under Impact SOCIO#7, the Authority must comply with the Uniform Act, as amended, as identified in SOCIO-IAMF#2. In addition, before any acquisitions occur, the Authority would develop a relocation mitigation plan, in consultation with affected cities and counties and property owners (SOCIO-IAMF#3). The relocation mitigation plan would provide affected property and business owners and tenants a high level of individualized assistance when acquisition is necessary and the property owner desires to relocate.

Regarding relocation of the Brisbane Corporation Yard, this impact was addressed in Section 3.12 of the Draft EIR/EIS as an industrial property to be relocated. Please refer to the response to submission FJ-1164, comment 1725.

The Authority respectfully disagrees with the assertion that one of the industrial businesses proposed for relocation has not been analyzed for potential cultural impacts. The 1924 Machinery and Equipment Building (also referred to as the Pacific Fruit Express Ice Manufacturing Plant) is included as 3401 Bayshore Boulevard (APN 005162260) in the Historic Architecture Survey Report among the Previously Identified Ineligible Resources (Authority 2019f). Given the property's existing documentation records a CHRIS Code 6Z, found ineligible for NRHP, CRHR or Local Register designation through survey evaluation, it is not included among the properties analyzed for effects in the EIR/EIS. Please also refer to the response to submission FJ-1165, comment 2205.

### 1164-1734

The comment takes issue with the conclusion of a less-than-significant impact in Impact SOCIO#3, asserting that increased train frequency along the rail corridor would weaken community cohesion.

The Draft EIR/EIS finds that Impact SOCIO#3 would be less than significant under CEQA, which is the correct determination based on the effects analysis and evidence presented. Impact SOCIO#3 adequately analyzes the effects of increased trains and gate-down time. Refer to Draft EIR/EIS Section 3.2, Transportation, Impact TR#5 for more detail on transportation delay related to project operations. Impact SOCIO#3 acknowledges that increased congestion and delay during project operation have the potential to weaken community cohesion, but such delay is not of such frequency or duration as to cause physical division of the communities. The project would operate within the existing Caltrain corridor that currently travels through these communities. Communities around the Caltrain corridor have attained their current levels of community cohesion notwithstanding the presence of at-grade crossings in some locations. The HSR project would increase the frequency of trains and thus gate-down time, but such delays would be brief and access to neighborhoods, businesses, and community and public facilities would be maintained. Moreover, as discussed in detail under Impact TR#11 in Section 3.2, relatively few high-frequency bus routes along the entire corridor would see any bus performance delays. With TR-MM#2, which calls for bus transit priority treatments at traffic signals, only MUNI Routes 30, 45, and 55 near the 4th and King Street Station and at the 16th Street at-grade crossing would experience bus performance delays. The Authority based its CEQA conclusion for Impact SOCIO#3 on the above considerations. Accordingly, no additional analysis in a recirculated Draft EIR/EIS is required.

While the project would include bicycle and pedestrian facilities to maintain all forms of transportation across and along the rail corridor, such aspects of the project are noted for the record; the CEQA conclusion does not hinge on this point.

The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1735

The comment asserts inadequate analysis of the potential for urban decay impacts, and that such analysis is warranted, particularly for Brisbane based on the duration of construction and potential for business displacement more broadly along the Project Section. The comment also asserts that with regard to Impact SOCIO#8, the Draft EIR/EIS incorrectly concludes that no CEQA significance conclusions are required related to this impact.

With respect to Impact SOCIO#8, related to displacements of commercial and industrial business in Brisbane from project construction, the Draft EIR/EIS analyzes such displacements and finds that three displacements would occur in Brisbane, generally warehouses and various outbuildings with the exception of one retail greenhouse. While the comment appears primarily concerned with Brisbane, the comment also cites in its argument displacement statistics for the entire Project Section. Alternative A, the Preferred Alternative, would result in a total of 48 business displacements along the entire Project Section. Although the Authority's identification of Alternative A as the Preferred Alternative is based in part on its lower number of displacements, the 48 business displacements associated with Alternative A would be spread across six communities between Brisbane and San Jose. Moreover, the Draft EIR/EIS analyzes the potential for property displacements to affect the long-term viability of commercial areas along the entire Project Section, in Impact SOCIO#2. This analysis finds no evidence that property displacements would affect the long-term viability of the affected commercial areas. Rather, the Draft EIR/EIS finds that the property displacements would not jeopardize the long-term survival of the remaining businesses in the business district, and further finds that in some instances, HSR would have a beneficial impact on adjacent commercial areas. To the extent that concerns about urban decay relate to business vacancy, given the value and the limited supply of land in the Bay Area, it is highly unlikely that any land next a railroad right-of-way or the LMF would be left vacant. There is ample evidence that shows this, including the past and current development around the Caltrain right-of-way that has occurred and continues to occur, as well as past and current development around light industrial facilities that has occurred and continues to occur due to a limited supply of land. Further, the properties to be acquired would be permanently incorporated into the HSR right-of-way and not left vacant; thus, there is no potential for urban decay to result from displacements and relocations.

### 1164-1735

Contrary to the comment's assertions, construction of individual project facilities would not span 4.5 years in any particular location. Please refer to Final EIR/EIS Chapter 2, Alternatives, Table 2-22, which identifies major elements of construction and indicates that actual construction activities would be of substantially shorter duration at particular locations. Final EIR/EIS Section 3.12, Socioeconomics and Communities, Table 3.12-6 identifies that the anticipated construction duration for roadway modifications would generally be several months at any particular location.

In addition, the Authority respectfully disagrees with the comment's assertions regarding Impact SOCIO#8 and a CEQA conclusion. As noted in the Draft EIR/EIS's conclusion for Impact SOCIO#8, no CEQA conclusion is required for the issue of business displacement because Section 15064(e) of the CEQA Guidelines states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment." There is no evidence before the Authority that any of the business displacements/relocations rise to the level of causing a physical change in the environment.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1736

The comment relates to a footnote on page 120 of submission FJ-1164. The comment asserts text related to post-construction community behavior on Draft EIR/EIS page 3.12-49 conflicts with text found on Draft EIR/EIS page 3.12-56 (submission FJ-1164, comment 1734).

The comment refers to two different impact conclusions. The text quotation in the footnote (on Draft EIR/EIS page 3.12-49) appears to reference Impact SOCIO#2, which explains that the project's changes to permanent transportation features (the very small number of permanent road closures or realignments) would not themselves change social engagement patterns. However, the quote discussed on Draft EIR/EIS page 3.12-56 discusses Impact SOCIO#3, analyzing changes in community behavior from project operations, such as increased gate-down time. Therefore, the conclusions do not contradict one another.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1737

Regarding whether the project would result in a division of communities, please refer to the responses to submission FJ-1164, comments 1726 through 1730. Regarding the cumulative impacts related to division of communities in Brisbane, as noted in Draft EIR/EIS Section 3.12, Socioeconomics and Communities, and in the above-referenced responses to comments, the project would not result in a division of the existing community. An important context is that the Caltrain right-of-way is an existing and very active rail corridor that already divides the area east of the right-of-way from the area west of the right-of-way. The project did not create the corridor and would not change its nature as a rail right-of-way by adding trains to that corridor and would not divide Brisbane by adding trains. The project would not cause a delay in individuals using Tunnel Avenue across the rail right-of-way, which is the only crossing of the right-of-way in Brisbane. This comment does not explain what cumulative projects would also contribute to division of existing communities, nor does it describe how the project would divide existing communities. As such, no further response can be provided. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1738

Refer to Standard Response FJ-Response-GEN-7: Effects of COVID-19 on HSR Ridership.

Under CEQA an EIR must describe the existing environmental setting at the time the NOP is published or the EIR process begins (CEQA Guidelines §15125(a)). This normally constitutes the baseline physical conditions by which a lead agency determines whether an impact is significant. The NOP for the San Francisco to San Jose Project Section was published in May 2016, which established the existing conditions baseline for the Draft EIR/EIS. No revisions to the environmental baseline are required.

The comment expresses concerns that societal changes due to the effects of the COVID-19 pandemic, including the shift to working from home, will lead to reduced demand for HSR travel and lower ridership than the forecasts used in the Draft EIR/EIS. Please refer to Standard Response FJ-Response-GEN-7: Effects of COVID-19 on HSR Ridership, which explains why the ridership forecasts for the HSR system discussed in Section 2.7.1, Travel Demand and Ridership Forecasts, of the Draft EIR/EIS remain valid for the purposes of the environmental impact analysis.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1739

Refer to Standard Response FJ-Response-GEN-7: Effects of COVID-19 on HSR Ridership.

The comment asserts that the COVID-19 pandemic requires reconsideration of ridership forecasts. Please refer to the response to submission FJ-1164, comment 1738 concerning this issue.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1740

Refer to Standard Response FJ-Response-GEN-7: Effects of COVID-19 on HSR Ridership.

The comment asserts that the COVID-19 pandemic requires reconsideration of ridership and growth-related projections used in the Draft EIR/EIS. Please refer to the response to submission FJ-1164, comment 1738 concerning this issue.

### 1164-1741

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

IAMFs reflect project features that are committed to as part of the project design and would result in a tangible avoidance or minimization of environmental impacts as described in the impact analysis for each resource section. The IAMFs incorporated into the San Francisco to San Jose project alternatives include standard practices, actions, and design features that were developed at a statewide level to ensure consistency across all HSR project sections and to reflect uniformity in the Authority's commitment to ensure environmental effects can be avoided or minimized throughout project design and planning. As explained in Section 3.14, Parks, Recreation, and Open Space, the project design includes several features (IAMFs) to allow continued use of the facilities with minimal disruption from HSR construction and operation. For example, the project would locate and design project components and station features to maintain safe and convenient access to and use of parks, recreational facilities, open space, and school district play areas (PK-IAMF#1), and would require measures such as detours and signage so that motorists and pedestrians would have continued access to local parks and recreation areas during construction (TR-IAMF#2).

As described in Impact PK#6, the permanent acquisition of the Los Gatos Creek Trail would be 1.34 percent (Alternative A) or 0.21 percent (Alternative B) of the 9.5-mile trail under both project alternatives. The trail's use would not change, nor would the project result in a diminished capacity for use of the trail. For these reasons, the Draft EIR/EIS finds that the impact on the trail would be less than significant under CEQA and this conclusion is supported by substantial evidence. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1742

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

The comment states that the Draft EIR/EIS does not address permanent impacts on Brisbane Lagoon Fisherman's Park as a result of visual changes and noise and vibration. The Brisbane Lagoon Fisherman's Park was included in the RSA, as illustrated on Figure 3.14-2 in Section 3.14, Parks, Recreation, and Open Space, of the Draft EIR/EIS, and was evaluated for potential use under Section 4(f) in Chapter 4, Section 4(f)/6(f) Evaluation, of the Draft EIR/EIS. Table 3.14-7 in the discussion of Impact PK#5 in Section 3.14 of the Draft EIR/EIS identifies that the distance of the Brisbane Lagoon Fisherman's Park from the East Brisbane LMF (Alternative A) is 1,040 feet southeast (northern shore of the lagoon) and 2,744 feet southeast (Fisherman's Park), and the distance from the West Brisbane LMF (Alternative B) is 1,485 feet southeast (northern shore of the lagoon) and 3,461 feet southeast (Fisherman's Park). As described in the impact discussion text preceding Table 3.14-7, activities at the parks, recreational facilities, and open-space resources, including fishing at the Brisbane Lagoon Fisherman's Park, are not activities dependent on a visually serene, unobstructed natural environment. Views of the existing rail corridor and other transportation facilities as well as other urban/developed elements already exist at the Brisbane Lagoon. Fishermen at Brisbane Lagoon would be focused on fishing, and while the outward visual experience across the lagoon would be altered, the project would not create a barrier or perceived barrier to the use of the lagoon for fishing given the distance from project elements. Impact PK#5 in the Draft EIR/EIS also acknowledges both LMF options would be visible from some resources in the RSA; however, the text was revised in the Final EIR/EIS to indicate that both LMF options would be visible from west and south of the alignment.

As described in Section 4.6.1.9, Brisbane Lagoon Fisherman's Park Use Assessment (ID#42), the fishing area with benches and parking is on the east bank of the lagoon on Sierra Point Parkway. The project would be within the existing Caltrain corridor, west of and adjacent to the lagoon 1,800 feet from the fishing area. Operational visual impacts would be limited because additional trains operating in the corridor would not change the character of the visual environment from the fishing area or northern shore. Users on the northern shore of the lagoon could see the Brisbane LMF, but at a distance of over

### 1164-1742

1,000 feet. From the fishing area, views north to the LMF would be even farther away (2,744 feet or 3,461 feet).

Impact PK#7 and Table 3.14-9 in the Draft EIR/EIS discuss and list the five parks and recreational facilities where operations would increase noise levels over the existing levels by 2 to 5 dBA, which does not include Brisbane Lagoon Fisherman's Park. At the Brisbane LMF, train maintenance would take place inside the maintenance building with minimal noise spillover into surrounding areas. Also, as discussed in Impact NV#4 in Section 3.4, Noise and Vibration, of the Draft EIR/EIS, noise generated from trains moving in and out of the LMF would provide a small contribution to the overall noise generated by project operations and would not generate noise levels in excess of standards for a severe impact established by the FRA. Fishing is not considered a noise-sensitive use and there are no at-grade crossings or stations within 1,000 feet of the eastern or northern shores of the lagoon where horns would sound. Further, as described in the response to submission FJ-1165, comment 2053, most of the noise impacts do not occur beyond a distance of 500 feet, even though the Authority evaluated a much larger area for potential impacts (approximately 2,500 feet from the project alternatives' centerlines [refer to Section 3.4.4.1, Definition of Resource Study Area]). Because of the distance of Fisherman's Park from the tracks and LMF, there would be no operational noise impacts at Brisbane Lagoon Fisherman's Park.

Outdoor land uses including parks and recreational facilities are not generally considered vibration sensitive. Both Section 3.14 and Chapter 4 note that operational vibration impacts were not identified at the parks and recreational facilities in the RSA, including Brisbane Lagoon Fisherman's Park. As described in the response to submission FJ-1165, comment 2042, ground-borne noise and vibration are typically not concerns at distances of more than 250 feet from the tracks (refer to Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.2.5.2, Operations Vibration). Given the distance from the LMF and tracks, there would be no vibration impacts at Brisbane Lagoon Fisherman's Park. Tables 5-19 and 5-20 in Appendix 3.4-A provide additional detail regarding the specific vibration impacts, existing and future levels, and locations before mitigation.

For the reasons stated, Section 4.6.1.9 concludes that permanent noise and visual

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1742

impacts would not substantially impair the protected activities, features, or attributes that qualify Brisbane Lagoon Fisherman's Park for protection under Section 4(f), and no constructive use would result.

Appendix 3.4-C, Noise and Vibration Impact Locations, has been added to the Final EIR/EIS, and includes new figures showing the location of noise and vibration measurement sites, noise impacts and proposed noise barriers, and vibration impacts in greater detail.

Regarding AVQ-IAMF#1, please refer to the response to submission FJ-1164, comment 1700, which addresses the commenter's assertion that the aesthetic IAMFs are improperly deferred mitigation that lack performance standards.

### 1164-1743

The comment states that the Draft EIR/EIS does not analyze impacts of noise and vibration on Brisbane Lagoon Fisherman's Park, nor does it address noise impacts caused by operation of the LMF. Impact PK#7 and Table 3.14-9 in Section 3.14, Parks, Recreation, and Open Space, of the Draft EIR/EIS discuss and list the five parks and recreational facilities where operations would increase noise levels over the existing levels by 2 to 5 dBA, which does not include Brisbane Lagoon Fisherman's Park. No noise impacts were identified at Brisbane Lagoon Fisherman's Park. As described in Section 4.6.1.9, Brisbane Lagoon Fisherman's Park Use Assessment (ID#42), the fishing area is on the east bank of the lagoon on Sierra Point Parkway. The project would be within the existing Caltrain corridor, west of and adjacent to the lagoon 1,800 feet from the fishing area. Fishing is not considered a noise-sensitive use and there are no at-grade crossings or stations within 1,000 feet of the eastern or northern shores of the lagoon where horns would sound. In addition, because of the distance of Fisherman's Park from the alignment and LMF, there would be no operational noise impacts at Brisbane Lagoon Fisherman's Park. Please refer to the response to submission FJ-1164, comment 1742.

At the Brisbane LMF, train maintenance would take place inside the maintenance building with minimal noise spillover into surrounding areas. Also, as discussed in Impact NV#4 in Section 3.4, Noise and Vibration, of the Draft EIR/EIS, noise generated from trains moving in and out of the LMF would provide a small contribution to the overall noise generated by project operations and would not generate noise levels in excess of standards for a severe impact established by the FRA. Further, as described in the response to submission FJ-1165, comment 2053, most of the noise impacts do not occur beyond a distance of 500 feet.

Both Section 3.14 and Chapter 4, Final Section 4(f)/6(f) Evaluation, note that operational vibration impacts were not identified at the parks and recreational facilities in the RSA, including Brisbane Lagoon Fisherman's Park. Outdoor land uses, including parks and recreational facilities, are generally not considered vibration sensitive. In addition, because of the distance from the LMF and tracks, there would be no vibration impacts at Brisbane Lagoon Fisherman's Park. Tables 5-19 and 5-20 (Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report), provide additional detail regarding the specific vibration impacts, existing and future levels, and locations before mitigation. Appendix

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1743

3.4-C, Noise and Vibration Impact Locations, has been added to the Final EIR/EIS, and includes new figures illustrating the location of noise and vibration measurement sites, noise impacts and proposed noise barriers, and vibration impacts in greater detail.

### 1164-1744

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

Impact PK#6 addresses park land that must be acquired to construct the project from existing parks. Icehouse Hill was not identified as an existing open space or recreation area in the sources used to compile the inventory of parks, recreation, open space, and school district play areas in the RSA, described in Section 3.14.4.3, Methods for Impact Analysis, of the Draft EIR/EIS. Icehouse Hill is not included as an open space or recreation area in the Brisbane General Plan Open Space (Chapter VII) or Recreation (Chapter VIII) chapters. There is no information indicating it has an existing recreational use, including in the Brisbane General Plan, Open Space Plan, or the City's parks and recreation website. This area is also privately owned as noted in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS with no known existing public access. The Draft EIR/EIS identified the removal of Icehouse Hill under Alternative B as a significant impact on existing land uses under Impact LU#5 in Section 3.13. Further, Impact BIO#2 in Section 3.7, Biological and Aquatic Resources, of the Draft EIR/EIS addresses the potential impacts on biological resources due to the impacts on habitat on Icehouse Hill under Alternative B. Finally, as part of the Final EIR/EIS, the Authority realigned Lagoon Road further north of the alignment evaluated in the Draft EIR/EIS under both project alternatives, which would increase the area available on the north shore of the Brisbane Lagoon for development of open space, recreational uses, or wetland restoration relative to existing conditions. The project would not preclude the dedication of land for open space, recreational uses, and wetlands restoration around Brisbane Lagoon.

As described in Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, the Brisbane Baylands was not an approved project at the time the environmental analysis was completed for the Draft EIR/EIS, so it was not included in the environmental baseline. As courts have recognized, CEQA does not require agencies to continuously update the analysis in an EIR as new development projects are proposed or approved (e.g., *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125; *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 343; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1128). Among other problems, courts have noted that requiring agencies to continuously update the baseline would be

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1744

impractical in part because the baseline determination must be the first step in the environmental review process. These practical limitations are particularly acute for major infrastructure projects like the HSR project because continuously updating the analysis could substantially prolong an already lengthy environmental review process. Moreover, the local entitlement process is inherently fluid, and as demonstrated by the Brisbane Baylands development in particular, development proposals are often subject to substantial changes and amendments during the administrative process, and some proposed projects are not approved or implemented for various reasons.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1745

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The Authority disagrees with the commenter's assertion that under Alternative B, PK-MM#1, PK-MM#2, and PK-MM#4 are improperly deferred mitigation measures. All three mitigation measures require the contractor to prepare, and submit to the Authority for approval, a technical memorandum that demonstrates how connections to the unaffected portions of parks or trails or nearby roadways would be maintained (PK-MM#1), how pedestrian and maintenance access to Trinta Park and Reed and Grants Streets Sports Park would be maintained or established following completion of construction activities (PK-MM#2), and how access and use of Tamien Park would be maintained during and following completion of construction activities (PK-MM#4). The measures also specify that the contractor would implement the activities identified in the technical memorandum and that the activities would be incorporated into the final design specifications and would be a pre-construction requirement. The measures require that access to the parks or trails must be maintained. Consistent with CEQA requirements, PK-MM#1, PK-MM#2, and PK-MM#4 identify performance standards and related actions that will ensure effectiveness and require that the mitigation will be fully developed and in place as part of the final design process before impacts occur. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1746

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The Final EIR/EIS was updated to note there would be an inconsistency with the City of Brisbane's General Plan Amendment for the Baylands area. The West Brisbane LMF, proposed under Alternative B, would displace the greatest area planned for open space and recreational development because a portion of Ice House Hill would be removed, while the East Brisbane LMF would not affect Ice House Hill. The Authority's Preferred Alternative, Alternative A, includes the East Brisbane LMF.

The LMF area does not currently provide park or recreational opportunities. The project's direct or indirect effect on the Brisbane Baylands project's tentative plans for future parks is not an impact over the existing baseline, which consists of existing parks and open space. Brisbane Baylands has not completed its environmental review and is not an approved project, and therefore, it is not part of the environmental baseline used for the cumulative analysis. The HSR project, including the LMF, would not require use or acquisition of land on a temporary or permanent basis from any park, recreational or open space areas that could contribute to a cumulative impact from decreases of park and open space in the general Bay Area, including Brisbane.

In addition, as discussed in Section 3.13, Station Planning, Land Use, and Development, Alternative A would have a lesser impact on land designated for planned development including recreation, than Alternative B. The Authority will continue ongoing coordination with the City of Brisbane and the developers for the Brisbane Baylands site in order to minimize potential incompatibilities between the Brisbane LMF and future planned development on the Brisbane Baylands site.

Regarding the operational impacts at the LMF, Section 3.4, Noise and Vibration, Impact NV#4, notes there would be a small contribution to the overall noise generated by project operations and would not result in the generation of noise levels in excess of standards for a severe impact established by the FRA.

### 1164-1747

The laws, regulations, and orders that informed the environmental justice analysis are described in Section 5.2, Laws, Regulations, and Orders, of the Final EIR/EIS and include USEO 12898, the Presidential Memorandum Accompanying USEO 12898, and USDOT Order 5610.2C, which implements EO 12898 and applies to the Authority under its NEPA Assignment obligations.

The Promising Practices for EJ Methodologies in NEPA Reviews report (referred to by the commenter as the "best practices document") is not listed in Section 5.2 of the Draft EIR/EIS because it does not constitute law, regulation, or order. However, the Authority has reviewed the referenced citation and found that the methods used for the environmental justice analysis in this EIR/EIS are consistent with the guiding principals and approaches presented in the "best practices document." Specifically, as described in Section 5.3, Methods for Evaluating Effects, of the Draft EIR/EIS, the Authority: (1) defined the reference community and study area for the environmental justice analysis, (2) identified minority populations and low-income populations in the study area, (3) identified adverse effects on minority populations and low-income populations in the study area, and (4) assessed whether adverse effects on minority populations and low-income populations were disproportionately high and adverse. Throughout development of this EIR/EIS, the Authority conducted extensive outreach to underrepresented, vulnerable, and disadvantaged communities as described in Section 5.5, Environmental Justice Engagement and Documentation, and Volume 2, Appendix 5-A, Environmental Justice Engagement Summary Report, of the Final EIR/EIS. This outreach informed the consideration of unique conditions that potentially affect minority populations and low-income populations and the identification of the key concerns of these populations. This methodology for the environmental justice analysis is consistent with the cited "best practices document" and no changes to the Draft EIR/EIS are warranted in response to the comment.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1748

Please refer to the responses to submission FJ-1164, comments 1398 and 1456, which address the adequacy of the Draft EIR/EIS with respect to level of detail.

Chapter 5, Environmental Justice, presents site-specific detail for key resource impacts with the potential to affect minority populations and low-income populations. For example, maps showing the geographic locations of adverse impacts are included in Chapter 5 for emergency response (Figure 5-18 through Figure 5-21), operational noise (Figure 5-20 through Figure 5-23), and operational ground-borne vibration (Figure 5-24 through Figure 5-27). In other cases, information has been presented more conceptually. For example, Figure 5-16 and Figure 5-17 show the relative magnitude of residential and business displacements by community and alternative rather than specific locations. However, the underlying analysis is site-specific. In some cases, the reader will need to review supporting technical appendices or refer to technical reports to understand the site-specific details of an underlying resource analysis. For example, Appendix 3.2-A, Transportation Data on Intersections, includes detailed location maps for peak hour intersection LOS. It would not be practical to include all the underlying detail from the analysis of each environmental resource topic in Chapter 5; therefore, the environmental justice analysis is tiered from and summarizes analyses presented in Sections 3.2, Transportation, through 3.18, Cumulative Impacts, of Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, including appendices and supporting technical reports. The commenter is advised to review Sections 3.2 through 3.18, appendices, and supporting technical reports to understand the site-specific impacts underlying resource analyses. The Authority has conducted extensive site-specific analysis to support its EJ conclusions, and the underlying analysis fully supports the Authority's conclusion that there would be no disproportionately high and adverse effects on minority populations and low-income populations. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1749

Please refer to the response to submission FJ-1164, comment 1747, which describes how the environmental justice analysis in the Draft EIR/EIS is consistent with the guiding principals and approaches presented in the "best practices document." The methodology for the environmental justice analysis is described in detail in Section 5.3, Methods for Evaluating Effects. This methodology is consistent with USEO 12898, the Presidential Memorandum accompanying USEO 12898, USDOT Order 5610.2C, and the Authority's Environmental Methodology Guidelines, Version 5.09 (Authority and FRA 2017). As part of the environmental justice analysis, the Authority conducted extensive outreach to underrepresented, vulnerable, and disadvantaged communities to inform the consideration of unique conditions that potentially affect minority populations and low-income populations and to identify the key concerns of these populations. The environmental justice analysis considered socioeconomic vulnerabilities (e.g., reliance on resources that may be affected by the project, disruptions to community mobility). For example, the assessment of displacements and relocations also identified impacts on affordable housing and community facilities that provide services to low-income populations, while the assessment of impacts on transit services took into consideration that these resources provide critical mobility services to low-income populations and other sensitive populations that have mobility limitations.

The environmental justice analysis distinguishes between the population demographics of the City of Brisbane as a whole and the population demographics of the RSA for the Brisbane LMF, which is comprised of the census tracts in the immediate vicinity of the proposed locations for the Brisbane LMF. As shown in Table 5-5, the Brisbane LMF sites are in an area with a greater percentage minority population and low-income population than the reference community (defined as the three-county region of San Francisco, San Mateo, and Santa Clara Counties). The effects of the Brisbane LMF on low-income populations and minority populations were considered as part of the environmental justice analysis. Disruption to community mobility of low-income populations and minority populations is evaluated with respect to traffic congestion/delay and effects on bus transit and passenger rail under the transportation subsections in Section 5.6.3.3, Construction-Related Effects Potentially Disproportionate after Mitigation, and Section 5.6.3.4, Operations-Related Effects Potentially Disproportionate after Mitigation, of the Draft EIR/EIS. An evaluation of emergency access effects on low-income populations and minority populations is evaluated under the safety and security subsections in Section 5.6.3.2, Effects Addressed through Mitigation, and Section

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1749

5.6.3.3. Chapter 5, Environmental Justice, concludes that there would be no disproportionately high and adverse effects on minority populations and low-income populations based on the analysis and evidence provided. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1750

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment questions the efficacy of mitigation measure SS-MM#2 in addressing safety and security impacts and, in turn, related environmental justice impacts.

In the Final EIR/EIS, the discussion of Impact S&S#3 includes revisions to reflect the revision to the design for the Relocated Brisbane Fire Station (for Alternative A) based on feedback from the City of Brisbane and clarify the access design (for Alternative B). Under Alternative A, the Brisbane Fire Station would be relocated approximately 800 feet to the south of the existing fire station, with two driveways connecting to Bayshore Boulevard, similar to existing access. For Alternative B, the fire station would be relocated approximately 150 feet to the south of the existing fire station, with a driveway connecting to Bayshore Boulevard via the existing station's secondary driveway, a mid-block location that provides right-in, right-out access to northbound Bayshore Boulevard in addition to access to the new Tunnel Avenue/Bayshore Boulevard/Valley Drive intersection. In addition, SS-MM#2 provides that prior to construction of the relocated Tunnel Avenue overpass under Alternative B, the Authority's contractor would develop a modified driveway access control plan for the Brisbane Fire Station. The modified driveway access control plan would provide for the installation of a new mid-block signalized intersection (i.e., signal only for the fire station driveway) to Bayshore Boulevard. The Draft EIR/EIS analysis in Section 3.11, Safety and Security, determined that SS-MM#2 would be effective in maintaining existing emergency vehicle response times for the Brisbane Fire Station under Alternative B. Therefore, slower emergency response times are not anticipated, the impact is determined to not be high and adverse, and it is not analyzed further in the environmental justice analysis in Chapter 5.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1751

To identify low-income populations and minority populations, the Authority obtained data from the 2010–2014 ACS 5-Year Estimates for the reference community and the environmental justice RSA, which was the best available data to establish the baseline demographic and economic characteristics when the analysis commenced in 2016. The Authority concurs with the commenter's statement that ACS estimates are based on a sample of the population, not the full population; however, data from the 2020 decennial census (which is a direct count or enumeration of the entire population and has a smaller margin of error) was not publicly available during development of the Draft or Final EIR/EIS. To confirm the accuracy of this data for use in this environmental justice analysis, the Authority also performed additional quantitative validation methods, including the examination of other proxy data sources that would indicate the current locations of minority populations and low-income populations. For example, the presence of minority populations and low-income populations in the RSA was validated by ACS data on linguistic isolation and participation in social service programs, such as the percentage of households receiving coupons through the SNAP. This data was further validated through outreach to local governments, environmental justice advocacy groups, and community groups to identify the locations of discrete minority populations and low-income populations throughout the study area. Please refer to Section 5.5, Environmental Justice Engagement and Documentation, and Volume 2, Appendix 5-A, Environmental Justice Engagement Summary Report, of the Final EIR/EIS for information on the Authority's outreach to underrepresented, vulnerable, and disadvantaged communities during development of this EIR/EIS. This methodology is consistent with USEO 12898, the Presidential Memorandum Accompanying USEO 12898, USDOT Order 5610.2C, and the Authority's Environmental Methodology Guidelines (Authority and FRA 2017), and no changes to the Draft EIR/EIS are warranted in response to the comment.

The Authority concurs that the RSA for the Brisbane LMF contains minority populations and low-income populations that exceed that of the reference community, as is shown in Table 5-5. The data sources used for the Draft EIR/EIS are sufficient to characterize the populations along the project corridor and near the Brisbane LMF for the purposes of assessing the project's environmental impacts.

### 1164-1752

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The Authority respectfully disagrees that the Draft EIR/EIS's cumulative impacts analysis was insufficient to inform decision makers of cumulative impacts and the contribution of the project to those impacts. The Authority identified and considered relevant projects, plans, and actions over three counties and 19 jurisdictions along the 49-mile-long project, and potential contributions to cumulative impacts from those projects, plans, and actions. Because hazardous materials and waste are so stringently regulated at the local, state, and federal level (as described in Section 3.10, Hazardous Materials and Wastes), this is substantial evidence that significant cumulative effects would be precluded. Regarding the comment about unspecified regulatory requirements, the analysis has been updated in the Final EIR/EIS to refer to the specific regulations related to hazardous materials and waste in Section 3.10.2, Laws, Regulations, and Orders. The comment does not identify specific hazardous material or waste concerns regarding any specific cumulative projects that, if considered in more detail, would change the conclusions in Section 3.18, Cumulative Impacts, so no further response can be provided.

### 1164-1753

Please refer to Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, and Appendix 3.18-B, Cumulative Transportation Plans and Projects Lists, in the Final EIR/EIS, in which the Authority has updated the column heading to read "Potential Contributions to Cumulative Impacts" to align with the analysis method in Final EIR/EIS Section 3.18.3, Methods for Evaluating Impacts.

This revision to the Final EIR/EIS appendices clarifies that the consideration of related projects in the cumulative analysis was not limited to those with potential significant and unavoidable impacts, notwithstanding the editing error that led the column heading to suggest otherwise.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1754

The Authority conducted the cumulative impacts analysis in compliance with CEQA and NEPA, at level of detail appropriate to inform the public and the Authority's decision makers. The Authority identified and considered relevant projects, plans, and actions over three counties and 19 jurisdictions along the 49-mile-long project, and potential contributions to cumulative impacts from those projects, plans, and actions. In each resource section, the Authority considered the contribution of project impacts to cumulative impacts and included examples or types of projects that could also contribute to cumulative impacts.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1755

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

Please refer to projects lists in Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, and Appendix 3.18-B, Cumulative Transportation Plans and Projects Lists, updated as of the time of preparation of this Final EIR/EIS.

Regarding the comment's assertions that the Draft EIR/EIS addressed the Baylands only in some resource topic areas, this is a direct consequence of the status of approvals at the Brisbane Baylands. There is no approved "Baylands Development" that can be analyzed in the manner suggested without speculation. However, the Draft EIR/EIS takes the 2018 General Plan Amendment into account in both project-level and cumulative case analyses. The General Plan Amendment identifies land use designations which are informing a future specific plan the City of Brisbane may or may not adopt and in turn development stemming from a specific plan that the City may or may not approve.

The 2018 General Plan Amendment enables broader-scale analysis of prospective cumulative impacts related to certain topics, namely those identified by the comment. However, since the 2018 General Plan Amendment neither approves any specific development project nor provides any particular land use entitlement, cumulative analysis of topics such as air quality or noise (which hinge on specifics such as the locations of sensitive receptors, building footprints, and similar factors) of the 2018 General Plan Amendment would be speculative. Neither CEQA nor NEPA require analysis based on speculation.

### 1164-1756

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

Because the City of Brisbane's 2018 Program EIR assesses a prior version of the Specific Plan, it is not necessarily a reliable indicator of the impacts of future development consistent with the Brisbane 2018 General Plan Amendment. No changes in response to this comment are necessary.

### 1164-1757

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, as well as the response to submission FJ-1164, comment 1755. The analysis in Section 3.18, Cumulative Impacts, has been clarified in the Final EIR/EIS to make it clear what is being analyzed.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1758

The comment questions the approach to the cumulative impact analysis regarding what assumptions can be made concerning other cumulative projects.

Where the cumulative analysis considers those projects listed in Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, and Appendix 3.18-B, Cumulative Transportation Plans and Projects Lists, the Authority reasonably assumes that those projects will follow all pertinent federal and state laws concerning environmental protection and health and safety. This assumption is reasonable because projects and individuals implementing projects must comply with state and federal regulations concerning the investigation, storage, transportation, handling and disposal of hazardous materials and hazardous waste. It is a reasonable assumption that other lead agencies, like the City of Brisbane concerning development in the Baylands area consistent with the 2018 General Plan Amendment, or VTA in implementing the Capitol Expressway Light Rail Transit Extension Phase II, will comply with state and federal laws and regulations including those regarding air quality, noise, and hazardous materials, for discretionary projects within their area of responsibility.

Thus, the cumulative analysis presuming compliance with applicable laws is a realistic assumption. The comment provides no evidence that any jurisdiction or agency will allow a cumulative project to not comply with laws and regulations. The comment also lacks specific details regarding impacts that may occur due to non-compliance that would then result in project and cumulative impacts.

### 1164-1759

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features, FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The comment appears to reiterate prior assertions concerning the adequacy of project mitigation and IAMFs, but in this specific comment, the adequacy of those in relation to the analysis of other cumulative projects.

Regarding the the adequacy of project biological resources IAMFs and mitigation measures, please refer to responses to submission FJ-1164, comments 1627 through 1629, 1656, 1661 through 1671, and 1758 , which provide response to more detailed comments. This comment does not identify any specific inadequacies with the mitigation measures or IAMFs. Please also refer to the standard responses referenced above. The Draft EIR/EIS provides an extensive set of effective and enforceable mitigation measures to address impacts on biological and aquatic resources, which are consistent with NEPA and CEQA requirements. With respect to whether the impacts of other projects are reduced through mitigation measures, Section 3.18, Cumulative Impacts, concludes that the project plus other cumulative projects would combine to result in significant cumulative impacts in all subtopics examined in biological resources (special-status species, non-special-status wildlife, special-status plant communities, aquatic resources, protected trees, wildlife corridors, and conservation areas/habitat conservation plans). Since the cumulative analysis does not suggest the absence of significant cumulative impacts in any of these subtopic areas, the comment's assertion that the Authority made inappropriate assumptions regarding other projects is not relevant to the conclusions in the Draft EIR/EIS.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1760

Please refer to Volume 2, Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, and Appendix 3.18-B, Cumulative Transportation Plans and Projects Lists, in the Final EIR/EIS, in which the Authority has updated the column heading to read “Potential Contributions to Cumulative Impacts” to align with the analysis method in Section 3.18, Cumulative Impacts.

The comment asserts that the Authority failed to consider the likelihood that the projects listed in Appendices 3.18-A and 3.18-B, when combined, could result in a significant cumulative impact. The Authority disagrees. The Draft EIR/EIS cumulative impacts methodology and analysis recognizes where the combined projects may result in a significant cumulative impact.

### 1164-1761

Land use development projects are subject to the local regulations and policies concerning land use and cultural resources in the jurisdiction in which they are proposed as well as state and federal laws and regulations concerning cultural resources. Transportation projects proposed by local agencies have the same requirements. Transportation projects by regional, state, or federal agencies are not required to comply with local plans and policies but are still required to consider impacts relative to land use patterns in their CEQA and/or NEPA environmental reviews. All regional or state transportation projects in Volume 2, Appendix 3.18-B, Cumulative Transportation Plans and Projects Lists, are subject to state and federal laws and regulations concerning cultural resources. Thus, compliance with existing laws and regulations, as applicable, is a reasonable assumption for the cumulative land use and cultural resource analysis. It would be unrealistic and highly speculative to assume no compliance in the analysis. The comment does not describe any specific instance of cumulative land use or cultural resource impacts that would be higher than expected based on a lack of compliance with existing laws and regulations, and thus no further response can be provided. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1762

The cumulative methodology followed in the Draft EIR/EIS first identifies the cumulative conditions due to the effects of the cumulative projects (including the HSR project) and identifies if there is or is not a cumulative impact. If there is not, then there is no analysis of the project’s individual contribution. If there is a cumulative impact, then the HSR project’s contribution is analyzed under the subheadings for each subject labelled “Contribution of the Project Alternatives.” The conclusion on whether the contribution is “considerable” is under the CEQA Conclusion subheadings. Some of the resource CEQA conclusions discussed whether the project’s contribution was “significant” or not. In this context, the word “significant” is synonymous with “cumulatively considerable.” The comment is incorrect that biological resources is the only subject area where the EIR/EIS evaluated whether the project’s contribution was “cumulatively considerable”. First, some sections used the term “significant” to mean the same thing as “cumulatively considerable”, but also other sections (including transportation, air quality, GHGs, noise and vibration, hydrology and water resources, paleontology, safety and security, and cultural resources) used the term “considerable” or “cumulatively considerable”. Section 3.18, Cumulative Impacts, in the Final EIR/EIS has been revised to clarify all appropriate references to “cumulatively considerable” in the impact analysis and/or conclusions. In addition, Section 3.18 has been revised to note where no feasible mitigation exists to reduce cumulatively considerable project contributions to a significant cumulative impact.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1763

The comment asserts that the cumulative noise analysis in the Draft EIR/EIS does not consider additional feasible noise mitigation measures as presented in the Metis noise impact discussion (submission FJ-1165, comment 2217).

While the cumulative analysis does identify certain impacts for which the project would make a cumulatively considerable contribution to a significant cumulative impact, no additional feasible mitigation has been identified to address the project's contributions other than the mitigation included in Section 3.2, Transportation, through Section 3.17, Regional Growth, of the Draft EIR/EIS. Final EIR/EIS Section 3.18, Cumulative Impacts, has been revised to clarify why no feasible mitigation is available for each remaining cumulatively considerable project contribution.

Regarding the specific feasibility of the noise mitigation suggested in the Metis noise impact discussion, please refer to the response to submission FJ-1165, comment 2217. The response to submission FJ-1165, comment 2217 states why the project is not subject to local land use requirements, such as the City of Brisbane noise ordinance. Please also refer to Draft EIR/EIS Section 3.4.3, Consistency with Plans and Laws, which reiterates that as a state agency, the Authority is not required to comply with local land use and zoning regulations; a City noise ordinance is a local land use regulation. Notwithstanding, the Authority would consult with the City of Brisbane (as well as other similarly situated jurisdictions) in an effort to advise on and minimize impacts of nighttime construction and noise.

This comment asserts that the proposed mitigation should also be applied in the cumulative context. As stated in Draft EIR/EIS Section 3.18.6.3, Noise and Vibration, the project would contribute considerably to two significant cumulative operational noise impacts, one related to rail operations and the other to traffic noise. Section 3.18.6.3 identifies feasible mitigation measures that could lessen these impacts but none that would reduce the project's contribution to render it not considerable. The suggested mitigation measure at submission FJ-1165, comment 2217 would impose noise level limits on the operation of the Brisbane LMF, but the aforementioned significant impacts are not related to the noise of the LMF, but to noise from rail movement (including train horns) and moving vehicles. Accordingly, adherence to the mitigation measure suggested in submission FJ-1165, comment 2217 would not only be inconsistent with

### 1164-1763

the Authority's position as a state agency but would also not be effective in reducing the identified significant cumulative impacts.

Section 3.18.6.3 concludes that there is no significant cumulative impact related to construction-period noise. Accordingly, the mitigation measure suggested in submission FJ-165, comment 2217 invoking adherence to local construction hours would not be relevant. As there is no significant cumulative impact related to construction noise, there is no requirement in CEQA or NEPA for the project to consider or implement mitigation.

### 1164-1764

The commenter does not identify specific inadequacies. No revisions in response to this comment are necessary.

### 1164-1765

The comment states that the Draft EIR/EIS should include a Draft Mitigation Monitoring and Reporting Program. The Authority will develop a Mitigation Monitoring and Enforcement Plan after publication of the Final EIR/EIS, as part of the CEQA approval documents, to ensure that the adopted project design features and mitigation measures are successfully implemented and tracked throughout project implementation. CEQA requires a lead or public agency that approves or carries out a project for which an EIR has been certified identifying one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Cal. Public Res. Code §§21081, 21081.6). The Authority as CEQA lead agency will use the Mitigation Monitoring and Enforcement Plan to track and enforce implementation of mitigation measures and project design features. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1766

The Authority is aware of and complies with the holding in *Golden Door Properties, LLC v. Sup. Ct.* (2020) 52 Cal.App.5th 837, by adhering to its obligations to maintain project-related documents, including email, for the CEQA record of proceeding consistent with Cal. Public Res. Code Section 21167.6. The referenced statement from Authority personnel was made in error and was corrected by letter dated December 4, 2020 from Marie Hoffman to David Smith. The Authority requires the retention of all records that qualify for retention under CEQA and other applicable laws, regulations, and internal policies; transitory emails that are not required to be retained for the record of proceeding may be deleted per the retention schedule. We apologize for any confusion. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1767

The commenter's prior specific comments regarding project- and site-specific details, IAMFs and mitigation measures, new information, and the NEPA-like structure of the document are addressed in response to the more specific comments on these topics above.

The commenter's detailed comments on the hazardous materials and waste analysis in the Draft EIR/EIS are also addressed in response to the specific comments. As noted in those specific responses, additional clarifying information was added to Section 3.10, Hazardous Materials and Wastes, of the Final EIR/EIS. After reviewing these changes, the Authority determined that there were no substantive changes to the hazardous materials and wastes analysis that required recirculation.

### 1164-1768

The comment states that the Draft EIR/EIS does not demonstrate that the construction and operation of the project will be in compliance with environmental laws, including the Porter-Cologne Water Quality Control Act and the fully protected species provisions of the Fish and Game Code. There is lack of compliance with environmental laws. The Authority respectfully disagrees with these assertions, as the Draft EIR/EIS was developed in compliance with CEQA and NEPA. Please refer to the response to submission FJ-1164, comment 1396, which addresses these concerns.

### 1164-1769

The comment states that the Draft EIR/EIS does not demonstrate project compliance with laws regulating aquatic resources. The Authority developed an Aquatic Resources Delineation Report (Authority 2020c; available upon request), that includes recent site-specific surveys at the LMF, including a site visit with USACE staff. The Authority has received a PJD, as noted in the comment. The PJD was verified by the USACE for the purposes of applying for a Section 404 permit to comply with the federal CWA, which the Authority will complete prior to construction.

With regard to the Checkpoint A and B documents, both documents are available on the Authority website. The checkpoint process and documents are described in several chapters of the Draft EIR/EIS –Chapter 1, Project Purpose, Need, and Objectives, describes Checkpoints A and B; Chapter 2, Alternatives, summarizes the results of the evaluation of the range of project alternatives conducted for Checkpoint B; and Chapter 9, Public and Agency Involvement, documents the dates of concurrence for each checkpoint document. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1770

The comment asserts that the Draft EIR/EIS is inadequate to provide sufficient detail for the proposed impacts on jurisdictional navigable waters and to identify appropriate compensatory mitigation for such impacts sufficient to justify issuance of an RHA Section 10 permit by USACE. Impact BIO#19 in the Draft EIR/EIS includes summarized technical information sufficient to allow for a full assessment of the environmental impacts of the project under NEPA and CEQA. The Aquatic Resources Delineation Report (Authority 2020c), upon which the Draft EIR/EIS was based, provides additional detail, including mapping, of jurisdictional navigable waters under RHA Section 10. As stated in Section 3.7.6.5, Delineation of Aquatic Resources, in the Final EIR/EIS, USACE issued the PJD on April 14, 2020. The PJD states that "The extent and location of wetlands, other waters of the U.S., and navigable waters of the U.S. within the boundary of the site as identified on the aquatic resource delineation maps (certified on April 9, 2020), may be subject to Section 404 of the CWA and Section 10 of the RHA" (USACE 2020). The verified PJD and Aquatic Resources Delineation Report can be used to obtain the USACE permit authorization. Compensatory mitigation for RHA Section 10 is provided for under MM#37.

### 1164-1771

The comment states that the Draft EIR/EIS fails to identify waters of the state and thereby fails to identify impacts on waters of the state and necessary mitigation, because it delineates only potentially jurisdictional resources under federal law. The Authority disagrees with this statement. By its nature, a PJD is not used to determine whether aquatic features are jurisdictional under Section 404 of the federal Clean Water Act. The Authority received a PJD from the USACE which included all aquatic resources in the Project Section regardless of jurisdictional status under state or federal law (including whether or not they were isolated), as described in Section 3.7.1.1, Definition of Terminology, Porter-Cologne Water Quality Control Act (Waters of the State). For the purposes of this analysis, waters of the state and waters of the U.S. are considered to be the same (given that there are no features that would qualify as only waters of the state). The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1772

Please refer to the response to submission FJ-1163, comment 1133, which addresses this topic. The Authority has identified all potential waters of the US and waters of the State, including wetlands that meet the USACE three-parameter test, as well as wetlands that only have hydrology and hydric soils, consistent with state policy.

### 1164-1773

The comment states that aquatic resources under Section 1600 have not been delineated, and as such the Draft EIR/EIS is inadequate to provide sufficient detail for the proposed impacts on protected state aquatic resources and to identify appropriate compensatory mitigation for such impacts sufficient to justify issuance of an LSAA by CDFW. The Authority disagrees. Please refer to Section 3.7.6.5, Delineation of Aquatic Resources, subsection Aquatic Resources Delineation Methods (Cal. Fish and Game Code §1600 et seq.) of the Draft EIR/EIS, as well as the Aquatic Resources Delineation Report (Authority 2020c; available upon request) which includes this information. The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are required.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1774

The comment states that the Draft EIR/EIS does not demonstrate project compliance with laws regulating endangered species. The Authority disagrees. The Authority has entered into consultation with USFWS and NMFS pursuant to Section 7 of the ESA, as noted in the Draft EIR/EIS. Section 7 consultation will ensure that the project is in compliance with FESA. Furthermore, the Draft EIR/EIS sets forth sufficient information and analyses to support a decision by USFWS or NMFS to authorize incidental take of listed species. Section 3.7.6, Methods for Evaluating Impacts, provides a detailed description of the methodology for obtaining information on biological and aquatic resources potentially affected by the project, as well as the methods for conducting the impact analysis. Section 3.7.7, Affected Environment, includes a description of the physical conditions in the RSAs, including topography, climate, hydrology, and soils, which are the context for the discussion of the biological conditions and the biological resource descriptions. A detailed analysis of impacts to ESA listed species is set forth in Impacts BIO#1, BIO#2, BIO#3, BIO#4, BIO#5, and BIO#8. Measures to reduce and offset impacts to ESA listed species include, for example, BIO-MM#10, BIO-MM#11, BIO-MM#17, BIO-MM#21, and BIO-MM#35. The comment did not result in any revisions to the Draft EIR/EIS.

### 1164-1775

The comment states that the Draft EIR/EIS is inadequate to provide sufficient detail for the proposed impacts on state protected species and to identify appropriate compensatory mitigation for such impacts sufficient to justify issuance of authorization for the take of such species. The Authority disagrees. The Draft EIR/EIS provides sufficient information and analysis to support a decision to issue a Section 2081 permit for take of CESA-listed species, should such a permit be required. Section 3.7.6, Methods for Evaluating Impacts, provides a detailed description of the methodology for obtaining information on biological and aquatic resources potentially affected by the project, as well as the methods for conducting the impact analysis. Section 3.7.7, Affected Environment, includes a description of the physical conditions in the RSAs, including topography, climate, hydrology, and soils, which are the context for the discussion of the biological conditions and the biological resource descriptions. A detailed analysis of impacts to CESA listed species is set forth in Impacts BIO#5 and BIO#8. Measures to reduce and offset impacts to CESA listed species are set out in BIO-MM#1, BIO-MM#2, BIO-MM#3, BIO-MM#4, BIO-MM#5, BIO-MM#8, BIO-MM#9, BIO-MM#12, BIO-MM#13, BIO-MM#18, BIO-MM#19, BIO-MM#20, BIO-MM#21, BIO-MM#25, BIO-MM#26, and BIO-MM#27. No revisions to the Draft EIR/EIS are required.

## Response to Submission 1164 (Margaret Sohagi, City of Brisbane, part 3 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1164-1776

The comment states that the Draft EIR/EIS and Biological and Aquatic Resources Technical Report allow for illegal take of protected species. The Authority disagrees.

Although the commenter is correct that the Draft EIR/EIS and technical report identify potential impacts on fully protected species that could result from the project without the implementation of the mitigation measures, the Draft EIR/EIS requires mitigation measures that would avoid take. Refer to Section 3.7.9, Mitigation Measures, in the Draft EIR/EIS for a discussion of the measures identified to avoid take or reduce significant impacts. The Biological and Aquatic Resources Technical Report provides additional technical information supporting the biological and aquatic resources analysis but does not duplicate the discussion of mitigation measures, nor is it required to do so.

As stated under the CEQA conclusions for Impact BIO#5 and Impact BIO#9 in the Draft EIR/EIS, "Mitigation measures to address this impact and avoid take of this fully protected species are identified in Section 3.7.11." Impact BIO#10 has been updated in the Final EIR/EIS to language consistent with the other two fully protected species, but the intent to fully avoid take of ringtail has not changed. As such, the existing mitigation measures for fully protected species will avoid take of fully protected species. BIO-MM#12 has also been updated in the Final EIR/EIS to clarify that relocation of fully protected species is not allowed, and fully protected species must instead be allowed to move out of the work area of their own volition.

### 1164-1777

In prior individual comments, the commenter raised specific concerns of inadequacy of the Draft EIR/EIS based on the LMF alternatives analysis, lack of project- and site-specific details, IAMFs and mitigation measures, and the NEPA-like structure of the document. Each of these specific comments is addressed above. The Authority disagrees with the claim of inadequacy of the Draft EIR/EIS and does not believe the document needs to be recirculated based on these concerns.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020)



**Metis Environmental Group**

437 Alcatraz Avenue  
Oakland, CA 94609

**Comments on the Draft  
Environmental Impact Report/Environmental Impact Statement  
for the  
California High-Speed Rail Project  
San Francisco to San José Project Section**

Metis Environmental Group has been retained by the City of Brisbane to review the Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) for the California High-Speed Rail Project, San Francisco to San José Project Section (Project). While our review focused on the environmental effects that the Project would have within the City of Brisbane, we have also identified factual errors, missing information, and incomplete analyses in the Draft EIS/EIR that may apply throughout the Project’s various resource study areas. Resumes for Metis personnel involved in reviewing the Draft EIR/EIS are attached along with resumes of technical specialists from the firms preparing technical analyses, as follows:

- Attachment Metis-A: Metis Environmental Group resumes
- Attachment Metis-B: Hexagon Transportation Consultants Transportation comments and resumes
- Attachment Metis-C: EKI Hazardous Materials and Wastes comments and resumes
- Attachment Metis-D: Entech Northwest Noise and Vibration comments and resumes
- Attachment Metis-E: Ten Over Studio Fire Station Site Design comments and resumes
- Attachment Metis-F: City of Brisbane, California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS Brisbane Impacts Evaluation Technical Review Narrative
- Attachment Metis-G Brisbane Baylands Project Water Supply Assessment, May 24, 2013
- Attachment Metis-H: Page & Turnbull Memorandum

1165-1876

**INTRODUCTION**

The inherent difficulties of addressing site-specific conditions and impacts of individual Project components for a Project as large as High-Speed Rail construction and operations between San Francisco and San José are displayed throughout the document. While the large majority of the

[1]

Metis Environmental Group

1165-1876

Project would be undertaken within and immediately adjacent to the existing Caltrain right-of-way in a highly urbanized corridor that limits the extent of Project impacts over the majority of the San Francisco – San José corridor, the generalized environmental setting discussions and analyses presented in the Draft EIR/EIS are inadequate to address impacts for as large a Project “component” as the 100+ acre Brisbane light maintenance facility (LMF). Overall, the Draft EIR/EIS does not recognize or thoroughly analyze the LMF’s proposed location on a contaminated site formerly used as a municipal landfill and for heavy industrial uses, as well as the Project’s impacts on the Brisbane community.

1165-1877

The proposed Brisbane LMF and its related environmental impacts also need to be understood in the context of the disproportionate exposure Brisbane residents already have to environmental hazards. The California Office of Environmental Health Hazard Assessment (OEHHA) developed the “CalEnviroScreen” tool to help identify the California communities that are most affected by pollution sources and where people may be especially vulnerable to pollution’s effects. CalEnviroScreen ranks California’s census tracts based on potential exposures to pollutants, adverse environmental conditions, socioeconomic factors, and prevalence of certain health conditions. As shown in Table Metis-1, the City of Brisbane falls within the 91<sup>st</sup> percentile for overall pollution burden, meaning that Brisbane residents face a greater burden of exposure to various environmental pollution hazards than residents within 91% of the census tracts in California.

**Table Metis-1: City of Brisbane Pollution Burden, Statewide Ranking**

	CalEnviroScreen 3.0 Percentile
<b>Overall Pollution Burden</b>	91.45
<b>Diesel Particulate Emissions</b>	87.84
<b>Cleanup Sites</b>	95.77
<b>Groundwater Threats</b>	93.56
<b>Hazardous Waste</b>	93.13
<b>Impacted Water Bodies</b>	80.63

Source: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>. Accessed 8-26-2020.

The 100+ acre LMF with its significant noise, biological resources impacts, and land use conflicts would introduce another environmentally burdensome land use into a community already burdened by railroad and freeway noise and pollution, soil and groundwater contamination from the former Southern Pacific railyard west of the Caltrain right-of-way, dumping of San Francisco’s trash from 1932 to 1967 in the Brisbane landfill east of Caltrain, and the environmental hazards and risks associated with the Kinder Morgan tank farm. The Draft EIR/EIS fails to recognize or address the need for site remediation (West LMF) and final landfill

[2]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1877 | closure in compliance with Title 27 (East LMF) as a prerequisite for construction of the Brisbane  
 1165-1878 | LMF. The Draft EIR/EIS also fails to recognize the burdens the LMF would place on the community by:

- Eliminating adequate emergency access to portions of the City by temporarily closing the Tunnel Avenue bridge for a 1-3 month period;
- Constructing the relocated Tunnel Avenue bridge so as to require relocation of the City's existing fire station, while proposing two infeasible locations for the relocated fire station;
- Designing the East LMF in a manner that would displace the City's existing corporation yard, preclude the planned Geneva Avenue extension from crossing over the Caltrain right-of-way, leaving the only option for this long-proposed multi-jurisdiction project to tunnel under the Caltrain right-of-way, substantially increasing its environmental impacts and cost;
- Removing the 186-foot high Icehouse Hill, which is an important biological habitat area and visual feature (West LMF); and
- Filling 980 linear feet of the existing Visitacion Creek for construction of the East LMF and proposing to relocate the creek to drain into the Brisbane Lagoon rather than retaining its natural flow into the San Francisco Bay (East LMF).

1165-1883 | The following comments conclusively demonstrate the many deficiencies of the Draft EIR/EIS and identify the vast amount of information and many revisions that would be necessary to meet even the minimum requirements of CEQA.

These deficiencies can be remedied only by completely rewriting the Draft EIR/EIS to comply with CEQA requirements, including site-specific project-level analysis of the Brisbane LMF and the impacts the Project would have on the community. The rewritten Draft EIR/EIS must then be recirculated for additional public review pursuant to CEQA Guidelines section 15088.5.

1165-1884 | After completing a thorough project-level analysis based on site-specific investigations of the Brisbane LMF sites and a CEQA-compliant analysis of potentially feasible alternative LMF sites, it will be clear that Brisbane is an undesirable and infeasible location for the LMF.

1165-1885 |

**SUMMARY OF DRAFT EIR/EIS DEFICIENCIES**

If the Brisbane community is being asked by the Authority to take on the burdens of construction and 24/7 operation of the LMF, the community deserves no less than full disclosure of and the opportunity to provide comments on (1) all of what the Authority needs to do to construct and operate the LMF in Brisbane, (2) the environmental damage that would result, and (3) what will Authority intends to do to mitigate the adverse effects of the LMF on the community *before* the Project is approved.

[3]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1885 | The Draft EIR/EIS does not, however, fully describe the Project, resulting environmental impacts or the specific measures to be taken to address the Project's many significant impacts. Two key deficiencies – inadequate site-specific analysis of the LMF component of the Project and inadequate analysis of the Project's impacts on the Brisbane community – are a common theme throughout the Draft EIR/EIS.

1165-1886 | As documented in this report and Attachments Metis-B through Metis-G, the Draft EIR/EIS contains numerous deficiencies that require substantial revisions and recirculation of the document.

**1. Disjointed and Incomplete Description of the Project.** The Draft EIR/EIS presents a disjointed and incomplete description of the Project that frustrates the document's ability to provide a thorough evaluation and limits the reader's ability to understand what is being proposed. The description of the project presented in the Draft EIR/EIS is neither complete nor accurate.

The Draft EIR/EIS tends to refer to the East and West Brisbane LMF sites being constructed within an "open space" or "undeveloped" area. The Baylands area within which the Brisbane LMF is proposed is, in fact, a contaminated site formerly used as a municipal landfill and for heavy industrial uses. Today, the Baylands consists of several industrial uses, a petroleum tank farm, lumber yard, solid waste management uses, and the former landfill.

1165-1887 | The Draft EIR/EIS fails to address the "whole of the action" because it does not evaluate impacts associated with requirements for (1) closure of the former Brisbane landfill subject to the regulatory authority of the Regional Water Quality Control Board (East LMF) as well as site remediation of two operable units subject to the regulatory authority of the Department of Toxic Substances Control and the Regional Water Quality Control Board (West LMF), (2) relocation of Visitacion Creek<sup>1</sup>, and (3) acquisition of a water supply needed for the Brisbane LMF<sup>2</sup>.

1165-1888 | **2. No Reasonable Range of Alternatives.** The Draft EIR/EIS fails to comply with CEQA requirements for evaluation of a reasonable range of alternatives to the Project.

The two alternatives presented in the Draft EIR/EIS are the same throughout the majority of the 49-mile project length from San Francisco to San José and differ only in relation to whether:

1165-1889 | <sup>1</sup> Relocation of Visitacion Creek is mentioned, but neither described nor analyzed in Impact BIO#19.

1165-1890 | <sup>2</sup> The Draft EIR/EIS incorrectly concludes that a water supply is available for the Brisbane LMF without having analyzed the City of Brisbane's actual contracted water supply.

[4]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1888

- The Brisbane LMF is placed to the west or the east of the Caltrain right-of-way in the Baylands subarea in the City of Brisbane;
- passing tracks are provided or not provided between San Mateo and Redwood City; and
- The approach to the Diridon Station in San José is not designed as a viaduct or is designed as a short or long viaduct.

In relation to the Brisbane LMF, the “Project” and “alternatives to the Project” are largely one and the same. The Draft EIR/EIS fails to evaluate potentially feasible alternatives for the LMF site.

1165-1891

3. **Inadequate Evidence for Significance Conclusions and Deferred Mitigation.** The Draft EIR/EIS presents improperly segmented and inadequate environmental analyses that fail to provide substantive discussion or that understate the severity of changes to the environment that would result from the Project. As a result, the Draft EIR/EIS presents significance conclusions that are not based on substantial evidence and understate the severity of the Project’s public safety, hazardous materials, noise, water supply, and other impacts.

1165-1892

In lieu of quantitative or qualitative analysis of Project impacts and clear identification of mitigation measures, the Draft EIR/EIS relies on lists of “Impact Avoidance and Minimization Features” (IAMFs) that improperly defer critical analyses and present ineffective measures to avoid significant impacts. Mitigation measures are presented that are improperly deferred.

The widespread use of Impact Avoidance and Mitigation Features defers preparation of critical environmental studies, analyses, and mitigation measures until after the Project has been approved. Subject only to the Authority’s review, the Draft EIR/EIS gives construction contractors the responsibility to prepare (and the Authority to approve) the equivalent of project-level environmental analyses and mitigation measures for the Brisbane LMF in the absence of public review and comment.

1165-1893

4. **Inadequate Cumulative Impact Analysis.** The discussion of cumulative impacts is incomplete, inaccurate, and violates CEQA requirements.

1165-1894

5. **Inconsistency with Plans.** The Brisbane LMF is inconsistent with the Brisbane General Plan and would impair the City of Brisbane’s ability to provide much-needed housing. Impacts associated with these inconsistencies are understated in the Draft EIR/EIS.

1165-1895

6. **Flawed Project Design.** The design of the Brisbane East and West LMFs ignores the site’s physical setting and would be incompatible with adjacent land uses.

1165-1896

7. **Factual Errors.** The Draft EIR/EIS contains factual errors that need to be corrected.

[5]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1897

The Draft EIR/EIS states several times that it is intended to provide “project-level” analysis:

- The project-level environmental analysis conducted for this Draft EIR/EIS and described in this chapter also includes consideration of means to avoid, minimize, and mitigate potential adverse environmental impacts. (page 1-6)
- The project-level environmental review process and alternatives considered in this document are consistent with the decisions made during the Tier 1 review process. (page 2-4)
- The Authority and FRA advanced shared HSR and Caltrain use of the Caltrain corridor between San Francisco and San José for further study in a Tier 2 project-level EIR/EIS. (page 2-28)
- The project-level environmental analysis conducted for this Draft EIR/EIS and described in this chapter also includes consideration of means to avoid, minimize, and mitigate potential adverse environmental impacts. (page 3.1-2)

Thus, the public has the reasonable expectation that the Authority would meet CEQA’s mandate for full disclosure of the Project’s description, impacts, and mitigation, rather than deferring critical aspects of the Project’s description, environmental analysis (e.g., on-site geotechnical analysis), and mitigation until after the Project is approved.

## DETAILED COMMENTS

1. ***Disjointed and Incomplete Project Description.*** *The Draft EIR/EIS presents a disjointed and incomplete description of the Project that frustrates the document’s ability to provide a thorough evaluation and the reader’s ability to understand what is being proposed. Critical gaps in the description of the Project inhibit meaningful analysis.*

The inclusion of a clear, cohesive, and comprehensive project description is critical to a thorough analysis of the Project’s environmental effects, to the ability of the public and local agencies to conduct a meaningful review, and to decisionmakers’ ability to make informed decisions. As documented below, the poorly constructed and incomplete description of the Project set forth in the Draft EIR/EIS has led to incomplete and erroneous environmental evaluations. The description of the Project presented in the Draft EIR/EIS must be rewritten to (1) facilitate needed revisions to Draft EIR/EIS environmental analyses and (2) provide the public, local agencies affected by the Project, and decisionmakers with a thorough understanding of what is being proposed along with a thorough evaluation of the Project’s environmental effects and the specific measures that are to be undertaken to avoid or minimize significant environmental effects. Recirculation of the Draft EIR/EIS is therefore needed.

[6]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1899

**The description of the Project presented in the Draft EIR/EIS is disjointed. Information critical to the readers' understanding of Project is difficult to find or missing.**

The title "Project Description" is nowhere to be found in the Table of Contents or in any of the sections that follow, leaving readers on their own to sift through more than 30 separate digital files for a description of what the Authority is proposing. After reviewing these files, readers find that the following chapters and sections all need to be read to gain as complete a description of what is being proposed as the Draft EIR/EIS provides:

- **Chapter 1, Purpose, Need, and Objectives**, provides a statement of objectives sought by the project, including discussion of need for the Project and its underlying purpose.
- **Chapter 2, Alternatives**, provides a graphic showing the location of the Project on a regional map. The precise physical boundaries for many (but not all) of the Project's components are presented in this chapter, which provides a description (albeit incomplete) of the Project's technical, economic, and environmental characteristics. Section 2.11 lists the large majority (but not all) of the approvals necessary to implement the Project and the agencies responsible for those approvals.

1165-1900

At the outset (page 2-1) of Chapter 2, Alternatives, the Draft EIR/EIS states that "Alternative A is the California Environmental Quality Act (CEQA) Proposed Project pursuant to CEQA Guidelines Section 15124 and the National Environmental Policy Act (NEPA) Preferred Alternative." However, the "CEQA Proposed Project" (Alternative A) is consistently referred to as an "alternative" throughout the various environmental analyses set forth in Chapter 3 of the Draft EIR/EIS, which analyzes Alternative A and Alternative B at an equal level of detail. Chapters 2 and 3 both acknowledge that the two Project Alternatives share the same attributes throughout the majority of the 49-mile linear Project and that differences between the alternatives are relatively minor. The Draft EIR/EIS evaluates even the largest difference between the two Project Alternatives – location of the Brisbane LMF to the west or east of the Caltrain right-of-way – as Project variants, rather than discussing the East LMF as the CEQA Project and the West LMF as an alternative to the CEQA Project.

1165-1901

Whatever terminology is actually used in the document to address different the approaches to "project" and "alternatives" taken by NEPA and CEQA, the descriptions of what is being proposed by the Authority and the analyses undertaken in the Draft EIR/EIS make clear that the "Project" being undertaken by the Authority is the provision of high-speed rail service between San José and San Francisco through blended service with Caltrain along that agency's existing right-of-way to stations in downtown San Francisco, Millbrae, and San José; improvements (and variants thereof) to allow for faster train service along the line, an LMF within the portion of the City of Brisbane known as the "Baylands" (including variants placing the LMF to the east or west of the existing rail line); station improvements; and additional infrastructure

[7]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1901

improvements. Thus, the "alternatives" described in Chapter 2 and analyzed in Chapter 3 are so similar and are analyzed in such a manner as to actually be variants of the "project," leaving no alternatives to the Project and violating CEQA requirements for identifying and analyzing a reasonable range of alternatives.

1165-1902

The Authority is proposing to modify the street pattern providing access to the City of Brisbane's downtown area. However, these proposed roadway modifications are not discussed in Chapter 2 or elsewhere in the Draft EIR/EIS. The proposed reconfiguration of Brisbane streets can only be discerned in Draft EIR/EIS graphics such as Figure 2-32 (East Brisbane Light Maintenance Facility Layout) and Figure 2-43 (West Brisbane Light Maintenance Facility Layout).

1165-1903

- The Draft EIR/EIS fails to disclose that the proposed Brisbane LMF is intended to work together with a facility to be constructed in Gilroy. While Appendices to the Draft EIR/EIS recommend that both facilities be designed and provided with environmental clearance for Level III maintenance activities (quarterly inspections, including wheel truing), whichever facility ultimately provides Level III maintenance, the other location would still be required for Level I (daily inspections, pre-departure cleaning and testing) and level II (monthly inspection) activities (e.g., a Level III LMF in Gilroy with a smaller Level I facility in Brisbane). While previous studies undertaken by the Authority recommended environmental clearance for both the Brisbane and Gilroy facilities as LMF providing Level III maintenance, the Authority failed to do so, focusing on Brisbane as the sole northern California LMF. As discussed later in these comments, this was a critical omission in relation to Draft EIR/EIS alternatives analysis.

1165-1904

- **Section 3.6, Public Utilities and Energy**, informs the reader that construction of the West LMF would excavate approximately 432,000 cubic yards of soils that may be contaminated and require special disposal as hazardous waste. Readers specifically interested in hazardous materials issues would not, however, be informed about the excavation of these soils since this issue is not addressed in Section 3.10, Hazards Materials and Wastes.

1165-1905

- A footnote to Table 3.6-14, Operational Water Use, informs the reader that stations along the high-speed rail line will be LEED® platinum.

1165-1906

- **Section 3.7, Biological Resources and Aquatic Resources**. Impact BIO#19 of Section 3.7, Biological and Aquatic Resources discloses that the Project would be "relocating a portion of Visitacion Creek and filling several wetlands." The Draft EIR/EIS provides no description of what is actually being proposed other than providing the acreage of habitat areas along the creek that would be impacted. Discussion of the Authority's proposal to abandon Visitacion Creek and its easterly alignment draining into the San Francisco Bay in favor of realigning the creek to flow south and drain into the Brisbane Lagoon can only be found in the Authority's May 2020 Preliminary Compensatory Mitigation Plan, which, along with other technical reports, was not made available to the

[8]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1906 public on the Project’s web page along with the Draft EIR/EIS and its appendices<sup>3</sup>. A thorough review of the Preliminary Compensatory Mitigation Plan reveals the Authority is actually considering two variants, neither of which is explicitly described or analyzed in the Draft EIR/EIS:

- o Fill approximately 980 linear feet of the existing Visitacion Creek and construct a culvert under the widest point of the East LMF, or
- o Reroute Visitacion Creek from where it daylight just east of the Caltrain tracks to run south adjacent to the East LMF, discharging the creek into Brisbane Lagoon rather than San Francisco Bay.

1165-1907 • **Section 3.11, Safety and Security**, informs the reader that:

- o Construction of the Brisbane LMF (East or West) would require the Tunnel Avenue bridge crossing over the existing Caltrain right-of-way in Brisbane to be closed for 1 to 3 months while a new bridge crossing is constructed north of the existing crossing<sup>4</sup>;
- o The existing North County Fire Authority fire station that serves the City of Brisbane would be relocated to accommodate the realigned Tunnel Avenue, west of the bridge crossing; and
- o Tunnel Avenue would need to be closed for 1 to 3 months to provide for realignment around the East LMF<sup>5</sup>.

1165-1908 • **Section 3.15, Aesthetics and Visual Quality**, informs the reader that the Brisbane LMF is proposed to be a 24-hour per day, 7 days per week operation requiring night lighting for worker safety and security.

1165-1909 • **Section 3.19, Design Variant to Optimize Speed**, describes a design variant of Alternative A that would reduce the curvature in the rail alignment north and south of the San José Diridon Station. While Chapter 2 notes that the variant “would reduce the curvature in the alignment north of the San José Diridon Station between Julian Street and Santa Clara Street and from the south end of the station to San Carlos Street. The Diridon Design Variant would also modify the design of the San José Diridon Station platforms, providing for increased speeds of 40 mph, which is comparable to the design speeds provided by Alternative B,” the actual description of the alignments proposed in for this variant is presented in subsection 3.19.2.

1165-1910 <sup>3</sup> Members of the public wishing to review technical reports had to request them from the Authority.

1165-1911 <sup>4</sup> While Chapter 2, Alternatives, describes relocation of the Tunnel Avenue bridge, it does not provide information regarding the length of time the bridge crossing would be closed to traffic.

1165-1912 <sup>5</sup> While Chapter 2, Alternatives, describes realignment of Tunnel Avenue for the East LMF, it does not provide information regarding the length of time Tunnel Avenue will be closed to traffic. Neither Chapter 2 nor Section 3.11 precisely indicate the portion of Tunnel Avenue that will be temporarily closed.

[9]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1913 **The Draft EIR/EIS fails to present a complete description of what the Authority is proposing, leaving critical information gaps that undermine the document’s ability to undertake a thorough and meaningful examination of the Project’s environmental impacts.**

Critical gaps in the Draft EIR/EIS description of the Project include a lack of information regarding (1) emergency and public access during the closure of the Tunnel Avenue bridge and Tunnel Avenue in the vicinity of the East and West Brisbane LMF sites; (2) location of East and West LMFs in relation to ongoing site remediation and Title 27 landfill closure plans, site grading, and construction activities; and (3) emergency access during LMF construction.

1165-1914 *The Draft EIR/EIS provides a vague and incomplete description of temporary road closures, rail access modifications, and emergency access availability.*

The Draft EIR/EIS refers to the need to realign Tunnel Avenue to provide for construction of the East LMF as well as the need to relocate<sup>6</sup> the existing Tunnel Avenue bridge over the Caltrain right-of-way. While Draft EIR/EIS Chapter 2 is intended to serve as the CEQA project description, it does not refer to how long the proposed temporary closure of Tunnel Avenue for the East LMF or the temporary closure of the existing Tunnel Avenue bridge crossing for both the East and West LMFs would last.

1165-1915 On page 3.2-56, the Transportation section refers to a “temporary street closure to reconnect both ends of the realigned segment” of Tunnel Avenue but does not disclose the precise roadway segment that would be temporarily closed. Based on the wording provided on Draft EIR/EIS page 3.2-56, it can be surmised which segment of Tunnel Avenue is most likely to be subject to closure. At a minimum, it appears likely that Tunnel Avenue would be temporarily closed from its current intersection at Bayshore Boulevard to approximately the southerly property line of Golden State Lumber Company at 601 Tunnel Avenue, Brisbane. Thus, the portion of Tunnel Avenue south of Beatty Avenue would remain in place during construction of the realigned Tunnel Avenue, thereby providing continued access to existing businesses located along this segment of the roadway. If Tunnel Avenue south of Beatty Avenue would remain as a temporary 1,200-foot cul-de-sac during the time Tunnel Avenue is closed, the safety implications of leaving a large lumber yard (Golden State Lumber) at the end of such a lengthy cul-de-sac need to be examined in the Draft EIR/EIS.

1165-1916 <sup>6</sup> The Draft EIR/EIS variously describes what is proposed for the Tunnel Avenue overcrossing of the existing Caltrain line as the bridge being “realigned” (see, for example, Table 3.12-6) or “reconstructed” (see, for example, page 2-77), and “relocated” (see, for example, Table 3.2-15). Because a new bridge crossing of the Caltrain line would be constructed approximately 400 feet north of the existing bridge, of the various terms used to describe what is proposed, “relocated” is the most more accurate term. It does not, however, appear that the Draft EIR/EIS specifically states that the existing Tunnel Avenue bridge would be demolished.

[10]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

- 1165-1917 | Existing businesses along Tunnel Avenue include facilities essential to the operations of the Recology solid waste management facility north of Beatty Avenue and Golden State Lumber, which is located on Tunnel Avenue. However, the Draft EIR/EIS does not specifically identify the northern and southern limits of the temporary bridge and roadway closures, deferring identification of the specific roadway locations being closed and emergency access routes during such closures to preparation of a Construction Transportation Plan by the construction contractor after the Project is approved (TR-IAMF#2).
- 1165-1918 | The Draft EIR/EIS fails to disclose that the East LMF would displace the City’s existing corporation yard for construction of the East LMF or that the Authority intends to secure a temporary construction easement over the entirety of the corporation yard for construction of the West LMF. Disruptions to Recology’s ability to efficiently use all of its facilities throughout construction of the Brisbane LMF could adversely affect its ability to provide solid waste diversion services when access to its Tunnel Avenue facilities is disrupted. Increased response time for the North County Fire Authority to Golden State Lumber, which stores a large amount of flammable lumber and related products could have far reaching property damage consequences if emergency response is delayed due to road closures. Should an emergency requiring police or fire response to businesses along Beatty Avenue or Tunnel Avenue occur during the time Tunnel Avenue and the Tunnel Avenue bridge are temporarily closed, Brisbane Police and North County Fire Authority first responders would be required to travel north along Bayshore Boulevard into San Francisco, turn right on Blanken Avenue, turn right and then travel south along tunnel Avenue back into the City of Brisbane, delaying timely emergency response (see Figure Metis-10).
- 1165-1919 | In order to adequately evaluate Project’s impacts during construction on emergency access, it is imperative that the Draft EIR/EIS disclose and evaluate the emergency access routes that would be available during LMF construction and part of its description of the Project. The Draft EIR/EIS cannot simply assume that the construction contractor would be able to avoid significant impacts or develop feasible mitigation measures when preparing a “construction transportation plan” (IAMF-TR#2) following completion of the CEQA/NEPA review processes and Project approval or assume that a significant unavoidable impact would occur. Full disclosure of impacts on emergency response and mitigation for such impacts depends on a more complete description of the Project than the Draft EIR/EIS currently offers.
- 1165-1920 | The Draft EIR/EIS must therefore (1) clearly delineate the specific segment(s) of Tunnel Avenue that would be subject to temporary closure; (2) disclose the length of time for such temporary road closures based on a site-specific understanding of the time needed to accommodate soil settlement at the relocated Tunnel Avenue bridge crossing; (3) identify the operational and emergency access routes that would be available to existing Tunnel Avenue businesses throughout construction of the East LMF; (4) provide a rewritten description of the Project that includes details regarding emergency access to Tunnel Avenue businesses throughout construction; and (5) provide the public, affected businesses, and the City of Brisbane with the

[11]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

- 1165-1920 | opportunity to review and comment on proposed emergency access to Tunnel Avenue business throughout construction as part of the CEQA/NEPA review processes, i.e., through recirculation of the Draft EIR/EIS once these Project features have been clarified and their impacts have been disclosed.
- 1165-1921 | More disturbing is that **the 1 to 3 month or more closure of the Tunnel Avenue bridge would isolate the Sierra Point portion of the City of Brisbane, leaving the US 101 freeway as the only means of access to the existing 1,184,704 square feet of occupied office and hotel space, the Brisbane Marina, and the 325,858 square feet of office space currently under construction within Sierra Point.** Should an emergency requiring police or fire response to Sierra Point occur during the time Tunnel Avenue and the Tunnel Avenue bridge are temporarily closed, Brisbane Police Department and North County Fire Authority first responders would be required to travel south on Bayshore Boulevard past Sierra Point to the Oyster Point freeway interchange in the City of South San Francisco and then travel north on the freeway to the Sierra Point Parkway exit (see Figure Metis-11). Thus, the travel distance for first responders would be increased by nearly one mile, adding two full minutes to response time, assuming no freeway congestion. The result of closing the Tunnel Avenue bridge would be a serious hazard to public health and safety, especially when the US 101 freeway is congested.
- 1165-1922 | Until the Draft EIR/EIS clearly delineates the emergency access routes to Sierra Point that would be available throughout construction and demonstrates the feasibility of such routes, the Draft EIR/EIS has no basis for evaluating and making consistency determinations for impacts related to road closures and emergency access during construction. The limited access to Sierra Point, combined with the circuitous route that would be required for fire and police first responders to Sierra Point during LMF construction-related road closures, could result in environmental and property damage, injury, and possible loss of life during emergencies.
- 1165-1923 | The Draft EIR/EIS must therefore (1) delineate the emergency response routes that would be available for first responders to Sierra Point throughout LMF construction, and (2) provide the public, affected businesses within Sierra Point, the North County Fire Authority, and the City of Brisbane with the opportunity to review and comment on proposed emergency access to Sierra Point during construction of the LMF as part of the CEQA/NEPA review processes.
- 1165-1924 | More disturbing still is that **the temporary closure of Tunnel Avenue and the Tunnel Avenue bridge could leave the existing 23.5-acre Kinder Morgan/SFPP LP/Brisbane Terminal site,<sup>7</sup> which stores jet fuel, gasoline, and petroleum products, without access to a public roadway**

[12]

<sup>7</sup> The Kinder Morgan site is a 23.5-acre bulk petroleum storage facility and distribution terminal. The facility has 21 aboveground storage tanks, and five loading rack facilities, where transport trucks are filled with petroleum products for delivery throughout the Bay Area. The Kinder Morgan facility is critical to the Bay Area’s fuel distribution system, providing aviation fuel to San Francisco International Airport and supplying fuel to retail service stations.

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1924 | **during LMF construction (East LMF) or leave it at the end of a more than ¾-mile long cul-de-sac (West LMF).** It is unclear how the Kinder Morgan site would be provided with access during the time that the Tunnel Avenue bridge and Tunnel Avenue are simultaneously closed. Although the Draft EIR does not provide a description of proposed temporary or permanent access to the Kinder Morgan tank farm, graphics are provided in the Draft EIR/EIS and are available on the Authority's website: (<https://maphsrnorcal.org/sanfrancisco-sanjose/>).

1165-1925 | Based on these graphics, it is unclear what provision for emergency access to the Kinder Morgan facility is proposed during construction of the East LMF and relocation of the Tunnel Avenue bridge. In fact, it is unclear whether the Authority even anticipates Kinder Morgan continuing tank farm operations during Project construction since a temporary construction easement is proposed over the entirety of the Kinder Morgan tank farm. Proposed emergency access to the Kinder Morgan tank farm during construction of the West LMF is equally unclear.

1165-1926 | Based on the graphics provided in the Draft EIR/EIS, it also appears that no provision may have been made for access to the tank farm during the temporary closure of Tunnel Avenue and throughout construction of the new Tunnel Avenue bridge. Because of the flammable nature of fuels carried by tank trucks leaving the tank farm, it is essential that safe access for these trucks as well as other vehicles associated with Kinder Morgan operations be available throughout and following construction of the LMF. Because the Kinder Morgan tank farm stores large amounts of flammable and hazardous petroleum products, it is also essential that efficient roadway access to the facility be maintained and that City of Brisbane, North County Fire Authority, and hazardous materials first responders are able to provide swift emergency response to the tank farm at all times during and after construction of the LMF. Due to the nature of the materials stored at the Kinder Morgan tank farm, should emergency response be delayed due to road closures during LMF construction or inadequate long-term access, substantial environmental and property damage could result, along with injury and possible loss of life.

1165-1927 | The Draft EIR/EIS must therefore (1) delineate operational and emergency response routes for first responders to the Kinder Morgan tank farm throughout and following construction and (2) provide the public, Kinder Morgan, City of Brisbane, North County Fire Authority, and San Mateo County hazardous materials authorities with the opportunity to review and comment on operational and emergency access to the tank farm as part of the CEQA/NEPA review processes.

1165-1928 | Simply determining emergency access to be a significant and unavoidable impact in the absence of understanding (1) the specific locations where roadway bridges and roadways would need to be closed for 1 to 3 months, (2) what emergency access would be available during such closures, and (3) demonstrating that modifications to roadway and bridge designs as well as construction staging would not be able to avoid these closures is an insufficient and reckless way to address critical emergency access and response impacts.

[13]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1929

*The Draft EIR/EIS does not provide a clear description of proposed temporary construction easements.*

The lack of clear identification and discussion of temporary construction easements required for construction of the Brisbane LMF and Tunnel Avenue bridge relocation appears to indicate displacement of businesses and public facilities for which dislocation is not disclosed in the Draft EIR/EIS. For example, the Authority's website (<https://maphsrnorcal.org/sanfrancisco-sanjose/>) indicates that the entirety of the Kinder Morgan tank farm would be subject to a temporary construction easement for the East LMF. However, the Draft EIR/EIS provides no information regarding what effects that easement might have on the tank farm's operations during construction. Uninterrupted operation of Kinder Morgan tank farm is essential for delivery of jet fuel to the San Francisco International Airport and delivery of petroleum products including gasoline throughout the Bay Area. The same Authority web page also indicates that the entirety of the City of Brisbane's corporation yard would be subject to a temporary construction easement for both the West and East LMFs and that a new right-of-way for rail access to the East LMF would run through the center of Brisbane's corporation yard. The City's corporation yard is essential to maintenance of the City's infrastructure. Because no information is provided in the Draft EIR/EIS as to whether these facilities could continue to operate during and after LMF construction, the Draft EIR/EIS presents insufficient information upon which an inadequate discussion of displacement of businesses and public facilities could be based.

1165-1930

*The Draft EIR/EIS fails to acknowledge that the East LMF would remove Golden State Lumber's existing lay-down yard.*

No mention is made in the Draft EIR/EIS that the East LMF would remove Golden State Lumber's existing lay-down area for off-loading and storing lumber shipped by rail by running its lead track to the East LMF diagonally across the middle of the yard on the west side of Tunnel Avenue. Loss of its lay-down area would require Golden State Lumber to block Tunnel Avenue while it is unloading lumber shipments from rail cars and substantially reduce the company's storage area. Because Golden State Lumber currently receives approximately 30 percent of its stock by rail, loss of their lay-down area could have a substantial adverse effect on the business and its ability to remain in its current location. Golden State Lumber is vital part to the City's economic health, contributing more than 20 percent of Brisbane's sales tax revenue.

1165-1931

*The description of the Project and its setting presented in the Draft EIR/EIS fail to provide sufficient information with which to undertake an adequate analysis of hazards and hazardous materials. The Draft EIR/EIS fails to acknowledge that site remediation for the Brisbane West LMF and Title 27 Landfill Closure would be required for the Brisbane East LMF prior to the start of any construction work. While the Draft EIR/EIS states that the East LMF would be constructed "on" the former Brisbane Landfill, it also fails to acknowledge that the East LMF*

[14]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1931 | *would require cutting into the former landfill and disposing of a large amount of waste, some portion of which could very likely be hazardous.*

1165-1932 | The Draft EIR/EIS pays little, if any, attention to the location of the West and East LMFs within areas undergoing active site remediation and Title 27 landfill closure planning and regulatory review or the fact that site remediation (West LMF) and Title 27 landfill closure are prerequisites to LMF construction. While the document mentions that the West LMF may contain contaminated soils and that the East LMF would be built on a former landfill, the Draft EIR/EIS leaves critical information gaps in the description of the Project and its setting that inhibit meaningful analysis of hazardous materials, public health, odor, and air quality impacts.

1165-1933 | Due to underlying groundwater and soils contamination issues associated with historical uses of the Baylands portion of the City of Brisbane, the westerly portion of the Baylands, including the West LMF site, requires remediation. For purposes of regulatory oversight pertaining to site contamination and remediation, the railyard is divided into two separate "Operable Units" referred to as (1) Operable Unit San Mateo (UPC-OU-SM), which is in the northwestern portion of the Baylands and is under the jurisdiction of the California Department of Toxic Substances Control (DTSC); and (2) Operable Unit 2 (OU-2), which is in the southwestern portion of the Baylands and is under the jurisdiction of the Regional Water Quality Control Board (RWQCB) (see Figures Metis-1 and Metis-2).

1165-1934 | Of particular concern is that the site remediation planning, approval, and implementation process and related physical environmental effects are not included in the Draft EIR/EIS description of the Project, in evaluations of the Project's hazards and hazardous materials, water quality, erosion, air quality, or land use impacts; or even as reasonably foreseeable cumulative projects although the Brisbane General Plan requires site remediation and Title 27 landfill closure as prerequisites for development of the proposed Baylands Specific Plan. Site remediation and Title 27 landfill closure need to be addressed as part of the construction impacts associated with the East and West LMF sites. Site remediation and Title 27 landfill closure of those portions of the Baylands not within the Brisbane LMF also need to be addressed as cumulative projects in Draft EIR/EIS Section 3.18, Cumulative Impacts.

1165-1935 | While Draft EIR/EIS Section 3.6, Public Utilities, discloses that that earthwork activities for construction of the West LMF would generate approximately 432,000 cubic yards of solid waste during earthwork activities that may be contaminated and require special disposal as hazardous waste, Draft EIR/EIS (Section 3.10, Hazardous Materials and Wastes) does not specifically address health and safety impacts associated with excavation, loading, and shipping approximately 27,000 truckloads of hazardous materials to an appropriate landfill. It also does not appear that the Draft EIR/EIS addresses the relationship of such proposed offsite hauling of hazardous materials to the remedial actions being proposed in ongoing remedial action plans for UPC-OU-SM and OU-2. Further, it is unclear whether emissions from required offsite truck hauling or from site remediation operations (West LMF) or Title 27 landfill closure (East LMF) have been addressed in the evaluation of construction mobile source air pollutant and GHG emissions.

[15]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

Metis Environmental Group



Figure Metis-1  
West Brisbane Light Maintenance Facility  
UPC OU-SM and OU-2 Location

[16]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group



**Figure Metis-2**  
East Brisbane Light Maintenance Facility  
Brisbane Landfill Location

[17]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1936

The timing for physical remediation of UPC-OU-SM and OU-2 is not known at this time. Because of the uncertainty created by the High-Speed Rail project (i.e., which portion of the Brisbane Baylands, if any, would ultimately be taken by the Authority for construction of the Brisbane LMF), it is entirely possible that the landowner would defer site remediation until such time as it is known whether the Authority would approve construction of either the West or East LMF and initiate site acquisition. The most likely scenario should the Authority approve construction of the West LMF would be that the landowner would defer remediation of the West LMF site, requiring the Authority to take responsibility and pay for remediation of the West LMF site. This possibility needs to be disclosed in the Draft EIR/EIS description of the Project (Chapter 2), analyses of Project costs, and in the relevant environmental analyses of Chapter 3.

1165-1937

The eastern portion of Brisbane Baylands contains the former Brisbane Landfill within which a large portion of the East LMF is located (see Figure Metis-2). The Draft EIR/EIS does not disclose that, from 1932 to 1967, the former Brisbane Landfill received waste streams composed primarily of domestic, industrial and naval shipyard waste, sewage, and rubble -- before classification of wastes as hazardous or nonhazardous; before segregation of waste streams; and before identification of landfills as Class I, II, or III<sup>8</sup>. References to the former Brisbane landfill in the Draft EIR/EIS as a "Class II" facility therefore need to be revised. In addition, the Draft EIR/EIS does not disclose that former landfill upon which much of the East LMF is proposed to be constructed consists of fill comprised of solid waste accepted by the landfill was placed on top of marine sediments to form land. "Soil has been placed on top of the solid waste to prevent contact with the waste. More than likely, soil was also placed on top of the solid waste during the operations of the landfill as 'daily cover' to prevent the materials from being blown into the community or the Bay."<sup>9</sup>

1165-1938

Planning is actively underway to determine necessary actions to properly close the landfill in compliance with the regulatory requirements set forth in Section 20260 of Title 27 of the California Code of Regulations (CCR). Title 27 landfill closure for the former Brisbane landfill is subject to the regulatory jurisdiction of the RWQCB and San Mateo County Environmental Health Services. Of concern is that the Draft EIR/EIS description of the Project:

<sup>8</sup> City of Brisbane, *Final Brisbane Baylands Program EIR*, May 2018. As stated in the Final Program EIR for the Brisbane Baylands Response to Comment BBCAG-109: "Basically, fill comprised of solid waste accepted by the landfill was placed on top of (1906 San Francisco) earthquake rubble that was placed on top of marine sediments to form land. Soil has been placed on top of the solid waste to prevent contact with the waste. More than likely, soil was also placed on top of the solid waste during the operations of the landfill as 'daily cover' to prevent the materials from being blown into the community or the Bay."

<sup>9</sup> City of Brisbane, *Final Brisbane Baylands Program EIR*, May 2018, Response to Comment BBCAG-109.

[18]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

- 1165-1938 | • Does not specify that removal of a large portion of the waste material within the former landfill would be necessary;
- 1165-1939 | • Fails to characterize or discuss the types of materials that are likely to be encountered within the landfill;
- 1165-1940 | • Neglects to disclose that Title 27 final closure of those portions of the landfill within the East LMF would be required and subject to regulatory oversight, or that the remaining portions of the landfill outside of the LMF would also require Title 27 final closure;
- 1165-1941 | • Fails to analyze whether partial closure for the former landfill for just the East LMF is possible or whether the Authority would be required to undertake Title 27 closure of the entire former landfill in order to construct the East LMF;
- 1165-1942 | • Does not describe any current proposals for Title 27 closure of the former landfill; and
- 1165-1943 | • Fails to address whether the proposed excavation and offsite hauling of over 2.0 million cubic yards of materials from the former landfill would leave sufficient soil for a landfill cover over the remaining portions of the landfill, provide sufficient cover material for use in remediation of UPC-OU-SM and OU-2, or provide sufficient soil for grading for subsequent Baylands site development.
- 1165-1944 | Title 27 landfill closure planning, approval, and implementation process is not included in the Draft EIR/EIS description of the Project or in evaluations of the Project’s hazards and hazardous materials, water quality, erosion, air quality, odor, biological resources, public health, or land use impacts. Required approvals from the RWQCB and San Mateo County Health System are not included in Draft EIR/EIS Section 2.11, Permits, nor is Title 27 landfill closure identified and analyzed as a cumulative project in Draft EIR/EIS Section 3.18, Cumulative Impacts.
- 1165-1945 | The timing for installation of the required landfill cap and soil cover, leachate collection and methane collection system improvements is not known at this time and it is entirely possible that the landowner would defer Title 27 landfill closure until such time as it is known whether the Authority would approve construction of either the West or East LMF and initiate acquisition of land for the East LMF (if that site is ultimately approved), as well as wait until the responsible regulatory agencies determine whether partial closure of the landfill could occur or if the entire landfill needs to undergo final closure at the same time. The most likely scenario should the Authority approve construction of the East LMF would be that the landowner would defer Title 27 landfill closure actions within the East LMF, requiring the Authority to take responsibility and pay for Title 27 landfill closure of the East LMF site.
- 1165-1946 | Critical information missing in the Draft EIR/EIS includes the following.
  - While the Draft EIR/EIS provides a brief description of the types of contaminants founding within soils underlying the West LMF, the document fails to disclose that the proposed West LMF site is within an active remediation site currently undergoing

[19]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

- 1165-1946 | regulatory review the California Department of Toxic Substances Control and the Regional Water Quality Control Board.
- 1165-1947 |
  - o The Draft EIR/EIS fails to provide adequate description of existing site contamination within the West LMF site, going so far as to defer preparation of even Phase I and Phase II environmental site assessments until *after* Project approval, while failing to recognize that the site was already undergoing active site remediation planning and regulatory review.
- 1165-1948 |
  - o No information is provided as to how the Authority intends to remediate existing site contamination or what risk-based cleanup standards would be followed.
- 1165-1949 |
  - o No information is provided regarding the health risks that construction workers and the public at large would face during construction of the West LMF due to existing site contamination or what actions are to be taken to protect the public and the environment.
- 1165-1950 |
  - o The document does not address how site remediation is to be undertaken and the environmental impacts of such remediation are not addressed.
- 1165-1951 |
  - o No information is provided in Draft EIR/EIS Section 3.10, Hazards Materials and Wastes, regarding the 432,000 cubic yards of contaminated soils that the Project would excavate and haul offsite. Thus, although Section 3.6, Public Utilities and Energy, analyzes the capacity of landfills to accept such contaminated waste from the West LMF site:
    - Section 3.10 undertakes no analysis regarding hazards associated with excavating, loading onto trucks, and hauling 27,000 truckloads<sup>10</sup> of contaminated soils for offsite disposal.
    - The Draft EIR/EIS fails to identify regulatory approvals required from the Department of Toxic Substances Control and the Regional Water Quality Control Board.
  - o As a result, the Draft EIR/EIS provides no analysis or substantial evidence that can support CEQA findings in relation to the environmental and public health hazards associated with required site remediation.
- 1165-1952 |
- 1165-1953 |
  - While the Draft EIR/EIS discloses that the East LMF is proposed to be built on top of the former Brisbane landfill, a lack of details as to what specifically is proposed frustrates the ability of the Draft EIR/EIS to undertake meaningful analysis of the impacts associated with constructing the LMF on top of the landfill.

<sup>10</sup> Based on a 16 cubic yard capacity of a dirt hauling truck. Source: The Silicon Valley Clean Water Final Integrated EIR for the Wastewater Conveyance System and Treatment Plant Reliability Improvement Project, CIP No. 6006.

[20]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

- 1165-1954 |
  - o While the Draft EIR/EIS includes a site plan for the East LMF, that site plan is not overlaid onto the footprint of the landfill to allow readers to understand the spatial relationship between the East LMF and the waste within the former Brisbane landfill.
- 1165-1955 |
  - o Although the document identifies that excavations up to 65 feet in depth would be needed for LMF construction, it does not disclose that the Project would excavate through the landfill's soil cover and into solid waste buried in the landfill between 1932 and 1967, before classification of wastes as hazardous or nonhazardous and before segregation of waste streams.
- 1165-1956 |
  - o No attempt is made in the Draft EIR/EIS to characterize the solid waste that would be excavated from the former landfill. The document does not, therefore determine what portions of the wastes excavated from the former Brisbane landfill would be classified as non-hazardous waste that can be transported to a local Class II or III landfill and what portion would be classified as hazardous waste, requiring transport to a distant Class I landfill in Kings, Kern, or Imperial County.
- 1165-1957 |
  - o Because it does not disclose that solid wastes would be excavated from the landfill for disposal, the Draft EIR/EIS does not analyze the environmental and public health impacts associated with excavating, loading, and hauling of the approximately 2,082,800 cubic yards of soil and waste materials (approximately 130,175 truckloads) that the Draft EIR/EIS estimates will require offsite hauling.
    - Because a potentially large portion of the 2,082,800 cubic yards of materials being excavated and proposed to be hauled offsite from the East LMF site would be comprised of waste materials within the former landfill that may need to be hauled to a Class I landfill in Kings, Kern, or Imperial County, average trip lengths for 130,175 truckloads of material to be hauled offsite from the East LMF cannot be accurately determined. Due to the large number of truckloads and distance to Class I landfills, analysis of mobile source air quality impacts during construction could be seriously understated<sup>11</sup>.
- 1165-1958 |
  - Because a potentially large portion of the 2,082,800 cubic yards of materials being excavated and proposed to be hauled offsite from the East LMF site would be comprised of waste materials within the former landfill that may need to be hauled to a Class I landfill in Kings, Kern, or Imperial County, average trip lengths for 130,175 truckloads of material to be hauled offsite from the East LMF cannot be accurately determined. Due to the large number of truckloads and distance to Class I landfills, analysis of mobile source air quality impacts during construction could be seriously understated<sup>11</sup>.
- 1165-1959 |
  - o The Draft EIR/EIS does not disclose whether all solid waste is to be excavated from beneath the East LMF for a "clean closure" or whether an impermeable landfill cap would be constructed over the remaining solid waste with engineered fill above. Because the Draft EIR/EIS does not disclose whether any solid waste would remain, it does not address installation of new landfill gas

<sup>11</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/land\\_disposal/walist.html](https://www.waterboards.ca.gov/water_issues/programs/land_disposal/walist.html) identifies the only Class I landfills in California as Clean Harbors-Buttonwillow (Kern County), Chem Waste Management-Kettleman (Kings County), and Safety Kleen (Laidlaw) (Imperial County).

[21]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

- 1165-1959 |
  - collection and monitoring systems, along with leachate collection and monitoring systems.
- 1165-1960 |
  - o The Draft EIR/EIS does not discuss the interface between the portion of the landfill within the East LMF and the remaining portions of the former landfill that the Authority would not acquire.
    - Because the East LMF would be constructed close to the grade of the existing Caltrain rail line, excavations for the LMF would require construction of a large manufactured new west-facing slope for the remaining portion of the landfill to the east.
    - The Draft EIR/EIS does not address whether this slope, which would physically be part of the remaining landfill, would be constructed within the High-Speed Rail Authority's property or on the adjacent property to the east.
    - The Draft EIR/EIS does not address design requirements for the slope, nor does the Draft EIR/EIS address how slope stability would be ensured during excavations of the landfill for the East LMF.
    - The Draft EIR/EIS fails to disclose whether any additional remedial work might be required.
  - o Finally, the document fails to disclose that construction of the East LMF site would be required to comply with California Code of Regulations Title 27 and that the required final landfill closure would be subject to the regulatory authority of the Regional Water Quality Control Board, Cal Recycle, and the San Mateo County Health System as the designated local enforcement agency.
- 1165-1961 |
  - Because the East LMF would be constructed close to the grade of the existing Caltrain rail line, excavations for the LMF would require construction of a large manufactured new west-facing slope for the remaining portion of the landfill to the east.
- 1165-1962 |
  - The Draft EIR/EIS does not address whether this slope, which would physically be part of the remaining landfill, would be constructed within the High-Speed Rail Authority's property or on the adjacent property to the east.
- 1165-1963 |
  - The Draft EIR/EIS does not address design requirements for the slope, nor does the Draft EIR/EIS address how slope stability would be ensured during excavations of the landfill for the East LMF.
- 1165-1964 |
  - The Draft EIR/EIS fails to disclose whether any additional remedial work might be required.
- 1165-1965 |
  - o Finally, the document fails to disclose that construction of the East LMF site would be required to comply with California Code of Regulations Title 27 and that the required final landfill closure would be subject to the regulatory authority of the Regional Water Quality Control Board, Cal Recycle, and the San Mateo County Health System as the designated local enforcement agency.
- 1165-1966 |
 

Because of the lack of information provided to describe construction of the West LMF in relation to site remediation requirements or discussion of the East LMF in relation landfill closure requirements, the Draft EIR/EIS fails to address the environmental and public health impacts of constructing either the West or the East LMF. Instead, the Draft EIR/EIS defers preparation of a geotechnical report and fails to even mention (1) the need for characterization of contaminants and the wastes that would be excavated from the landfill, (2) preparation of human health risk assessments, (3) identification of actions to be taken to project the environment and public health, or (4) requirements for regulatory oversight.
- 1165-1967 |
 

The Air Quality and Hazardous Materials and Wastes sections of the Draft EIR/EIS need to provide a thorough analysis of the health risks and public health and safety impacts associated with grading, excavation, and offsite hauling of hazardous materials from UPC-OU-SM and OU-2 and the solid wastes currently buried within the former Brisbane landfill which operated from 1932 to 1967, before the classification of wastes as hazardous or nonhazardous; before segregation of waste streams; and before the identification of landfills as Class I, II, or III. Valid

[22]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

- 1165-1967 | conclusions regarding odor impacts of the Project cannot be in the absence of knowing the extent to which waste materials within the former landfill might be exposed during grading operations for the East LMF.
- 1165-1968 | Site grading information is also needed to support evaluation in the Draft EIR/EIS regarding feasibility of the proposed Geneva Avenue extension from Bayshore Boulevard to the US 101 freeway. An evaluation of plans and profiles prepared for the East and West LMFs indicate that the proposed Geneva Avenue extension is included in Project Plan views but is not included in Project profiles. Analysis of construction profiles by the firm of Biggs Cardosa determined that LMF design would not permit Geneva Avenue to cross over the Caltrain right-of-way as it would be modified by the Project, necessitating Geneva Avenue to cross under the Caltrain right-of-way, including costly excavation, remediation, and disposal of contaminated soils within the area west of the Caltrain right-of-way. Impacts associated with such excavation, remediation, and disposal represent indirect effects of the Project and need to be disclosed, evaluated, and mitigated in the Draft EIR/EIS.
- 1165-1969 | While the Draft EIR/EIS Table 2-25 indicates that 1,463,700 cubic yards of soils would be hauled offsite for the West LMF and 2,082,800 cubic yards would be hauled offsite for the West LMF, the document does not seem to quantify the number of truckloads required to haul such a large amount of materials. Conservatively assuming a truck capacity of 16 cubic yards per load<sup>12</sup>, construction of the West LMF would require approximately 91,481 truckloads of material to be hauled offsite, while the East LMF would require approximately 130,175 truckloads of material to be hauled offsite. Conservatively further assuming offsite hauling operations would take a full year to complete, it is estimated that offsite hauling operations would entail 352 daily truck trips in and 352 daily truck trips out for the West LMF and 501 daily truck trips in and 501 daily truck trips out for the East LMF. It is unclear what assumptions were made for offsite hauling of materials in the Project's construction air quality and noise analyses or even whether offsite hauling was incorporated into construction impact analyses. It is clear, however, that the Project's construction traffic, air quality, and noise analyses need to address the substantial amount of daily truck traffic that construction of the Brisbane LMF would generate.
- 1165-1970 | Without knowing the location and depths of excavations that would occur for the East LMF or the characterization of soils and waste materials that would be required to be hauled offsite from both the East and West LMF sites, the Draft EIR/EIS cannot realistically determine the extent to which such soils and materials can be hauled to nearby construction sites and landfills or would be required to be hauled to a distant Class I landfill. Also, statements in the Draft EIR/EIS regarding the total amount materials hauled offsite or the amount of soils that may be contaminated and required to be hauled to a facility that would accept contaminated soil cannot

<sup>12</sup> Based on a 16 cubic yard capacity of a dirt hauling truck. Source: The Silicon Valley Clean Water Final Integrated EIR for the Wastewater Conveyance System and Treatment Plant Reliability Improvement Project, CIP No. 6006.

[23]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

- 1165-1970 | be substantiated. In the absence of such characterizations and information, valid conclusions regarding the significance of hazards and hazardous materials, air quality mobile emissions, and other construction impact analyses set forth in the Draft EIR/EIS cannot be made.
- 1165-1971 | Because the Draft EIR/EIS fails to acknowledge site remediation and Title 27 landfill closure requirements, the following required approvals were omitted from the environmental review and consultation requirements of Section 2.11 and need to be added.
  - Site remediation approvals for Remedial Action Plans and Remedial Development and Implementation Plans by DTSC and the RWQCB for Operable Units UPC-OU-SM and OU-2 (West LMF)
  - Title 27 landfill closure approvals by RWQCB and San Mateo County Health Systems for the Brisbane East LMF
- 1165-1972 | Information regarding site remediation for UPC-OU-SM and OU-2 as well as Title 27 landfill closure needs to be incorporated into the Draft EIR/EIS description of the Project so that related hazardous materials and wastes, water quality, erosion, air quality, odor, biological resources, public health, land use and other relevant impacts can be analyzed. Regulatory approval of remedial action plans (RAPs) and Remedial Design and Implementation Plans (RDIPs) by DTSC and the RWQCB needs to be added to the listing of required agency approvals in Draft EIR/EIS section 2.11 along with regulatory approval of Title 27 landfill closure plans by the RWQCB and San Mateo County Environmental Health Services. In addition, site remediation of operable units OU-SM and OU-2 and Title 27 final landfill closure need to be included in the listing of cumulative projects in Section 3.18. Site remediation of the western portion of the Baylands, including the West LMF site as well as Title 27 landfill closure also need to be included in relevant environmental analyses in Section 3.18.
- 1165-1973 | *The Draft EIR/EIS fails to disclose whether State Lands Commission jurisdiction and requirements would affect or be affected by construction of the East LMF, Tunnel Avenue bridge relocation, and Lagoon Road realignment.*


---

Draft EIR/EIS Section 2.11 needs to be revised to disclose any needed approvals from the State Lands Commission and to provide appropriate analysis of impacts to lands under the Commission's jurisdiction as was undertaken for impacts to lands and resources subject to Bay Conservation and Development Commission (BCDC) jurisdiction. In their March 20, 2020 response to the City of Brisbane's Notice of Preparation for the Baylands Specific Plan EIR, the State Lands Commission identified the following lands subject to the Commission's authority:

  - Filled or partially filled and sold Board of Tideland Commissioners (BTLC) lots;
  - Lands the State did not acquire, patented as Swamp and Overflow (S&O) Survey 28;
  - Lands within Rancho Canada De Guadalupe Visitation y Rodeo Viejo;

[24]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

- Lands within Rancho Canada De Guadalupe y Rodeo Viejo; and
- Ungranted sovereign lands within the Guadalupe Canal (referred to in the High-Speed Rail Draft EIR/EIS as “Guadalupe Valley Creek”).

1165-1974

The Commission also noted that portions of the Brisbane Baylands “appear to occupy filled and unfilled tidelands and submerged lands sold into private ownership by the State by the BTLC. Pursuant to the Court’s holding in *City of Berkeley v. Superior Court*, 26 Cal. 3d 515, any such lands which remained submerged or subject to tidal action as of February 22, 1980, are subject to a Public Trust easement retained by the State. A lease from the Commission is not required for use of lands underlying the State’s Public Trust easement. However, it has been determined that any portion of the proposed Plan located within the Guadalupe Canal would require a lease from the Commission.” In addition, it appears that the proposed relocation of the Tunnel Avenue bridge and its roadway connection to Valley Drive, as well as the proposed relocation of the Brisbane Fire Station (West LMF), would encroach into habitats along Guadalupe Valley Creek that subject to State Lands Commission jurisdiction.

1165-1975

Thus, the Draft EIR/EIS must (1) analyze whether any portion of the Project within the Baylands area contains lands subject to State Lands Commission jurisdiction, (2) determine whether any portion of any of the improvements within or adjacent to the LMF sites, Tunnel Avenue bridge demolition and relocation, or Lagoon Road realignment would require a lease from the Commission, and (3) evaluate Project impacts on any lands or resources subject to the State Lands Commission jurisdiction.

1165-1976

**To provide a clear, cohesive, and complete description of the proposed Project, Draft EIR/EIS Chapter 2, Alternatives, needs to be thoroughly revised.**

To provide a clear, cohesive, and complete description of the proposed Project, Draft EIR/EIS Chapter 2, Alternatives, needs to be thoroughly revised as described below.

- The title of Chapter 2 should be changed to “Description of the Proposed Project” and include all of the information cited above and elsewhere in this report that is needed to understand what the Authority is proposing. Including the project description required by CEQA Guidelines Section 15124 in a chapter entitled “alternatives” creates confusion for members of the public and local agencies that are likely more familiar with the CEQA terminology they encounter more frequently than NEPA terminology. In this case, it is easy for readers to confuse the “Alternatives” chapter identified in the Table of Contents with the CEQA requirements for alternatives to the project set forth in CEQA Guidelines Section 15126.6. For CEQA purposes, alternatives *to* the Project need to be clearly distinguished from variants *of* the Project. Thus, the Draft EIR/EIS needs to clarify for readers of the document that the NEPA alternatives evaluated in the document are the equivalent of variations of the Project.

[25]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1977

- Inconsistencies and inaccurate descriptions of the Project in relation to the Tunnel Avenue overcrossing of the existing Caltrain line need to be resolved. A review of Chapter 2, indicates that Tunnel Avenue will be realigned and a “reconstructed Tunnel Avenue overpass would connect to Bayshore Boulevard at its intersection with Valley Drive (north of its existing connection) and would provide a roadway extension connecting Valley Drive to Old Country Road” as part of the description of the Brisbane East LMF (page 2-77). Twenty-one pages later (page 2-98), the reader is informed that the Brisbane West LMF would “require relocating the Tunnel Avenue overpass.” It is only by comparing Draft EIR/EIS Figure 2-32 (page 2-80) illustrating the West LMF to Draft EIR/EIS Figure 2-43 (page 2-100) illustrating the East LMF that reader can learn that the existing Tunnel Avenue bridge is proposed to be demolished and moved north 400 feet, where a new bridge crossing over the Caltrain rail line would be constructed.

1165-1978

In addition, whereas the description of the Brisbane East LMF states that reconstruction of the Tunnel Avenue bridge includes “a roadway extension connecting Valley Drive to Old Country Road,” no such description is provided for the Brisbane West LMF, leading readers to conclude that such an extension is not proposed for the West LMF. Only if the reader carefully compares Draft EIR/EIS Figures 2-32 and 2-43 will they learn that the West LMF alternative does, in fact, include a roadway extension connecting Valley Drive to Old Country Road.

1165-1979

Because so much of overall Project is the same for Alternative (Variant) A and Alternative (Variant) B, the reader’s understanding of what the Authority is proposing would be greatly enhanced by a thorough reorganization of Chapter 2 that would provide a clear, easy-to-find overview of what is being proposed by the Authority followed by comprehensive description of proposed operations and project components in a manner that would allow readers to understand the Project and differences between NEPA alternatives/CEQA variants A and B without having to flip back and forth over 20+ pages within Chapter 2. This could be achieved by describing each Project component in a comprehensive manner, including differences between NEPA alternatives/CEQA variants, before moving on to the next Project component.

1165-1980

For example, in relation to the proposed LMF, the two descriptions of the east and west facilities (currently separated by about 20 pages) discussions that describe the east and west facilities could be combined into a single subsection that describes each of the two site plans (west and east) and provides a single description of features that remain the same for both the west and east facilities (e.g., Tunnel Avenue bridge crossing relocation, relocated intersection at Bayshore Boulevard, roadway improvements west of Bayshore Boulevard. A similar type of comparison could be provided in Chapter 2 for proposed Project improvements and variants in the vicinity of the Diridon Station.

[26]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1981

2. ***A Reasonable Range of Alternatives is not Provided. The Draft EIR/EIS fails to comply with CEQA requirements for evaluation of a reasonable range of alternatives to the Project.***

CEQA Guidelines Section 15126.6(a) requires an EIR to:

“... describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

**The Draft EIR/EIS violates CEQA by limiting its analysis of potential LMF sites to those that were determined by the Authority to be “optimal” rather than sites that would be “potentially feasible.” As a result, the Draft EIR/EIS failed to address a reasonable range of alternatives when it did not evaluate potentially feasible LMF sites other than the West and East Brisbane sites.**

1165-1982

The Draft EIR/EIS fails to identify and address a reasonable range of potentially feasible alternatives to the Project that would avoid or substantially lessen any of the significant effects of the Project. Because the large majority of the Project occurs within and adjacent to the existing Caltrain right-of-way and at existing transit stations, the Project’s largest impacts occur at the 100+ acre Brisbane LMF. As a result, development and evaluation of potentially feasible alternatives to the proposed location and design of the Brisbane LMF would reduce or avoid many of the Project’s significant impacts, which the Draft EIR/EIS fails to do.

1165-1983

The Authority provided information on assumptions, operations, facilities site location criteria, facilities descriptions and other factors related to operations and maintenance facilities in the following document: Draft EIR-EIS, Appendix 2-F – Summary of Requirements for Operations and Maintenance Facilities.<sup>13</sup> The objective of the report was to evaluate the analysis criteria for

1165-1984

<sup>13</sup> The Draft EIR/EIS references certain other Authority documents that apparently informed the selection of potential LMF sites; however, these documents were not incorporated into the Draft EIR/EIS and were not available on the Authority’s website. These documents include, but are not limited to: the April 2010 *Preliminary Alternatives Analysis Report for the San Francisco to San José Section* (“PAA”); the August 2010 *Supplemental Alternatives Analysis Report for the San Francisco to San José Section*; the 2019 *San Francisco to San José Project Section Checklist B Summary Report*; and the 2020 *Light Maintenance Facility Site Selection Evaluation: San Francisco to San*

[27]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1983

optimal siting of facilities for heavy and light maintenance facilities for rolling stock, and for maintenance of infrastructure locations across the high-speed rail network. The report includes a set of requirements the Authority has established for those facilities, its size and location.

**Authority’s Assumptions**

The Authority provided several assumptions within Draft EIR-EIS Appendix 2-F pertaining to rolling stock, fleet size, maintenance level requirement, track lengths, purpose of tracks within facilities and the operational relationship between LMF facilities and end of segment stations. Those general assumptions are as follows:

- **Rolling stock:** Train sets would be operated and maintained in a configuration of 660-foot sets with the potential to operate in double trainset configuration of 1,320-foot total length sometime in the future.
- **Fleet Size:** Would be expected to grow from a small initial quantity of trainsets in early stage service offering, eventually increasing to 90 trainsets for the full Phase 1 service plan.
- **Maintenance Facilities:** Would be required to maintain rolling stock. Maintenance of rolling stock would follow a 5-level hierarchy of functions:
  - Level I – Daily inspections, pre-departure cleaning and testing
    - Storage, inspection daily cleaning and toilet servicing tracks - Quantity would depend on service design.
    - Shop Tracks: None planned
  - Level II – Monthly inspections
    - Storage, inspection daily cleaning and toilet servicing tracks - Quantity would depend on service design.
    - Shop tracks: Up to 2 each
  - Level III – Quarterly inspection, including wheel-truing
    - Storage, inspection daily cleaning and toilet servicing tracks - Quantity would depend on service design.
    - Shop tracks: Up to 8 each
  - Level IV – Annual inspections, including underside/bogie inspection

1165-1984

*José Project Section Memorandum.* To review these document, members of the public were required to specifically requests them from the Authority. The absence of these reports from the documents posted on the Authority’s website frustrates public review and withholds valuable information from the public and decision makers.

[28]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1983

- Storage, inspection daily cleaning and toilet servicing tracks - Quantity would depend on service design.
- Shop tracks: Up to 10 each
- Level V – Overhaul, component change out, commissioning and decommissioning
  - Storage, inspection daily cleaning and toilet servicing tracks - Quantity would depend on service design.
  - Shop tracks – Up to 10 each
- Any proposed facility would be designed to handle projected system growth through 2040;
- Track lengths are designed to accommodate two 660-foot trainsets each, plus additional capacity is estimated at 80% of total possible space in the yard for maneuverability of the equipment to and from yard to shop areas with some room for growth.
- Tracks are intended for storage of trainsets that are not in use for revenue service. The majority of tracks are to be used for middle-of-day or overnight layover of trainsets.
- Trainsets would need to make non-revenue trips between LMF and the origin or destination at the beginning or end of revenue service.
- Include additional tracks for trainsets that are currently undergoing maintenance base on LMF type with higher level of maintenance requiring additional tracks.
- Additional tracks in LMF set aside of maintenance of infrastructure equipment storage. Work trains, track and tie installation trains may be among the types of equipment stored on these tracks.

**LMF Purpose**

The purpose of the LMF within the High-Speed Rail network is for dispatching newly inspected and serviced trains and crew to begin revenue service throughout the day in addition to providing daily, monthly, and quarterly maintenance of trainsets. An LMF is needed to support Level I, II, and III maintenance activities including cleaning and servicing activities between runs, pre-departure inspections and testing, and monthly inspection and maintenance activities.

For Level II and III facilities, daily service, and monthly and quarterly inspections and maintenance would utilize inside shop track with interior access and inspection pits for underside of wheel-truck assemblies (bogie) inspection. Level III functionality includes train wash and wheel defect detection facilities.

[29]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1983

**Optimal LMF Configuration**

The Authority’s criteria for the “optimal” LMF site configuration can be summarized as:

- Yard tracks capable of holding two complete trainsets, plus two runaround/transfer tracks to move from one end of the facility to the other.
- For Level III LMFs, dedicated train wash tracks and wheel defect detection track.
- Direct main track access through double-ended yards leads.
- Grade-separated flyovers to access the main track opposite the LMF without affecting main track traffic.
- 60 mph interlockings with universal crossovers at the main tracks (on both ends, immediately adjacent to the main track turnouts).
- 1,700-foot transition tracks to reduce/increase speed to/from stop and to transition the automatic train control system.
- Estimated length of 7,500 feet (not including transition tracks) with a depth dependent on the number of tracks required at each facility.
- Estimated overall minimum footprint ranging from about 40 to 110 acres.

In addition to defining the “optimal” LMF configuration, Draft EIR-EIS Appendix 2-F identifies alternative configurations for an LMF that would be less than optimal, but nevertheless feasible. The less than optimal design for an LMF is described as:

- At-grade or “flat” interlockings.
- Single 60 mph crossovers at the main tracks (on both ends, immediately adjacent or within up to 3 miles of the main track turnouts).
- Turnout speeds in interlockings of less than 60 mph.
- Shorter transition track.
- Single-Ended Facilities. The Authority notes that a single-ended LMF could be considered on a case-by-case basis depending on the proposed location of the site relative to the nearest station and on the operational details of the service plan. (Draft EIR/EIS, V2, Appendix 2-F – Summary of Requirements for Operations and Maintenance Facilities, Page 18.)

For less than optimal configurations, the Authority identifies the following “work arounds.”

- Additional deadhead miles or time in order to avoid delays to revenue trains by deadhead movements.

[30]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1983

- Additional operating crews in order to expedite reverse movements in the facility and/or on the main track.
- Alternations to maintenance scheduling to accommodate the arrival of deadhead trains at non-peak hours of operation.
- Co-locate facilities such as an LMF and an MOIF (maintenance of infrastructure facility). As stated on page of Draft EIR/EIS Appendix 2-F, other facilities that “could be co-located with an LMF include an MOIF. Locating these facilities as an integral part of, or adjacent to, the LMF could facilitate better coordination and utilization of operations systems and assets, while also potentially reducing the overall footprint required for the facilities. Locating these facilities away from the LMF will not necessarily introduce negative impacts that could not be effectively managed/mitigated.” (emphasis added).

1165-1985

**The Draft EIR/EIS fails to identify or evaluate potentially feasible alternatives to the Brisbane LMF site.**

The Draft EIR/EIS fails to identify or evaluate potentially feasible alternatives to the Brisbane LMF sites as required by CEQA Guidelines Section 15126.6(a). The Draft EIR/EIS improperly relies on Tier 1 environmental analyses that determined a limited set of alternatives LMF sites would not meet the gold-plated design and operational standards set by the Authority and rejected offsite alternatives not because they would be *infeasible*, but because they were believed to be *not as good or desirable as* the Baylands site. As noted in CEQA Guidelines Section 15126.6(a), “an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of *potentially feasible alternatives*” (emphasis added).

1165-1986

*The Authority improperly rejected alternative locations for the LMF, focusing solely on the Brisbane site.*

**Facilities Site Location Criteria**

The Authority developed an operating plan based on a service design driven by ridership demand forecast. Based on this forecast, an operating plan was developed to define:

- The schedules and estimated number of trainsets required.
- Preliminary guidelines and criteria.
- Size and configuration of proposed facilities based on defining the capabilities and functional requirements.
- Size and configuration of facilities estimated based on capabilities and functional requirements necessary to support planned operation.
- Preliminary guidelines and criteria to identify suitable site alternatives.
- Feasibility of each site evaluated from operational, engineering, and environmental standpoint.

[31]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1986

The Authority identified potential sites for the entire statewide high-speed rail network based on its criteria and recommended the following rolling stock facilities:

- Brisbane, LMF
- Gilroy, LMF
- Central Valley, LMF
- Antelope Valley, LMF
- Los Angeles, West Yard LMF
- Los Angeles, Montebello Yard LMF
- Anaheim, LMF

The Authority envisioned only one location in northern section route for a Level III LMF. The two potential locations identified in that section were Brisbane and Gilroy, both of which are identified in Table 1 and Table 2 of Draft EIR/EIS Appendix 2-F, portions of which are provided below.

**From Draft EIR/EIS Appendix 2-F, Table 1: Summary of HMF, LMFs**

Facility Location/ Type	No. Tracks	Level	YR 2025 Proj. Fleet of 19 Train Sets (TS)		YR 2034 Proj. Fleet of 19 Train Sets (TS)		YR 2059 Proj. Fleet of 19 Train Sets (TS)	
			Total TS	AM TS	Total TS	AM TS	Total TS	AM TS
Brisbane LMF	13 Yd 2 or 8 Shop	III (or I)	8-10	6-8	14-17	10-13	16-21	12-17
Gilroy LMF	10 Yd 8 or 2 Shop	I (or III)	8-10 (See Note)	6- 8 (See Note)	13-15	10-14	13-17	12-16

Relevant notes and assumptions for this table presented in Appendix 2-F include:

1. “Number of trainsets (as single consists) at each facility is given as a range to allow for unknown availability of station tracks for overnight layover and storage of consists that have been outfitted with autonomous inspection and measurement equipment.
2. Number of morning starts (as single consists) from each facility differs from the number of trainsets stored at each facility due to allowances for hot standby trainsets, high-demand spares, and maintenance downtime.
3. Maximum maintenance level at Brisbane could be lowered to Level I if the facility in Gilroy is built with the Level III capability.” (emphasis added)

[32]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1986

From Draft EIR/EIS Appendix 2-F, Table 2: HMF, LMF, MOI Locations

Proposed Facility	Miles (from SF Transbay)	Approximate location name	Comment
LMF	5.00	Brisbane	<ul style="list-style-type: none"> <li>Level III facility to support train servicing and start up and close-down of service at San Francisco.</li> <li>Corresponds to location of proposed LMF.</li> <li>This site could also function as a Level I site on a smaller footprint to support service for the San Francisco terminals.</li> </ul>
LMF	60.00	Coyote (between San José and Morgan Hill)	<ul style="list-style-type: none"> <li>Level I facility to support train servicing and start up and close-down of service at San José, Gilroy and Merced. Will need to clear a level III facility at this location based on the availability of the Brisbane site or the phasing requirements of the project.</li> <li>Corresponds to the most likely of several alternative site already being considered for an LMF.</li> <li>Co-location of this facility with the nearby MOIF is possible.</li> </ul>
MOIF	80.00	Just South of Gilroy Station	<ul style="list-style-type: none"> <li>Corresponds to location of previously proposed MOIF.</li> <li>Co-location of this facility with the nearby LMF is possible.</li> </ul>

Draft EIR/EIS Appendix 2-F specifies that maintenance facilities at Brisbane and Gilroy were “envisioned to work together” and that “[w]hichever location is finally determined for Level III activity” would need the other location to support lower level activities as a Level I facility. As stated in Table 1 and Table 2 of Draft EIR/EIS Appendix 2-F:

- “Maximum maintenance level at Brisbane could be lowered to Level I if the facility in Gilroy is built with the Level III capability.”
- The Brisbane LMF site “could also function as a level I site on a smaller footprint to support service for the San Francisco terminals.”
- A Coyote Valley Level I facility would “support train servicing and start up and close down of service at San José, Gilroy and Merced.” This site could also operate as a level III facility but would need environmental clearance for a level III facility at this location **based on the availability of the Brisbane site or the phasing requirements of the project.** (emphasis added)

The Authority’s own Draft EIR/EIS Appendix 2-F clearly demonstrates the Authority’s acknowledgement of the potential feasibility of:

- Locating a Level III facility in Gilroy and a Level I facility in Brisbane, or
- Locating a III Level in Brisbane and a Level I facility in Gilroy.

[33]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1986

Despite this, the body of the Draft EIR/EIS make no mention of this possibility. At a minimum, the Draft EIR/EIS should have included and analyzed the alternative of Level I facility in Brisbane with a Level III facility in Gilroy as and additional NEPA alternative in the Draft EIR/EIS. The failure to do so also violated the CEQA Guidelines Section 15126.6(a) requirement to address a reasonable range of potentially feasible alternatives.

1165-1987

### Site Selection Criteria

The Authority’s 2010 Supplemental Alternative Analysis, which is referenced on Draft EIR/EIS page 2-35 but not included as an appendix to the Draft EIR/EIS or made available on the Authority’s website, evaluated potential LMF sites in accordance with the Authority’s preliminary siting criteria for maintenance facilities. The 2010 Supplemental Alternative Analysis identified the following facility design and location criteria to meet the functional requirements for an LMF between San Francisco and San Jose:

- **Site Size** - The site shall be large enough to accommodate storage and maintenance operations. The Authority estimates *approximately* 100 acres.
- **Proximity to the Mainline Tracks** - LMF should be immediately adjacent to the mainline tracks, to minimize the length of the lead track.
- **Double-ended Lead Tracks** -The LMF should be a double-ended facility (i.e., capable of dispatching and receiving trains from both ends of the facility).

Ten years later, at its July 20, 2020 Online Open House, the Authority presented a fact sheet for the Northern California Light Maintenance Facility (Fact Sheet)<sup>14</sup> that shows the Authority’s consideration of LMF sites was based on the following criteria:

- **Proximity:** Distance to San Francisco Terminal Station
- **Site Size:** Approximately 100 acres
- **Proximity to Mainline Tracks**
- **Double-ended Tracks:** Trains can enter and depart from both directions
- **Site Availability:** Avoid conflicts with built improvements

The requirements for (1) proximity to San Francisco Terminal and (2) Site Availability (Avoid conflicts with built improvements) are new and were not part of the Authority’s 2010 SAA. The criterion to “avoid conflicts with built improvements,” in particular, greatly reduces potential sites due to the highly developed urban setting of the San Francisco – San Jose segment. The Fact Sheet asserts that of all alternatives evaluated, only the West and East LMF options met this requirement. The “avoid conflicts with built improvements” criterion is also above and beyond

<sup>14</sup> Available at: <https://www.meethsrnorcal.org/light-maintenance-facility.html?locale=en>

[34]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1987

the requirements set forth in the Authority’s 2010 Supplemental Alternative and the Summary of Requirements for Operations and Maintenance Facilities (Draft EIR/EIS Appendix F-2); it does not appear to occur in any document other than the LMF Fact Sheet, including the 2020 *Light Maintenance Facility Site Selection Evaluation: San Francisco to San José Project Section Memorandum* obtained by special request from the Authority.

1165-1988

The notion that the Brisbane LMF would “avoid conflicts with built improvements” is belied by the fact that its construction would require:

- Demolition and relocation of the existing Tunnel Avenue bridge, resulting in 1-3 months of unacceptable emergency response within a portion of the community;
- Demolition and realignment of both Tunnel Avenue and Lagoon Road, as well as realignment of City streets providing access to the community’s downtown area;
- Demolition and relocation of the City’s existing fire station;
- Excavation into the former Brisbane Landfill requiring disposal of an unknown amount of hazardous and non-hazardous waste placed in the landfill before operations ceased in 1967 (East LMF);
- Demolition and removal of the City’s existing corporation yard (East LMF); and
- Demolition of the historic Machinery & Equipment building, along with demolition of the Mission Blue Nursery.

1165-1989

**Alternative Sites Identified by the Authority in the Draft EIR/EIS**

The Draft EIR/EIS identifies two sites in addition to Brisbane that apparently met its site criteria and engineering and design guidelines. A graphic representation of the four evaluated sites as well as their location is presented in Draft EIR/EIS Chapter 2, page 2-36, indicating the following sites were analyzed:

- Port of San Francisco (Piers 90-94)
- SFO
- West Brisbane
- East Brisbane

The Authority did not evaluate alternatives involving a maintenance facility in Gilroy, even though Draft EIR/EIS Appendix 2-F identifies the feasibility and desirability of doing so.

The Authority chose to proceed with further study of only the East and West LMF option in the Draft EIR/EIS. Justification for selection of East and West LMF was that both Brisbane sites provided adequate space, proximity to Caltrain mainline track and proximity to the San

[35]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1989

Francisco terminal. The parameters identified by the Authority for rejecting the Port of San Francisco and SFO sites from further consideration included:

- **Port of San Francisco (Piers 90-94) Findings:** This site was removed from further study because the Authority claimed the site to be operationally deficient due to its size, distance from the mainline tracks, and the need for the facility to be stub-ended which the Authority stated would constrict operations. The Authority noted that acquiring the necessary right-of-way to build lead tracks would be too costly and that operations of trains along the required lead would be disruptive to neighboring properties. The site was therefore not carried forward for further study.
- **SFO Site Findings:** This site was removed from further study because the Authority claimed the site to be adequately sized but operationally deficient due to its distance from the mainline track and need to be stub-ended. The Authority additionally stated that the cost for the lead for the facility and modifications required to the US-101 Interchange were constraints.

The Authority’s Reasons for Rejecting these Alternative LMF Sites were flawed.

The Authority’s conclusions regarding various alternatives related to the criteria set forth for site size, proximity to the mainline, and double-ended lead tracks were flawed and inconsistent with the Authority’s public criteria.

1165-1990

**Site Size**

The Authority’s size criterion states that the site needs to “be large enough to accommodate storage and maintenance operation.” (Draft EIR/EIS, Chapter 2, page 2-35). The Authority *estimated* this site size to be approximately 100 acres; however, this criterion does not specifically state that the site *must be* 100 acres in order to be considered, only that it be large enough to support the proposed operation. Thus, sites less than 100 acres in size should not have been rejected without specific design analysis as to whether a less-than-100-acre site was “large enough to accommodate storage and maintenance operation.”

1165-1991

Within the Summary of Requirements for Operations and Maintenance Facilities (Draft EIR/EIS, Appendix 2-F – Summary of Requirements for Operations Maintenance Facilities, page 21), the Authority estimated that the minimum footprint for an LMF ranged from about 40-110 acres, depending on the number of tracks required at the facility, the level of anticipated maintenance activities, the layout of the facility, and whether the facility would have an optimum or less than optimum layout. The faulty reasoning behind rejecting the Port of San Francisco and SFO sites is summarized below.

- **Port of San Francisco (Piers 90-94) Site.** The Authority withdrew this alternate site partially due to the size of the site but did not provide details as to how why the site would not be “large enough to accommodate storage and maintenance operation.” The

[36]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1991

site would have required the use of a stub-ended facility layout which the Authority conceptualized as shown in on page 36 of Chapter 2 – Alternatives. The general area for the body of the storage and maintenance shop tracks as shown in the Authority’s report is approximately 65 acres. A site utilizing a stub-ended layout arrangement would potentially allow for a smaller site footprint as it appears the Authority shows conceptually in the Draft EIR/EIS. Potential operational inefficiencies could have been offset due to the proximity to the 4<sup>th</sup> and King Street station (+/- 2.5 miles).

1165-1992

- Proximity to the Mainline.** Both the Port of San Francisco (Piers 90-94) and the SFO site were eliminated partially due to their proximity to the mainline. Draft EIR/EIS Chapter 2 and the Summary of Requirements for Operations and Maintenance Facilities (Draft EIR/EIS, Appendix 2-F) discuss the criteria for the LMF’s proximity to the mainline. The Draft EIR/EIS specifies that the “LMF be immediately adjacent to the mainline tracks to minimize the length of the lead track.” The Summary of Requirement for Operations and Maintenance Facilities, however, discusses this criterion under both “optimal” and “less than optimal” configurations. Under optimal configurations, the proposed LMF would be directly adjacent to the main track. Under less than optimal configurations, other arrangements would not necessarily be rejected but could be evaluated.

1165-1993

- Double-Ended Lead Track.** The Draft EIR/EIS’s preliminary siting criteria for double-ended track states that the LMF “should be a double-ended facility (i.e., capable of dispatching and receiving trains from both ends of the facility). Double-ended facilities increase operational flexibility and allow for efficient dispatch of track maintenance equipment in the event there is an issue with one of the lead tracks. A stub-ended track is a high-risk design and should be avoided when a double-ended facility is feasible.” (Draft EIR/EIS, Chapter 2 – Alternatives, Page 2-35).

However, the Summary of Requirements for Operations and Maintenance Facilities discusses this criterion for optimal *and* less than optimal configurations. While the text of the Draft EIR/EIS, which is based on the 2010 SAA, and the Summary of Requirements for Operations and Maintenance Facilities documents both state that double-end lead tracks are optimum configurations, the Summary of Requirements for Operations and Maintenance Facilities provides for consideration of single-ended LMFs on a case-by-case basis depending on the proposed location of a site relative to the nearest station and on the operational details of the service plan. The document also provides workarounds for these conditions on Page 18.

In situations where stub-ended facilities are being considered, the Summary of Requirements for Operations and Maintenance Facilities indicated that the “operational and cost impacts of these less optimal configurations must be analyzed further in order to evaluate the trade-off of the additional yearly operating cost versus the increased capital construction cost and the potential increase in environmental impacts.” (Draft EIR/EIS, Appendix 2-F – Summary of Requirements for Operations and Maintenance Facilities, page 18).

[37]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1994

Given the highly developed urban setting of the San Francisco to San Jose segment, the available sites which would meet this optimal criterion were inappropriately limited to the Brisbane options. The Authority failed to consider less than optimum *but potentially feasible* layouts for alternate sites that might require longer lead tracks or yards that were not adjacent to the mainline. No studies for potential work arounds from less optimal LMF configurations were completed as part of the Authority’s Draft EIR/EIS. These potential layouts may be considered by the Authority to be less than optimum, but they are potentially feasible and should have been addressed in a reasonable range of potentially feasible alternatives as required by CEQA, and the potential for solutions to overcome the supposedly “less than optimal” qualities of these sites should have been studied.

1165-1995

Both designs for the Port of San Francisco (Piers 90-94) and SFO sites utilized a stub-ended facility. The Authority withdrew these alternate sites partially due to the need to utilize a stub-ended design facility concept instead of the more “optimal” double-ended facility. The Authority did not, however, evaluate the trade-off of a stub-ended facility layout vs. double-ended facility layout in these locations even though it found these types of arrangements to be potentially feasible. These potential layouts may be considered by the Authority to be less than optimum, but they are potentially feasible and should have been included in the Draft EIR/EIS as CEQA alternatives to the Project.

1165-1996

### Location of Level I and Level III Facilities

The Authority envisioned a single LMF location within the northern section of the High-Speed Rail route. This LMF would have the ability to provide Level III maintenance activities. Two potential locations for a Level III LMF in the northern High-Speed Rail section were called out in Draft EIR/EIS, Appendix 2-F – Summary of Requirements for Operations Maintenance Facilities. While the Authority envisioned there to be only one location in the northern section of the route that would handle activities associated with a Level III facility, two potential locations were identified (Brisbane and Gilroy) with the intent that the two facilities work together with one as a Level I facility and the other as a Level III facility (Draft EIR/EIS, Appendix 2-F – Summary of Requirements for Operations and Maintenance Facilities, pp. 11-12).

Within the Summary Requirements Operations Maintenance Facilities report, the Authority determined that maximum maintenance levels at Brisbane could be lowered to Level I if the facility in Gilroy would be constructed with the Level III capacity. The Authority identified several LMF site alternatives in the vicinity of Gilroy with likely alternative sites in the vicinity of Morgan Hill. The site size requirements for a Level III LMF could be better suited to be placed in an area which was not within a highly developed urban area.

In violation of the CEQA Guidelines requirement to address a reasonable range of potentially feasible alternatives, the Draft EIR/EIS did not include any alternatives wherein a Level III LMF

[38]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1996

would be located in the vicinity of Gilroy and a Level I facility located between San Francisco and San José. The change to a Level I facility within the San Francisco to San José segment would change the site size criteria used by the Authority to identify potential sites. Due to the reduced size requirements of a Level I LMF (+/- 40 acres), potentially feasible sites outside of Brisbane could have been identified and evaluated. Additionally, this concept would reduce the facility's impact within the highly developed and urbanized San Francisco to San José segment by locating the Level III LMF within an area that was sparsely developed. Further, a Level III LMF located in the vicinity of Gilroy could be co-located with other planned infrastructure such as the Maintenance of-way Facilities, (MOWF) that is currently planned for that area, increasing operational efficiencies.

1165-1997

*The Draft EIR/EIS failed to analyze potentially feasible alternative LMF sites.*

Based on site selection criteria included in the Supplemental Alternative Analysis and information gathered from the Summary of Requirements for Operations and Maintenance Facilities, it is clear that the following potentially feasible alternative sites which could accommodate a Level III LMF should have been analyzed in the Draft EIR/EIS. Each of these sites is illustrated in Attachment Metis-C Attachment Metis-C.

Bayview Industrial District – San Francisco

This potential site is located in the Bayview Industrial District of San Francisco and is generally bound by Napoleon Street on the North, Industrial Street on the South, US-101 to the west and I-280 and the Caltrain Corridor on the east.

The area identified as a potential alternative site is comprised of approximately 71 acres of existing industrial development zoned PDR-2, (Production, Distribution and Repair). The site has a historical mixed industrial and commercial use which at various times in the past was freight rail served. An LMF in this location would be consistent with the area's industrial land use designation and would be well buffered from residential areas. The site would be large enough to accommodate storage and maintenance operations for a Level III LMF, as well as for Level I maintenance activities in combination with a Level III LMF in the Gilroy area.

The site is in proximity to the mainline tracks and could be connected to the mainline tracks to allow both northbound and southbound traffic to enter the facility via dedicated lead tracks. Additionally, the site is located approximately 2.5 miles south of the 4<sup>th</sup> and King Caltrain Station, closer than the Brisbane site.

A Bayview Industrial District LMF would be a stub-ended but would be capable of dispatching and receiving trains from both directions on the mainline. Potential operational inefficiencies could be offset by the close proximity of proposed site relative to the nearest High-Speed Rail station.

[39]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1997

Newhall Yard – San José

This potential site is located in the area known as the Newhall Yard and is generally bound by Coleman Avenue to the north, Caltrain right-of-way to the south, Brokaw Road to the west and the I-880 freeway to the east.

This potentially feasible alternate site is comprised of approximately 47 acres of previously developed land zoned HI (Heavy Industrial). The site has a historical rail use, at one time being used by Union Pacific Railroad's predecessors as freight rail yard. An LMF in this location would be consistent with the designated land use and well buffered from residential areas. The site would be large enough to accommodate storage and maintenance operations for Level III LMF as well as Level I maintenance activities in combination with a Level III LMF in Gilroy.

The site is within proximity to the mainline tracks and could be connected to the mainline tracks to allow both northbound and southbound traffic to enter the facility via dedicated leads. Additionally, the site is located less than one mile north of the Diridon Caltrain Station.

Coyote Valley – Santa Clara County

A large potentially feasible location for an LMF is located in the area known as Coyote Valley that is partially located within the City of San José and unincorporated Santa Clara County, approximately 15 miles south of the Diridon Caltrain Station. The area is generally bounded by Bailey Avenue to the northwest, Scheller Avenue to the southeast, Santa Teresa Boulevard to the southwest and the Caltrain right-of-way to the northeast.

This potentially feasible alternative site is comprised of +/- 633 acres of sparsely developed land zoned A (Agriculture). The site would be large enough to accommodate storage and maintenance operations for Level I or Level III maintenance activities and potentially for consolidation of multiple planned operations and maintenance facilities.

The site is within proximity to the mainline tracks and could be connected to the mainline tracks to allow both north-bound and south-bound traffic to enter the facility via dedicated leads.

San Francisco – Gilroy LMF/MOWF Consolidation

The potentially feasible Gilroy site is generally bound by Southside Drive to the north, Bloomfield Ave to the south, Union Pacific right-of-way to the west, approximately 32 miles south of the Diridon Caltrain Station.

This potentially feasible alternative site is comprised of approximately 150 acres of sparsely developed land zoned A (Agriculture). The site would be large enough to accommodate storage and maintenance operations for Level III LMF, as well as Level I maintenance activities. The site would also potentially provide for consolidation of multiple planned operations and maintenance facilities within the area.

[40]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1997

The site is within proximity to the mainline tracks and could be connected to the mainline tracks to allow both northbound and southbound traffic to enter the facility via dedicated leads.

As noted above, the Authority envisioned there to be only one location in the northern section of the route that would handle activities associated with a Level III LMF. The Authority identified two potential locations in their report, one at Brisbane and one at Gilroy, that would work together with one service as a Level III LMF and the other as a Level I maintenance facility.

The alternative proposed to consolidate these two sites to one located in Gilroy. The site is currently planned as a Maintenance of Way Facility. Co-locating these facilities could facilitate better coordination and utilization of operations systems as assets while also potentially reducing the overall footprint required for the facilities.

1165-1998

**3. *Inadequate Analysis leads to a Lack of Evidence for Significance Conclusions.* The Draft EIR/EIS presents improperly segmented and inadequate environmental analyses that fail to provide substantive discussion or that understate the severity of changes to the environment that would result from the Project. As a result, the Draft EIR/EIS presents significance conclusions that are not based on substantial evidence and understate the severity of the Project's public safety, hazardous materials, noise, water supply, and other impacts.**

1165-1999

**Analytic models and methods developed prior to the spread of Covid-19 and the current global pandemic to determine projected high speed rail ridership and analyze the Project's vehicle miles traveled, traffic, air quality, and energy impacts might not reflect actual conditions in the post pandemic world.**

Media reports abound with forecasts and analyses of the long-term effects of Covid-19, social distancing, and shelter-in-place might have on the nation's economy and the "American way of life." While these forecasts and analyses make for interesting reading and thought-provoking discussion, there may also be a practical effect that needs to be considered as part of the Draft EIR/EIS: analytic models and methods developed prior to the spread of Covid-19 might not reflect the post-pandemic world. The travel demand assumptions developed before the current health crisis that underlie the models and analytical tools used in the Draft EIR/EIS to analyze transportation, air quality, greenhouse gas (GHG) emissions, and energy impacts may or may not be valid and might need adjustment, while other unforeseen outcomes could affect analysis of other environmental impacts.

Theoretical (and logical) arguments can be crafted that assert the long-term effect of the current health crisis would be to decrease overall per capita travel as easily as arguments could be crafted that the long-term effect would be to increase per capita vehicular travel while

[41]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-1999

decreasing per capita transit, or that while the current pandemic might have substantial short-term effects on travel patterns, long-term effects, if any, would be minor.

An internet review of articles based on a search for "long-term effects of Covid-19 on the economy" or "long-term effects of Covid-19 on transit" will turn up compelling arguments that (1) the current pandemic would lead to sweeping and permanent changes in American culture and economy, as well as compelling arguments that the post pandemic world will be recognizable (i.e., no fundamental changes in American culture and economy), but that existing trends may be exacerbated in different ways<sup>15</sup>. Regardless of whether the current pandemic leads to radical sweeping changes or simply exacerbates existing known trends, reasonable arguments could be made that the current health crisis *could* have a substantial effect on in travel demand.

A July 7, 2020, article by Liz Farmer of the Rockefeller Institute of Government<sup>15 (1)</sup> stated:

"In California, Bay Area Rapid Transit (BART) ridership, which average 414,000 per day, fell by more than 90 percent in May. Officials there noted they are budgeting a more than \$350 million drop in fare revenue over the next year, assuming ridership remains somewhere near 70 percent below normal. In Chicago, rail ridership on the Chicago Transit Authority (CTA) was down 88 percent in April and bus ridership was down by 71 percent from their usual combined 1.5 million daily riders. Commuter rail line ridership on Metra was down 97 percent from an average of 281,100 per day. The Regional Transportation Authority is estimating that the CTA and Metra combined will have more than \$850 million in revenue losses this year..."

When will riders return? The longer and more severe the impacts of COVID-19, the longer it will likely take. Much depends on consumer confidence and the immediate outlook there is grim. According to an April survey of 25,000 United States residents conducted by IBM, more than 20 percent of regular transit riders said they wouldn't ride anymore. Another 28 percent said they planned to use public transit less often...

This fear of close quarters may mean more car commuters. Mobility data from Apple maps suggest car-riding has generally rebounded (and in some places has increased) while transit remains well below normal. And, safety concerns aside, COVID-19 is likely

[42]

<sup>15</sup> See for example: (1) <https://rockinst.org/blog/covid-19-could-change-the-future-of-transit-funding/>  
 (2) <https://www.moneycrashers.com/covid-pandemic-change-society-economy/>  
 (3) <https://www.rand.org/blog/2020/04/covid-19-the-questions-ahead-for-future-travel-and.html>,  
 (4) <https://www.bbc.com/future/article/20200629-which-lockdown-changes-are-here-to-stay>

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-1999

to speed up the already growing trend of workers telecommuting. Facebook, Google, and Twitter have already said they will let their employees work from home long-term or permanently. This shift in the San Francisco Bay Area, says Nixon Peabody transit finance attorney Rudy Salo, doesn't bode well for BART's long-term ridership. "Could BART be down 90 percent permanently? Definitely not," says Salo, who consults with public transit systems. "Could it be down 20 percent? Possibly."

Increased use of online tools for general shopping (e.g., Amazon), grocery shopping (e.g., Instacart), home entertainment (e.g., Netflix), restaurant delivery (e.g., Grubhub), business meetings (e.g., Zoom, Microsoft Teams), and medical services (e.g., telephone- or video-conference appointments and medical advice) that have become much more prevalent during the pandemic, as well as the recognition that a far larger portion of the nation's workforce are able to work remotely from home, may continue to a far greater degree than pre-pandemic analytic models and methodologies account for.

Factors that may reduce long-term use of transit in comparison to pre-pandemic assumptions include:

- Increased numbers of people working at home as businesses discover cost savings resulting from a reduced need for office space and increased willingness and ability of employees to work at home or other remote locations closer to home.
- A reluctance to use forms of transit and air travel that require people to sit or stand shoulder to shoulder with others leading to increased use of personal vehicles, as well as Uber/Lyft, autonomous vehicles, and small shuttles, which in turn could lead to more cars on the road and potentially result in a greater acceptance of congestion during home-to-work trips as workers are not required to drive themselves and the trip to work becomes almost "personal time."
- Oil prices remaining relatively low due to decreased demand resulting from greater use of renewable energy and increased amount of in-home activities, leading to long-term relatively cheap gasoline prices and an increased willingness to drive to work and other activities, as well as to drive rather than fly for vacations.
- Revisions to building codes reducing occupancy loads, particularly within elevators, to provide for social distancing.

Because sufficient hard evidence is unavailable to support arguments that challenge the validity of models and analytical methods developed before the current pandemic to analyze transit ridership and related environmental effects in a post-pandemic world, as well as arguments to defend those models and analytical methods, the Draft EIR/EIS needs to consider the realistic possibility that the long-term transit ridership projections upon which its business plan is based and the resulting analyses of vehicle miles traveled (VMT), air quality, GHG, and other environmental issues might not be reflective of future conditions.

[43]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2000

Therefore, the Draft EIR/EIS needs to recognize that its use of only "medium" and "high" ridership projections may or may not address the range of likely future outcomes of the current pandemic and that use of analytic models and methods developed and validated before the current pandemic may no longer be reflective of future conditions. As a result, it is incumbent upon the Draft EIR/EIS to analyze each of the environmental effects that ultimately rely on pre-pandemic transit ridership estimated (e.g., vehicle miles traveled, air quality, GHG, energy) based on a future "low" ridership scenario alongside the document's current "medium" and "high" ridership scenarios.

1165-2001

**The Draft EIR/EIS fails to adequately address the Project's Transportation impacts (see also Attachment Metis-B: Hexagon Transportation Consultants Transportation comments and resumes).**

*The Draft EIR/EIS Transportation analysis is based on questionable methodologies.*

The trip generation estimate for the Brisbane LMF used in the Draft EIR/EIS is faulty.

As stated on Draft EIR/EIS page 3.2-13, trip generation from the Brisbane LMF was based on trip rates identified in the Institute of Transportation Engineers *Trip Generation, 10<sup>th</sup> Edition* for a general light industrial use and assumes that "full employment of 150 employees would be required by 2040." The Brisbane LMF is not, however, a typical "general light industrial" use. It is proposed as a 24-hour, 7-days-per-week operation, which the typical general light industrial use is not. Since the Authority is able to estimate the number of employees that will be working at the LMF, it must also have been capable of estimating the number of employees that would be working at the facility during any given shift, general times for shift changes, and operational details. This information would provide for a more realistic analysis of anticipated LMF traffic characteristics than analysis of traffic impacts from a generic light industrial plant employing 150 people could hope to achieve. Where Project information is or can reasonably be estimated, generalized assumptions should not be used as the basis for analyzing Project impacts.

1165-2002

While it may be argued that using the peak hour traffic generation of a generic light industrial plant employing 150 people yields a worst case traffic analysis, it must also be recognized that such analysis could result in understating related noise impacts by ignoring the fact that the proposed LMF would operate on a 24-hour basis and at least one shift change would occur during nighttime hours. At a minimum, the generic analysis set forth in the Draft EIR/EIS fails to inform the public of actual traffic conditions that the community could expect from 24-hour operations at the LMF. Instead, the Draft EIR/EIS informs the public about the traffic impacts of a generic industrial plant that is not actually being proposed. This is particularly important when considering that development of residential uses immediately adjacent to the West LMF site and in close proximity to the East LMF site as part of the Baylands development is

[44]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2002 | reasonably foreseeable, as is use of residential streets within the Baylands by LMF employees on a 24-hour basis.

1165-2003 | The VTA traffic model used to analyze traffic impacts at intersections in the vicinity of the Brisbane LMF is incapable of accurately predicting intersection turning movements within Brisbane.

The VTA model used to forecast the increase in vehicular traffic at the study intersections along the corridor, including the intersections in and around Brisbane, is too coarse for the model to produce turning movements in Brisbane with reasonable accuracy at Brisbane intersections. Thus, to provide for an accurate analysis of Baylands area traffic for the upcoming Baylands Specific Plan EIR, the City has engaged a professional transportation planning firm to refine/improve the model's coarse transportation network, traffic analysis zones, and land use inputs to a level compliant with national industry standards. Only after model refinements and improvements are completed can the VTA model be used to accurately predict traffic volumes and intersection turning movements in the Brisbane area.

1165-2004 | The Draft EIR/EIS does not state that its transportation analysis included such refinement/improvement of the VTA model or if the intersection turning movements produced by the model were manually adjusted (beyond the method of simply adding incremental traffic volumes from the model to traffic counts) to account and compensate for the lack of detailed network coding. Without such refinement/improvement of the VTA model, the results of the traffic modeling presented in the Draft EIR/EIS for the Brisbane area are unreliable. If the manual adjustments were made to traffic model runs beyond just adding the incremental model volumes to the counts, such post-processing of traffic model runs must be explained, and their appropriateness documented.

1165-2005 | The socioeconomic datasets used to analyze traffic impacts are outdated and inaccurate.

As stated on Page 4-4 of the Draft EIR/EIS Transportation Technical Report, "The socioeconomic datasets used as inputs to prepare the forecasts are based on Projections 2013 (Association of Bay Area Governments [ABAG] 2013). These datasets are accepted by the Metropolitan Transportation Commission (MTC) to reflect regional model consistency for models used by the congestion management agencies and were used to develop the regional travel demand forecasts for Plan Bay Area 2040, the current RTP and sustainable communities strategy for the Bay Area (ABAG and MTC 2017)." However, Projections 2013 is now 7 years old and was replaced by Plan Bay Area Projections 2040 in November 2018. A further update of regional household and employment projections is currently being undertaken by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) for Plan Bay Area 2050.

[45]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2005 | ABAG's now outdated Projections 2013 land use data sets for 2015 and 2040 indicate that Baylands employment would only increase by 585 jobs, from 2,761 in 2015 to 3,346 in 2040 and that no residential development would occur within the Baylands. However, in August 2018, the Baylands City Council adopted General Plan amendment GP-1-18, permitting 1800 to 2200 residential dwelling units, 6.5 million square feet of office/commercial development, and an additional 500,000 square feet of hotel use within the Baylands. While Draft EIR/EIS page 3.2-14 states that Year 2040 traffic analysis "reflects future transportation conditions in 2040, including reasonably foreseeable land use changes and transportation network modifications," it does not appear that Baylands development of 1800 to 2200 residential dwelling units, 6.5 million square feet of office/commercial development, and an additional 500,000 square feet of hotel use has been incorporated into the Project's traffic analysis, even though Draft EIR/EIS Section 3.18 (Cumulative Impacts) specifically recognizes that level of Baylands development as a cumulative project. Instead, it appears that the Draft EIR/EIS substantially understated future Baylands development based on the outdated Projections 2013, resulting in severely underestimating Year 2040 plus Project traffic conditions in the Brisbane area.

1165-2006 | The "Existing plus Project" methodology used in the Draft EIR/EIS is inappropriate since it analyzes a small subset of the Project and its impacts rather than addressing the entire Project.

As stated on page 3.2-13, "Existing plus Project" conditions include "transportation network modifications necessary to build the project (e.g., roadway closures, roadway modifications)" but do not include any high-speed rail service. Thus, analysis of "Existing plus Project" conditions does not consider the entirety of the Project, including traffic to and from high-speed rail stations and the LMF. Neither does the "Existing plus Project" analysis address all of the roadway intersections that would be affected by the Project. Only the intersections of Bayshore Boulevard/Old County Road and Bayshore Boulevard/Valley Drive in Brisbane, as well as intersections within the San José Diridon Station Approach Subsection, are analyzed "as these are the only areas where intersections would be affected by permanent roadway modifications." Other Brisbane locations, such as the Tunnel Avenue/Lagoon Road intersection and the three closely spaced intersections the Authority proposes to create in Brisbane by extending Visitacion Avenue should have been analyzed in an "Existing plus Project."

1165-2007 | For a valid "Existing plus Project" analysis to be conducted, the Draft EIR/EIS needs to evaluate the impacts of the *entire* Project (all physical improvements proposed for the Project, as well as full operations) based on existing (2016) roadway and traffic conditions for all intersections and freeway interchanges evaluated for 2029 and 2040 conditions.

1165-2008 | The Year 2029 No Project assumptions used for traffic analysis are confusing.

The Year 2029 No Project assumptions for traffic analysis described starting on page 3.2-13 are confusing. It is unclear whether the Draft EIR/EIS intends to analyze Year 2029 conditions or a

[46]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2008

combination of (1) existing traffic and land use conditions, and (2) Year 2029 Project improvements and operations. While it makes sense that an analysis of Year 2029 would assume only two stations (4<sup>th</sup> & King, Diridon), the Draft EIR/EIS is unclear about what level of operations are assumed for the LMF. It is also unclear what assumptions were made for Year 2029 background traffic and land use. Whereas the description of Year 2040 conditions on page 3.2-14 includes “reasonably foreseeable land use changes” (and presumably the traffic generated by the changes), the description of Year 2029 conditions in the Draft EIR/EIS is silent on the inclusion of land use changes (and related traffic). Such information is necessary for the evaluation of traffic impacts in the vicinity of the LMF.

If, in fact, the Draft EIR/EIS intends to conduct a Year 2029 analysis, the analysis must include projected Year 2029 background traffic conditions and projected Year 2029 land use changes. Otherwise, the Draft EIR/EIS would not actually be conducting an analysis of Year 2029 conditions without and with the Project. It is unclear whether the Draft EIR/EIS intended to prepare a true analysis of Year 2029 conditions or an analysis of “Existing plus High-Speed Rail Opening Day 2029” conditions. Without clarification of the Draft EIR/EIS traffic study’s intent, the validity of the document’s findings cannot be determined.

1165-2009

The analysis of Project construction impacts is confusing.

The discussion on page 3.2-14 regarding analysis of construction impacts is confusing. On that page, the Draft EIR/EIS states:

“Because temporary street closures and relocations would occur during the construction phase, these are described qualitatively for the 2029 and 2040 Plus Project conditions in Section 3.2.6. The combined effects from construction and operations are described quantitatively in Section 3.2.6 for the 2029 and 2040 Plus Project conditions.”

If the temporary street closures and relocations that would occur during construction are only addressed qualitatively, how can the “combined effects from construction and operations” be described quantitatively? To provide a realistic evaluation of construction traffic impacts, quantitative analysis of construction traffic must not separate construction traffic generation from the temporary street closures and relocations that would occur during construction. This is particularly important since offsite hauling of materials excavated for the West and East LMF sites would require at least several hundred daily truck trips.

[47]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2010

*Both Impact TR#2 (Temporary Congestion/Delay Consequences on Intersections from Temporary Road Closures, Relocations, and Modifications) and Impact TR#3 (Temporary Congestion/Delay Consequences on Major Roadways and Intersections from Construction Vehicles) fail to provide quantitative or qualitative analysis or other substantial evidence to support their conclusions while also deferring impact analysis and mitigation. By segregating analysis of Impacts TR#2 and TR#3, the Draft EIR understates the severity of the Project’s construction traffic impacts.*

Rather than undertake quantitative or qualitative analysis or provide substantial evidence, the Draft EIR/EIS provides only generic conclusions such as that the Project would “result in increased traffic congestion on roadways and intersections from lane or street closures, diversions in traffic from temporary detours, and other temporary disruptions to traffic” from the following anticipated changes to major roadways and intersections:

- Temporary full or partial roadway closures, with associated detours.
- Temporary lane closures with associated detours.
- Temporary damage to pavement conditions from construction traffic and rerouting.
- Temporary changes to traffic signal operations, timing, or phasing to accommodate project construction.
- Temporary lane width reductions and reduced speed limits.
- Temporary loss of or modifications to parking, bicycle facilities, or pedestrian facilities.

Within the San Francisco to South San Francisco Subsection, the Draft EIR/EIS states that “construction of stations, Brisbane LMF, platform modifications, installation of four-quadrant gates at at-grade crossings, track modifications, and passing track and associated structure modifications would require temporary construction easements (TCE), which would require the temporary closures of parking areas or roadway travel lanes, and the construction of overcrossings and interchanges.” Rather than identifying what specific impact(s) might occur as the result of these temporary roadway closures or evaluating their severity, the Draft EIR/EIS provides only the following generic conclusion without presenting evidence or analysis: “These activities would result in increased traffic congestion on roadways and intersections from lane or street closures, diversions in traffic from temporary detours, and other temporary disruptions to traffic.” Following this generic conclusion, the Draft EIR/EIS provides a comparison of Alternatives A and B, noting that they would have the same effects in the two locations where temporary road closures would be necessary: 4<sup>th</sup> & King Station and the Brisbane LMF.

1165-2011

Rather than present a complete description of the Project, analyze its impact, and provide substantial evidence supporting a significance conclusion, Impact TR#2 cites the following as its reason for deferring analysis: “Exact locations of temporary closures, changes, and disruptions

[48]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

- 1165-2011 | would be determined and minimized during the development of a construction transportation plan.” Yet, the Draft EIR/EIS does, in fact, state that the Tunnel Avenue bridge and Tunnel Avenue would both be temporarily closed during construction of the Brisbane LMF, providing sufficient information for analysis of impacts that the document unfortunately does not conduct. Thus, the Draft EIR/EIS fails to address Project impacts by deferring analysis and mitigation until *after* the Project is approved.
- 1165-2012 | By deferring analysis of known temporary road closures in the vicinity of the Brisbane LMF, Impact TR#2 fails to recognize and mitigate the serious safety consequences that would result from temporary road closures, relocations, and modifications involved in construction of the Brisbane LMF, including deficient emergency access to the Sierra Point portion of the City of Brisbane and to the Kinder Morgan tank farm. Such deficient access during LMF construction-related road closures could result in environmental and property damage, injury, and possible loss of life during emergencies.
- 1165-2013 | At a minimum, discussion of Impact TR#2 needs to clearly describe (1) the temporary roadway closures, changes, and disruptions that the Authority already knows would occur during construction of the Brisbane LMF; (2) the length of time roads would be closed; (3) alternative access available to the Sierra Point area, Kinder Morgan tank farm, and businesses along Tunnel Avenue during temporary closures; and (4) the adequacy of that temporary access. While such analysis would conclude that impacts are significant, the Draft EIR/EIS would not be required to conclude that emergency access impacts were unavoidable by adopting the following mitigation measure to address safety impacts caused by temporary roadway closures in the vicinity of the Brisbane LMF:
- 1165-2014 | **TR-MM#\_\_\_: Temporary Road Access during Brisbane LMF Construction**
- The Tunnel Avenue bridge relocation (East and West LMF) and Tunnel Avenue realignment (East LMF only) shall be designed and constructed so as to maintain access along Tunnel Avenue from Beatty Avenue to Bayshore Boulevard as well as access along Lagoon Road between Tunnel Avenue and Sierra Point Parkway open at all times throughout construction of the Brisbane LMF.
- 1165-2015 | By deferring analysis and mitigation of temporary roadway closures, changes, and disruptions to the construction contractor as part of a construction transportation plan (TR-IAMF #2), the Draft EIR/EIS fails in its duty to provide a thorough analysis of the Project’s impacts and environmental consequences.
- 1165-2016 | In lieu of quantitative or qualitative analysis of impacts, Impact TR#3 provides only a generic description of Project impacts, generalized IAMFs to be implemented after Project approval, and an incorrect CEQA conclusion. On page 3.2-58, the Draft EIR/EIS provides the following generic description of Project impacts:

[49]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

- 1165-2016 |
- “Project components would “result in construction traffic, including heavy truck traffic entering and exiting construction sites to deliver materials, transport demolished or excavated materials, and move heavy construction equipment onto the construction site;”
  - “Use of heavy equipment and delivery or removal of materials by trucks has the potential to add traffic, especially if movements occur during morning or evening peak periods;”
  - “Construction traffic would also result from construction worker trips. Worker vehicles entering and leaving the job sites at the beginning and end of shifts have the potential to increase delays on roadways and at intersections;” and that
  - “Construction traffic could lead to interference with local vehicle circulation and operational hazards.”
- The discussion of Impact TR#3 undertakes neither quantitative or qualitative analysis to provide the public with an understanding of how much truck traffic might be generated at some of the larger construction sites such as the Brisbane LMF or Millbrae station, nor does the discussion undertake any analysis of the physical environmental effects that such heavy truck traffic might have.
- 1165-2017 | As noted in Table 2-25, Project construction would require offsite hauling of 2,082,800 cubic yards of soils materials from the East LMF, 1,463,700 cubic yards of materials from construction of the West LMF (including 432,000 cubic yards of hazardous materials as disclosed in Section 3.6, Public Utilities), and 160,000 cubic yards of materials from construction of the Tunnel Avenue bridge relocation. Assuming 16 cubic yards of soil materials per truckload, approximately 130.175 truckloads would be required to offload soils from construction of the East LMF, 91,482 truckloads for off hauling of soil materials from the West LMF (including 36,000 truckloads of hazardous materials), and approximately 9,975 truckloads of materials from relocation of the Tunnel Avenue bridge. While the offsite hauling would occur over a period of weeks, or months or maybe years (the Draft EIR/EIS does not disclose how long excavations and offsite hauling of materials would take), Impact TR#3 fails to address the environmental effects, including operational hazards, that such truck hauling might have in combination with deliveries of equipment and materials, disposal of construction waste, and construction workers arriving and leaving the site in relation to the ability of the Brisbane Police Department and North County Fire Authority to provide acceptable response times to any emergency that might occur within the community.
- 1165-2018 | The Draft EIR/EIS thus segments its generalized analyses of construction roadway closures (Impact TR#2) and construction traffic (Impact TR#3), and provides no analysis as to how the combination of Project-related roadway closures *and* Project-generated construction traffic would affect traffic or transit at the Caltrain Bayshore Station, along Bayshore Boulevard in the

[50]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2018

vicinity of the Brisbane LMF, or at the Millbrae transit station. The Draft EIR/EIS also does not address the combined effects that roadway closures and added construction traffic would have on emergency response. Impact TR#3 also fails to address any environmental effects that the combination of equipment and materials deliveries; disposal of construction waste and offsite hauling of excavated material; and construction workers arriving, parking at, and leaving the site might have on the ability of transit users to access and use the Millbrae station during high-speed rail construction.

1165-2019

By segregating discussion of impacts related to construction road closures necessitated by the Project (Impact TR#2) from discussion of the amount of construction traffic that would be generated and resulting roadway congestion (Impact TR#3), the Draft EIR/EIS fails to address the temporary construction congestion/delay and transit consequences of the whole of the Project.

1165-2020

Following its segregated, generic, and incomplete analyses of Impacts TRA#2 and TRA#3, the Draft EIR/EIS defers the needed analysis of impacts in favor of future implementation of IAMFs, citing the following:

- “To reduce traffic conflicts caused by construction, the contractor would prepare a CTP (TR-IAMF#2). The CTP, which would be reviewed and approved by the Authority, would address, in detail, the activities to be carried out in each construction phase. The CTP would provide a traffic control plan that would identify when and where temporary closures and detours would occur, with the goal of maintaining traffic flow, especially during peak travel periods. The traffic control plan would be developed for each affected location and would include, at a minimum, signage to alert drivers to the construction zone, traffic control methods, traffic speed limitations, and alternative access and detour provisions during road closures. Any temporary closure or removal of parking areas or roadways during construction would be restored upon completion of construction. Efforts would be made to minimize their removal or shorten the length of time these facilities are inoperable to the extent possible.” (emphasis added)
- “All truck traffic, either for transporting excavated materials from the site or for transporting construction materials to the site, would use the designated truck routes in each city (TR-IAMF#7) to the extent feasible. As part of the CTP, truck routes would be established away from schools, childcare centers, and residences, or along the routes with the least effect to minimize operational hazards. A detailed construction access plan would be developed and implemented for the project prior to any construction activities. The construction access plan would be reviewed by local city, county, and transit agencies. The movement of heavy construction equipment such as cranes, bulldozers, and dump trucks to and from the site would generally occur during off-peak hours on designated truck routes. Once on-site, heavy construction equipment would remain until its use for that job is completed so that equipment is not moved repeatedly to and from the construction site over public streets.” (emphasis added)

[51]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2020

- “Trips for construction workers would generally occur outside of peak hours for roadway and freeway traffic. The contractor would limit the number of construction employees arriving or departing the site between the hours of 7:00 a.m. and 8:30 a.m. and 4:30 p.m. and 6:00 p.m. (TR-IAMF#6). The contractor would also limit construction material deliveries between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. on weekdays to reduce traffic conflicts generated by construction traffic.” (emphasis added)

In the absence of a qualitative or quantitative analysis of the combined environmental effects of Impacts TR#2 and TR#3 beyond generic statements and deferred mitigation that might or might not avoid significant impacts, the Draft EIR/EIS has no basis for determining impacts to be less than significant. In the absence of an understanding of the extent of the Project’s construction impacts and definitive performance standards, these measures defer Project impact analysis and mitigation while offering no assurance that any of the Project’s significant impacts would actually be avoided or reduced to less than significant. In addition, the use of phrases such as “to the extent feasible,” truck movements that “would generally occur during off-peak hours on designated truck routes” yet to be determined, and the contractor would limit the number to construction employees and construction material deliveries during peak am and pm weekday travel hours to some unknown degree provides no basis for determining that impacts would be less than significant.

1165-2021

Finally, the CEQA conclusions set forth for Impacts TR#2 and TR#3 rely on the additional assertion that under CEQA, “automobile delay is not a significant environmental impact.” However, as noted above, the discussion of Impacts TR#2 and TR#3 does not analyze whether traffic delays caused by the Project’s temporary construction roadway closures and construction traffic would either (1) hinder emergency access (safety impact), or (2) adversely affect the use of transit. Both types of impacts are, in fact, recognized by CEQA as significant physical environmental effects.

1165-2022

*The analysis of Impact TR#4 (Permanent Congestion/Delay Consequences on Intersections from Permanent Road Closures and Relocations) is incomplete.*

Impact TR#4 fails to analyze whether the Project’s proposed road relocations would be adequate to accommodate projected traffic.

The discussion of Impact TR#4 analyzes only Existing Plus Project conditions but conducts no analysis whether the realigned Tunnel Avenue, relocated Tunnel Avenue bridge, or realigned streets providing access to Brisbane’s downtown area would be adequate to accommodate future traffic conditions. While the reader is informed that moving the intersection of Tunnel Avenue from the Bayshore Boulevard/Old County Road intersection to the Bayshore Boulevard/Valley Drive intersection would not, by itself, cause existing traffic to exceed Level of Service (LOS) D, the discussion provides no indication of what the actual effect of proposed roadway configurations would be or whether roadway modifications constructed by the

[52]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2022

Authority would be adequate to accommodate future traffic volumes. Should any portion of the roadway realignments and bridge relocation proposed by the Authority prove inadequate to accommodate future traffic volumes, Brisbane taxpayers would be required to pay for necessary improvements to fix problems caused by the High-Speed Rail project.

1165-2023

Impact TR#4 fails to analyze the adequacy or long-term safety effects of realigning Brisbane streets providing access to its downtown area.

The Project proposes modifications of streets providing access to Brisbane’s downtown area. However, the Draft EIR/EIS fails to analyze the adequacy or safety of their proposed roadway realignments. As shown in the figure below, the Authority proposes to extend Visitacion Avenue from its current terminus at Old County Road (Intersection 4) to a new unsignalized intersection with Valley Drive (Intersection 2) at Old County Road Intersection 2). The result would be closely spaced intersections with less than:

- 275 feet from the signalized Bayshore Boulevard/Valley Drive intersection #1<sup>16</sup> to the new unsignalized Visitacion Avenue/Valley Drive intersection #2;
- 225 feet from the new unsignalized Visitacion Avenue/Valley Drive intersection to the existing signalized Valley Drive/Park Place intersection #3; and;
- 440 feet from the new unsignalized Visitacion Avenue/Valley Drive intersection #2 to the new unsignalized Visitacion Avenue/Old County Road intersection #4.



By extending Visitacion Avenue to Valley Drive, the Project would mix traffic generated by existing downtown businesses, the Brisbane library and a large portion of Central Brisbane’s residential area with traffic from the Crocker Business Park, the Brisbane City Hall, Brisbane Police Department, and Brisbane post office in a series of tightly spaced intersections. The Draft EIR/EIS fails to note that the proposed reconfiguration of Brisbane’s streets in and around City Hall, Brisbane police headquarters, and downtown Brisbane would block access to an existing business on Valley Way, while removing parking from that business and two additional existing businesses on Park Place.

<sup>16</sup> “Intersection #s” refer to the intersection #s in the graphic to the right of the text.

[53]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2024

As part of preparation and review of the City’s Parkside Precise Plan, various options were evaluated for extending Visitacion Avenue through to intersect with Valley Drive, including the concept currently being proposed by the Authority. In December 20015, Hexagon Transportation Consultants reviewed these options and noted that the extension of Visitacion Avenue would result in three closely spaced intersections that would have operational issues. Members of the public subsequently rejected extending Visitacion Avenue through to Valley Drive.

Without disclosing or providing analysis of these proposed roadway modifications, Impact TR#4 nevertheless concludes:

“The changes to the geometry and capacity of intersections would realign and replace roadways and modify intersections but would not cause a degradation in operations of the roadway network. The project alternatives would not result in delays or reductions in peak-hour traffic operations from permanent road closures and relocations. Under CEQA, automobile delay is not a significant environmental impact.”

While it is true that CEQA does not consider automobile delay to be a significant impact, safety and emergency response impacts arising from the closely spaced proposed by the Authority in the vicinity of Brisbane City Hall and its Police Department and downtown area would be considered significant impacts. Should the proposed modification of Brisbane streets, new closely spaced intersections, and shifting of traditional downtown area traffic patterns prove inadequate to accommodate future traffic volumes, unsafe, or detrimental to emergency response from the Brisbane police station, Brisbane taxpayers would be required to pay for necessary improvements to fix problems caused by the High-Speed Rail project.

1165-2025

In the absence of specific analysis of traffic and required turning movements along Bayshore Boulevard at Valley Drive, proposed new intersections, and the Valley Drive/Park Place intersection adjacent to the Brisbane Police Department located at 147 Valley Drive, as well as left turn queueing requirements in the area, the Draft EIR/EIS can make no valid determination for Impact TR#4 as to the significance of traffic, safety or emergency response impacts associated with the Authority’s proposals to realign Brisbane’s streets and move the community’s traditional entry to its downtown area.

1165-2026

*The Draft EIR/EIS does not commit to mitigating traffic impacts.*

On page 3.18-12, the Draft EIR/EIS states:

“Potential mitigation that could reduce congestion or delay at affected intersections or freeway segments has been identified in TR-MM#1: Potential Mitigation Measures Available to Address Traffic Delays (NEPA effects only). However, because traffic congestion/delay is not a CEQA impact and because implementation of mitigation

[54]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2026

measures is not mandatory under NEPA, **this mitigation is not assumed to be implemented. Rather, implementation would be at the discretion of the lead agency.** Thus, assuming this mitigation is not implemented, the project alternatives would contribute to this cumulative effect. (emphasis added)

Because Mitigation Measure TR-MM#1 reflects IAMF TR-IAMF#12, it is questionable what, if anything would actually be done by the Project to address its traffic impacts on local communities. As they are written, TR-IAMF#12 and TR-IAMF#1 only address “permanent road closures and relocations, increased gate-down time at at-grade crossings, and vehicle flow to/from HSR stations” and provide various standard vehicle capacity enhancements such as signal retiming or additions, lane restriping, road/intersection widening and turn pocket additions/increases (including right-of-way acquisitions as needed), and contribution to regional/joint solutions to implement such enhancements; and measures (to the extent not already addressed by TR-IAMF#12) to encourage diversion of HSR station access trips from single-occupancy vehicles to other modes.” In the absence of any measurable performance standards, mitigation is vague, deferred, and unenforceable since as stated in Mitigation Measure TR-MM#1, these measures are “at the discretion of the lead agency,” the High-Speed Rail Authority.

1165-2027

**The Draft EIR/EIS and its Noise and Vibration Technical Report are based on overly simplified methodologies and a lack of attention to local conditions, leading to questionable results and a generalized presentation of impacts that fails to fully disclose how communities along the High-Speed Rail route would be impacted.**

Although the Draft EIR/EIS and its Noise and Vibration technical report cite and quote FRA and FTA guidance, the lack of detail provided in the Project’s noise analysis and presentation of results does not correlate with FTA and FRA guidance regarding the level of detail needed for analysis and presentation of results. The Draft EIR/EIS and its technical report do not document how noise and vibration analyses undertaken for the Project actually followed FRA and FTA guidance methodology. No information is provided as to the rationale for relying on assumptions where FRA and FTA guidance call for more detailed information than was disclosed in the Draft EIR/EIS.

1165-2028

As a result, analysis of noise and vibration impacts is based on several unsupported assumptions leading to a poor and generalized presentation of impacts that does not permit members of the public to determine whether their homes would be impacted or affected cities to understand which local neighborhoods would be impacted.

As discussed below and in the more detailed noise and vibration comments provided by Entech Northwest (Attachment Metis-C), at a minimum, Draft EIR/EIS Section 3.4 and the Noise and Vibration Technical Report upon which it is based must be thoroughly revised to:

- Substantiate the assumptions used in their analysis;

[55]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2028

- Comply with FTA and FRA guidance regarding the level of detail required for noise and vibration analyses and presentation of the results of that analysis; and
- Provide the public with sufficient information to understand the extent to which their homes might be impacted and cities along the route between San Francisco and San Jose with the ability to understand the impacts their constituents would face.

This information needs to be presented in terms of the state land use/noise compatibility guidelines used commonly used by California cities in their local General Plans and in CEQA analyses for development projects throughout the state, rather than federal standards that are not commonly used by California cities.

1165-2029

Thus, the Draft EIR/EIS needs to (1) provide a correlation of the federal standards used in its noise analyses with the State’s land use/noise compatibility guidelines and the noise standards used by communities along the route and (2) analyze the consistency of Project-generated construction and operational noise with General Plan or noise ordinance noise standards of local agencies, which should be used as noise significance thresholds consistent with CEQA Guidelines Appendix G.

1165-2030

*The generalized noise analysis undertaken for the Draft EIR/EIS ignores the effects of Brisbane’s terrain on noise propagation and attenuation and thereby understates the intrusiveness of Project-related high-speed rail and LMF-generated noise in the community.*

There has long been a perception among Brisbane residents that noise is amplified in Brisbane compared to other communities. The Final Brisbane Baylands Program EIR (Section 2.9.2, Response to Comment BCC-412) analyzed this phenomenon and determined that the City’s terrain did, in fact, have an effect on noise propagation in the community. First, the shape of Brisbane’s terrain tends to act as a noise barrier for ground-based noise sources from outside of Brisbane into the community in all directions except toward the east across the Baylands. Thus, the hillsides around Brisbane act as noise barriers, blocking noise from US 101, Bayshore Boulevard, and other sources north and south of the City. This tends to reduce background sound levels and make other sounds such as train passbys and aircraft overflights much more noticeable than they might be in a more urbanized setting. This is a typical condition in suburban communities where noises generated at night are more noticeable than during the day and can be heard at greater distances, even if such noise is no louder at night than it was during the day. In Brisbane, however, the community’s terrain blocks outside noise sources, the result of which is that noise generated within the community is more noticeable throughout the day and particularly so at night.

1165-2031

Second, the slopes on which most community members reside means that their homes, like seats in an amphitheater, have a “good view” of noise sources within the Baylands. As a result, noise generated within the Baylands will propagate better and attenuate less over distance than

[56]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2031

in a typical flat community where buildings and rolling topography would intercept lines-of-sight between noise sources and sensitive receptors.

As a result, noise generated within the Brisbane LMF will propagate through the community and be more intrusive for Brisbane residents, particularly at night, than would typically occur in the more urban communities along the San Francisco to San José high-speed rail line. Unless the noise analysis prepared for the Draft EIR/EIS, specifically accounts for the topographic effects of noise within Brisbane, the impacts of noise Project-generated noise from high-speed rail trains and LMF operations on the community would be understated.

1165-2032

*The noise and vibration methodologies used in the Draft EIR/EIS and its Noise and Vibration Technical Report are simplistic and poorly described. The validity of the noise and vibration technical report's findings are therefore questionable.*

As documented below and in Entech's detailed technical comments (Attachment Metis-C), Project impacts are not properly defined in the Draft EIR/EIS as the result of not following FTA and FRA guidance, overly simplified and unsupported assumptions used for impact analysis, and an unclear definition of the Project being analyzed.

While the Technical Report states that its analyses follow FTA and FRA guidance and include direct quotes from that guidance, the report does not document how it actually incorporates that guidance when applied to the Project noise sources, how assumptions were crafted when FTA and FRA guidance called for more detailed operational information than was provided in the Authority's description of the Project, and the level of detail for reporting noise analysis results.

1165-2033

For example, because neither the High-Speed Rail Authority nor Caltrain have yet selected the trainsets that will be used, the noise and vibration analysis presents assumptions and judgments to assess impacts. While assumptions and judgements are necessary since the specific trainsets that will be used cannot be known at this time, the Draft EIR/EIS fails to substantiate the reasonableness of the assumed noise and vibration characteristics of future Caltrain and HSR trainsets and provides no assurance that the trainsets ultimately put into service by Caltrain and the Authority would not generate noise or vibration impacts greater than those assumed in the Draft EIR/EIS analyses.

1165-2034

Further, the noise and vibration analyses appear to generalize the use of calculating relevant noise sources, including trainsets, horn noise, stations, maintenance yards, and traction power facilities through a series of unsubstantiated assumptions, which dilutes the detailed analysis required for impact assessment and prevents full disclosure of Project impacts to the public within the various communities along Project's route between San Francisco and San José.

1165-2035

The multiple elements involved in analyzing the Project's noise and vibration impacts include, but are not limited to, blended Caltrain and HSR service operations; Caltrain's phased

[57]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2035

conversion from diesel to EMUs; speed variations based on the type of specific type(s) of EMU(s) that maybe in operation at a particular future design year; physical limitations present in certain areas along the route limiting train speed; differences in local conditions such as topography and density of development along the route and their effect on noise and vibration propagation; and changes in land use between existing, 2029, and 2040 land use patterns. Each of these parameters requires consideration.

Where local conditions or operating parameters are known, such as local topography and maximum train speeds along various portions of the route, actual conditions should be used as the basis for analysis rather than imposing a "one size fits all" assumption for the entirety of the route. Where a parameter cannot be known at this time and reasonable assumptions must be made, the rationale behind each assumption needs to be disclosed in the Draft EIR/EIS. When assumptions are employed in lieu of available information and the reasonableness of assumptions that must be made are not discussed in the Draft EIR/EIS as is the case, the results of such analyses cannot be validated nor can determinations of the significance of noise and vibration impacts be substantiated.

1165-2036

The definition of "No Project" and "Project" for future year analysis is unclear and may understate Project impacts.

Project impacts analyzed in the Noise and Vibration Technical Report should be analyzed based on the following:

- **Existing Conditions**
  - No Project: 2016 noise, vibration, and land use. Existing (2016) Caltrain operations.
- **Year 2029 Analysis**
  - No Project: projected 2029 background noise and vibration levels. Caltrain operations (25% diesel and 75% EMU) including increased number of trains at 79 mph. Projected year 2029 land use adjacent to the Caltrain right-of-way, stations, and LMF.
  - Project: projected 2029 background noise and vibration levels including Caltrain (fully electrified) operating at 79 mph *plus* HSR operating at 79 mph. Address impacts to projected 2029 land uses.
- **Year 2040 Analysis**
  - No Project: projected 2040 background noise and vibration levels. Caltrain operations (fully electrified) including increased number of trains at 79 mph for CEQA analysis. Projected year 2040 land use adjacent to the Caltrain right-of-way, stations, and LMF.

[58]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2036

- o Project Alternatives: projected 2040 background noise and vibration levels including Caltrain operations at 79 mph *plus* Caltrain EMUs increasing speeds to 110 mph and HSR EMUs operating at 110 mph due to the Project providing rail improvements. Address impacts to projected 2040 land uses.

1165-2037

The noise and vibration analysis assumes that 100% conversion to EMUs for Caltrain operations would result in the same level of impacts as those presented in the Caltrain PCEP Noise and Vibration Technical report. However, the noise and vibration analysis presented in the Peninsula Corridor Electrification Project Final Environmental Impact Report Volume I: Revised Draft EIR SCH #2013012079 December 2014 (PCEP EIR) only assumed speeds of EMUs at 79 mph and not 110 mph, even at full implementation. Because Caltrain EMUs would operate at a maximum speed of 79 mph in the absence of the high-speed rail Project improvements but would be able to operate at 110 mph due to Project improvements, increases in the *speed* of future Caltrain operations needs to be addressed as an impact of the High-Speed Rail project, while increases in the *number* of Caltrain operations would not be part of the Project since Caltrain already plans to increase the number of future operations even in the absence of high-speed rail service.

1165-2038

The increased speeds of future Caltrain EMU operations from 79 mph as addressed in the PCEP EIR to 110 mph once High-Speed Rail project improvements have been completed do not appear to be addressed in the Draft EIR/EIS as a Project impact. By including increased speed of Caltrain EMU operations as part of background noise conditions, the Draft EIR/EIS understates Project impacts since Caltrain would not operate at 110 mph except for the rail improvements proposed as of the Project analyzed in the Draft EIR/EIS. If, on the other hand, the Draft EIR/EIS assumes that Caltrain EMUs have the same noise and vibration characteristics operating at 79 mph as they would operating at 110 mph, substantial evidence in support of this counterintuitive assumption needs to be provided.

1165-2039

Because the Draft EIR/EIS (1) purports to analyze 2040 No Project and With Project conditions, (2) the Project's traffic analysis specifically states that 2040 conditions include all reasonably foreseeable future projects, and (3) proposed Baylands development as approved by the City in GP-1-18 is included as a cumulative project in Section 3.18, Cumulative Impacts, it does not make sense the Project's 2040 noise and vibration analysis fails to analyze impacts of the Project's 2040 rail and LMF operations on proposed residential uses within the Baylands adjacent to the LMF sites. Year 2040 analysis needs to address Project impacts on projected 2040 land uses throughout the Project corridor.

1165-2040

Because manufacturers have not yet been selected for HSR and Caltrain trainsets, assumptions used for the noise and vibration characteristics for these trainsets may be unreliable.

The Draft EIR/EIS fails to present evidence that the assumptions used for Caltrain and high-speed rail trainsets are representative of the noise- and vibration- generating characteristics of

[59]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2040

current and likely future available trainsets along with assurance that the noise and vibration characteristics of the specific trainsets that are ultimately put into operation would not exceed the assumptions used to analyze noise and vibration impacts.

1165-2041

In the absence of site-specific geotechnical investigations along the proposed High-Speed Rail route, the results of Draft EIR/EIS vibration analyses may be understated.

FTA and FRA methodology is heavily dependent on formulas that require adjustments based on site-specific geotechnical and operating conditions. In the absence of (1) site-specific geotechnical investigations and enforceable commitments to the operating parameters assumed in the Draft EIR/EIS or (2) substantial evidence that the geotechnical document research and operating assumptions presented in the Draft EIR/EIS provide for a reasonable worst-case analysis, the Draft EIR/EIS may understate Project impacts.

1165-2042

The Draft EIR/EIS and its Noise and Vibration Technical Report present inconsistent description of train length and fails to disclose the potential for operating double trainset configurations, leading to inadequate analysis of operational noise.

There are inconsistencies in the computation of the number of cars, length of each car and the length of a trainset.

As stated on Noise and Vibration Technical Report page 4-12:

"For the purposes of this analysis, the HSR trains are assumed to have a length of 660 feet. The various train technologies under consideration would incorporate 8 to 14 cars, with the length of each car varying to yield a train length of 660 feet."

However, the discussion of vibration methodology in the fifth paragraph of page 4-39 of the technical report refers to train length as "approximately 600" feet. In addition, Draft EIR-EIS Appendix 2-F states that train sets would be "operated and maintained in a configuration of 660-foot sets with the potential to operate in double trainset configuration of 1,320-foot total length sometime in the future." Because accurate train length affects the predictive results of future impacts, the inconsistent description of trainset lengths could affect results of noise and vibration analyses. Therefore, a consistent train length must be used throughout all noise and vibration analyses. In addition, the failure of the Draft EIR/EIS to disclose or analyze the "potential to operate in double trainset configuration of 1,320-foot total length sometime in the future" results in an inadequate analysis of noise and vibration impacts. If the Authority wishes to be able to operate a "double trainset configuration of 1,320-foot total length," the Draft EIR/EIS description of the project must disclose this potential and its noise and vibration analyses must address the impacts of such a double trainset.

[60]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2043

The Draft EIR/EIS and its Noise and Vibration Technical Report rely on outdated noise monitoring and lack sufficient detail to determine whether there is an adequate number of monitoring sites identified to reflect existing noise and vibration levels at the time of the Notice of Preparation.

Noise and Vibration Technical Report page 4-9 states, “Analysts established the existing noise levels throughout the noise RSA through extensive field noise measurement programs. Wilson Ihrig conducted noise measurements in 2009, 2010, 2013, 2016, and 2017. A total of 75 measurements of ambient noise were taken in the noise RSA.” Within the vicinity of the Brisbane LMF, seven locations were monitored for noise, three of which were within the City of Brisbane:

- Tunnel Avenue, San Francisco on 5/26/2016
- 18 McDonald Avenue, Daly City on 5/26/2016
- 104 Main Street, Daly City on 5/26/2016
- 163 Mission Blue Drive, Brisbane on 5/26/2016
- 42 San Francisco Avenue, Brisbane on 5/31/2016
- 50 Joy Avenue, Brisbane on 11/3/2009
- 1300 Veterans Boulevard, South San Francisco on 3/9/2010

No information is presented as to why noise readings taken in 2009 and 2010 during a severe economic downturn would be representative of 2016 baseline conditions, nor is any information provided as to why noise monitoring was not undertaken within the Baylands to provide a basis for reporting Project impacts on adjacent planned residential uses. Also, it is unclear how the limited amount of noise monitoring taken within the City of Brisbane would be able to capture the community’s unique noise environment.

1165-2044

Noise and Vibration Technical Report Table 5-1 lists land use types but does not correlate them to FTA/FRA category types (i.e. 1, 2 or 3). Further, the technical report needs to indicate what the dominant source of noise was during the measurement and the distance from the Caltrain line to confirm whether there is adequate coverage of receivers identified within the screening distance presented. In the absence of this information, the reliability of the noise and vibration analysis evaluated for all affected land uses as per FTA and FRA guidance is questionable.

1165-2045

The mapping provided in Draft EIR/EIS Noise and Vibration Technical Report Figures 5-1 through 5-4 needs to be revised and presented at a scale that residents and cities along the route could use to determine the extent to which they might be impacted by Project-generated noise per FRA Guidance page 5-31. The figures provided in the Technical Report are only useful to show that all of the monitoring locations were adjacent to the alignment. However, it is difficult to discern which locations were how close to what design features or locations where tracks

[61]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2045

were proposed to be shifted closer to sensitive receivers. It is also difficult to discern what existing and planned land uses were within the vicinity of these measurements. Further, the type of vibration or noise measurement is not depicted on these figures. As a result, it is impossible to discern from the figures whether measurements taken at any given location were conducted over a single day or several days, or whether vibration measurements were taken simultaneously with noise monitoring at a location. It is important that this information be disclosed since the existing noise environment may be under- or overstated in certain areas if adequate sampling of measurements were not taken.

1165-2046

The Draft EIR/EIS lacks detail as to how field monitoring data inputs were incorporated to apply project-specific vibration propagation characteristics into the analysis.

The noise and vibration analysis presented the measurement data that was included from other studies to establish existing noise and vibration levels. However, it does not appear that the field data were used as inputs to determine force density and transfer mobility of existing geology. The methodology described in the technical report discusses utilizing a detailed analysis approach for noise and vibration. However, it is unclear whether the final evaluation of impacts adapts measurements to adjust for soil conditions along the Project route and the current behavior of vibration impacts with site geometry. It is also unclear if there is sufficient information to document the surface fill compaction characteristics of the Baylands area within which the Brisbane LMF is proposed and other adjacent areas along the Project alignment to accurately estimate local vibration characteristics.

1165-2047

The Draft EIR/EIS lacks clarity regarding evaluation of noise levels between train passbys during the nighttime hours.

The analysis assumes that LMF noise would not contribute to the Project’s noise impacts when added to noise from train operations to calculate average noise levels. Even if LMF operations would not increase daily or 8-hour average noise levels within Brisbane, LMF operations would generate noise audible to existing and future Brisbane residents on a 24/7 basis. LMF noise would be audible to much of the community during the day and throughout the night during times when there are no trains passing by. Therefore, evaluation of noise generated by the LMF needs to be undertaken to document the  $L_{max}$  and one-hour  $L_{eq}$  noise levels Brisbane’s existing and planned residential neighborhoods would experience during the day and throughout the night, seven days per week. Simply saying that high-speed rail train noise will be loud enough that the community would not be impacted by noise from the LMF and not analyzing the Project’s noise impacts as they would be experienced within Brisbane displays a callous disregard for the community that would be affected by Project-generated noise on a 24/7 basis.

[62]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2048

The Draft EIR/EIS lacks clarity as to whether all noise sources were identified, and the associated methodology used for each analysis year.

FTA and FRA guidance requires that analysis of each noise source apply formulas outlined in the guidance to calculate the associated  $L_{dn}$  or  $L_{eq}$  based on land use type. All of these sources then need to be added together to obtain a total  $L_{dn}$  or  $L_{eq}$  value. Integrating different methodologies is also required to evaluate blended service between Caltrain and High-Speed Rail. Existing conditions may require FTA criteria only for diesel trains operating by Caltrain. In contrast, in 2029, No Project conditions may require use of both FTA and FRA methodology to account for Caltrain's 25%/75% conversion of diesel units to EMUs and for High-Speed Rail trains. Further, stationary sources are evaluated with FTA criteria, and High-Speed Rail is evaluated with FRA criteria. Information as to how the methodologies used to evaluate noise impacts in the Draft EIR/EIS adhere to and integrate FRA and FTA guidance is unclear.

1165-2049

In addition, the Draft EIR/EIS addresses the impacts for the Project's noise impacts separately and then reach significance conclusions for individual noise sources without reporting the Project's total noise impact. The Draft EIR/EIS does not provide a comprehensive analysis of the total noise impacts for the entirety of the Project. In addition, while using an assumed travel speed of 110 mph for the entirety of the route between San Francisco and San José could be considered a worst-case analysis, such an assumption oversimplifies the Project's impacts. While reasonable assumptions can and should be made where more detailed information is not available, the Authority does, in fact, know that there are portions of the San Francisco to San José route where 110 mph speeds cannot be achieved. If, in fact, 110 mph speeds cannot be achieved due to physical or other constraints, the Draft EIR/EIS should provide a more realistic and accurate noise evaluation identifying the Project's impacts based on known constraints, rather than overstating impacts by assuming train speeds that cannot be achieved.

1165-2050

The Draft EIR/EIS needs to provide a more extensive characterization of the existing environment that identifies where sensitive receptors are located directly adjacent to the tracks and areas, such as in Brisbane, where existing sensitive receptors may be further away but have a direct line-of-sight to Project noise sources and would be potentially affected.

1165-2051

The Draft EIR/EIS "one size fits all" methodology for noise and vibration analysis that ignores local conditions along the route results in (1) understating noise impacts in Brisbane where local conditions are conducive to noise propagation, (2) overstating noise impacts in areas where trains would not be able to operate at 110 mph creating unnecessary anxiety for residents and communities identified as being severely impacted that would not actually experience severe noise impacts, and (3) potentially inaccurate results in areas where site-specific geotechnical studies were not undertaken to address ground vibration characteristics.

[63]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2052

*The presentation of impacts in the Draft EIR/EIS and its noise and vibration technical report is overly general, poorly described, and does not comply with FRA and FTA guidance regarding the detail needed for presenting results. The Draft EIR/EIS and its noise and vibration technical report lack readable mapping that disclose future noise conditions. As a result, the public is deprived of the opportunity to understand how the High-Speed Rail project would impact their homes and their communities.*

The Project's noise and vibration analysis lacks sufficient detail to demonstrate that all affected land uses were evaluated or to provide an understanding of the extent to which various areas along the San Francisco to San José route would be affected by the Project.

The Noise and Vibration analysis does not provide sufficient detail to discern where areas of impact exist throughout the San Francisco to San José route. Neither the technical report nor the Draft EIR/EIS disclose this information in a manner where a resident that might be affected by the Project could determine whether their home would be impacted by Project-generated noise or vibration levels along with the relative severity of the impact.

1165-2053

The Noise and Vibration analysis does not clearly define existing clusters of residential and other land uses affected by the project. From the summary of the technical report's impact discussion, it can be determined that there are over 5,000 impacts. However, there is no detailed information provided in the Appendices or the Draft EIR/EIS as to what specific areas would be affected, the future noise and vibration levels residents and communities would experience, and the Project's contribution to future increased changes in noise and vibration levels by location. Further, the Noise and Vibration Technical Report mentions that the screening distance was extended to 2,500 feet. However, a majority of the ranges shown in the summary tables are less than 500 feet. The technical report needs to better identify what specific areas and land uses were evaluated beyond 500 feet.

1165-2054

The Draft EIR/EIS needs to include a table listing the information required by FRA guidance (Chapter 5.3.1 Assessment Procedure), which provides for the listing of affected land uses by FTA and FRA categories (1, 2 or 3) with receiver identification, the land use type, the number of the noise-sensitive site represented by the receiver, description of the location by address or adjacent cross street, the distance from the centerline of the track to the receiver, the Existing Noise Level and Predicted Noise Level, the change between and Existing and Future Predicted Noise Level, the applicable criteria and whether the Project creates an impact along with the severity of that impact.

1165-2055

In addition, Chapters 4 and 5 of FRA guidance describe how impacts should be presented. GIS tools should be used to depict a sufficient level of detail that provides residents and cities along the Project route with the ability to determine whether and to what extent their homes and communities would be affected by the Project. Mapping should be presented with aerial

[64]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2055 | photographs overlaid with land uses and Project alternatives. A scale of 1 inch (in) = 200 or 400 feet is appropriate for the accuracy needed in the noise assessment. The size of the base map should be sufficient to show distances of at least 1,000 feet from the centerline of the alignment and needs to be scalable for digital viewing.

1165-2056 | **The Draft EIR/EIS fails to adequately address the Project's Public Utilities and Energy Impacts and uses faulty methodology to address available water supply for the Brisbane LMF.**

*Impact PUE#4, Temporary Impacts from Construction of New Utility Infrastructure, does not identify or address the impacts of the public utility infrastructure needed for the Project.*

No analysis is provided to substantiate the conclusion that impacts of constructing electrical infrastructure would be less than significant.

After a general description of electrical infrastructure needed for the Project, Impact PUE#4 states, "All network upgrades would be implemented pursuant to CPUC General Order 131-D (Rules Relating to the Planning and Construction of Electric Generation, Transmission Power Distribution Line Facilities and Substations Located in California)." (Draft EIR/EIS, pp. 3.6-52-53) Without any analysis, the Draft EIR/EIS simply assumes that CPUC General Order 131-D is sufficient to guarantee that impacts would be less than significant. The PUC routinely conducts environmental analyses of electrical facilities that require implementation of mitigation measures to address significant impacts. At a minimum, the Draft EIR/EIS must provide an explanation of how General Order 131-D would reduce impacts of the specific electrical infrastructure need for the Brisbane LMF to less than significant.

1165-2057 | Impact PUE#4 does not address water, wastewater, and other utility infrastructure needed for the Brisbane LMF.

Impact PUE#4 addresses only electrical infrastructure. While the Draft EIR/EIS provides existing setting information for water, wastewater, natural gas, telecommunications, and other utilities, no information or environmental analysis is provided regarding Project construction of water, wastewater, or other utility infrastructure. While it may make sense not to address construction of utility infrastructure for high-speed rail stations that are already served by public utilities, the failure to discuss the public utility infrastructure needs of the Brisbane LMF, which is proposed on a site with very limited utility service and infrastructure that is known to be inadequate to serve future development, is a critical omission. In the absence of any analysis of the availability and adequacy of existing water, wastewater, natural gas, and telecommunications infrastructure to serve the Brisbane LMF site, it is impossible to (1) determine what utility infrastructure improvements might be required; (2) analyze the impacts of constructing on-and off-site infrastructure improvements needed for the LMF; and (3) draw a valid conclusion regarding the significance of temporary impacts from construction of new utility infrastructure.

[65]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2058

*The methodology used to address Impact PUE#5 (Temporary Impacts from Water Use) is confusing and fails to disclose how water use calculations were developed.*

Neither the discussion included in the Draft EIR/EIS for Impact PUE#5 nor the water use assessment contained in Appendix 3.6-C provides information regarding how construction water demand was actually calculated. Appendix 3.6-C: Water Use Assessment states that water would be required during construction "to prepare concrete, increase the water content of soil to optimize compaction, clean equipment, control dust, and re-seed disturbed areas; and conduct drilling and other ground excavation activities," and that "water use for construction of the project was estimated based on the number of water trucks anticipated to be required during construction." (p. 3.6-C-1) However, while Table 2 of Appendix 3.6-C indicates that construction of the East LMF would require a total of 2.1 million gallons of water and that the West LMF would require a total of 2.0 million gallons of water, no information is presented in either the Draft EIR/EIS or Appendix 3.6-C to explain how those figures were actually calculated or whether water use calculations were based on the actual amount of excavation and grading required for the East and West LMFs, as well as any special conditions that might apply for construction within the former Brisbane Landfill.

1165-2059

Impact PUE#5 and Appendix 3.6-C fail to identify how much site grading of the West and East LMFs (or any other Project component) would require watering, how many water trucks would be needed to deliver water to the Project's various construction sites including the LMF, or how total water use for construction was actually determined.

1165-2060

While Appendix 3.6-C states that water "would be supplied to construction work sites by water tanker truck," only very generic information is provided for how many daily water tanker truck trips would be needed, which raises questions about whether water tanker truck trips were accounted for in transportation and mobile source air quality construction impact analyses. In the absence of such information and confirmation that water deliveries were, in fact, included in Project traffic and mobile source air quality construction impact analyses, the less than significant impacts conclusions set forth in the Draft EIR/EIS for transportation and air quality construction impacts cannot be substantiated.

1165-2061

*Impact PUE#7 (Temporary Generation of Solid Waste and Hazardous Wastes) understates impacts by failing to disclose that construction of the East LMF would require removing a substantial amount of solid waste from the former Brisbane landfill.*

The analysis of solid waste generation during Project construction fails to disclose that a large portion of the East LMF overlies the former Brisbane Landfill and that construction of the East LMF would require excavation and disposal of a substantial quantity of solid waste within that landfill. As a result, the Draft EIR/EIS understates the amount of excavated material from the East LMF that would require disposal in a permitted landfill. In addition, the Draft EIR/EIS does not disclose that the former landfill received waste streams composed primarily of domestic, industrial and shipyard waste, sewage, and rubble from 1932 to 1967, prior to the classification of wastes as hazardous or non-hazardous, the segregation of waste streams, and

[66]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2061

the identification of landfills as Class I, II, or III<sup>17</sup>. Thus, the discussion of non-hazardous wastes in Impact PUE#7 assumes that all construction and demolition debris requiring disposal would be generated by building demolition and does not account for solid wastes excavated during construction of the East LMF some of which could be determined to be hazardous.

1165-2062

Impact PUE#7 therefore fails to adequately address or analyze the amount of solid waste that would be generated by construction of the East LMF and require disposal. Without determining the amount of solid waste that would be excavated from the landfill and describing those wastes, the Draft EIR/EIS cannot determine the amount of excavated materials from the East LMF that could be hauled to disposed at a Class II or III landfill or the amount that must be hauled to a distant Class I landfill.

1165-2063

Without such analysis, the Draft EIR/EIS cannot substantiate its significance conclusion for Impact PUE#7. In addition, without determining the amount of excavated materials from the East LMF that could be hauled to and disposed at a Class II or III landfill or the amount that must be hauled to a distant Class I landfill, the validity of traffic and mobile source air quality construction impacts cannot be substantiated.

1165-2064

*Impact PUE#8 (Continuous Permanent Impacts from Water Use) provides an incomplete and misleading evaluation of available water supply leading to the false conclusion that an adequate water supply is available for the Brisbane LMF.*

The analysis of available water supply presented in Impact PUE#8 is fatally flawed because it only addresses the total amount of water available on a wholesale basis from the San Francisco Public Utilities Commission (SFPUC) to retail water agencies (cities) throughout San Mateo County. Impact PUE#8 does not address the water supply contractually available to any individual water retail agency, such as the City of Brisbane. Thus, while the Draft EIR/EIS evaluates the 184 million gallons per day (mgd) available from the SFPUC to all of its wholesale customers in San Mateo County, it does not evaluate the 0.96 mgd contractually available to the City of Brisbane to serve its existing and future customers *plus* the proposed Brisbane LMF.

1165-2065

Draft EIR/EIS Table 3.16-14 states that the Brisbane LMF would consume 105,732.0 gallons of water per day (gpd). No source is identified for the information provided in the table, and the Draft EIR/EIS does not indicate how daily water consumption estimates were calculated. The City of Brisbane, which will be the retail water purveyor to the LMF does not adequate contracted supply to meet this additional demand.

1165-2066

Draft EIR/EIS Table 3.16-14 states that the daily water consumption at the Brisbane LMF would be 105,732.0 gallons and that the total Project-related increase in water consumption would be 132,523.7 gallons. No source is identified for the information provided in the table,

<sup>17</sup> City of Brisbane, *Final Brisbane Baylands Program EIR*, May 2018.

[67]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2066

and the Draft EIR/EIS does not indicate how these detailed daily water consumption estimates were calculated.

1165-2067

The CEQA conclusion for Impact PUE#8 states that the permanent increase in water use “would be 0.8 percent of the remaining water supply for a normal year in 2030, 0.9 percent for a single dry year in 2030, and 1.0 percent for multiple dry years in 2030. In 2040, the increase would be 1.3 percent of the remaining water supply for a normal year, 1.5 percent for a single dry year, and 1.7 percent for multiple dry years.”<sup>18</sup> This statement, however, does not account for the fact that the various retail water agencies within San Mateo County, including the City of Brisbane each have an contractually allotted share of the County’s total 184 mgd whole sale supply.

A specific review of the LMF’s water demands in comparison to the City of Brisbane’s contracted share of SFPUC wholesale water supply tells an entirely different story that needs to be, but is not, disclosed in the Draft EIR/EIS.

1165-2068

The Draft EIR/EIS fails to disclose that Brisbane’s contracted water supply is 0.96 mgd could be reduced during water shortages, emergencies, or maintenance of the system. The rules and procedures for such delivery are specified in a 2009 water supply agreement <sup>19</sup>.

1165-2069

A Water Supply Assessment was prepared for the Baylands as part of the 2013 Brisbane Baylands Program EIR<sup>20</sup>. Table 5-2 of the Water Supply Assessment projects that City of Brisbane water demand, exclusive of any development within the Baylands or Sierra Point would be 1.06 mgd in the Year 2030. The conclusion of the Water Supply Assessment was that the City did not have adequate water supplies for future uses and implementation of water savings programs would be necessary even in the absence of Baylands development. To provide adequate water supply for Baylands development, the Water Supply Assessment concluded that additional water supplies would be required.

1165-2070

The 105,732.0 gpd of water needed by the LMF represents 79.8 percent of the High-Speed Rail project’s total water demand and 11.0 percent of Brisbane’s citywide water consumption evaluated in the Brisbane Baylands Water Supply Assessment. By identifying the amount of water required for the LMF and other Project components as “minor” in relation to the total water wholesale demands of cities throughout San Mateo County the discussion and conclusions of Impact PUE#8 are misleading. Impact PUE#8 must be revised to address LMF water supply requirements in relation to the City of Brisbane’s available water supply. Doing so

<sup>18</sup> Based on these calculations, the Draft EIR/EIS determined that adequate water is available for the Project, and impacts would be less than significant.

<sup>19</sup> City of Brisbane, *Brisbane Baylands Final Program EIR*, May 2018.

<sup>20</sup> CDM Smith, *Brisbane Baylands Project Water Supply Assessment*, May 24, 2013. Provided as Attachment Metis-G.

[68]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2070

will clearly demonstrate that water supply demands from the LMF are not “minor” and that the Project’s impact is, in fact, significant. In the absence of an adequate water supply for the Brisbane LMF, Impact PUE#8 must be considered significant and unavoidable, requiring Draft EIR/EIS recirculation.

1165-2071

*Impact PUE#12 (Temporary Consumption of Energy during Construction) underestimates the amount of energy that would be consumed during construction of the East LMF by ignoring the need to haul solid waste excavated from the former Brisbane landfill to another landfill for disposal.*

The Draft EIR/EIS states that 2,183,800 cubic yards of material would be cut to create the East LMF and that 2,082,800 cubic yards of this material would have to be hauled offsite. As noted elsewhere in these comments, the Draft EIR/EIS assessment may underestimate the volume of material that would have to be excavated to remove a large portion of the former Brisbane landfill to create the needed 100- to 110-acre flat pad at grade with the existing Caltrain tracks. In addition, the Draft EIR/EIS does not account for the fact that a large portion of the materials excavated from the former landfill requiring offsite hauling would consist of solid waste that must be disposed of at a sanitary landfill or that an unknown portion of these waste materials may need to be disposed of at a hazardous waste at one of the only three Class I landfills in the state, which are located in Kings, Kern, and Imperial counties.

Without determining the amount of solid waste that would be excavated from the landfill and characterizing those wastes, the Draft EIR/EIS cannot determine the amount of excavated materials from the East LMF that can be hauled to disposed at a Class III landfill or the amount that must be hauled to a distant Class I landfill. Thus, the construction-related energy consumption figures cited in Table 3.6-16 understate actual energy consumption during Project construction. Energy consumption during Project construction may also be understated if energy consumed by water trucks delivering water to construction sites is not included in the analysis of energy consumption during Project construction.

Before any significance conclusion for PUE#12 can be substantiated, analysis of the amount of materials that would be excavated from the former Brisbane landfill for the East LMF, including the amount of excavation that must be hauled and disposed of at either a Class III or Class I landfill, as well as analysis of water truck deliveries, must be undertaken so that Table 3.6-16 and related Draft EIR/EIS text can be revised.

[69]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2072

**Draft EIR/EIS Section 3.7, Biological and Aquatic Resources, uses flawed methodologies that fail to identify significant resources at the West and East LMF sites and does not adequately describe what the Project proposes along Visitacion Creek. As a result, the Draft EIR/EIS relies on future studies to determine the extent of impacts, as well as deferred mitigation.**

The Brisbane LMF, together with the bridge relocation, roadway realignments, and relocation of the Brisbane Fire Station proposed to accommodate the project encompasses more than 114 acres of ground disturbance in the City of Brisbane, representing the largest Project component outside of the existing Caltrain right-of-way. Construction and operational impacts of the Brisbane LMF facility would occur over an area of such a size and scale compared to the rest of the Project as to warrant site-specific investigation and analysis including onsite surveys to establish baseline conditions and substantiate evaluation of impacts. Because the Brisbane LMF and related project components possess wetlands and habitats which if lost would constitute significant impacts, the area needs to be analyzed through site-specific surveys and habitat maps based on direct observation rather than desk top analysis and modeling. In addition, definitive mitigation measures whose feasibility is demonstrated in the Draft EIR/EIS are needed along with disclosure and analysis of the impacts that would result from proposed mitigation measures. Where onsite mitigation is infeasible and acquisition of off-site land(s) is/are proposed as mitigation, the feasibility of acquiring lands within San Mateo County that possess similar habitat as that being impacted within the City of Brisbane needs to be evaluated and disclosed to the public in the Draft EIR/EIS. If the Brisbane community is being asked to take on the burdens of construction and 24/7 operation of the LMF, the community deserves no less than full disclosure of and the opportunity to provide comments on (1) all of what the Authority needs to do to construct and operate the LMF in Brisbane and (2) what will be done to mitigate the adverse effects of the LMF on the community *before* the Project is approved.

As demonstrated below, the Draft EIR/EIS fails to accomplish these tasks and as a result the LMF impacts and conclusions presented in the Biological and Aquatic Resources analysis are not substantiated and a new analysis of the LMF impacts is needed.

1165-2073

*The biological resources analysis provided in the Draft EIR/EIS is largely based on “desktop” review and minor modifications to outdated studies and, as a result, fails to present an adequate description of the biological and aquatic resources setting within the Brisbane LMF for use as substantiation of its conclusions.*

On page 3.7-19, the Draft EIR/EIS states, “...most biological resource information is based on desktop analyses or unpublished field surveys conducted in 2009 and 2010. However, because the project footprint is almost entirely within the existing Caltrain right-of-way, most of the project footprint does not contain habitat for special-status species and that these areas “have “no potential to support special-status species.” This characterization is misleading in relation

[70]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2073

to the proposed Brisbane LMF, which would (1) be located outside the Caltrain right-of-way and (2) destroy or remove sensitive natural communities and wetlands that are neither within nor immediately adjacent to the Caltrain right-of-way. The Draft EIR/EIS analysis of the biological resources is thus fundamentally flawed because it addresses an approximately 114-acre area in Brisbane with the broad-brush analytical methods appropriate to the much smaller areas of high-speed rail construction and operational disturbance occurring within and immediately adjacent to the Caltrain right-of-way.

1165-2074

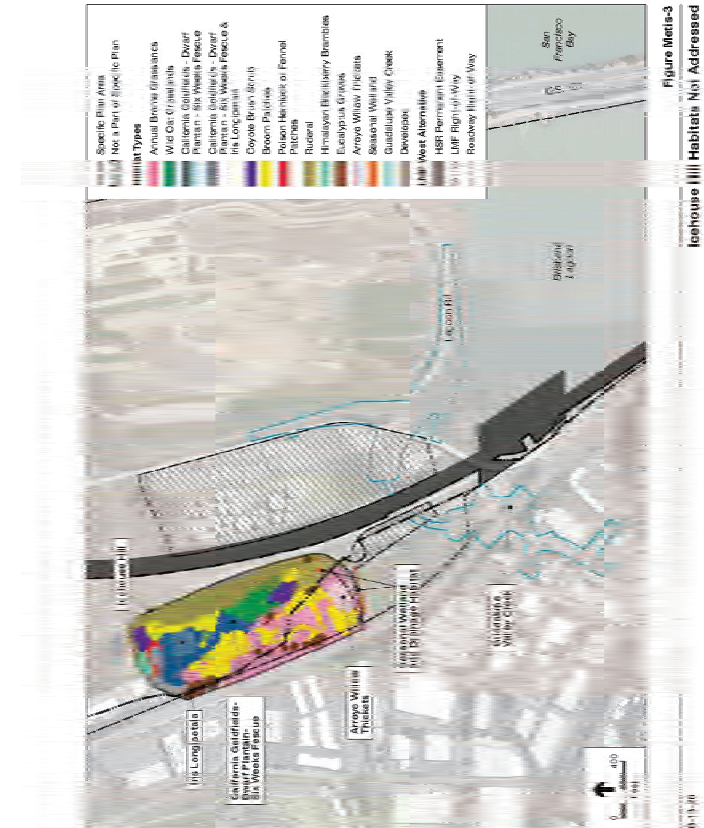
With the exception of a preliminary jurisdictional delineation for wetlands, the discussion of existing biological resources that would be affected by the Brisbane LMF is largely based on data gathered during preparation of a 2013 Program EIR addressing development of the Brisbane Baylands that was not intended for use in a project-level environmental document. Because the 2013 Baylands Program EIR, covering much of the same footprint as the proposed LMF, recognized that surveys and baseline data were prepared during a period of severe drought, the Final Program EIR included a requirement for updated site-specific surveys to be undertaken prior to approval of development of the Baylands area within which the West and East LMF sites are proposed.

Consistent with the City of Brisbane’s Baylands Program EIR’s requirements, Metis Environmental Group biologists conducted a series of surveys in the Brisbane Baylands in 2019 and 2020 in anticipation of updating the baseline habitat maps that were previously presented in the 2013 Program EIR for the Brisbane Baylands. During this survey effort, Metis biologists noted that in the years since the 2013 Program EIR’s initial biological resources analyses, wetland habitats and special status plant habitats have expanded in overall area and exhibit improved quality since the 2013 Program EIR was released owing to increased rainfall in subsequent years. This fact has not been noted in the Draft EIR/EIS primarily because the survey efforts within the LMF were insufficient and the desktop analysis and habitat modeling did not adequately capture existing conditions on the LMF’s 100+ acre area of impact. Consequently, the EIR/EIS presents a baseline and analysis that understate the extent of wetlands, diversity of sensitive plant populations in grassland habitats on Icehouse Hill, and fails to identify and address significant impacts to sensitive plants within the LMF that were not previously identified in documents the EIR/EIS uses to establish its baseline. Figure Metis-3 depicts the habitats on Icehouse Hill, within the West LMF footprint that were not identified including Coast Iris (*Iris longipetala*), seasonal wetland and drainage habitat, and Arroyo Willow thickets. These resources would be destroyed as a result of grading and removal of Icehouse Hill for the West LMF and need to be acknowledged in the Draft EIR/EIS as significant impacts.

[71]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group



[72]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2075

*Presentation of the distribution of LMF wetlands is inaccurate and understates the potential for significant LMF wetland impacts.*

Figure Metis-4, LMF Wetlands not Addressed, depicts the locations and boundaries of wetlands that Metis biologists mapped based on direct observations at the site during surveys conducted on March 27, April 3, May 10, June 13, June 28 and October 8, 2019 and on March 10, 2020. The wetlands mapped based on direct field observations show wetland boundaries that exceed the extent of the wetland boundaries addressed in the Draft EIR/EIS. Figure Metis-4 also graphically depicts the data point locations (a total of six points) disclosed in the Draft EIR/EIS and technical report that were used by the Authority to define wetland boundaries. Two of the data points used in the Draft EIR/EIS represent data taken in 2011, two from 2015 and two data points total from 2018<sup>21</sup>. For a more than 100-acre impact, it seems unreasonable to base wetland mapping on such a small number of data points that includes data dating back to 2011 when rainfall conditions and other factors contribute to variability in site conditions compared to current conditions.

1165-2076

The location of the Draft EIR/EIS data points (shown in Figure Metis-4) further illustrates that data was taken at limited locations within the West LMF north of Icehouse Hill, and the remainder of the conclusions in the wetland report and therefore in the Draft EIR/EIS are based on review of aerial photos with the result of underrepresenting wetlands. Use of aerial photos is a common approach to evaluating the presence of wetlands, but without data points that indicate the entirety of the LMF area has been surveyed, doubt is cast upon whether conclusions regarding significant wetlands impacts in the Draft EIR/EIS can be substantiated. Comparing the wetlands mapped by Metis biologists (based on direct observations in the field that covered the entire site in 2019 and 2020) to the analysis provided in the Draft EIR/EIS, it is clear that the disclosure of LMF wetlands in the Draft EIR/EIS does not capture wetlands at Icehouse Hill, understates the wetland areas north of Icehouse Hill, and does not capture wetlands near the proposed relocated fire station. A drainage just south of the proposed Tunnel Road relocation is also not included in the wetland maps found in the Draft EIR/EIS Biological and Aquatic Resources Technical Study, meaning that impacts to that drainage caused by the Tunnel Avenue bridge and roadway relocation as well as relocation of Visitacion Creek are not addressed.

<sup>21</sup> Per the standard wetland delineation methodology, at each data point a three-point test is applied that accounts for vegetation, soils and hydrology and provides the underlying basis for determining if the area is a wetland or not.

[73]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

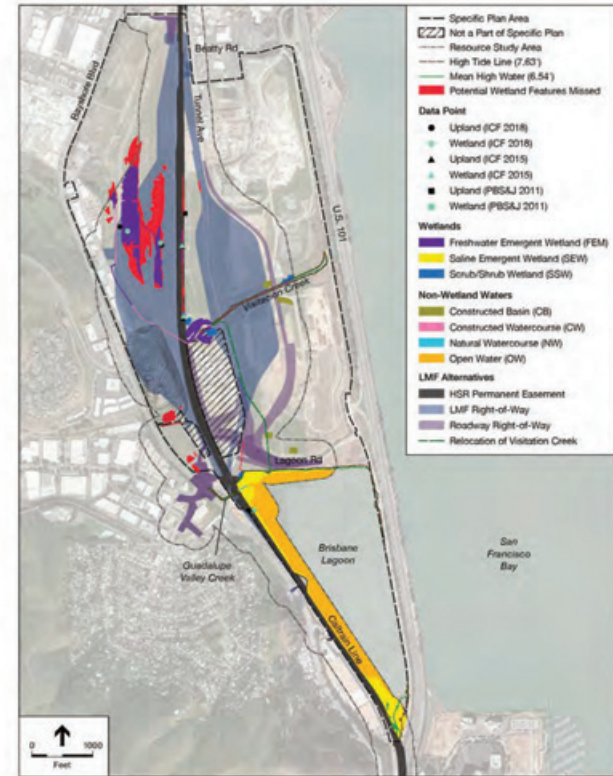


Figure Metis-4

8-18-20

LMF Wetlands Not Addressed

[74]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2077

*Impacts to special status species cannot be confirmed since the Draft EIR/EIS defers site-specific and species-specific surveys until after the project is approved.*

As stated on Draft EIR/EIS page 3.7-19, access was granted to the Brisbane LMF sites in November 2018 and January 2020 to verify and update (if necessary) the wetlands mapped during previous field surveys, referring the reader to Draft EIR/EIS Section 3.7.6.5<sup>22</sup>. "Access to this area was also granted in September 2019 to assess aquatic resources using the California Rapid Assessment Method. No presence-absence surveys for special-status plants or wildlife have been conducted. Therefore, these species are assumed potentially present in areas modeled as "habitat." While assuming the potential presence of special-status plants and wildlife makes for a worst-case analysis appropriate to include in a programmatic analysis, by doing so, the project level analysis in the Draft EIR/EIS defers actual site surveys until after the Project has been approved, depriving the public of an understanding of the biological resources actually present within Brisbane that would be impacted by the Project. An environmental analysis which is based on desktop analysis combined with data from a 2013 Baylands Program EIR and other secondary sources but no site surveys casts doubt that the Draft EIR/EIS accurately captures the Baylands site's biological setting or adequately evaluates the Project's impacts.

1165-2078

Examples of where the Draft EIR/EIS defers surveys and biological resources analyses that should have been conducted for and discussed in the Draft EIR/EIS can be found in the following Mitigation Measures that call for surveys after the project has been approved:

- **BIO-MM#1 (Prepare and Implement a Restoration and Revegetation Plan) and BIO-MM#13 (Restore Temporary Riparian Habitat Impacts)**, which would necessitate evaluating temporary impacts to biological resources. By delaying the surveys and evaluations of temporary impacts until after the document is approved the EIR/EIS impact conclusions at the LMF cannot be substantiated.

1165-2079

- **BIO-MM#6 (Conduct Presence/Absence Pre-Construction Surveys for Special-Status Plant Species and Special-Status Plant Communities)**, which provides for site-specific surveys to occur after Project approval. Because site-specific surveys were not undertaken for upland species and habitats, this Mitigation Measure does not represent the pre-construction surveys typically undertaken to determine whether conditions have

1165-2080

<sup>22</sup> Draft EIR/EIS Section 3.7.6.5 refers to wetland assessments including (1) surveys conducted for the Caltrain PCEP in 2013, (2) a field investigation of right-of-way and electrical safety zone areas in December 2014, (3) development of the initial delineation map book for the Caltrain wetland delineation on January 13, 2015 and revised the map in January 2016 following review by USACE. Subsequently, field investigations in 2018 to assess the Brisbane wetlands at the proposed LMF sites were conducted to verify land cover data and a total of two additional wetland data points were taken within the 100+ acre LMF site. No data was recorded in the vicinity of Icehouse Hill or the proposed Fire Station Relocation. In 2020 the USACE reviewed the Aquatic Resources Delineation Report for the project and undertook a site visit of both the East and West Brisbane LMF sites on January 30, 2020, resulting in the Preliminary Jurisdictional Determination certified on April 9, 2020.

[75]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2079

changed subsequent to the initial site surveys undertaken for and disclosed to the public in a CEQA or NEPA environmental document.

1165-2081

- **BIO-MM#10 (Compensate for Impacts on Listed Plant Species)**, which necessitates site-specific surveys to determine the extent of impacts for species identified, in the absence of site surveys conducted to produce the EIR/EIS analysis which should have been the basis to identify specific locations of and extent of sensitive plants species, such as those present on Icehouse Hill in Brisbane.

1165-2082

*The Draft EIR/EIS lacks appropriate mapping of biological resources at the Brisbane LMF sites (including Visitation Creek), Tunnel Avenue bridge and roadway relocation, and within the footprint of the proposed relocation of the Brisbane fire station. As a result, impact conclusions are unsubstantiated and hinder the public's ability to understand the extent and degree of significant impacts to biological resources.*

The Draft EIR/EIS does not include a map showing the wetland areas or the locations of Visitation Creek and Guadalupe Valley Creek in relation to the West and East LMF sites, Tunnel Avenue bridge and roadway relocation, or relocation of the Brisbane fire station. Mapping of these resources is needed in support of the analysis and to verify that conclusions set forth in the Draft EIR/EIS fully disclose the environmental effects that would occur due to the LMF construction and operation. The lack of such mapping hinders the Draft EIR/EIS' ability to correctly define the biological resources baseline, undertake adequate analysis of Project impacts, substantiate significance conclusions, and provide feasible mitigation measures.

1165-2083

The presentation of impacts to sensitive species habitats provided in tabular form summarizing impacts for the entirety of the High-Speed Rail project in the Draft EIR/EIS makes it impossible to verify whether significant impacts to biological resources in the LMF sites or any other specific location have been adequately documented and calculated. While the statement on page 3.7-19 that "because the project footprint is almost entirely within the existing Caltrain right-of-way, most of the project footprint does not contain habitat for special-status species" may be valid for the majority of Project area, it is incorrect in relation to the portion of the Project within Brisbane. Maps based on current field surveys of affected areas within Brisbane that accurately disclose the location and the extent of habitats that would be directly removed or adversely affected need to be included in the Draft EIR/EIS to support its biological and aquatic resources analyses and substantiate its significance conclusions.

[76]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2084

*The Draft EIR/EIS fails to disclose the full extent of impacts to Visitacion Creek, including impacts of "relocating a portion of Visitacion Creek and filling several wetlands." While not disclosed in the Draft EIR/EIS, the Authority's May 2020 Preliminary Compensatory Mitigation Plan<sup>23</sup> (which is not posted on the Authority's San Francisco - San José project website) includes a plan to relocate Visitacion Creek from its current west-to-east alignment draining into San Francisco Bay to a north-to-south alignment draining into the Brisbane Lagoon.*

The Draft EIR/EIS (Impact BIO#19, page 3.7-71) states that the Project would "result in the conversion and degradation of aquatic resources by relocating a portion of Visitacion Creek and filling several wetlands" but fails to describe where or how the creek would be located or address any impacts of creek relocation.

Although not explicitly disclosed in the Draft EIR/EIS and its environmental analyses, since the Brisbane East LMF is being constructed on top of Visitacion Creek, it appears that the Authority plans to either:

- (1) Fill approximately 980 linear feet of the existing Visitacion Creek and construct a culvert under the widest point of the East LMF, or
- (2) Reroute Visitacion Creek from where it daylight just east of the Caltrain tracks and construct a new 2,300 linear foot open channel running south adjacent to the East LMF that discharges the creek into Brisbane Lagoon rather than San Francisco Bay.

Neither the Draft EIR/EIS nor the Biological and Aquatic Resources technical report disclose any information as to what is proposed in relation to Impact BIO#19's disclosure of "relocating a portion of Visitacion Creek." No information or analysis is provided in either of these documents as to what specific portion of Visitacion Creek would be relocated or where it would be relocated to. As a result, the Draft EIR/EIS fails to analyze impacts associated with relocating a portion of Visitacion Creek.

1165-2085

To discover what "relocating a portion of Visitacion Creek" involves, readers of the Draft EIR/EIS would have had to review an appendix to the Authority's May 2020 Preliminary Compensatory Mitigation Plan, which provides the only description of creek relocation found in the numerous documents comprising the Draft EIR/EIS and its appendices and technical reports. However, when the Draft EIR/EIS was posted for public review on July 10, 2020, only the Draft EIR/EIS and its appendices were made available on the Project web page:

([https://hsr.ca.gov/programs/environmental/eis\\_eir/draft\\_san\\_francisco\\_san\\_jose.aspx](https://hsr.ca.gov/programs/environmental/eis_eir/draft_san_francisco_san_jose.aspx)).

Members of the public wishing to review Draft EIR/EIS technical reports needed to request them from the Authority.

<sup>23</sup> California High Speed Rail Authority, *San Francisco to San José Project Section Preliminary Compensatory Mitigation Plan*, May 2020.

[77]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2086

As stated on Preliminary Compensatory Mitigation Plan page 2-7, the Authority is seeking a BCDC permit for filling of Visitacion Creek, and "as part of that process, is exploring a potential Visitacion Creek/Bay resiliency mitigation concept to address some, or potentially all, of the mitigation needs for impacts at or adjacent to the proposed East Brisbane LMF.... (T)he concept proposes rerouting Visitacion Creek from where it daylight just east of the Caltrain tracks to the south rather than east to under U.S. Highway 101, and to terminate at the Brisbane Lagoon rather than at San Francisco Bay. The existing channel would still need to be filled; however, this approach would avoid culverting a channel under the widest point of the LMF."

For analysis, the Draft EIR/EIS calculated the acreage of Visitacion Creek habitats that would be subject to "impact" for option (1) above. Tables 3.7-16 (Impacts on Special-Status Species Habitat within BCDC Jurisdiction by Project Alternative), 3.7-17, (Impacts on Special-Status Plant Communities within BCDC Jurisdiction by Project Alternative), 3.7-18 (Impacts on Aquatic Resources Considered Jurisdictional under Section 404 of the Clean Water Act and Regulated as Waters of the State that are within BCDC Jurisdiction by Project Alternative), and 3.7-19 (Impacts on Aquatic Resources Subject to Notification under California Fish and Game Code Section 1600 et seq. within BCDC Jurisdiction by Project Alternative) each quantify impacts to specific species in acres. However, because Table 3.7.16 identifies permanent and temporary impacts in columns labeled impacts to the "Bay" and "Shoreline Band," the specific location of Project-related impacts and the total acreage of impacts to Visitacion Creek cannot be verified.

1165-2087

Other than the single statement in Impact BIO#19 that the Project would "result in the conversion and degradation of aquatic resources by relocating a portion of Visitacion Creek and filling several wetlands," no description or analysis is provided in relation to relocating the creek. Thus, while impact BIO# 19 states that the Project would "result in the conversion and degradation of aquatic resources by relocating a portion of Visitacion Creek and filling several wetlands," the Draft EIR/EIS fails to address impacts that would result from relocating the creek, including:

- Degradation of aquatic resources within the 1,100 linear feet of existing creek that would remain in place east of the LMF resulting from reducing or eliminating natural runoff from the creek's watershed.
- Impacts associated with construction of the relocated channel, including impacts to habitats where the relocated creek outlet drains into the Brisbane Lagoon.
- Long-term impacts such as increased turbidity and velocity that could destroy habitats and create additional erosion at the creek's new discharge location in the Lagoon.
- Potential for construction of the creek relocation efforts to disturb or cut into waste should the relocated creek channel encroach upon the boundary of the former landfill (see attached Figure from Appendix B to the Authority's Preliminary Compensatory Mitigation Plan).

[78]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group



1165-2088

Whether relocating a portion of Visitacion Creek is part of the Project (as described in Impact BIO#19) or an action being considered by the Authority for incorporation into Project mitigation as described in the Preliminary Compensatory Mitigation Plan, Impact BIO#19 must analyze and disclose the physical environmental impacts associated with filling a large portion of Visitacion Creek and (1) seeking off-site mitigation for the impacts or (2) “relocating a portion of Visitacion Creek” and moving its outlet from San Francisco Bay to the Brisbane Lagoon, the impacts of which also need to be evaluated and disclosed to the public.

1165-2089

In the absence of this information, the public is denied the ability to (1) understand what the Authority is proposing, (2) the environmental impacts that would result from the Project and its various options, and (3) the ability to provide informed comments on the information and analyses presented in the Draft EIR/EIS.

Public disclosure of this plan and its related environmental impacts constitutes substantial new information for which the Draft EIR/EIS needs to be revised and recirculated for public review.

1165-2090

Without fully disclosing what is planned for “relocating a portion of Visitacion Creek and filling several wetlands,” and without an analysis of impacts of that action beyond an acreage impact calculation, the Draft EIR/EIS impermissibly defers mitigation for impacts to Visitacion Creek.

Because the Draft EIR/EIS does not describe and cannot therefore analyze the environmental impacts associated with “relocating a portion of Visitacion Creek,” the Draft EIR/EIS defers mitigation. Mitigation Measure BIO-MM#8 (Prepare a Compensatory Mitigation Plan for Species and Species Habitat), which is intended to address impacts to Visitacion Creek, states in full:

“The Authority would prepare a compensatory mitigation plan (CMP)<sup>24</sup> that sets out the compensatory mitigation that would be provided to offset permanent and temporary impacts on federal and state-listed species and their habitat, fish and wildlife resources regulated under Section 1600 et seq. of the Cal. Fish and Game Code, and certain other special-status species. The CMP would include the following:

- A description of the species and habitat types for which compensatory mitigation is being provided
- A description of the methods used to identify and evaluate mitigation options. Mitigation options would include one or more of the following:

1165-2091

<sup>24</sup> As noted above, at the time of the release of the Draft EIR/EIS for public review on July 10, 2020, the Authority had already prepared a Preliminary Compensatory Mitigation Program in May 2020, the existence of which was not disclosed in the Draft EIR/EIS.

[79]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

[80]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2090

- Purchase of mitigation credits from an agency-approved mitigation bank
- Protection of habitat through acquisition of fee-title or conservation easement and funding for long-term management of the habitat. Title to lands acquired in fee would be transferred to CDFW and conservation easements would be held by an entity approved in writing by the applicable regulatory agency. In circumstances where the Authority protects habitat through a conservation easement, the terms of the conservation easement would be subject to approval of the applicable regulatory agencies, and the conservation easement would identify applicable regulatory agencies as third party beneficiaries with a right of access to the easement areas.
- Payment to an existing in-lieu fee program
- A summary of the estimated direct permanent and temporary impacts on species and species habitat
- A description of the process that would be used to confirm impacts. Actual impacts on species and habitat could differ from estimates. Should this occur, adjustments would be made to the compensatory mitigation that would be provided. Adjustments to impact estimates and compensatory mitigation would occur in the following circumstances:
  - Impacts on species (typically measured as habitat loss) are reduced or increased as a result of changes in project design
  - Pre-construction site assessments indicate that habitat features are absent (e.g., because of errors in land cover mapping or land cover conversion)
  - The habitat is determined to be unoccupied based on negative species surveys
  - Impacts initially categorized as permanent qualify as temporary impacts
- An overview of the strategy for mitigating impacts on species. The overview would include the ratios to be applied to determine mitigation levels and the resulting mitigation totals.
- A description of habitat restoration or enhancement projects, if any, that would contribute to compensatory mitigation commitments.
- A description of the success criteria that would be used to evaluate the performance of habitat restoration or enhancement projects, and a description of the types of monitoring that would be used to verify that such criteria have been met.
- A description of the management actions that would be used to maintain the habitat on the mitigation sites, and the funding mechanisms for long-term management.
- A description of adaptive management approaches, if applicable, that would be used in the management of species habitat.
- A description of financial assurances that would be provided to demonstrate that the funding to implement mitigation is assured."

[81]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2092

As stated in CEQA Guidelines Section 15126.4 (B):

"Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards."

Mitigation Measure BIO-MM#8 fails to meet the standards set forth in CEQA Guidelines Section 15126.4 (B) and therefore constitutes impermissibly deferred mitigation because the Mitigation Measure:

- Fails to include the "specific performance standards the mitigation will achieve." BIO-MM#8 specifies the contents of the required Compensatory Mitigation Plan for Species and Species Habitat and does not establish any performance standard by which mitigation requirements could be measured.
- Fails to disclose off-site mitigation actions being considered by the Authority that could be "potentially incorporated in the mitigation measure." The Authority's Preliminary Compensatory Mitigation Plan describes on-site and off-site mitigation being considered by the Authority. While Mitigation Measure BIO-MM#8 requires future preparation of a Compensatory Mitigation Plan that would identify and evaluate mitigation options, the Draft EIR/EIS fails to disclose that the Authority was already considering the following offsite mitigation programs in its Preliminary Compensatory Mitigation Plan:
  - **In-lieu fee program.** The Preliminary Compensatory Mitigation Plan determined that there were no existing in-lieu fee programs with service areas overlapping the Project area but that a "limited number of unallocated mitigation credits for stream impacts" held by the National Fish and Wildlife Foundation and the Authority might provide a potential mitigation option through a new in-lieu fee program "if such unallocated credits could be used to compensate for project impacts (page 2-8)

[82]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2093

- o **Mitigation Bank.** The Preliminary Compensatory Mitigation Plan concludes that one mitigation bank is currently available for Project mitigation. The San Francisco Bay Wetland Mitigation Bank, which is “primarily used for tidal wetland and other waters (including tidal sloughs and other tidal open water areas)” was reported on January 2, 2019 to have 15.6 acres of wetland credit available, and 0.35 acre of tidal/other waters of the U.S. Contingent on approval by USACE. (page 2-8)
- o **Offsite habitat protection, restoration, and enhancement.** Preliminary Compensatory Mitigation Plan Table 2 indicates potential off-site mitigation considered for Project mitigation includes protection, restoration and/or enhancement of habitats with the following “Potential Off-Site Permittee-Mitigation Partner” agencies: East Bay Regional Park District, Midpeninsula Regional Open Space District, Peninsula Open Space District, South Bay Salt Pond Restoration Program, San Francisquito Creek Joint Powers Authority, each of which has “confirmed that they are willing to discuss a partnership to implement mitigation projects.”

However, as stated on the Preliminary Compensatory Mitigation Plan page 2-9, the degree to which these partnerships would be needed is “contingent on whether the Authority is able to lead development of its own on-site PRM project for the realignment of Visitacion Creek. If the Visitacion Creek/Bay resiliency mitigation concept is implemented by the Authority, there would be a reduced need to identify off-site PRM with the identified partners.”

1165-2094

*The Draft EIR/EIS fails to adequately address impacts to sensitive Icehouse Hill and other habitats and sensitive species present at the West and East LMF sites.*

The Draft EIR/EIS fails to identify the direct loss of sensitive plant species and the locally rare native substrate contiguous to the endangered species habitats preserved at San Bruno Mountain, a resource of Statewide importance. The Draft EIR/EIS Section 3.7, Biological and Aquatic Resources, does not depict the topography or acknowledge the mass of the 186-foot high Icehouse Hill that would be removed for construction of the West LMF. The Draft EIR/EIS describes and reaches conclusions regarding the biological sensitivity of Icehouse Hill without actually conducting surveys of the existing substrate and its conclusions are based largely on a 2013 Program EIR that specifically requires site-specific surveys prior to approval of development<sup>25</sup>.

<sup>25</sup> It should be noted that the City of Brisbane has long acknowledged the importance of Icehouse Hill and its habitats. The City’s General Plan requires preservation of Icehouse as open space and provides for protection of Icehouse Hill habitats, permitting only passive recreation uses that ensure avoidance and protect butterfly larval host plants (*Viola pedunculata*, *Lupinus albus*, *L. formosus*, and *L. versicolor*).

[83]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2095

The field surveys and direct observation that should have been undertaken for the Draft EIR/EIS would have also identified several rare plant populations and wetland plant communities on and adjacent to Icehouse Hill and enabled analysis of impacts and disclosed the extent to which these habitats would be adversely affected. For example, during field 2019 and 2020 surveys, Metis biologists documented an existing population of approximately 250 coast iris (*Iris longipetala*), a CNPS 4.2 species on the northeast slope of Icehouse Hill, and a large population of locally rare native ferns including California polypody, leather fern, and golden back fern. Loss of these plant populations, which were not previously identified and could not be detected during desk top analysis of the LMF, represent a significant impact that is not addressed in the Draft EIR/EIS.



Coast Iris Found on Icehouse Hill



Native fern-covered slope found on Icehouse Hill

1165-2096

Figure Metis-3 shows the location and distribution of habitats on and adjacent to Icehouse Hill not addressed in the Draft EIR/EIS that would be destroyed or permanently damaged as a result of proposed construction of the West LMF. This includes the significant impact to wetland arroyo willow thicket and seasonal wetland drainage located on the south slope of Icehouse Hill which would no longer receive runoff from the hill. Runoff from Icehouse Hill is what sustains the existing wetland habitats not documented in the Draft EIR/EIS that occur just outside and adjacent to the LMF area of impact and would mean these wetlands would be lost as the habitats cannot persist without the infusion of water draining from the hill.

1165-2097

The Draft EIR/EIS proposes mitigation of impacts to the sensitive habitat on Icehouse Hill through purchase of offsite properties without (1) evidence of the feasibility of such acquisition, (2) evidence that acquisition of offsite properties would, in fact, compensate for the loss of Icehouse Hill habitats (e.g., is there sufficient habitat similar to that which would be destroyed on Icehouse Hill to meet the required 5:1 mitigation ratio), (3) evaluation of the secondary effects of acquiring and managing offsite properties, and (4) discussion as to how such acquired lands would be managed to ensure mitigation would be achieved and maintained in perpetuity. Although Mitigation Measure BIO-MM#11 identifies properties for which San Bruno Mountain Watch desires acquisition, in the absence of answers to the above questions, and because there is no indication that the San Bruno Mountain Watch as a 501 3(c) entity can, in fact, accept

[84]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2097 mitigation funds or would be willing to partner with the Authority for this purpose, the feasibility of mitigation for the loss of Icehouse Hill cannot be determined.

1165-2098 Draft EIR/EIS Section 3.7 fails to identify a significant impact associated with destruction of the native grass and flower fields which are sensitive plant communities found on Icehouse Hill. The habitat can be classified as best matching *Lasthenia californica - Plantago erecta - Vulpia microstachys* Herbaceous Alliance, California Goldfields-Dwarf Plantain-6 Weeks Fescue Flower Fields. The west LMF alternative would remove 100 percent of this habitat during grading and removal of Icehouse Hill (see Figure Metis-3). Significant impacts associated with the loss of sensitive plant species on Icehouse Hill need to be specifically acknowledged in the Draft EIR/EIS so that feasible mitigation can be provided and not deferred until after Project approval when the EIR/EIS mitigation measures specify that surveys would actually be conducted.

1165-2099 *Impacts associated with electrification, lighting and noise associated with 24-hour operations of the Brisbane LMF on adjacent habitats are not analyzed in the Draft EIR/EIS.*

The Brisbane LMF sites are proposed along the Pacific Flyway, positioned in the transition between uplands and the wetland and estuarine habitats of the San Francisco Bay shoreline. Electrification and night lighting of the 100+ acre LMF could adversely affect avian night movement, which is a critical aspect of avian seasonal migration. The Draft EIR/EIS does not, however, address impacts to migratory birds and local wildlife species' movement that would occur as a result of LMF night lighting, 24-hour per day noise generation, and the impact of electrical wires for train movement within the LMF.

Whereas local wildlife in the vicinity of the Brisbane LMF sites may have adapted to noise generated by passing trains along the Caltrain right-of-way, 24-hour noise generation from the LMF across an area of 100+ acres could adversely affect the area's ecosystems by preventing sensitive wildlife species from traversing the site for local movement or migration, successfully occupying and/or reproducing in otherwise suitable habitat areas<sup>26</sup>.

In the absence of analysis of potential effects of LMF lighting, electrification, and 24-hour noise generation in the Draft EIR/EIS, a significance determination for LMF biological resources impacts on wildlife movement or impacts of LMF night lighting and noise generation on nocturnal species cannot be substantiated.

1165-2100 <sup>26</sup> Drolet, A., C. Dussault and S.D. Cote. 2016. Simulated drilling noise affects the space use of a large terrestrial mammal. *Wildlife Biology* 22(6): 284-293 and Hammitt, W. E., D. N. Cole, and C. A. Monz. 2015. *Wildland Recreation: Ecology and Management*, Third Edition. John Wiley & Sons, Hoboken, NJ. Both sources are cited in comments provided by Hamilton Biological on the Partially Recirculated Draft EIR for the Rancho La Habra Specific Plan. In these comments, Mr. Hamilton states that even noise from "hikers and bikers who stay on trails can prevent sensitive wildlife species from successfully occupying and/or reproducing in otherwise suitable habitat areas."

[85]

Metis Environmental Group

1165-2101 *The Draft EIR/EIS fails to recognize the State Lands Commission as a Responsible Agency and fails to address impacts to biological resources subject to their jurisdiction.*

The Draft EIR/EIS fails to recognize State Lands Commission jurisdiction and omits an analysis of impacts on lands subject to the Commission's jurisdiction by the proposed relocation of Tunnel Road in the vicinity of the Rancho Canada de Guadalupe Visitation y Rodeo Canal and Ungranted sovereign lands within the Guadalupe Canal (referred to in the Draft EIR/EIS as Guadalupe Valley Creek) and submerged lots within the Brisbane Lagoon.

1165-2102 The Draft EIR/EIS also fails to address impacts to the tidally influenced Visitation Creek and Brisbane lagoon in relation to State Land Commission jurisdiction (only the BCDC's jurisdiction is acknowledged). For example, having stated that habitat for green sturgeon exists in the Brisbane Lagoon and Visitation Creek, the document fails to analyze impacts to the sturgeon habitat that would result from constructing the East LMF on top of Visitation Creek and cutting off natural stormwater flow to the creek from its watershed area. The Draft EIR/EIS only notes in Table 3.7-12 that Project impacts would encompass 1.6 acres of permanent impacts and 0.3 acres of temporary impacts and 1.0 acres of permanent impacts and 0.2 acres of temporary impacts for the project. The specific location of these impact is not disclosed nor is the nature of the impacts (e.g., disturbance, removal).



Draft EIR/EIS Figure 3.11-12

[86]

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2103

The Draft EIR/EIS omits an analysis of Project-related impacts on such lands that would result from the proposed re-routing of Tunnel Road in the vicinity of the Rancho Canada de Guadalupe Visitacion y Rodeo Canal; and Ungranted sovereign lands within the Guadalupe Canal (referred to in the EIR/EIS as Guadalupe Valley Creek) as well as from relocation of the Brisbane fire station.

As shown in Draft EIR/EIS Figure 3.11-12 (East LMF) and Figure 3.11-13 (West LMF) to the right, construction of the relocated Tunnel Avenue bridge would encroach into Guadalupe Valley Creek, which is visible in the figures as the dark green vegetative area adjacent to the east side of Bayshore Boulevard. In addition, relocation of the Brisbane fire station for the West LMF would require the fire station's new driveway to cross the creek. The Draft EIR/EIS needs to but does not address these impacts.



Draft EIR/EIS Figure 3.11-13

1165-2104

*There are multiple inconsistencies between the summary of impacts included in the Draft EIR/EIS and the Biological and Aquatic Resources Technical Report.*

While the Draft EIR/EIS relies upon tabular summaries of impact acreage calculations to special status species and aquatic resources and does not map locations of the impacts, there are a number of inconsistencies between the impact tables in Draft EIR/EIS Section 3.7 and Biological and Aquatic Resources Technical Study Table 6-1, Effects on Special Status Species Habitat by Alternative. For example:

[87]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

Metis Environmental Group

1165-2104

- The Draft EIR/EIS identifies impacts to Pacific Coast salmon habitat on page 3.7-11 as 5.3 acres and 4.0 acres for the West and East LMF, respectively. However, the technical study indicates 3.4 and 2.7 acres of impacts in its summary Table 6-1.
- Impacts to Congdon's tar plant are presented as 92.6 acres and 39.4 acres for the West and East LMF, respectively, in the Draft EIR/EIS, while the technical study indicates only 81.7 acres would be impacted.

1165-2105

In some cases, impacts to species habitats are addressed in the Draft EIR/EIS but not in the technical report. Impacts to habitat for the dusky-footed woodrat are indicated on page 3.7-11 as 0.8 acres for the West LMF and 2.7 acres for East LMF but this species is not addressed in the technical study bringing into question the source for this impact calculation. Similarly, impacts to Least Bell's vireo, yellow warbler, and tricolored blackbird are presented in the Draft EIR/EIS, but not included in the technical study which is supposed to be the technical basis for the significance conclusions.

1165-2106

Wetland impact totals in Draft EIR/EIS Table 3.7-14 show similar inconsistencies with the wetland impact calculations totals shown in Table 6-3 of the technical report. This is compounded by the fact that impact totals in Table 1 on page 2-3 of the Preliminary Compensatory Mitigation Plan show impact calculations that sometimes agree with Draft EIR/EIS impact totals, and sometimes agree with impact totals shown in the Biological and Aquatic Resources Technical Report. These discrepancies create doubt as to which impact acreages are correct.

1165-2107

*The Draft EIR/EIS does not disclose non-biological resources impacts associated with relocation of 2,300 linear feet of Visitation Creek including truck to transport of excavated materials potentially resulting in hundreds of potential truckloads per day in Brisbane that have not been analyzed in the EIR/EIS.*

The summary information included in Draft EIR/EIS Table 3.7-20 on page 3.7-96, Potential Nonbiological Resources Impacts of Compensatory Mitigation Implementation" is flawed because it is based on incorrect assumptions such as the statement, "Because these sites are in a rural environment, sensitive receptors are generally distant; consequently, human receptors would not be exposed to the generation of noise levels in excess of established standards or local noise ordinances." Air quality and transportation impacts of biological resources mitigation are similarly lacking in substantiation and based on incorrect assumptions because Visitation Creek is not located in a rural environment. Impacts associated with potentially cutting into trash associated with the former Brisbane Landfill are also not addressed.

A portion of Draft EIR/EIS Table 3.7-20 is re-presented below with yellow highlight indicating incorrect assumptions that undermine the conclusions and demonstrate that impacts and mitigation measures have either not been considered, adequately addressed, or fully disclosed in the Draft EIR/EIS.

[88]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2108

On page 3.8-42, the Draft EIR/EIS describes the amount of grading required for construction of the East and West LMFs, stating,

“Beyond minor grading and earthwork associated with track shifts, both alternatives would require more substantial quantities of grading and earthwork to build the East or West Brisbane LMF.”

Within other Draft EIR/EIS sections, the document discloses that Project construction would require offsite hauling of 2,082,800 cubic yards of soils materials from the East LMF, 1,463,700 cubic yards of materials from construction of the West LMF (including 432,000 cubic yards of contaminated soils), and 160,000 cubic yards of materials from construction of the Tunnel Avenue bridge relocation. Not disclosed in the Draft EIR/EIS is the fact that a large portion of the materials excavated from the former landfill requiring offsite hauling would consist of solid waste that must be disposed of at a sanitary landfill or that an unknown portion of these waste materials may need to be hauled for disposal as a hazardous waste at a distant Class I landfill.

1165-2109

**Portion of Draft EIR/EIS Table 3.7-20 Potential Nonbiological Impacts of Compensatory Mitigation Implementation**

Resource Type	Potential for Impacts
Transportation	No. During initial restoration of habitat areas, earthmoving equipment and other construction vehicles would be transported to the sites. These relatively few trips would not be anticipated to cause traffic congestion near or en route to and from the sites. After restoration, there would be intermittent transportation to and from the mitigation sites. These largely single-vehicle trips would be intermittent and would not be anticipated to cause traffic congestion near or en route to and from the sites. <b>Comment:</b> This ignores the tens of thousands of truck trips that would be required to haul more than 1-2 million cubic yards of materials offsite site from LMF construction.
Air quality and global climate change	Yes. Exhaust from construction equipment and vehicles during management activities would contribute to emissions of criteria pollutants, TACs, DPM, and GHGs. Earthmoving, grading, and vegetation removal activities on the mitigation sites would result in fugitive dust during construction. Habitat restoration and revegetation would be undertaken on off-site mitigation sites in rural areas, and potential receptors sensitive to localized air impacts are anticipated to be distant from the sites. The establishment and management of these mitigation sites would not involve any materials or activities that may subject receptors to objectionable odors. Vehicle trips and the use of mowers and other machinery associated with the establishment and management of the mitigation sites would contribute to emissions of criteria pollutants, TACs, DPM, and GHGs. However, these activities would be temporary and short-term during construction, and intermittent afterward. <b>Comment:</b> The Project area is highly urbanized. Where would “offsite mitigation sites in rural areas” be available within the Peninsula region containing similar habitat types as those that would be impacted by the Project?

1165-2110

[89]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2111

Noise and vibration	No. Restoration activities may result in noise and vibration impacts from vehicles, heavy equipment, mowers, and other small machinery. These activities would occur in a limited capacity and for a short duration in comparison with the overall construction noise associated with the project as a whole. Because these sites are in a rural environment, sensitive receptors are generally distant; consequently, human receptors would not be exposed to the generation of noise levels in excess of established standards or local noise ordinances. <b>Comment:</b> The Project area is highly urbanized. Where would “offsite mitigation sites in rural areas” be available within the Peninsula region containing similar habitat types as those that would be impacted by the Project?
---------------------	--

1165-2112

Hazardous materials and wastes	No. The establishment and management of off-site mitigation lands, including operation of heavy equipment and use of herbicides, could result in a temporary increase in the transportation, use, and storage of hazardous materials. Demolition of existing structures is unlikely; however, if needed, such activities may result in a temporary increase in waste disposal. However, structures likely to be removed would be small and are not anticipated to contain large amounts of hazardous materials. Facilities and construction sites that use, store, generate, or dispose of hazardous materials or wastes and hazardous material/waste transporters are required through stringent regulations to maintain plans for warning, notification, evacuation, and site security. Routine transport, use, storage, and disposal of hazardous materials are governed by numerous laws, regulations, and ordinances, thereby reducing the risk of accidental spills or releases. <b>Comment:</b> This discussion fails to address potential for encountering trash in the former Brisbane Landfill.
--------------------------------	---

1165-2113

Safety and security	No. These mitigation sites would not be open to the public and there would be no safety and security issues related to their establishment and management. <b>Comment:</b> This discussion fails to address the City’s open space plan for the Baylands that proposes a passive park and trails adjacent to Visitacion Creek.
---------------------	--

1165-2114

Land use and development	No. These mitigation sites would not conflict with any applicable land use plans, policies, or regulations. As these sites are presently agricultural or range land, their protection from development to use for biological resource mitigation would not create new incompatible land uses. <b>Comment:</b> The Project area is highly urbanized. Where would “offsite mitigation sites in rural areas” be available within the Peninsula region containing similar habitat types as those that would be impacted by the Project?
--------------------------	--

1165-2115

Parks, recreation, and open space	No. No impacts on parks and recreation would occur because these mitigation sites would not preclude the use of parks or recreation areas, acquire any current public open-space areas, create a barrier to the access of any park or recreation area, result in acquisition of a recreation resource, increase the use of existing neighborhood and regional parks, or result in the alteration of existing recreational facilities. <b>Comment:</b> This discussion fails to address the City’s open space plan for the Baylands that proposes a passive park and trails adjacent to Visitacion Creek.
-----------------------------------	---

[90]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2116

**The discussion of Hydrology and Water Resources is incomplete and understates Project Impacts**

*Impact HYD#1 may understate the amount of grading and the nature of materials that would be excavated for construction of either the East or West LMF. As a result, the document understates Project impacts and assumes standard grading and erosion control practices would suffice.*

Draft EIR/EIS Table 3.8-15 includes reference to temporary stream diversions along Visitacion Creek and Guadalupe Valley Creek, including diversions affecting wetland resources. Section 3.8 does not, however, describing or analyzing the environmental impacts of these temporary diversions, the Draft EIR/EIS assumes without explanation that standard practices, such as preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) after the Project is approved, would be adequate to avoid significant impacts. In the absence of a clear description and environmental analysis of proposed temporary diversions, disclosure of the hazardous nature of materials that would be excavated during LMF construction, and a description as to why subsequent preparation of a SWPPP would, in fact, avoid significant impacts associated with temporary stream diversions and excavation and offsite hauling of hazardous soils, the Draft EIR/EIS presents insufficient information to substantiate its conclusion that Impact HYD#1 would be less than significant.

1165-2117

*Impact HYD#2 (Permanent Impacts on Drainage Patterns and Stormwater Runoff) fails to adequately disclose drainage system impacts, including associated with relocation of Visitacion Creek.*

The analysis of Impact HYD#2 focuses on quantification of earthwork quantities and aquatic resources rather than impacts on drainage patterns and increased runoff. In relation to impacts within the City of Brisbane, the Draft EIR/EIS discloses:

- The West LMF is “anticipated to result in more local changes in drainage patterns from earthwork and grading because the West Brisbane LMF and the passing track would require more earthwork than the East Brisbane LMF and MT3 track.... However, overall drainage patterns in the RSA would be maintained under both alternatives.” (page 3.8-47)
- Construction of the East Brisbane LMF under Alternative A “would require filling a portion of the Visitacion Creek wetlands, Visitacion Creek scrub/shrub wetlands, and culverting the portion of the Visitacion Creek channel within the project footprint to flow under the East Brisbane LMF along the existing creek alignment.” (page 3.8-47)
- “Placing Visitacion Creek into a culvert below the proposed East Brisbane LMF would not affect the tidal hydrology of Visitacion Creek or San Francisco Bay because the culvert would be designed to convey existing flows, drainage system discharges, and tidal influence. Furthermore, flows would not be detained, impounded, rerouted, or

[91]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2117

otherwise affected in a manner that would preclude tidal influence of Visitacion Creek or result in substantial impacts on the hydrology of San Francisco Bay.” (page 3.8-47 and 48).

- 53.3 acres of impervious surfaces would be constructed for the East LMF, while 46.0 acres of impervious surfaces would be constructed for the West LMF, including along with the LMFs, Lagoon Road realignment and relocation of the Tunnel Avenue overpass (East and West LMFs). (Table 3.8-18)
- “Both project alternatives would require the construction of new drainage systems and the modification of existing drainage systems to prevent standing water on the impervious surfaces described in Table 3.8-18 and along the railbed. New drainage systems would be required for parking lots, such as those proposed at the East or West Brisbane LMF and other impervious surfaces, such as the Tunnel Avenue overpass under both alternatives and the Lagoon Road realignment under Alternative A. These drainage systems would be connected to existing local drainage systems, requiring the Authority to coordinate with owners of these drainage systems during the design phase.” (page 3.8-55)
- “Drainage systems to drain the impervious surfaces from the East and West Brisbane LMF, passing track under Alternative B, viaducts in the San José Diridon Station Approach Subsection under Alternative B, traction power stations, and other facilities in the Authority’s dedicated right-of-way, some of which are quantified in Table 3.8-18, must be designed according to the Authority’s Hydraulic and Hydrology Design Guidelines (Authority 2011). The goal of these guidelines is to protect the track and associated infrastructure and facilities from stormwater damage, eliminate nuisance stormwater run-on and runoff, expedite drainage flow, maintain drainage capacity, and provide maintenance and pedestrian access. The designs of all bridges, culverts, and drainage systems would be documented in a drainage report.” (page 3.8-55)

Missing from analyses of Impact HYD#2 is (1) a drainage study to quantify increased flows from the Project’s impervious surfaces, (2) analysis of the capacity of downstream drainage facilities to accept those flows, (3) a description of the on- and off-site facilities needed to convey runoff from Project facilities, (4) analysis of the impacts that would be result from construction of on- and off-site drainage improvements, and (5) mitigation measures for any significant impacts that might result from Project-induced changes to drainage patterns and stormwater runoff. Also missing from Impact HYD#2 is any discussion or analysis of the relocation of Visitacion Creek identified in Impact BIO#19, which states that the Project would be “relocating a portion of Visitacion Creek and filling several wetlands.”

Instead, the Draft EIR/EIS defers analysis and mitigation of impacts along with (1) a decision as to whether Visitacion Creek would, in fact, be relocated and (2) any environmental analysis associated with relocation of the creek until after the Project is approved, thus depriving the

[92]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2117

public with the opportunity to review and comment on the impacts of relocating Visitation Creek. As stated in the CEQA Conclusion for Impact HYD#2:

“The stormwater management and treatment plan (HYD-IAMF#1) would evaluate the capacity of receiving stormwater drainage systems, determine improvements and/or upgrades required to maintain or improve existing drainage capacity, and specify BMPs for infiltration, retention, or detention from new and reconstructed impervious surfaces.”

1165-2118

HYD-IAMF#1 does not set clear performance standards for determining the adequacy of drainage systems to accommodate Project runoff or performance standards for the design of new drainage systems to be constructed by the Project, referring instead to Authority Technical Memorandum 2.6.5 *Hydraulics and Hydrology Guidelines*, which was not made available to the public as part of the Draft EIR/EIS documents posted on the Project’s web page. The Draft EIR/EIS also does not disclose who would be responsible for maintenance of facilities constructed by the Authority as part of the Project or whether facilities to be maintained by local agencies along the route would, in fact, meet the performance and design requirements of the agencies expected to maintain those facilities.

1165-2119

Impact HYD#4 (Temporary Impacts on Surface Water Quality during Construction) fails to fully address impacts associated construction of the LMF.

Impact HYD#4 does not address impacts related to excavations into the former Brisbane Landfill and its buried waste (East LMF) or into contaminated soils within remediation Operable Units UPC-OU-SM and OU-2 (West LMF).

The Draft EIR/EIS states on page 3.8-60 that the “primary water quality pollutant associated with construction of the project alternatives would be sediment.” As a result, analysis of Impact HYD#4 focuses on grading activities and the total amount of soil that would be excavated for either LMF site. No mention is made, or analysis conducted, related to water quality hazards associated with excavations into the former Brisbane landfill and its buried wastes that have not been characterized as either hazardous or non-hazardous. Neither mentioned nor analyzed in Impact HYD#4 are the 432,000 of contaminated soils that are proposed to be excavated, loaded on trucks, and hauled offsite during construction of the West LMF. It is inappropriate to assume that BMPs adequate for non-hazardous soils would be adequate to address the water quality impacts of hazardous soils or wastes composed primarily of domestic, industrial and shipyard waste, sewage, and rubble buried in a landfill between 1932 and 1967 before classification of wastes as hazardous or nonhazardous and before segregation of waste streams.

In the absence of such analysis and substantial evidence that BMPs designed for non-hazardous soils would, in fact, avoid significant impacts during excavations of contaminated soils and uncharacterized solid wastes, the Draft EIR/EIS cannot substantiate its CEQA conclusion that Impact HYD#4 would be less than significant.

[93]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2120

Impact HYD#4 does not address impacts related to relocation of Visitation Creek.

While Impact BIO#19 states that the Project would be “relocating a portion of Visitation Creek and filling several wetlands,” no discussion of construction impacts that would be associated with such relocation is provided in Impact HYD#4. Temporary impacts on surface water quality during construction that need to be analyzed include, but are not limited to:

- Turbidity within the Brisbane Lagoon during construction of the relocated creek’s outlet.
- Location of the relocated creek in relation to waste buried within the former Brisbane Landfill.
- Excavation and stockpiling of materials during creek relocation.

A thorough review of the Preliminary Compensatory Mitigation Plan reveals the Authority is actually considering two variants, neither of which is described or explicitly analyzed in the Draft EIR/EIS:

- Fill approximately 980 linear feet of the existing Visitation Creek and construct a culvert under the widest point of the East LMF, or
- Reroute Visitation Creek from where it daylight just east of the Caltrain tracks to run south adjacent to the East LMF, discharging the creek into Brisbane Lagoon rather than San Francisco Bay.

Whether relocating a portion of Visitation Creek is part of the Project (as described in Impact BIO#19) or an action being considered by the Authority for incorporation into Project mitigation as described in the Preliminary Compensatory Mitigation Plan, Impact HYD#4 must analyze and disclose the physical environmental impacts associated with filling a large portion of Visitation Creek and relocating the creek to flow into the Brisbane Lagoon rather than into the San Francisco Bay, the water quality impacts of which need to be disclosed to the public for their review and comment.

1165-2121

The Draft EIR/EIS provides an inadequate discussion of projected sea level rise.

While the Draft EIR/EIS recognizes on page 3.8-104 that both the West and East LMFs would be vulnerable to sea level rise, no concrete action or plan is proposed to ensure that the Brisbane LMF once constructed would not need major additional improvements to protect it from rising sea levels and force the Brisbane community to endure additional construction impacts that could be avoided by an appropriate initial design of the LMF. Neither does the Draft EIR/EIS provide any analysis of the extent to which the Project’s alteration of drainage patterns might exacerbate inundation impacts.

Instead, the Draft EIR/EIS lists generalized strategies that might be pursued sometime in the future, stating on page 3.8-103:

[94]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2121

“Potential sea level rise adaptation measures could include flood levees, seawalls, pumps, elevated tracks, and minor track realignment. Such improvements would optimally be placed closer to San Francisco Bay or along tidal channels, rather than directly along the blended Caltrain and HSR system, given the need to protect other developments that are closer to San Francisco Bay and would also be subject to flooding....” Where multiple public and private assets are at risk of flooding due to sea level rise, coordinated regional planning for improvements will result in the best outcomes. The Authority would coordinate with these cities, as well as other stakeholders in the RSA, such as Caltrans and San Mateo County, as necessary to develop feasible long-term adaptation strategies for sea level rise. Long-term structural adaptation measures would be designed, permitted, and built in compliance with requirements from regulatory agencies.”

Thus, the Draft EIR/EIS recognizes the vulnerability of both Brisbane LMF sites while deferring preparation of a drainage study and considering how best to protect the LMF until some unknown time in the future after the Project is approved and the LMF is constructed. By pursuing this approach, the Authority would deprive the public of a full disclosure of the Project’s drainage impacts and effectively shift costs for flood protection to the Brisbane community. By designing and constructing the Tunnel Avenue bridge relocation and Lagoon Road alignment adjacent to the Brisbane Lagoon, Lagoon Road would eventually need to be realigned to the north to avoid inundation from the lagoon due to sea level rise. Realigning Lagoon Road to avoid future sea level rise would necessitate redesign and reconstruction of the bridge constructed as part of the High-Speed Rail project.

In the absence of a commitment by the Authority to take responsibility for the design and costs for protecting Lagoon Road from future sea level rise, responsibility would fall on the Baylands development, as well as Brisbane existing and future taxpayers. If the citizens of Brisbane are being asked by the Authority to take on the burden of the LMF’s construction and operational impacts, the community should not also be expected to take on the financial burden of fixing an obvious Project design flaw such as not designing the Tunnel Avenue bridge and Lagoon Road to accommodate sea level rise.

[95]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2122

**The analysis of Geology, Soils, and Seismicity is based on desktop research that defers onsite geotechnical studies until after the Project is approved. While it is not necessary to determine the exact design parameters for each proposed structure, in the absence of onsite geotechnical investigations, generalized findings from desktop research might not be substantiated once needed onsite studies are completed, requiring redesign of Project facilities.**

1165-2123

*Impact GEO#1 (Construction on Unstable Soils) understates the potential for subsidence and defers analysis and mitigation of impacts.*

The Draft EIR/EIS discounts the potential for ground subsidence as an existing condition within the vicinity of the East LMF, stating for example:

- “Subsidence can happen over large areas when it results from regional groundwater extraction or over small areas when it results from localized dewatering.” (page 3.9-26)
- “Regional ground subsidence is not an ongoing concern in the RSA because no significant regional groundwater extraction is occurring, and no ongoing regional subsidence has been documented.” (page 3.9-44)

However, as any Brisbane resident knows, Lagoon Road between Tunnel Avenue and Sierra Point Parkway is subject to subsidence, resulting in a “roller coaster-like” ride. Subsidence along Lagoon Road occurs because it is located over municipal wastes deposited prior to 1967 within the southerly edge of the former Brisbane landfill.

While Impact GEO#1 includes discussion of “soft soils,” the Draft EIR/EIS explicitly defers the site-specific geotechnical studies needed for a thorough analysis of Impact GEO#1, as stated on page 3.9-48:

“Construction of the Brisbane LMF under both project alternatives would occur on artificial fill that is likely underlain by Young Bay Mud. During construction, the design-build contractor would assess geotechnical conditions and, if necessary, employ ground improvement methods such as stone columns, cement deep-soil mixing, or jet grouting, or excavating and replacing soft soil with engineered fill.”

“Site conditions would be assessed prior to construction to determine the most appropriate engineering solutions, in accordance with relevant design guidelines and standards such as those developed by AREMA, FHWA, and Caltrans (GEO-IAMF#10).”

Without determining where unstable soils would be found or the severity of conditions that might be encountered other than listing Project components that might be affected in Table 3.9-12, the Draft EIR/EIS describes design solutions without evaluating their feasibility or substantiating their effectiveness as would be expected of a project-level EIR/EIS:

[96]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2123

“Heavily loaded structures, such as bridges and communication radio towers, would be constructed with deep foundations that would transfer the structural loads to noncompressible soil layers. Excavations through soft soil would be benched or braced to keep the excavation stable.”

Brisbane’s experience constructing the existing Tunnel Avenue bridge was that the bridge embankment experienced fairly large short- and long-term settlement due to its proximity to the bay and the former Brisbane Landfill. Based on review of the Authority’s plans for the Tunnel Avenue bridge relocation by the firm of Biggs Cardosa, the City’s design engineer, it is reasonable to believe that the Lagoon Road approach to the relocated bridge and its embankments would be subject to similar settlement concerns requiring extended construction settlement periods (pers. comm. with Randy Brault, PE, Brisbane City Engineer, August 10, 2020).

In the absence of (1) evaluating where within the overall Project site construction on unstable soils would occur, (2) an understanding the severity of the conditions that Project construction would encounter, (3) establishing clear performance standards to be met by potential design solutions, and (4) determining whether feasible design solutions are, in fact, available, significance conclusions cannot be substantiated, including the significance of impacts with implementation of GEO-IAMF#1 and #10. If mitigation of impacts is to rely on adherence to relevant design guidelines and standards such as those developed by AREMA, FHWA, and Caltrans, the Draft EIR/EIS must discuss how and why those design guidelines and standards would ensure impacts would be less than significant within areas such as the Baylands that are subject to fairly large short- and long-term settlement due to its proximity to the bay and the former Brisbane Landfill.

1165-2124

*Impact GEO#2, Construction on Expansive Soils, understates the potential for subsidence and defers analysis and mitigation of impacts.*

In lieu of analyzing impacts associated with expansive soils, Impact GEO#2 provides the following generic statement, “Construction of both project alternatives in all subsections would occur predominantly in areas with expansive soils. The project elements that are most susceptible to the effects of expansive soil are those that involve new structures in areas with expansive soil.” Rather than identify where expansive soils would be encountered or how severe expansive soil conditions might be, Table 3.9-13 “shows project elements that would involve new structures in areas with expansive soil.”

A review of the Project’s Geology, Soils, and Seismicity Technical Report reveals that no site-specific geotechnical studies were conducted in support of the Draft EIR/EIS. In fact, the Draft EIR/EIS explicitly defers addressing expansive soils impacts, stating page 3.9-50, “Prior to construction, the design-build contractor would prepare a CMP that would specify the details of how and where these techniques would be implemented to minimize or avoid exposure of

[97]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2124

people or structures to impacts from expansive soil (GEO-IAMF#1). These project features would be implemented in accordance with relevant guidelines and standards such as those developed by AREMA, FHWA, and Caltrans (GEO-IAMF#10).”

In the absence of (1) evaluating where within the overall Project site construction on expansive soils would occur, (2) an understanding the severity of the conditions that Project construction would encounter, (3) establishing clear performance standards to be met by potential design solutions, and (4) determining whether feasible design solutions are, in fact, available, significance conclusions cannot be substantiated, including the significance of impacts with implementation of GEO-IAMF#1 and #10. If mitigation of impacts is to rely on adherence to relevant design guidelines and standards such as those developed by AREMA, FHWA, and Caltrans, the Draft EIR/EIS must discuss how and why those design guidelines and standards would ensure impacts would be less than significant.

1165-2125

*Impacts GEO#3 (Exposure of Concrete and Steel to Corrosive Soils), GEO#4 (Excavation and Grading Impacts on Soil Erosion), GEO#5 (Difficult Excavations due to Shallow Bedrock and Shallow Groundwater), and GEO#8 (Secondary Seismic Hazards during Construction) defer analysis and mitigation, providing an inadequate basis for significance determinations.*

In lieu of analysis of impacts associated with corrosive soils, Impacts GEO#3, GEO#4, and GEO#5 provide only generic impacts statements similar to those provided in Impacts GEO#1 and GEO#2. The discussion of Impacts GEO#3, GEO#4, and GEO#5 is not based on site-specific geotechnical analysis and only indicates that certain Project components might be affected. The discussion of these impacts relies on deferred IAMFs to analyze and mitigate site-specific impacts that might be encountered by Project construction.

In the absence of (1) evaluating where within the overall Project site construction on corrosive soils would occur, (2) an understanding the severity of the conditions that Project construction would encounter, (3) establishing clear performance standards to be met by potential design solutions, and (4) determining whether feasible design solutions are, in fact, available, significance conclusions cannot be substantiated, including the significance of impacts with implementation of GEO-IAMF#1 and #10. If mitigation of impacts is to rely these IAMFs, the Draft EIR/EIS must discuss how and why those IAMFs would ensure impacts would be less than significant.

1165-2126

*Impact GEO#6 (Construction on Landfills) presents an incomplete and misleading evaluation of impacts.*

In lieu of analysis of impacts associated with the proposed construction of the East LMF atop the former Brisbane landfill, Impact GEO#6 provides the following generic statement:

[98]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2126

"Landfills pose hazards for construction associated with the release of flammable gases (e.g., methane) and the potential for ground settlement because of the compressibility of buried refuse and decomposition of organic materials. Construction of the East Brisbane LMF under Alternative A would require significant earthwork cut and fill to create a level surface for the workshop, yard, tracks, and supporting systems and utilities on the site of the former Brisbane Landfill." (page 3.9-56)

While the Draft EIR/EIS acknowledges that "significant earthwork cut and fill," would be required for LMF construction, it fails to disclose that the Project proposes to excavate and remove a substantial portion of the landfill. Whereas Draft EIR/EIS Table 2-25 indicates that 2,082,800 cubic yards of the 2,183,800 cubic yards of "excavated materials" at the East LMF site will need to be disposed of, Dr. Michelle King, the City of Brisbane's expert consultant who has been reviewing proposed site remediation and landfill closure plans for the Brisbane Baylands, estimates that excavations needed for construction of the East LMF within the footprint of the former landfill may be substantially greater (see Attachment Metis-C). Clearly, public disclosure by the Authority of a grading plan indicating existing ground contour elevations, proposed elevations of the East LMF, approximately elevations of the top and bottom of waste materials within the landfill, and depths of cut and fill is needed to accurately determine excavation requirements for the East LMF and serve as the basis for subsequent environmental analyses.

1165-2127

Also, while the Draft EIR/EIS discloses that "significant earthwork cut and fill" is required for the East LMF necessitating disposal of a substantial amount of "materials," nowhere in the document does the Authority disclose that the "materials" for disposal will largely be composed of domestic, industrial and shipyard waste, sewage, and rubble deposited in the former landfill prior to the classification of wastes as hazardous or nonhazardous and prior to the segregation of waste streams. Because the Draft EIR/EIS does not characterize the wastes that would be excavated from the former landfill, it cannot identify the amount of excavated clean soils that could be re-used within the Baylands, non-hazardous solid wastes that need to be hauled offsite to a Class II or III landfill, and the amount of soils and wastes that would be considered to be hazardous materials and must be hauled to a distant Class I landfill.

1165-2128

Impact GEO#6 also does not acknowledge the former Brisbane landfill site has active oversight by the RWQCB and would require final closure compliant with Title 27 as approved by the RWQCB, CalRecycle, and the San Mateo County Health System prior to construction of the East LMF. While Section 3.10 of the Draft EIR/EIS (Hazardous Materials and Wastes) acknowledges that the East Brisbane LMF would overlie the former Brisbane Landfill, the Draft EIR does not disclose the activities needed does Title 27-compliant landfill closure or the environmental impacts that would be associated with such final closure. The Draft EIR/EIS does not present the full regulatory closure process that would have to be implemented for construction of the East LMF.

[99]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2129

The Draft EIR/EIS states on page 3.10-40, "Prior to construction, the Authority's design-build contractor would be required to prepare a removal action plan (RAP) that would determine the requirements for removal, transportation and disposal of excavated materials, air monitoring, regulatory concerns, and worker health and safety." The proposed "removal action plan" is inadequate since it only addresses construction measures and not the long-term protection of human health and the environment. Clean closure of the former landfill pursuant to 27 CCR § 21810 requires a closure plan with the following information:

- (1) A detailed implementation schedule for clean closure activities;
- (2) Characterization of the site conditions to define the extent and character of wastes present and the levels and extent of any soil contamination;
- (3) A description of the excavation and material management procedures to be followed; and
- (4) A description of health and safety procedures to be followed and specific measures to protect public health and safety during clean closure activities.

1165-2130

Along with deferring analysis of the hazards inherent in constructing the East LMF atop the former Brisbane landfill, the Draft EIR/EIS defers mitigation of those hazards, stating only:

"Structures founded on a landfill would be built using the latest California Building Code, requiring the contractor to account for ground settlement resulting from the compression or decomposition of landfill refuse (GEO-IAMF#10). Contractors **could** employ ground improvement such as preloading to reduce future ground settlement or using deep foundations systems such as piles to transfer the weight of a building to soil/rock below the refuse (GEO-IAMF#1)." (Draft EIR/EIS page 3.9-56) (emphasis added)

These measures are inadequate since they only address structures and do not address settlement of rail lines associated within the former landfill's footprint. These measures are also inadequate since they do not address the potential impacts of excavating into the landfill.

1165-2131

In the absence of (1) a detailed analysis of the amount of soil and waste materials that would be removed from the former landfill; (2) geotechnical analysis of the stability of the pad that would be constructed to support the East LMF; (3) identification of feasible remedial measures required to avoid subsidence during LMF operations; and (4) a Title 27-compliant plan that includes specific capping requirements, long-term landfill gas monitoring requirements, drainage controls, and other measures that would need to be addressed under the oversight of the RWQCB and CalRecycle for any portion of the landfill left in place, along with (5) analysis of the environmental impacts associated with excavating into and building the LMF on the former landfill, any significance determination for Impact GEO#6 is not supported with substantial evidence.

[100]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2132

**Section 3.10, Hazardous Materials and Wastes, fails to adequately describe the regulatory setting of the East and West LMF sites, leading to inadequate impact analyses and questionable significant conclusions based on deferred, incomplete, and ineffective Impact Avoidance and Minimization Features.**

1165-2133

*Section 3.10 fails to recognize the proposed West LMF site is within an active remediation site currently undergoing regulatory review of site remediation plans by the California Department of Toxic Substances Control and the Regional Water Quality Control Board.*

Due to underlying groundwater and soils contamination issues associated with historical uses, the western portion of the Brisbane Baylands within which the West LMF is proposed requires remediation and is currently subject to active oversight by the California Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB). Two separate “Operable Units” have been delineated for preparation of site remediation plans: Operable Unit San Mateo (UPC-OU-SM), which is subject to DTSC regulatory oversight and Operable Unit 2 (OU-2), which is subject to RWQCB regulatory oversight (see Figures Metis-1 and Metis-2). While the Draft EIR/EIS includes a short description of existing soil contamination affecting the West LMF, it fails to recognize that DTSC and the RWQCB are currently reviewing Draft Final Feasibility Study/Remedial Action Plans for site remediation of both UPC-OU-SM and OU-2<sup>27</sup> and fails to address public health and safety risks, as well as environmental impacts associated with site remediation and subsequent construction of the West LMF.

1165-2134

The Draft EIR/EIS also fails to note that the proposed remediation of UPC-OU-1 and OU-2 calls for capping existing soils with a minimum of five feet of compacted clean fill material. Since the Draft EIR/EIS does not disclose where within the West LMF contaminated soils would be excavated, clarification is needed as to whether construction of the West LMF would require excavation of contaminated soils in addition to the 432,000 cubic yards currently identified in as requiring excavation and disposal from the West LMF.

1165-2135

The Draft EIR/EIS’ description of the Project, analysis of hazards and hazardous materials, and cumulative impact analyses related to construction of the West LMF need to be revised to be revised to address requirements and related impacts of remediation activities that would need to be completed prior to construction of the West LMF. In the absence of such disclosures and analysis, significance conclusions regarding hazards and hazardous waste impacts associated with the West LMF cannot be substantiated.

<sup>27</sup> Geosyntec, 2020a. *Draft Final Feasibility Study/Remedial Action Plan (FS/RAP), Brisbane Baylands Operable Unit 2, Brisbane, California, 29 May 2020.*

Geosyntec, 2020b. *Draft Final Feasibility Study/Remedial Action Plan, San Mateo County Portion of Universal Paragon Corporation Operable Unit (UPC OU-SM), Brisbane, California, 9 June 2020.*

[101]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2136

*The Draft EIR/EIS likely understates the amount of materials that will be excavated and hauled from the former Brisbane landfill to construct the East LMF. The Draft EIR/EIS also fails to determine whether excavated materials would be hazardous or non-hazardous and fails to evaluate environmental impacts of required landfill closure activities required by California Code of Regulations Title 27 subject to regulatory oversight by the RWQCB, CalRecycle, and the San Mateo County Health System. As a result, impacts associated with construction of the East LMF are not adequately addressed.*

1165-2137

Within the former Brisbane landfill, upon which a large portion of the East LMF is proposed to be constructed, closure actions in compliance with the regulatory requirements set forth in Section 20260 of Title 27 of the California Code of Regulations (CCR) are required under the regulatory jurisdiction of the RWQCB, CalRecycle, and the San Mateo County Health System.

While Impact HMW#1 acknowledges that the East LMF would overlie the former Brisbane landfill and require excavations as deep as 65 feet within the landfill, the Draft EIR/EIS does not analyze the impacts of excavating into the primarily of domestic, industrial and shipyard waste; sewage; and rubble that were placed within the former landfill between 1932 and 1967 prior to the classification of wastes as hazardous or nonhazardous and prior to the segregation of waste streams. Neither does the Draft EIR/EIS evaluate environmental impacts associated with landfill closure actions required by applicable Title 27 requirements that are subject to regulatory review of the RWQCB, CalRecycle, and the Local Enforcement Agency (San Mateo County Environmental Health Services).

1165-2138

Construction of the East LMF would require significant earthwork cut and fill to create a level surface for the workshop, yard, tracks, and supporting systems and utilities within the former Brisbane Landfill. An estimated 2.2 million cubic yards of cut would be required, with excavation depths of 60 feet below ground surface into wastes previously disposed of in the landfill.

Whereas Draft EIR/EIS indicates on page 3.10-28 that 2.2 million cubic yards of cut would be required for construction of the East LMF, Dr. Michelle King, the City of Brisbane’s expert consultant who has been reviewing remediation plans for the Brisbane Baylands, estimates that excavations needed for construction of the East LMF could be greater and include a substantial amount of waste materials previously placed within the former landfill (see page 3, Attachment Metis-C<sup>28</sup>). Thus, Impact HMW#1 fails to quantify or characterize the waste materials that would be excavated for construction of the East LMF.

<sup>28</sup> As stated in the EKI report: “Thus, excavation of the East Brisbane LMF to track grade, not accounting for any over-excavation to install a landfill cap or to reach the project subgrade, would result in the generation of approximately 3,000,000 cy (75 acres with an average cut of 25 feet), approximately 50% more than that estimated in the Draft EIR. This quantity of soil equates to approximately 250,000 truckloads of material.”

[102]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2139 | In the absence of (1) determining the amount of solid waste that would be excavated from the landfill and (2) characterizing those wastes, the Draft EIR/EIS cannot determine the amount of excavated materials from the East LMF that could be reused onsite (i.e., clean soils), hauled for disposal at a Class II or III landfill (i.e. non-hazardous wastes), or the amount of materials that must be hauled to a distant Class I landfill (i.e., contaminated soils and hazardous wastes).

Without such analysis, the Draft EIR/EIS cannot adequately analyze hazards and hazardous materials impacts associated with construction of the East LMF, nor can the document substantiate its significance conclusion for HMW#1. In addition, without determining the amount of excavated materials from the East LMF that can be hauled to and disposed at a Class II or III landfill and the amount that must be hauled to a distant Class I landfill, the validity of construction-related mobile source air quality and construction traffic impacts is questionable.

1165-2140 | *CEQA conclusions for Impacts HMW#1, HMW#2, and HMW#10 are based on incomplete analyses, as well as deferred, incomplete, and ineffective Impact Avoidance and Minimization Features.*

1165-2141 | By deferring geotechnical investigations until after the Project is approved (**GEO-IAMF#1: Hazards**), the Draft EIR/EIS leaves unanswered several critical questions:

- Will all refuse within the footprint of the East LMF be excavated and removed, or will the East LMF be constructed on top of a yet-to-be-determined depth of wastes?
- How much subsidence would the East LMF be subject to?
- What is proposed to mitigate the impacts of subsidence within the East LMF? What extraordinary measures (e.g., pile driving of piers for building foundations down to bedrock which would also require specific noise and vibration analysis), if any might be required?
- What is proposed to ensure will the stability of adjacent landfill slopes throughout excavations and following LMF construction?
- Who would own the westerly landfill slope and provide financial assurances for the long-term safety of the slope and any other portion of the landfill for which the Authority ultimately completes Title 27 landfill closure, whether or not located on Authority property?
- What are the applicable requirements for capping and closure design for the landfill?
- What specific actions need to be taken to comply with those requirements for the East LMF and what are their environmental effects?
- Since the East LMF does not encompass the whole of the former Brisbane landfill, what are the challenges associated with the Authority undertaking landfill closure of only a

[103]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2148 | portion of the landfill? What effects would a partial landfill closure undertaken by the Authority for the East LMF have on Title 27 closure for the balance of the landfill by the landowner?

1165-2149 | • What is the amount of excavated materials from the East LMF that can be reused onsite (i.e., clean soils), hauled for disposed at a Class II or III landfill (i.e., non-hazardous waste), and the amount that must be hauled to a distant Class I landfill (i.e., contaminated soils and hazardous wastes)?

1165-2150 | • How severe are the environmental and public health hazards associated with excavation, offsite hauling of materials, construction of the East LMF?

1165-2151 | • What mitigation measures are required to protect the environment and public health?

1165-2152 | By deferring answers to these questions until after Project approval, the public is deprived of the opportunity to review and comment on whether impacts associated with the transport, use, storage, and disposal of hazardous materials and wastes during construction of the Brisbane LMF would be significant and if so, review and comment on the specific mitigation measures or performance standards that would be implemented to protect the environment and the public's health and safety.

1165-2153 | The landfill gas monitoring proposed in GEO-IAMF#3 (Gas Monitoring) would be inadequate since the measure is designed for worker protection and active construction work and fails to address exposure to the nearby community, including future workers within the LMF and long-term requirements for landfill gas monitoring that would be needed at the East LMF.

1165-2154 | **HMW-IAMF#1 (Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments)** calls for Phase 1 and Phase 2 Environmental Site Assessments to be performed and remediation implemented as needed for the Project. While this generic measure may be appropriate for the majority of the Project area, it ignores the known contamination present within the Baylands as well as ongoing site remediation studies (West LMF) and landfill closure studies for the former Brisbane landfill (East LMF). The Draft EIR/EIS needs to disclose the specific actions the Authority will take to address known contamination at these sites, evaluate environmental impacts associated with hazards and hazardous materials present within the West and East LMF sites, and identified the mitigation measures needed to address LMF construction and regulatory requirements.

1165-2155 | **HMW-IAMF#2 (Landfill)** indicates that measures would be put in place to monitor and measure methane for work within 1,000 feet of a landfill but ignores the fact that the East LMF would be constructed on an existing landfill, portions of which would remain in place underneath or adjacent to the LMF. HAZ-IAMF#2 is inadequate in that it does not analyzes impacts or address regulatory requirements for on-going post-closure methane monitoring, nor does it address other critical elements of landfill closure in compliance with CCR Title 27. The Draft EIR/EIS fails to evaluate the impacts of constructing the East LMF on the landfill,

[104]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2155

including (1) documentation to remove portions of the landfill for construction of the LMF, (2) the remedial actions that would be required to be undertaken by the Authority for any remaining portions of the landfill such as the slopes of the landfill adjacent to the East LMF, (3) environmental impacts associated with landfill closure, and (4) required regulatory agency oversight.

1165-2156

**HMW-IAMF#4 (Undocumented Contamination)** indicates that a Construction Management Plan would be prepared following completion of the CEQA/NEPA public review processes and Project approval to identify procedures to address unknown contamination that could be encountered during construction. While this measure is appropriate for unknown contamination that may be encountered along and immediately adjacent to the High-Speed Rail alignment, it is insufficient for the East and West LMF sites where contamination is already documented and requires plans for site remediation and landfill closure, analysis of impacts associated with site remediation and landfill closure, and regulatory approvals of Remedial Action Plans and Remedial Development Implementation Plans (West LMF), as well as plans for Title 27 landfill closure (East LMF) to protect human health and the environment both during construction and in the long-term during Project operations. Referring to site remediation for the West LMF and Title 27 closure for the East LMF as addressing “undocumented contamination” deferring documentation of measures to address known onsite contamination and evaluating the impacts of those measures, as currently proposed by HMW-IAMF#4 deprives the public of critical information needed to review and provide informed comments on the Project.

1165-2157

**The Project will result in unacceptable public safety impacts during and after construction of the Brisbane LMF, without offering adequate mitigation.**

1165-2158

*Construction of the relocated Tunnel Avenue bridge requires relocation of Brisbane’s existing fire station. Neither of the relocation options addressed in the Draft EIR/EIS are feasible.*

Section 3.11, Safety and Security, acknowledges that both the East and West LMF would require relocation of the Tunnel Avenue overpass along with relocating the southern terminus of Tunnel Avenue from the intersection of Bayshore Boulevard/Old County to the Bayshore Boulevard/Valley Drive intersection, which would, in turn, require relocation of the existing Brisbane Fire Station.

As shown in Draft EIR/EIS Figure 3.11-12, below, for the East LMF, the City’s existing fire station is proposed to be relocated approximately 600 feet south of the existing fire station, with two driveways connecting to Bayshore Boulevard. The southerly driveway for the relocated fire station would connect to the east leg of the signalized Bayshore Boulevard/Old County Road intersection, providing full access to Bayshore Boulevard. A second northerly driveway would connect to Bayshore Boulevard approximately 400 feet north of Old County Road, providing a mid-block location with right-in, right-out only access to northbound Bayshore Boulevard.

[105]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2158

The proposed relocation described in the Draft EIR/EIS is infeasible and unacceptable to the City and North County Fire Authority for several reasons<sup>29</sup>. The constraints of the site area remaining after demolition of the existing station require the relocated station to be placed with its apparatus bays facing parallel to Bayshore Boulevard instead of perpendicular, which would increase response times. Emergency vehicles leaving the station’s apparatus bays would be required to travel down a long driveway before having to slow down to make a 90-degree turn to reach the Bayshore Boulevard/Old County Road intersection. Elimination of a short perpendicular access to Bayshore Boulevard in favor of a longer driveway parallel to Bayshore Boulevard would increase emergency response times from the station. Providing a pre-empt traffic control button at the relocated station to clear and stop traffic at the Bayshore Boulevard/Old County Road intersection would not address the relocated station’s increased overall response time since a pre-empt traffic control button is already available at the existing station for its more direct access to Bayshore Boulevard.



Draft EIR/EIS Figure 3.11-12: Proposed Fire Station Relocation - East LMF

<sup>29</sup> Pers. comm, John Swiecki, City of Brisbane, September 4, 2020; North County Fire Authority comment letter, September 9, 2020.

[106]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2159

The location proposed for relocation of the fire station is also very narrow, providing only 90 feet between Bayshore Boulevard and the existing Tunnel Avenue bridge. Because construction of the fire station would take approximately one year, demolition of the existing bridge could not be accomplished until construction of the relocated fire station was well underway immediately adjacent to the bridge. As discussed below, the currently proposed 1-3 month closure of the Tunnel Avenue bridge would have a severe impact on emergency response times. Extending that time period to permit demolition of the existing bridge prior to construction of the relocated fire station would only exacerbate an already unacceptable impact.

1165-2160

As shown in Draft EIR/EIS Figure 3.11-13, below, for the West LMF, the fire station is proposed to be relocated approximately 150 feet south of the existing fire station, with a single driveway for the relocated fire station connecting to Bayshore Boulevard at a mid-block location that provides right-in, right-out only access to northbound Bayshore Boulevard. As stated on page 3.11-54, fire trucks exiting the relocated fire station “would only be able to turn northbound onto Bayshore Boulevard. To reach destinations to the south of the existing fire station, fire trucks would have to make a U-turn at the signalized Bayshore Boulevard/Valley Drive intersection.” Not stated in the Draft EIR/EIS is that the single entrance to the fire station indicated in Draft EIR/EIS Figure 3.11-13 would require fire trucks returning to the station to stop on Bayshore Boulevard and back into and along the driveway to the station’s apparatus bays.

Rather than revise the proposed fire station relocation plan and to avoid this obviously infeasible and dangerous design, the Draft EIR/EIS offers Mitigation Measure SS-MM#2 deferring revisions to the Figure 3.11-13 to provide for:

“a new mid-block signalized intersection (i.e., signal only for the fire station driveway) at the secondary driveway on Bayshore Boulevard between signalized intersections at Valley Drive and Old County Drive. In addition, median modifications at the new mid-block intersection would provide a break in the raised median to allow fire truck movements and a short southbound left-turn pocket where inbound fire trucks could wait for the fire station signal to be triggered. The contractor would prepare all materials necessary for and obtain the approval of the City of Brisbane for the implementation of this improvement.”

The Draft EIR/EIS asserts this mitigation measure “would be effective in maintaining existing emergency vehicle response times for the Brisbane Fire Station under Alternative B. Implementing SS-MM#2 would not result in secondary impacts because the driveway access control modifications would be located within existing developed public rights-of-way.”

[107]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group



Draft EIR Figure 3.11-13: Proposed Fire Station Relocation – West LMF

1165-2160

Rather than proposing a mitigation measure to fix the fatally flawed fire station relocation plan illustrated in Draft EIR/EIS Figure 3.11-13, the Draft EIR/EIS should have revised the figure and accompanying text to reflect the relocation and access described in the text of Mitigation Measure SS-MM#2 to facilitate public review and comment on what was actually being proposed.

1165-2161

While Mitigation Measure SS-MM#2 would provide a signalized full turning movement onto Bayshore Boulevard, it would still have a fatally flawed design that is unacceptable to the North County Fire Authority for several reasons. The constraints of the available site area and location of its single access to Bayshore Boulevard require the placement of the relocated station with its apparatus bays facing parallel to Bayshore Boulevard instead of perpendicular, which as described above for the East LMF would increase response times by replacing a short perpendicular access to Bayshore Boulevard with a longer driveway parallel to Bayshore Boulevard requiring fire trucks to make a 90-degree turn before turning onto Bayshore Boulevard. The single access to Bayshore Boulevard retained in SS-MM#2 would also require fire trucks returning to the station to stop on Bayshore Boulevard and back into and along the driveway to the station’s apparatus bays, which would be particularly problematic for fire trucks returning to the station southbound along Bayshore Boulevard.

[108]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2162

Because the Project would displace the City’s existing fire station and the Draft EIR/EIS provides no feasible relocation site, Impact S&S#3 (Permanent Impacts on Emergency Access and Response Times Caused by Construction) must be revised to thoroughly analyze the constraints to relocating Brisbane’s existing fire station to the south and recirculate the Draft EIR/EIS to identify an offsite location to which the fire station would be located that is acceptable to the City of Brisbane and the North County Fire Authority and provide environmental analysis for relocation of the fire station to that site. Alternatively, the recirculated Draft EIR/EIS would need to conclude Impact S&S#3 would be significant and unavoidable. However, leaving a city with a fatally flawed fire station is a significant and unavoidable impact that could never be legitimately outweighed by Project benefits to allow for Project approval despite that significant unavoidable impact.

1165-2163

*The proposed closure of the Tunnel Avenue bridge would pose an extraordinary safety risk by preventing the Brisbane Police Department and North County Fire Authority from quickly responding to emergencies within the portion of the City east of Bayshore Boulevard and the Caltrain right-of-way.*

The assessment of temporary emergency access on Draft EIR/EIS page 3.11-50 understates emergency access impacts during the time the Tunnel Avenue bridge and Tunnel Avenue would be closed.

Draft EIR/EIS page 3.11-50 describes emergency access delays during construction as follows:

“The realignment of the Tunnel Avenue overpass under both project alternatives would require closure of Tunnel Avenue for 1 month and would cause temporary delay for emergency vehicles because direct east-west access between US 101 at the Lagoon Road off-ramp and Bayshore Boulevard and central Brisbane would be blocked. For example, if there was an emergency incident on US 101 near the Lagoon Road off-ramp, emergency vehicles from the Brisbane Fire Station at 3445 Bayshore Boulevard would be delayed by having to use Bayshore Boulevard to travel north to the Beatty Avenue on-ramp or south to Oyster Point Boulevard in South San Francisco. Similarly, vehicles would also be delayed if traveling from US 101 into central Brisbane. The realignment of Tunnel Avenue with construction of the East Brisbane LMF would require temporary closure of Tunnel Avenue for between 1 and 3 months, which would not affect east-west connections between US 101 and Bayshore Boulevard but would temporarily hinder north-south travel to the industrial areas north of the proposed East Brisbane LMF.”

The Draft EIR/EIS incorrectly asserts that emergency vehicles responding to an accident US 101 near the Lagoon Road off-ramp would be able to “use Bayshore Boulevard to travel north to the Beatty Avenue on-ramp” and then south on the US 101 freeway. Because Beatty Avenue does not connect to Bayshore Boulevard into San Francisco, the actual route required for emergency response would be north on Bayshore Boulevard, turn right onto Blanken Avenue, right onto

[109]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2163

Tunnel Avenue, and left onto Beatty Avenue to the US 101 southbound on-ramp, and then south on the freeway to the freeway offramp. Available emergency access routes between the existing Brisbane Fire Station and various locations in Brisbane are illustrated in Figures Metis-5 through Metis-9.

1165-2164

As illustrated in Figures Metis-5 through Metis-9, temporary closure of the Tunnel Avenue bridge would dramatically increase response times for Brisbane fire and police first responders.<sup>30</sup> In addition, if the Tunnel Avenue bridge and Tunnel Avenue between Lagoon Road and Beatty Avenue are closed simultaneously, *no* emergency or operational access would be available to the Kinder Morgan tank farm. As stated in the September 9, 2020 comment Draft EIR/EIS letters from the Brisbane Police Department and North County Fire Authority, the increased response times resulting from temporary closure of the Tunnel Avenue bridge and Tunnel Avenue would endanger public safety and are unacceptable.

1165-2165

The Draft EIR/EIS acknowledges that the “impact would be significant under CEQA for the project alternatives because temporary road closures associated with construction related to the Tunnel Avenue overpass (both alternatives), Tunnel Avenue realignment (Alternative A), and the passing track (Alternative B) would result in longer travel paths that could delay emergency vehicle response times... The project features would minimize increases in emergency response delays through coordination with local jurisdictions and procedures for implementing or maintaining emergency vehicle access during construction, but significant impacts would still occur. A mitigation measure to address this impact under Alternative B is identified in Section 3.11.9, CEQA Significance Conclusions. Section 3.11.7, Mitigation Measures, describes the measure in detail.”

None of the mitigation measures set forth in Draft EIR/EIS Section 3.11.7 address the public safety impacts that would result from the temporary closure of impacts of the Tunnel Avenue bridge and Tunnel Avenue. The only mitigation measures set forth in Section 3.11.7 are the following.

- SS-MM#1: Construction Traffic Management for Passing Track Section
- SS-MM#2: Modify Driveway Access Control for Relocated Brisbane Fire Station
- SS-MM#3: Install Emergency Vehicle Priority Treatments near HSR Stations
- SS-MM#4: Install Emergency Vehicle Priority Treatments Related to Increased Gate-Down Time Impacts

<sup>30</sup> Brisbane police first responders would follow the same routes as first responders from the fire station, starting at the intersection of Bayshore Boulevard and Valley Drive.

[110]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group



Figure Metis-5

Emergency Access Routes – Brisbane Fire Station to Recology Entrance on Beatty Avenue

[111]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

Metis Environmental Group



Figure Metis-6

Emergency Access Routes – Brisbane Fire Station to US 101 SB On/Off Ramps near Lagoon Road North via Bayshore Boulevard

[112]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group



Figure Metis-7

Emergency Access Routes – Brisbane Fire Station to Golden State Lumber

[113]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

Metis Environmental Group



Figure Metis-8

Emergency Access Routes – Brisbane Fire Station to Kinder Morgan Brisbane Terminal

[114]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group



Figure Metis-9  
Emergency Access Routes – Brisbane Fire Station to Sierra Point (Doubletree Hotel)

[115]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

Metis Environmental Group

1165-2166

The mitigation offered in the Draft EIR/EIS – having the construction contractor determine available emergency access routes during the temporary closure of the Tunnel Avenue bridge and Tunnel Avenue *after* the Project is approved (SS-IAMF#1) – constitutes impermissibly deferred mitigation that deprives the public with the opportunity to review and comment on this critical public safety issue. Because the Draft EIR/EIS has not undertaken analysis of the extent of emergency response impacts in Brisbane due to temporary road closures and has not determined what alternative access routes might be available during closure of the Tunnel Avenue bridge and Tunnel Avenue (with the exception of an alternative route that would not actually exist), the City of Brisbane was forced to undertake the analysis that should have been completed in the Draft EIR/EIS. As shown in Figures Metis-5 through Metis-9, none of the emergency access routes that would be available during temporary closure of the Tunnel Avenue bridge and Tunnel Avenue would permit acceptable emergency response times.

1165-2167

The Draft EIR/EIS recognizes this significant impact and offers only deferred and ineffective SS-IAMF#1 that would require the Authority’s contractor to “prepare a construction safety transportation management plan that includes the contractor’s coordination efforts with local jurisdictions for maintaining emergency vehicle access during construction” and “specify the contractor’s procedures for implementing temporary road closures, including access to residences and businesses during construction, lane closures, signage, detour provisions, emergency vehicle access, and alternative access locations.”

The Draft EIR/EIS concludes that Impact S&S#1 (Temporary Impacts on Emergency Access and Response Times from Temporary Road Closures, Relocations, and Modifications) would be significant and unavoidable for the Tunnel Avenue relocation in Brisbane. Because there are no circumstances under which significant delays in emergency response times that would endanger property and lives could be considered acceptable, the only realistic solution would be for the Authority to redesign the construction and staging of the Tunnel Avenue bridge relocation and realignment of Tunnel Avenue to permit the bridge and full length of Tunnel Avenue between Beatty Avenue and Lagoon Road to remain open at all times during construction of the Brisbane LMF. Simply determining emergency access to be a significant and unavoidable impact in the absence of understanding (1) what emergency access would be available during such closures and (2) demonstrating that modifications to roadway and bridge designs as well as construction staging would not be able to avoid these closures is insufficient and dangerous. Therefore, the following mitigation measure needs to be implemented:

**TR-MM# \_\_\_: Temporary Road Access during Brisbane LMF Construction**

The Tunnel Avenue bridge relocation (East and West LMF) and Tunnel Avenue realignment (East LMF only) shall be designed and constructed so as to maintain access along Tunnel Avenue from Beatty Avenue to Bayshore Boulevard as well as access along Lagoon Road between Tunnel Avenue and Sierra Point Parkway open at all times throughout construction of the Brisbane LMF and related facilities.

[116]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2168

**The analysis of impacts contained in Section 3.12, Socioeconomics and Communities, is incomplete and fails to address the Project’s significant impacts on the Brisbane community.**

*The definition of “displacements and relocations” needs to include displacement of governmental facilities. Also, “acquisition” needs to be defined so as to include both fee title purchase and temporary construction easements.*

The Draft EIR/EIS offers the following definitions at the outset of Section 3.12, Socioeconomics and Communities:

*Displacements* refers to the movement of people out of their residences, businesses, or nonprofit organizations as a result of acquisition of private property for a transportation or other government project. *Relocations* refers to the relocation of people into new homes, or commercial or industrial properties with assistance and benefits in accordance with federal and California laws as discussed in Section 3.12.2, Laws, Regulations, and Orders.

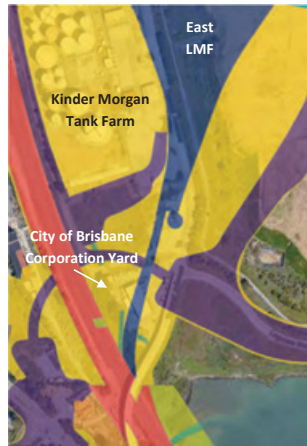
By defining “displacements and relocations” to exclude displacement of governmental facilities, the Draft EIR/EIS fails to disclose or evaluate the environmental effects of displacing the City of Brisbane’s existing corporation yard for construction of the East LMF. As illustrated in the Figure Metis-10, the rail line connecting northbound high-speed rail traffic to the East LMF will run through the middle of Brisbane’s existing corporation yard.

1165-2169

Also, the term “acquisition” needs to be defined so as to include both not just fee title purchase but also temporary construction easements. As shown in Figure Metis-10, a temporary construction easement would cover the entirety of the Kinder Morgan tank farm for construction of the East LMF. For construction of the West LMF, the entirety of the City’s corporation yard is shown within a temporary construction easement.

1165-2170

As a result of the definitions used in the Draft EIR/EIS, impacts associated with displacing the City’s corporation yard (East LMF) or disruptions to operations at the City’s corporation yard and Kinder Morgan tank farm (West LMF) are not disclosed. Dislocation of the corporation yard or disruptions in City ability to maintain operations essential public works services during LMF construction could have far-reaching impacts on the



Metis-10: Displacement Impacts of the Brisbane LMF

[117]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2170

Brisbane community that need to be but are not addressed in the Draft EIR/EIS. Disruptions in the ability of Kinder Morgan to continue full operations and site maintenance during LMF construction could have far-reaching impacts on jet fuel deliveries to San Francisco International Airport, as well as fuel deliveries to service stations throughout the Bay Area.

1165-2171

*The Draft DIR/EIS fails to disclose impacts to the operations of Golden State Lumber.*

On page 3.12-12, the Draft EIR/EIS states:

*“Partial acquisitions that would not result in displacement or relocation are not included in this analysis because they would consist of minor sliver acquisitions of parcels that are currently adjacent to the Caltrain corridor, which would not substantially affect communities and neighborhoods.”*

This is not, however, the case in Brisbane where the East LMF would remove Golden State Lumber’s existing lay-down area for off-loading and storing lumber shipped by rail<sup>31</sup>. Loss of its lay-down area would require Golden State Lumber to block Tunnel Avenue while it unloads lumber shipments from rail cars. Because Golden State Lumber currently receives approximately 30 percent of its stock by rail, loss of their lay-down area could have a substantial adverse effect on the business and its ability to remain in its current location. Golden State Lumber is vital part to the City’s economic health, contributing more than 20 percent of Brisbane’s sales tax revenue.

1165-2172

*Impact SOCIO#1 provides only a cursory, generalized analysis of impacts that concludes impacts would be less than significant based on deferred mitigation in an IAMF. No analysis is provided demonstrating TR-IAMF#2 would, in fact, avoid significant impacts.*

Impact SOCIO#1 describes where roadway closures would occur during Project construction and describes the types of impacts that would result. The Draft EIR/EIS does not, however, recognize that Project-related temporary roadway closures would affect different areas in different ways. The following generic analyses is provided to address Project impacts ranging from 2-4 weeks to one year or more from Mission Bay and 16th Street in San Francisco to Bird Avenue and Delmas Avenue in San José.

*“Temporary road closures would disrupt communities and community interactions where access to some neighborhoods, businesses, or community facilities would be temporarily obstructed, especially for those with ingress and egress on roadway*

<sup>31</sup> As shown in the Authority’s plans for the East LMF (Exhibits TC2-MY-C010A and Exhibits TC2-MY-C010B) provided in Appendix B to Attachment Metis-F: City of Brisbane, California High-Speed Rail Authority San Francisco - San Jose Draft EIR/EIS Brisbane Impacts Evaluation Technical Review Narrative.

[118]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2172

segments that are under construction. Residents and community members would be required to take short, temporary detours. The changes to circulation and access during construction would result in short-term inconvenience and increased travel times for pedestrians, bicyclists, motorists, and transit, which would affect established social engagement patterns within the communities.”

“Although access to some neighborhoods, businesses, and community and public facilities could temporarily be obstructed, especially for those with ingress and egress on roadway segments that are under construction, access would continue to be provided.”

While descriptions of proposed temporary road closures are provided for various segments of the Project, these descriptions do not analyze the functions of roadways planned for temporary closure, the amount of traffic they carry, or the availability of alternative routes and existing congestion along those routes. Yet, the Draft EIR/EIS asserts that temporary detours would be “short,” and that changes to circulation would only be an “inconvenience.”

1165-2173

While TR-IAMF#2 requires the construction management plan to include “provisions for 24-hour access by emergency vehicles,” no performance standards are included as to how well such temporary emergency access is to function. Thus, the construction contractor could argue that the unacceptably long emergency access illustrated in Figures Metis-5 through Metis-9 provide 24-emergency access and therefore comply with TR-IAMF#2. In the absence of analyzing the functions of roadways planned for temporary closure, the amount of traffic they carry, availability of alternative routes, and existing congestion along those routes, the Draft EIR/EIS has no basis for its assumption that TR-IAMF#2 would successfully avoid significant impacts or find a solution to the significant unavoidable impact Brisbane would face.

1165-2174

In relation to noise and vibration, the Draft EIR/EIS concedes that sensitive receptors would “experience temporary noise levels in exceedance of the FRA noise impact criteria for up to 2 years at any given location.” Nevertheless, without identifying whether these sensitive receptors would be subject only to daytime noise or to noise from nighttime construction activities, the Draft EIR/EIS asserts that subsequent preparation of a construction management plan would avoid significant construction noise and vibration impacts. It should be noted that the Draft EIR/EIS includes the following in relation to noise and vibration from pile-driving impacts.

Avoiding impact pile driving where possible in vibration-sensitive areas by requiring compliance with the FRA and FTA guidelines for minimizing construction noise and vibration impacts when work is conducted within 1,000 feet of sensitive receptors. (emphasis added)

As Brisbane residents and employees know, due to the community’s unique topographic setting, noise from impact pile driving carries much farther than 1,000 feet and the rhythmic pounding of pile driving activities can be a substantial annoyance even when impacts have

[119]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2174

been “minimized.” Rather than relying on the construction contractor to determine where it is “possible” to avoid impact pile driving and what “minimizing” noise and vibration impacts mean, an enforceable mitigation measure with clear performance standards needs to be required by the Draft EIR/EIS for future construction.

1165-2175

Draft EIR/EIS page 3.12-43 states, “Construction activities for the East Brisbane LMF under Alternative A would be occur approximately 1,900 feet from the nearest residences, while construction activities for the West Brisbane LMF under Alternative B would occur 1,500 feet from residences. Sensitive receptors would experience these temporary construction noise impacts for up to 2 years at any given location.”

While the Draft EIR/EIS recognizes that the City of Brisbane approved a General Plan Amendment permitting 1,800 to 2,200 dwelling units within the Brisbane Baylands, which the Draft EIR/EIS also identifies as a probable future project, the statement on page 3.12-43 ignores these facts, as well as the fact that San Francisco has approved residential development along the west side of the Caltrain line just to the north of the proposed West LMF. As a result, the Draft EIR/EIS fails to disclose the likelihood that residential development within the Baylands and immediately to the north in San Francisco would be under construction and occupied by 2025 or 2026, placing the nearest residences closer to construction noise than the Draft EIR/EIS asserts.

1165-2176

On page 3.12-44, the Draft EIR/EIS states:

“Construction activities within this subsection would predominantly occur in the existing right-of-way, with the exception of the Brisbane LMF, which would be built on vacant lands in the Brisbane Baylands area. Construction of the Brisbane LMF would require construction staging, excavation, grading, clearing and grubbing, building construction, and trackwork over a period of approximately 1 year. Under Alternative A, the East Brisbane LMF would be built east of the existing Caltrain right-of-way and would require the realignment of Tunnel Avenue to the east of the LMF. Under Alternative B, the West Brisbane LMF would be built west of the existing Caltrain right-of-way.”

This and similar statements made in the Draft EIR/EIS and its technical report implies that vacant lands in the Brisbane Baylands area are in a development-ready condition. They are not. The Draft EIR/EIS understates the complexity of site construction within the Baylands, which is, in fact, a contaminated site that requires extensive site remediation prior to West LMF construction and substantial remedial work and Title 27 landfill closure for the East LMF. Before such remediation for the West LMF site could begin, the Authority would be required to prepare Remedial Action Plans and Remedial Development Implementation Plan to document the specific methods and applicable performance standards to bring the West LMF into a developable condition. Regulatory review, environmental documentation, and approval by the

[120]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2176

Department of Toxic Substances Control and the Regional Water Quality Control Board would also be required. The Draft EIR/EIS therefore likely understates the length of time construction of the Brisbane LMF and its various improvements would take.

1165-2177

Whereas the Draft EIR/EIS refers to “excavation, grading, clearing and grubbing,” page 3.12-44 does not refer to the fact that the East LMF is proposed to be built on a former landfill for which final closure plans in compliance with CCR Title 27 have neither been prepared nor implemented. Excavation for construction of the East LMF would extend into the wastes within former landfill and require disposal at an offsite location. Since no site-specific waste characterization or geotechnical studies appear to have been undertaken for construction within the former landfill, the extent of required landfill closure activities and the time it would take to close the landfill prior to LMF construction is unknown.

1165-2178

The Draft EIR/EIS also presents an overly optimistic estimate of construction time for relocation of the Tunnel Avenue bridge and realignment of the Tunnel Avenue realignment. In comparison, construction of the existing Tunnel Avenue bridge took approximately 2 years due to soil conditions present within the Brisbane Baylands and the need for dynamic compaction of soils to achieve an adequate foundation for the bridge. There is no reason to believe that soil conditions at the site of the proposed new bridge crossing 400 feet north of the existing bridge would be substantially different than those of the existing Tunnel Avenue bridge. In addition, it is not known whether excavation of the former Brisbane landfill for construction of the East LMF and relocated Tunnel Avenue would remove all solid waste or if the East LMF and realigned Tunnel Avenue would be placed atop waste materials. Since site-specific geotechnical conditions for the East LMF, relocated Tunnel Avenue bridge foundations, and realigned Tunnel Avenue were not analyzed, actual relocation of the existing Tunnel Avenue bridge and realignment of Tunnel Avenue are likely to take longer than the estimated 1-3 months cited in the Draft EIR/EIS. As a result, the length of time between closure of the existing Tunnel Avenue bridge and the opening of the new bridge, including realignment of Tunnel Avenue and Lagoon Road approaches to the new bridge is likely to be longer than the 1 month cited on Draft EIR/EIS page 3.11-50.

Until more definitive information is developed, the length of time required for LMF construction cannot be reasonably estimated. In light of these unknowns and the lack of enforceable and effective measures to avoid impacts, the Draft EIR/EIS fails to substantiate its CEQA conclusions that Impact SOCIO#1 would be less than significant.

1165-2179

*Impact SOCIO#2 fails to fully disclose impacts associated with relocating the Brisbane fire station.*

By stating that “the realignment of the Tunnel Avenue overpass would require reconfiguration of the Brisbane Fire Station,” Impact SOCIO#2 understates the Project’s actual impact. First, the Tunnel Avenue overpass is not proposed to be realigned. The existing bridge crossing will be

[121]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2179

demolished with a new bridge being constructed 400 feet to the north. In addition, the fire station is not proposed to be reconfigured. As shown in Draft EIR/EIS Figures 3.11-12 and 3.11-13, the community’s existing fire station is proposed to be demolished and a new station constructed to the south. However, as discussed in comments on Impact S&S#3, neither of the proposed relocation sites are feasible. Therefore, impacts related to the Brisbane fire station would be significant and in the absence of identifying an alternative offsite location for the station to be moved to and completing environmental analysis for moving the station to a new site, both Impact S&S#3 and Impact SOCIO#2 must be considered to be significant and unavoidable.

1165-2180

*Impact SOCIO#2 provides an incomplete and misleading discussion of displacements and dislocations.*

Both Draft EIR/EIS Section 3.12 and Draft EIR/EIS Community Impact Technical Report TR-11 state that the Project would “require three business displacements” without disclosing any analysis leading to this conclusion. The Draft EIR/EIS does state elsewhere that two industrial businesses and a commercial nursery would be dislocated.

It appears that one of the industrial businesses that would be displaced by bridge and roadway relocations for the Brisbane LMF is the historic Machinery & Equipment building, which was constructed in 1924 that now houses the Machinery & Equipment, Inc. Impacts to the Machinery & Equipment building are not addressed but need to be as a cultural resources impact in the Draft EIR/EIS.

While both the Mission Blue Nursery and Machinery & Equipment, Inc. would be displaced, it is unclear what the third Brisbane business is that would be dislocated for construction of the LMF, although it appears that the third dislocation may be the City of Brisbane corporation yard. Construction of the East LMF would require running the rail line connecting the East LMF to the rail lines within the Caltrain right-of-way through the center of the City’s corporation yard. If the City’s corporation yard is not, in fact, the third business to be dislocated by LMF construction, the Draft EIR/EIS should disclose what that third business is and where it is located, as well as address displacement of the City’s corporation yard. Because of its vital function in maintaining the community’s infrastructure, it is critical that the City’s corporation yard be able to remain functioning throughout LMF construction.

1165-2181

On page 3.12-12, the Draft EIR/EIS states:

*“Partial acquisitions that would not result in displacement or relocation are not included in this analysis because they would consist of minor sliver acquisitions of parcels that are currently adjacent to the Caltrain corridor, which would not substantially affect communities and neighborhoods.”*

[122]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2181

However, this is not the case in Brisbane where the East LMF requires partial acquisition from the Golden State Lumber company and the Kinder Morgan tank farm. Construction of the East LMF would eliminate Golden State Lumber’s auxiliary laydown area on the south side of Tunnel Avenue. With the elimination of this laydown area, equipment for off-loading of lumber from railcars would be required to block Tunnel Avenue and immediately move product into its main yard since its laydown yard would no longer be available. The loss of its laydown area would substantially reduce the company’s storage area and have adverse effects on both Tunnel Avenue and Golden State Lumber’s operations, which are not addressed in the Draft EIR/EIS. The potential loss of Golden State Lumber, which currently generates approximately 20 percent of Brisbane’s sales tax revenue would have a major economic effect on the City.

The East LMF would relocate the Kinder Morgan tank farm’s current access point from Tunnel Avenue on the east side of the site to Lagoon Road on the south side of the site, and take the facility’s northernmost building and a portion of another structure currently used for loading of fuel tankers, while relocating its access from Tunnel Avenue to Lagoon

Road. In addition to the partial take of the Kinder Morgan tank farm for the East LMF, the Authority indicates that the entirety of the tank farm would be subject to a temporary construction easement.<sup>32</sup>

Because of the tank farm’s vital role in supplying jet fuel to San Francisco International Airport, as well as petroleum products to service stations throughout the Bay Area, Project-induced disruptions to Kinder Morgan’s operations could have far-reaching consequences to the regional fuel supplies and could adversely affect tank farm operations and safety.

The partial acquisitions proposed for the Golden State Lumber and Kinder Morgan sites are clearly not “minor sliver” acquisitions. The Draft EIR/EIS needs to address the many potential adverse effects of partial acquisitions of these businesses’ property.

1165-2182

**Draft EIR/EIS Section 3.13, Station Planning, Land Use, and Development, presents an incomplete analysis that fails to disclose the full extent of Project impacts.**

*Section 3.13.5.1 incorrectly identifies existing land uses within and adjacent to the Brisbane LMF leading to the Draft EIR/EIS failing to analyze construction impacts associated with site remediation and landfill closure, along with a lack of recognition of the complexity of development within the Baylands.*

Draft EIR/EIS Table 3.13-2 incorrectly identifies the predominant land uses adjacent to the East LMF site as “industrial, vacant, parks/open space.” The “vacant, parks/open space” uses

<sup>32</sup> <https://mapshsrnorcal.org/sanfrancisco-sanjose/>

[123]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2182

within and adjacent to the East LMF are the former Brisbane Landfill. As a result of not identifying the location of the of the landfill within and adjacent to the East LMF, many of the analyses in the Draft EIR/EIS fail to address physical environmental effects associated with (1) excavating soil and solid waste materials from the landfill for construction of the East LMF, (2) capping and closing the portion of the landfill disturbed by East LMF construction, and (3) requires for long-term leachate collection and landfill gas collection systems.

On page 3.13-14, the Draft EIR/EIS states, “The primary land uses south of Visitacion Valley are industrial and vacant land in Brisbane.” The Brisbane Baylands within which the LMF is proposed is, in fact, a contaminated site, requiring extensive site remediation (West LMF) or landfill closure (East LMF) as a prerequisite for actual construction of the LMF. The Draft EIR does not address either the physical environmental effects or the costs of such remediation and landfill closure.

1165-2183

*The Draft EIR/EIS (Impact LU#5) fails to address the extent to which the Brisbane LMF would adversely affect planned land uses and undermines Brisbane’s commitment to providing housing within the Baylands that would assist in addressing the regional and statewide housing crisis.*

The City of Brisbane has committed to assist the San Francisco Bay Area and the State of California address their long-standing housing crisis. As demonstrated above, however, the Draft EIR/EIS fails to recognize the adverse land use effects that would result from developing an incompatible 100+ acre LMF within the Baylands, which is one of, if not the largest transit-oriented development sites within the inner urban Bay Area. The Draft EIR/EIS fails to address the LMF’s impacts on Brisbane’s proposed mixed use transit-oriented development or mitigate its impacts on the planned development of the Baylands, effectively transferring responsibility for mitigating impacts generated by the High-Speed Rail project onto the adjacent planned housing and commercial uses that would be forced to endure those impacts.

1165-2184

Draft EIR/EIS Figure 3.13-6 illustrates the relationship between the Brisbane LMF and the Brisbane General Plan, while Page 3.13-21 mentions the Brisbane General Plan the land uses it currently permits for the Baylands within and adjacent to the West and East LMF sites as follows:

“For example, in the Brisbane area, while the majority of land adjacent to the railway is vacant, this vacant land is designated for planned development (residential permitted), which would allow for a combination of residential and commercial development and planned development (residential prohibited), which would only allow for commercial development.”

Inclusion of residential development within the Baylands was strongly supported by housing champions in the State Legislature, County officials, and numerous housing advocacy groups

[124]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2184

who demanded that Brisbane rescind its longstanding policy prohibiting residential development within the Baylands and find a way that housing could be safely provided within the contaminated site. Because of the contaminated soils and groundwater within the western portion of the Baylands, the former landfill in the eastern portion of the site, Recology solid waste transfer facility to the north, and Kinder Morgan tank farm to the southwest, noise from the US 101 freeway and rail line, the Brisbane General Plan adopted in 1994 had prohibited residential development within the Baylands.

Despite the complexities involved in Baylands development, the site is transit-rich and a prime location for a mix of residential and employment-generating transit-oriented development. As a result, Plan Bay Area 2040, the region's sustainability communities strategy and blueprint for achieving a compact urban form, reducing dependency on automobile travel, and achieving SB32 greenhouse emissions goals includes the Baylands within a priority development area for mixed-use, transit-oriented residential/commercial development.

The Draft EIR/EIS explicitly recognizes the importance of the Baylands for transit-oriented development, stating:

- "Planned development is most relevant around station areas and the proposed Brisbane LMF sites because these are the areas where planned development would be most affected by the project alternatives." (page 3.13-22)
- The City of Brisbane has "incorporated mixed use and TOD in their general plan to guide development and land uses in the Brisbane area," (page 3.13-22)
- The (Baylands) area is identified as a priority development area in *Plan Bay Area 2040*. It is one of the largest undeveloped infill sites (660 acres) in the Bay Area and is proximate to transit, which makes it an attractive site for TOD infill development opportunities. (page 3.13-25)
- "In November 2018, the City of Brisbane and the city's voters approved a General Plan Amendment that identifies the planned development of 1,800–2,200 dwelling units, up to 6.5 million square feet of commercial development, and 500,000 square feet for hotel development." (page 3.13-25)
- "Increased density at the Baylands is supported by Plan Bay Area, which identifies the... Brisbane Baylands as a priority development area." (page 3.13-61).

Following years of study and often acrimonious public hearings, General Plan Amendment GP-1-18 was crafted, adopted by the City Council, and approved by Brisbane voters to provide for development of 1,800 to 2,200 dwelling units along with 6.5 million s.f. of commercial office use and an additional 500,000 s.f. of hotel use. GP-1-18 represented an extraordinary solution whereby the City would be able to permit substantial housing in proximity to existing transit, doubling the small town's population, while simultaneously addressing the Baylands many

[125]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2184

complexities and development constraints. Thus, in addition to permitting the development identified above, GP-1-18 and the Baylands Program EIR also required the following.

- Detailed plans for Title 27 compliant closure of the landfill and Remedial Action Plans for UPC-OU-SM and OU-2 are to be approved by all appropriate regulatory agencies, prior to approval by the City of a specific plan for the Baylands.
- A specific schedule establishing the time frames by which (1) the landfill would be closed in full compliance with Title 27 and (2) remediation of UPC-OU-SM and OU-2 would be completed was required to be provided as part of any approval by the City of a specific plan for the Baylands.
- Residential development would be restricted to the northwestern portion of the Baylands and would be designed and remediated to accommodate ground level residential uses and ground level residential-supportive uses such as daycare, parks, schools, playgrounds, and medical facilities. This provision would ensure site remediation to the state's most stringent standard.
- A reliable water supply approved by the City of Brisbane would be secured such that the infrastructure needed to deliver water to the site would be constructed concurrent with infrastructure for the first increment of site development.
- Each increment of development is required to be provided with appropriate transportation related and other infrastructure, facilities, and site amenities as determined by the City. The Baylands development plan would thus solve the chronic lack of infrastructure that constrained Baylands development.
- Key habitat areas, including Icehouse Hill, the Brisbane Lagoon and adjacent habitat as identified in the City's 2001 Open Space Master Plan is to be preserved, enhanced, and protected. Thus, Visitation Creek was required to be restored as were marsh lands along the north shore of the Brisbane Lagoon. Habitat restoration plans for this restoration are required to be prepared and approved concurrent with a specific plan for Baylands development.
- Development would be required to be designed to protect uses from the 100-year flood, including 100 years of projected sea level rise.

Proposed development of the Brisbane LMF threatens to undo this extraordinary solution for the development of housing by introducing an incompatible industrial use in close proximity to Baylands housing as illustrated in Figures Metis-11 and Metis-12 that would:

- Generate noise on a 24/7 basis. The Draft EIR/EIS does not analyze, disclose, or mitigate noise from the LMF. Instead, the document argues that impacts from high-speed rail train operations would be sufficiently loud that LMF noise averaged over a full day or 8-hour period would not be significant. The Draft EIR/EIS thus fails to address LMF noise generation throughout the day and night between train passbys.

[126]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2186

- Design the relocated Tunnel Avenue bridge and realigned Lagoon Road so as to preclude the opportunity for marsh restoration and a passive park along the north side of the Brisbane Lagoon. Both the West and East LMFs retain the existing alignment of Lagoon Road and do not shift its alignment north as has been planned by the City since preparation of the Baylands Public Space Master Plan<sup>33</sup> in 2009.

As a result, Lagoon Road would be subject to inundation due to sea level rise. To project the roadway, it would need to be shifted to the north to align with the existing US 101 southbound freeway on- and off-ramps, which would require realignment of the Tunnel Avenue bridge as it is currently proposed. Unless the Authority would redesign the proposed bridge and Lagoon Road alignment, future Baylands residents and Brisbane taxpayers would be required to foot the bill for the Project's shortsighted design.

1165-2187

- Fill 980 linear feet of Visitacion Creek and preclude the opportunity for large-scale restoration of creek habitat, including trails along the creek (East LMF).

1165-2188

- Remove Icehouse Hill, destroying its habitat value along with opportunities for recreational trails and passive recreation (West LMF).

The loss of the site's primary open space and recreational amenities would jeopardize the ability for Baylands development to provide the required 25% of land area to be devoted to open space and open areas without a substantial loss of development capacity in addition to the development lost to the LMF itself. Because of the commitment made by the City to State legislators that 1,800 to 2,200 dwelling units would be permitted within the Baylands, reduction of the site's development capacity would likely be achieved by reducing the amount of commercial/office use within the Baylands that could, in turn, jeopardize the ability of Baylands development to pay for itself by generating sufficient revenue to the City to pay for the costs of City services to be Baylands "during all phases of development and upon final buildout."

Metis Environmental Group

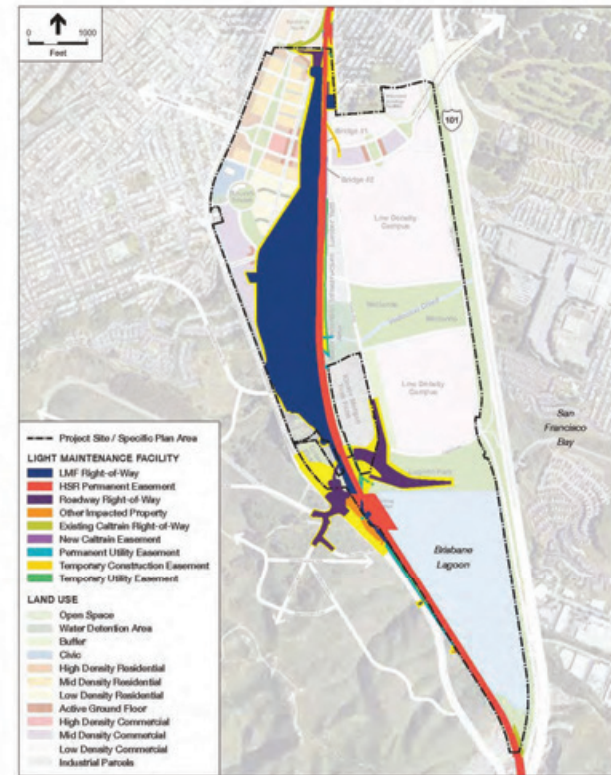


Figure Metis-11

West Brisbane Light Maintenance Facility in Relation to Proposed Baylands Development

<sup>33</sup> The Dangermond Group, *Baylands Public Space Master Plan*, prepared for the City of Brisbane, May 2009.

[127]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

[128]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

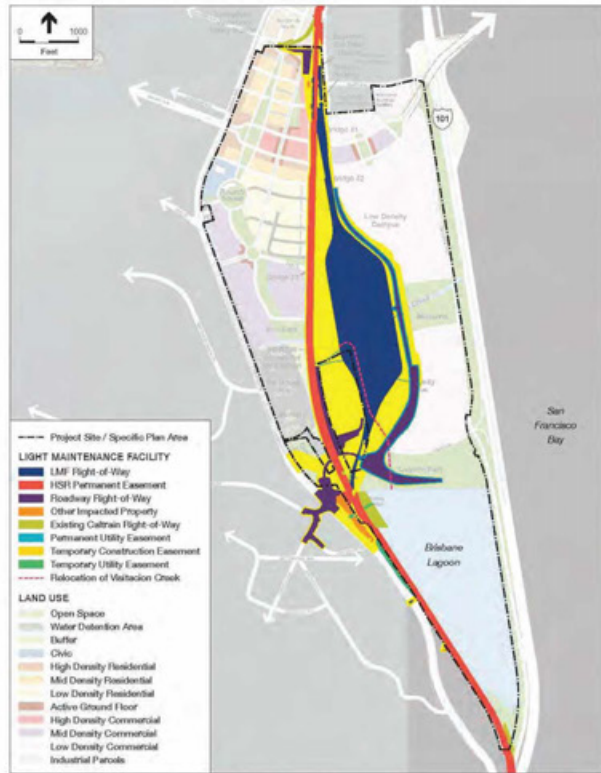


Figure Metis-12

East Brisbane Light Maintenance Facility in Relation to Proposed Baylands Development

[129]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

Metis Environmental Group

1165-2189

- The current design of the LMF would preclude the Geneva Avenue extension and bridge crossing of the Caltrain right-of-way proposed as part of a multi-jurisdictional bi-county San Francisco-San Mateo County transportation planning effort that includes the City of Brisbane. The LMF's current design would force the Geneva Avenue extension to tunnel under the Caltrain right-of-way, substantially increasing its costs and environmental impacts due to the need to excavate a substantial amount of contaminated soils. At the same time, the 100+ acres devoted to the LMF would not be contributing a fair share toward that bi-county transportation improvements.

1165-2190

While the Draft EIR/EIS acknowledges that the Baylands site is planned for "a transit-oriented variety of residential, employment- and revenue-generating uses; natural resource management; and public and semi-public facilities," the document fails to address the extent to which the Project would impact Baylands development as described above. Instead, the Draft EIR/EIS limits its analysis to determining the acreage of various planned land uses that would be directly converted to LMF use. Draft EIR/EIS Tables 3.13-12 and 3.13-13 summarize this acreage analysis.

Table 3.13-12 Planned Land Uses Permanently Converted by the Light Maintenance Facility

Project Component	Planned Land Use Category (acres)							Total
	Residential	Commercial	Public Facilities	Parks/Open Space	Heavy Commercial	PD (residential permitted)	PD (residential prohibited)	
<b>Alternative A</b>								
East Brisbane LMF	0.3	1.7	1.4	<0.1	4.3	2.0	93.3	103.0
<b>Alternative B</b>								
West Brisbane LMF	0.3	1.6	1.5	<0.1	1.9	20.7	90.1 <sup>1</sup>	116.1

LMF = light maintenance facility

PD = planned development

<sup>1</sup> This acreage includes the area of Icehouse Hill.

[130]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2190

**Table 3.13-13 Permanent Impacts of the Light Maintenance Facility on Brisbane Baylands Planned Development**

Land Use Designation	Planned Development (acres)	Development Potential with Alternative A			Development Potential with Alternative B		
		Impact (acres)	Remaining Acres	% Change	Impact (acres)	Remaining Acres	% Change
Planned development (residential prohibited)	485.5	93.3	392.2	- 19.2	90.1	395.4	- 18.6
Planned development (residential permitted)	102.0	2.0	100.0	- 2.0	20.7	81.3	- 20.3
<b>Total</b>	<b>587.5</b>	<b>95.3</b>	<b>492.2</b>	<b>- 16.2</b>	<b>110.8</b>	<b>476.7</b>	<b>- 18.9</b>

Sources: City of Brisbane 2018, Authority 2019a  
Planned development acreages by land use type were based on the Brisbane 2018 General Plan Amendment.

1165-2191

It should be noted that although the “City of Brisbane” is cited as a source for Table 3.13-13, no City staff members were consulted in relation to the information presented in the table. Since General Plan Amendment GP-1-18 did not specify the acreage for which residential development would be permitted within the Baylands, it is unclear what specific document was utilized to prepare the acreage figures presented in Draft EIR/EIS Table 3.13-13.

1165-2192

**The Draft EIR/EIS analysis of aesthetics and visual quality impacts is inaccurate and understates the Project’s impacts.**

*Impact AVQ#1 (Temporary Direct Impacts on Visual Quality and Scenic Vistas) understates the understates the impact’s significance by failing to recognize the visibility of the Baylands and LMF sites from the community.*

Impact AVQ#1 presents a misleading and incomplete analysis of Project impacts based on the false premise that visibility of the Baylands area and the LMF sites is limited. As stated on page 3.15-93:

“Construction of either LMF in the Brisbane Landscape Unit would take place over a period of 2 to 3 years, extending from north of the existing Bayshore Caltrain Station to the Brisbane Lagoon. Heavy equipment would be used to create earthworks, approach tracks, and new roadways, including a new overcrossing for Tunnel Avenue. The few viewers in the immediate area of the LMF are industrial workers at the Recology facility and nearby lumberyard who tend to have low to moderately low viewer sensitivity. Caltrain travelers, with moderately low viewer sensitivity, would experience construction in the immediate vicinity of the Bayshore Caltrain Station, including partial

[131]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

1165-2192

Metis Environmental Group

reconstruction of the station and new approach tracks and a rail flyover south of the station. The existing visual quality in the vicinity of the station is moderately low, similar to that described for KVP3, which is approximately 700 feet north of the station. Construction of the temporary rail flyover south of the station would reduce views from the station during construction, reducing the visual quality to low.” (emphasis added)

However, the Baylands area and LMF sites is highly visible from residences in Central Brisbane and McLaren Park. When viewed from the middle to upper elevations of Central Brisbane, the predominant visual character is that of a largely open land area with the San Francisco Bay and the hillsides of Alameda County beyond, as shown in Figures Metis-13 and Metis-14, below.



Figure Metis-13. View of the Baylands from Mission Blue Drive across the Baylands with San Francisco Bay and the hillsides of Alameda County visible in the background.

[132]

Comments on the High-Speed Rail Draft EIR/EIS, San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group



Figure Metis-14. View from McLaren Park across the Baylands toward San Francisco Bay.

1165-2192

Thus, construction activities for the Brisbane LMF would be visible to far more viewers than just industrial workers in the immediate vicinity and Caltrain travelers with low to moderately low viewer sensitivity. Views across the Baylands toward San Francisco Bay constitute an important scenic vista to the Brisbane community that needs to be acknowledged in the analysis of Impact AVQ#1. Because the CEQA conclusion for Impact AVQ#1 is based on incomplete and incorrect assumptions and analysis regarding the visibility of LMF construction sites and the sensitivity of viewers, the impact needs to be re-analyzed before a valid CEQA conclusion can be reached. In relation to the West LMF site, Impact AVQ#1 needs to be re-analyzed to address views of travelers along Bayshore Boulevard and Guadalupe Canyon Road who will witness the daily removal of the 186-foot high Icehouse Hill over an extended period of time.

1165-2193

*Impact AVQ#4 (Permanent Direct Impacts on Visual Quality – Brisbane Landscape Unit) understates the Project’s impacts.*

While commercial viewers may have moderate sensitivity to changes in the visual quality of the Baylands, Brisbane residents have long demonstrated a high degree of sensitivity to changes in views of the Baylands. For example, in past years when soils processing operations were being undertaken on top of the former Brisbane Landfill, residents were keenly aware of changes in the height of soil piles on the landfill and City staff would receive complaints when residents viewing the Baylands believed they were exceeding allowable heights. Analysis of Impact AVQ#4 needs to be revised to recognize the high sensitivity Brisbane residents have for visual changes within the Baylands.

[133]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2194

Impact AVQ#4 also needs to be revised to recognize the significant visual impact associated with removing Icehouse Hill to make room for the West LMF. Removing the most prominent natural feature within the Baylands would have a substantial negative visual effect and cannot be considered to be less than significant.



Figure Metis-15 View of Icehouse Hill from the intersection of Guadalupe Canyon Road at Bayshore Boulevard. Icehouse Hill would be removed and replaced by the West LMF.

1165-2195

Draft EIR/EIS Figure 3.15-22 (KVP 3 – Baseline and Simulation with HSR: Alternative A, Bayshore Boulevard to Brisbane Baylands) taken from a shuttered building across a visually offensive construction site does not provide a prototypical view of the Bayshore Caltrain station (see Figure Metis-16 for a different perspective of the Bayshore Caltrain station). Further, the notion that this building and the Schlage Lock property construction site from which Draft EIR/EIS Figure 3.15-22 was taken, would be a representative view of the Bayshore station in the Year 2029 is implausible and misleading. Nine years from now, development of the Schlage Lock site, from which the Draft EIR/EIS visual simulation of the Bayshore station was taken, would be largely completed, blocking views of the station from this location.

[134]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group



Draft EIR/EIS Figure 3.15-22: View of Bayshore Caltrain station from the Schlage Lock construction site.



Figure Metis-16: Bayshore Caltrain station, March 2020.

1165-2196

Analysis of Impact AVQ#4 and its visual simulations are also misleading in that they fail to acknowledge the development planned within the Baylands that would begin surrounding the

[135]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2196

LMF sites by 20025-2026 and would be largely built out by the 2040 timeframe the Authority anticipates operating high-speed rail service between San Francisco and San José at full capacity. The statement on page 3.15-100 that the LMF “would be integrated into the surrounding commercial and industrial visual environment to the extent feasible” fails to acknowledge that the visual character of the land adjacent to the Brisbane LMF site will change substantially and the visual environment into which the LMF must fit will be that of a high density, mixed-use, transit oriented development consisting of 1,800-2,200 dwelling units, 6.5 million square feet of commercial/office buildings, and an additional 500,000 square feet of hotel use. The Schlage Lock site, which is under construction to the north of the Bayshore Caltrain station, will consist of 1,679 dwelling units and up to 46,700 square feet of commercial building area<sup>34</sup>.

1165-2197

The analysis and conclusions for Impact AVQ#4 utilize the same erroneous assumptions as were used for Impact AVQ#3, namely that there are few viewers in the immediate vicinity of the LMF sites and the visual sensitivity of residents residing on the slopes of San Bruno Mountain would be no more than moderate. As was stated for Impact AVQ#3:

- Views across the Baylands and the LMF sites from Central Brisbane constitute an important scenic vista of views of San Francisco Bay and Alameda County hillsides that would be degraded by the LMF.
- Brisbane residents have long demonstrated a high degree of sensitivity toward visual changes within the Baylands.

1165-2198

As summarized in the portion of Table 3.15-25 presented below, the Draft EIR/EIS also fails to recognize the visual importance of Icehouse Hill and fails to address the significant visual impact of removing the hill for construction of the West LMF:

East LMF	West LMF
Track shifts and other modifications within and adjacent to existing railway facilities would conform to the existing character of the area. Although the East Brisbane LMF would decrease the visual quality for residential viewers on San Bruno Mountain, there would be no change in the visual quality for the landscape unit as a whole.	Similar to Alternative A. Although the West Brisbane LMF would decrease the visual quality for residential viewers on San Bruno Mountain, there would be no change in the visual quality for the landscape unit as a whole.

It is unclear what substantial evidence is presented in Draft EIR/EIS to substantiate the conclusion that “there would be no change in the visual quality for the landscape unit as a

<sup>34</sup> Source: San Francisco Planning Department web site: [https://default.sfplanning.org/Citywide/visvalley\\_Schlage\\_Lock\\_FactSheet\\_2014-04-25.pdf#:~:text=SCHLAGE%20LOCK%20DEVELOPMENT%20PROJECT%20Schlage%20ock%20opened%20its,industrial%20site%20that%20would%20sit%20empty%20for%20years.](https://default.sfplanning.org/Citywide/visvalley_Schlage_Lock_FactSheet_2014-04-25.pdf#:~:text=SCHLAGE%20LOCK%20DEVELOPMENT%20PROJECT%20Schlage%20ock%20opened%20its,industrial%20site%20that%20would%20sit%20empty%20for%20years.) Accessed August 23, 2020.

[136]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2198

whole.” The placement of a 100+ acre LMF and its 24/7 operations, including large-scale night lighting, within a high-density mixed-use transit orient development that Baylands is intended to be would be visually incongruous with the planned development of the site. The location of the LMF toward the center of the Baylands development would have the visual appearance of a “hole” within the Baylands community that is brightly lit at night. Also, the Draft EIR/EIS needs to acknowledge that the removal of Icehouse Hill, which is one of the key visual features of the Baylands and an important open space and biological habitat resource, would constitute a significant aesthetics and visual resources impact for which no mitigation is possible. The hill is highly visible to most Brisbane residents and screens views of the Baylands from motorists along Guadalupe Canyon Road and Bayshore Boulevard.

1165-2199

That the “Authority would solicit input from local jurisdictions and incorporate local aesthetic preferences into final design and construction of the LMF with regard to vegetative screening, the design of the realigned Tunnel Avenue overpass, and modifications to the Bayshore Station (AVQ-IAMF#1, AVQ-IAMF#2)<sup>35</sup>” constitutes deferred mitigation and addresses the architectural design of the LMF’s main building and the Tunnel Avenue bridge structure. While landscaping along the perimeter of the LMF sites may aid in screening views of the facility from up-close locations, landscaping would not screen views of the LMF by most Brisbane residents within the middle and upper slopes of San Bruno Mountain. Thus, Impact AVQ#4 needs to be identified as significant and unavoidable.

1165-2200

*The Draft EIR/EIS fails to recognize the significant nighttime lighting impacts that would be caused by the Brisbane LMF.*

Because the Baylands lacks substantial existing development, only minimal nighttime lighting is present, limited to the areas around the existing industrial uses in the northern and southwestern portions of the site. This allows for substantial nighttime visibility across the Baylands, including nighttime views of the city lights of the East Bay, as seen from residences in the middle and higher elevations of Brisbane along with a relatively dark night sky. The existing lack of substantial nighttime lighting within the Baylands also allows views of the lights of San Francisco in the distance from vantage points to the south. The Draft EIR/EIS provides the following limited analysis of night lighting impacts that would result from Brisbane LMF operations:

“Fixed lighting sources at HSR facilities would be designed to direct light downward, minimizing light spillover, but the 24-hour operation of the LMF would require a minimum level of lighting for worker safety and security. While lighting would be introduced to a location that is currently undeveloped and therefore unlit, the lighting design would limit its radiance. When viewed by residential viewers with moderate

<sup>35</sup> Draft EIR/EIS page 3.15-100.

[137]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2200

viewer sensitivity located 1 mile from either LMF site, the light from the Brisbane LMF would be visible, but would be consistent with the larger context that includes other existing nighttime sources, such as traffic on US 101 and the southern-facing skyline of San Francisco.”

While Draft EIR/EIS page 3.15-40 states that the LMF would be “designed to direct light downward, minimizing light spillover” and “the lighting design would limit its radiance,” the Draft EIR/EIS does not include *any* actual requirements to direct light downward, minimize light spillover, or limit the radiance of LMF nighttime lighting, let alone offer any performance standards in relation to light trespass, impacts on dark night sky, or radiance of nighttime lighting. Neither do IAMFs AVQ-IAMF#1 (Aesthetic Options) and AVQ-IAMF#2 (Aesthetic Review Process) or Mitigation Measure AVQ-MM#3, all of which are presented in full below, set enforceable performance standards.

#### **AVQ-MM#3: Incorporate Design Aesthetic Preferences into Final Design and Construction of Non-Station Structures**

Prior to construction (any ground-disturbing activity) the contractor would work with the Authority and local jurisdictions to incorporate the Authority-approved aesthetic preferences for non-station structures into final design and construction (refer to Authority 2014). A technical memorandum would be submitted to the Authority to document compliance.

This mitigation measure would be effective in minimizing the aesthetic and visual impacts of HSR infrastructure because the implementation of a context-sensitive design process and resulting design elements would enhance the visual landscape, integrating the appearance of the HSR infrastructure into that of the surrounding community, and reducing adverse visual impacts.

Implementation of this measure would not trigger secondary environmental impacts because it would not change the scope, scale, or location of construction activities beyond those that have been described as part of the project.

#### **AVQ-IAMF#1: Aesthetic Options**

Prior to construction the contractor would document, through issue of a technical memorandum, how the Authority’s aesthetic guidelines have been employed to minimize visual impacts. The Authority seeks to balance providing a consistent, project-wide aesthetic with the local context for the numerous high-speed rail (HSR) non-station structures across the state. Examples of aesthetic options would be provided to local jurisdictions that can be applied to non-standard structures in the HSR system. Refer to *Aesthetic Options for Non-Station Structures* (Authority 2017).

[138]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2200

**AVQ-IAMF#2: Aesthetic Review Process**

Prior to construction, the contractor would document that the Authority’s aesthetic review process has been followed to guide the development of non-station area structures. Documentation would be through issuance of a technical memorandum to the Authority. The Authority would identify key non-station structures recommended for aesthetic treatment, consult with local jurisdictions on how best to involve the community in the process, solicit input from local jurisdictions on their aesthetic preferences, and evaluate aesthetic preferences for potential cost, schedule, and operational impacts. The Authority would also evaluate compatibility with project-wide aesthetic goals, include recommended aesthetic approaches in the construction procurement documents, and work with the contractor and local jurisdictions to review designs and local aesthetic preferences and incorporate them into final design and construction. Refer to *Aesthetic Options for Non-Station Structures* (Authority 2017).

1165-2201

AVQ-IAMF#1 requires the construction contractor to comply with design guidelines set forth in the Authority’s *Aesthetic Options for Non-Station Structures*, which is not included in Draft EIR/EIS appendices. The only way for members of the public to review this document and identify the specific guidelines with which compliance is required is to specifically request the document from the Authority. Mitigation Measure AVQ-MM#3 contains no performance standards or offer any concrete mitigation beyond the IAMFs. AVQ-IAMF#2 lays out a review process to be followed but includes no aesthetic guidelines or performance standards.

1165-2202

A copy of “Aesthetic Options for Non-Station Structures” was requested from the Authority and reviewed only to reveal that the document contained no mention of directing light downward, minimizing light spillover, or limiting the radiance of nighttime lighting. The only references to lighting in the document include:

- The Authority will bear 100% of the capital and O&M costs for “functional and safety lighting for Authority facilities.” Cities could bear 100% of the O&M costs for lighting with roadway rights-of-way. (page 5)
- **Lighting** (page 12)
  - Where justifiable by potential views and public interaction, bridge and overpass aesthetics may be accentuated with lighting.
  - The pictures to the left show examples of bridges and overpasses from other high-speed rail systems, a pedestrian bridge, and lighting of a bridge.

[139]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

1165-2202

Metis Environmental Group

The only picture addressing night lighting is this photograph of the Roosevelt Bridge in Stuart, Florida that includes up-lighting. Thus, while the Draft EIR/EIS states “lighting sources at HSR facilities would be designed to direct light downward, minimizing light spillover,” the Authority has no guidelines, standards, or requirements that would prevent light from being directed above a 90-degree angle. Thus, the Draft EIR/EIS has no basis for its claim that light trespass from a new large-scale source of night lighting in a relatively dark area that would be highly visible at night to a large portion of the Brisbane community would be less than significant.



1165-2203

Even if the Authority attempts to argue that the single statement in the Draft EIR/EIS is somehow enforceable in the absence of any IAMF or mitigation measure addressing nighttime lighting, “minimizing” light trespass is not the same as *preventing* light trespass and given the need for 24-hour lighting of the LMF for both security and nighttime work purposes, it can be expected that light trespass would occur. In addition, while the Draft EIR/EIS may be referring to the Authority’s *intent* that light be directed downward, the lack of any guidelines, performance standards, or requirements limiting the amount of light permitted above an angle of 90 degrees, which the International Dark Sky Association notes could adversely affect dark night sky in a community, the Draft EIR/EIS must determine that the LMF would have significant adverse effects in relation to light trespass and on Brisbane’s dark night sky. Thus, nighttime lighting impacts associated with the Brisbane LMF must be considered to be significant and unavoidable.

1165-2204

**The Draft EIR/EIR analysis of cultural resources impacts is inadequate.**

*The Draft EIR/EIS fails to recognize the potential for finding archaeological resources within the West LMF.*

Rather than conducting field surveys to address the potential for adversely affecting unrecorded cultural resources during relocation of the existing Caltrain Bayshore station, relocation of the City’s fire station, or construction of the Brisbane LMF, the EIR/EIS instead relies on Impact CUL#1: Permanent Disturbance of Unknown Archaeological Resources. This approach results in an inadequate evaluation for the reasons stated below.

In August 2018, PaleoWest conducted archaeological monitoring of geotechnical coring taken at 146 locations west of the Bayshore Caltrain station by the firm of Geosyntec as part of hazardous waste characterization studies. Between November 2018 and February 2019, PaleoWest monitored excavation by Geosyntec of 566 additional geotechnical cores southwest of the Bayshore Caltrain station, many of which are within the proposed footprint of the West LMF.

[140]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2204

Of the 712 core locations monitored by PaleoWest archaeological field staff, a total of 23 core locations yielded evidence of prehistoric archaeological deposits. Three included intact shell middens between depths of 1'10" below ground surface (BGS) and 6'8" BGS. Fifteen cores included deposits that appeared to be redeposited or displaced shell midden material between the ground surface and a depth of 5'6". Both intact and displaced shell midden deposits are considered by the City to be sensitive resources. An additional five cores produced what is described as "shell fragments" or "burned shell fragments" between 1'0" and 10'6" below ground surface. A total of 176 of these cores yielded historic-period artifacts, ranging from ceramic and glass fragments to industrial and structural debris.

In August 2020, Page & Turnbull prepared a technical memorandum to evaluate the findings of PaleoWest's monitoring and to make recommendations regarding the need for additional archaeological testing. Page & Turnbull concluded that "additional archaeological testing will be necessary in the vicinity of previously identified shell midden and intact native soil layers... to more clearly identify the horizontal extent and character of the deposits identified during monitoring of Geosyntec's cores," as well as to reliably determine the significance of these resources. Page & Turnbull concluded that a "program of intensive subsurface testing... would provide greater clarity on the nature and extent of subsurface archaeological remains."

Based on these findings, it is inappropriate for the Draft EIR/EIS to conclude that there are no known archaeological resources in the vicinity of the Bayshore Caltrain station or that construction work relocating the station or constructing the West Brisbane LMF would not impact sensitive cultural resources. The subsurface testing recommended by Page & Turnbull must therefore be undertaken by the High Speed Rail Authority before the any valid conclusions can be reached regarding the significance of cultural resource impacts related to relocation of the Bayshore Caltrain station or construction of the Brisbane West LMF.

1165-2205

*The Draft EIR/EIS fails to address its impact on the circa 1924 Machinery and Equipment building.*

It appears that relocation of the Tunnel Avenue bridge would require demolition of the historic Machinery & Equipment building. Constructed in 1924 as a Pacific Fruit Express Ice Manufacturing Plant to supply ice to the trains of the Pacific Fruit Exchange going in and out of San Francisco, the Visitacion Ice Manufacturing Plant was in operation between 1924 and 1955. Use of the building as an ice plant was discontinued in 1955. It currently houses Machinery & Equipment, Inc. and is known as the "Machinery & Equipment building."

Impact CUL.#4 (Permanent Demolition, Destruction, Relocation, or Alteration of Built Resources or Setting) must therefore be revised to acknowledge the Project's impacts to this historic building and provide appropriate mitigation if its demolition cannot be avoided.

[141]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2206

#### ***4. Inadequate Cumulative Impact Analysis. The discussion of cumulative impacts is incomplete and inaccurate.***

**The analysis of cumulative impacts tends to focus on transportation projects to the exclusion of non-transportation projects. The analysis of cumulative impacts does not, therefore, adequately address the cumulative effects of the Project in combination with past, present and reasonably foreseeable probable future transportation and non-transportation projects.**

CEQA Guidelines Section 15335 (b) states, "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." The cumulative impact analysis in Draft EIR/EIS Section 3.18 fails to meet this standard due to an incomplete listing of cumulative projects and a failure to recognize the ways in which less-than-significant and even minor impacts of individual projects can combine to create significant cumulative impacts.

1165-2207

Section 3.18 also fails to appropriately address the ways in which Project's impacts, when added to the impacts of related past, present, and reasonably foreseeable probable future projects, could collectively result in significant impacts even if the incremental impacts of the High-Speed Rail project and other projects would each be less than significant. The Draft EIR/EIS also fails to analyze how the Project and its impacts might interact with other cumulative projects to generate localized cumulative impacts by tending to "average" cumulative impacts over the entire length of the Project and its resource study areas.

1165-2208

*The listing and analysis of cumulative project in Section 3.18 is incomplete.*

The following projects need to be added:

- **Transportation Projects (Appendix 3.18-A)**
  - **San Francisco-San Mateo County Bi-County Transportation Study**, which was undertaken by the San Francisco County Transportation Authority (SFCTA) and the City/County Association of Governments of San Mateo County, along with the City of Brisbane, City/County of San Francisco, Peninsula Corridor Joint Powers Board (Caltrain), and others to assess the transportation improvements needed to support development of approximately 15,000 new housing units and over 14 million square feet of new employment uses proposed within the southeastern corner of San Francisco and the northeastern corner of San Mateo County. The final report for the Bi-County Study, which was prepared in 2013, recommended the following transportation improvements:

[142]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2208

- US 101 Candlestick Interchange Re-Configuration
- Geneva Avenue Extension from Bayshore Boulevard to the US 101 freeway, including a bridge overcrossing of the existing Caltrain right-of-way
- Harney-Geneva Bus Rapid Transit Line
- T-Third Light Rail Extension (Segment "S")
- Bayshore Station Re-Configuration
- Bicycle-Pedestrian Connections
- Area-Wide Traffic Calming Program

In 2019, the City of Brisbane began working with the other agencies involved in the Bi-County Transportation Study to update the land use and development assumptions used in the 2013 study and review the report's recommendations to determine whether any revisions to the list of transportation improvements might be appropriate.

- **Non-Transportation Projects (Appendix 3.18-B)**
  - **Remedial Action Plans and Remedial Development Implementation Plans for UPC-OU-SM and OU-2**, consisting of characterization of onsite soil and groundwater contamination, human health risk assessments, development of risk-based clean up goals protective of the environment and public health, identification and selection of specific measures to remediate existing soils and groundwater contamination, and implementation measures, including required financial assurances.
  - **Title 27 landfill closure** identifying the actions to be taken to comply with the regulatory requirements set forth in Section 20260 of Title 27 of the California Code of Regulations (CCR), including installation of a landfill cap, leachate and landfill gas collection and monitoring system, and financial assurances.
  - **Bay Mud Import**, consisting of the import of bay mud excavated during construction of the Silicon Valley Clean Water Wastewater Conveyance System and Treatment Plant Reliability Improvement Project to the Brisbane Baylands (former landfill site), and relocation of 200,000 cubic yards of existing soil from the former landfill site to the former rail yard site immediately to the west (remediation operable unit UPC-OU-SM).
  - **Buildout of present and future projects within the Sierra Point area of Brisbane**, consisting of
    - 1,184,704 sq. ft. of office space, marina and two hotels that are built out and occupied
    - 325,858 sq. ft. of office space under construction

[143]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2208

- 532,516 sq. ft. of office space entitled
- 700-room hotel planned

1165-2209

In addition, the description of the proposed Recology expansion set forth in Appendix 3.18-B is outdated and needs to be revised to reflect the following.

- The proposed 501 Tunnel Avenue Recology Facility Modernization Project would accommodate future consolidation of Recology's regional office operations, fleet maintenance operations and fleet storage, including those that currently exist at 900 7th Street and 250 Executive Park Boulevard in San Francisco, and distribute those uses in newly constructed facilities on the project site. The primary components of the proposed project include the construction of new buildings and facilities north of Beatty Avenue and project site modifications, which include demolition and repurposing of various existing buildings, facilities, and areas throughout the existing campus and establishing new surface parking facilities for fleet parking. Building square footage within the Recology site would increase by 146,600 square feet to a total of 1,492,000 square feet. The City and County of San Francisco is the lead agency for CEQA documentation of the Recology modernization project.

1165-2210

**The Draft EIR/EIS needs to address the extent to which impacts of individual project would combine to generate a significant cumulative impact.**

That a series of less-than-significant impacts could combine to form a significant cumulative impact is foundational to analysis of cumulative impacts. The Draft EIR/EIS fails to adequately address cumulative impacts by (1) assuming that the impacts of cumulative projects will be less than significant for all impacts identified in the Draft EIR/EIS as being less than significant, (2) assuming that a series of less than significant impacts do not combine to result in a significant cumulative impact, and (3) failing to address the cumulative effects of impacts generated by cumulative transportation projects on non-transportation cumulative projects (i.e., planned developments). It is not enough to demonstrate that each project identified in Appendices 3.18-A and B would have a less than significant impact and then conclude that the resulting cumulative impact is less than significant. Interactions between projects and the combination of project-level impacts generated by multiple projects need to be analyzed. Conversely, if impacts of individual projects do not interact or combine, no significant cumulative impact would result, even if one or more individual projects might have a significant impact (e.g., construction impacts occurring at substantial distances from each other or occurring at different points in time). Examples of the incorrect methodologies used to evaluate cumulative projects include:

1165-2211

- **Temporary closure of and modification to some regionally significant roadways during construction, resulting in increased congestion on US 101 (page 3.18-8).** The Draft EIR/EIS includes only transportation projects and fails to address whether any non-transportation (i.e., land development) projects might also result in temporary

[144]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2211

roadway closures or modification of regionally significant roadways. The analysis does not address how temporary roadway closures or modification of regionally significant roadways undertaken by individual transportation and land development projects might combine to generate significant cumulative impacts should multiple projects be under construction simultaneously in sufficient proximity to affect the same roadways or for a project to require closure of a roadway another project needs as an alternate route.

Instead of analyzing whether project-level impacts would combine to create a significant cumulative impact, the Draft EIR/EIS assumes without evidence that the design of all cumulative projects “would be consistent with regional and local land use plans and regulatory standards” that that each project would “incorporate traffic management plans and procedures for alternate routes during road closures.” Without evidence or reasoned analysis, the Draft EIR/EIS concludes that “the project alternatives in combination with the cumulative projects would result in a cumulative impact on local vehicle circulation from the traffic congestion and delays of existing transportation networks.” In the absence of evidence or reasoned analysis, this conclusion cannot be substantiated.

1165-2212

- **The “cumulative” traffic analysis provided in Section 3.18 does not appear to actually analyze cumulative traffic.** As stated on page 3.18-7, traffic volumes on area roadways “would increase because of the cumulative projects, including the planned developments listed in Volume 2, Appendix 3.18-A.” However, it is unclear whether these cumulative land use projects were, in fact actually analyzed. As noted in comments on the Draft EIR/EIS traffic impact analysis, the Draft EIR/EIS uses outdated socioeconomic projections that do not, for example, include Baylands development of 1,800 to 2,200 dwelling units, 6.5 million square feet of commercial office development and 500,000 square feet of hotel use and instead project only 585 new jobs within the Baylands with no housing. The extent to which all of the other cumulative projects listed in Appendix 3.18-A may have been included in the now outdated ABAG Projections 2013 upon which the Draft EIR/EIS traffic impact analysis was built is undocumented in the Draft EIR/EIS and is therefore unknown. Also, by not including the transportation projects listed in Appendix 3.18-B, the extent to which the cumulative future traffic generated by cumulative land use projects is analyzed on the future transportation system that would result from cumulative transportation projects cannot be known.

While the Draft EIR/EIS concludes that a significant cumulative traffic impact would result, it presents a convoluted and vague conclusion regarding the Project’s contribution to that cumulative impact.

“Potential mitigation that could reduce congestion or delay at affected intersections or freeway segments has been identified in TR-MM#1: Potential Mitigation Measures Available to Address Traffic Delays (NEPA effects only).

[145]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2212

However, because traffic congestion/delay is not a CEQA impact and because implementation of mitigation measures is not mandatory under NEPA, this mitigation is not assumed to be implemented. Rather, implementation would be at the discretion of the lead agency. Thus, assuming this mitigation is not implemented, the project alternatives would contribute to this cumulative effect.

The Draft EIR/EIS does not commit the Authority to minimizing the traffic delays its Project causes. Because TR-MM#1 reflects TR-IAMF#12, it brings into question what, if anything would actually be done by the Project to address its traffic impacts on local communities. The Draft EIR/EIS needs to clearly commit to avoiding adverse effects on communities along its route wherever possible or minimizing and making communities whole for the adverse impacts they will experience. If local communities are being asked by the Authority to take on the burdens of its Project, the Authority should not ignore the Project’s significant traffic effects and avoid providing mitigation even if CEQA might permit them to do so.

1165-2213

- **Simplistic analysis and cumulative impacts on bus service.** The Draft EIR/EIS bases its conclusion on cumulative bus service impacts on the highly generalized notion that since cumulative projects would increase traffic and traffic congestion, a cumulative impact on bus service would result. This argument fails since it does not consider cumulative transportation projects such as plans for bus rapid transit along Geneva Avenue and other measures included in Plan Bay Area 2040 to improve bus service within the Bay Area. The analysis of impacts on bus service relies on conclusory statements and sweeping generalizations, such as:
  - “The delays resulting from construction of either of the project alternatives, in combination with the increased traffic volumes from projected population growth, would temporarily increase intersection delay affecting bus transit performance.
  - “Recognizing the potential for transportation impacts that could result from concurrent construction projects, the Authority’s contractor would prepare a CTP (TR-IAMF#2).
  - “However, the construction staging and traffic resulting from the HSR project in combination with other cumulative projects would result in a cumulative impact on bus transit caused by the delays and degradation of existing transportation networks.
  - “Operation of the project alternatives and development projects would also increase intersection delay adjacent to at-grade crossings and near passenger rail stations resulting in permanent delays to high-frequency bus routes.

[146]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2213

- o “The Authority would implement mitigation that includes intersection improvements and bus transit prioritization equipment to reduce impacts on bus transit.
- o “Although future transportation improvement projects as identified in RTPs (Volume 2, Appendix 3.18-B) would provide transportation benefits, the programmed transportation network capacity improvements would not be enough to meet long-term future demand and population growth.
- o “Because the transportation network would not be expected to keep pace with demand, there would be a cumulative impact on bus service performance as a result of vehicle congestion.”

No evidence is provided in support of any of these statements that also assume cumulative impacts would equally affect each high-speed rail station area and all other portions of the 49-mile long project. The analysis and conclusions presented on page 3.18-9 are so generalized as provide the public with no real understanding of the cumulative effects of the Project in combination with other past, present, and reasonably foreseeable probable future projects.

1165-2214

- **Project Health Risk Assessment presented under Cumulative Impacts.** The Project’s Health Risk Assessment is provided in Draft EIR/EIS Section 3.18, Cumulative Impacts, rather than in Section 3.3, Air Quality and Greenhouse Gases, along with other analyses of Project-related air quality impacts. This may cause members of the public to erroneously conclude that the Draft EIR/EIS fails to address potentially significant health risks associated with large increases in toxic air contaminants and PM<sub>2.5</sub> occurring during site grading activities.

As stated on page 3.18-15, a “quantitative health risk assessment (HRA) has not been conducted to estimate future DPM-related health risks to nearby sensitive receptors resulting from cumulative land use development because construction and operations details are not available, and those projects would be responsible for analyzing their contributions. The cumulative HRA, therefore, focuses on ambient concentrations from stationary, rail, and roadway sources.

The Cumulative impacts analysis provides only a generalized analysis of construction-related health risks for the San Francisco to South San Francisco Segment. Because impacts resulting from site grading would be concentrated at the Brisbane LMF site, including excavation, grading, and offsite hauling move more than 1-2 million cubic yards of soil and LMF construction over a 2-3 year period, a site-specific health risk assessment should have been prepared for Brisbane LMF construction and operation, the results of which need to be disclosed in Draft EIR/EIS Section 3.3, Air Quality and Greenhouse Gases. For the Draft EIR/EIS cumulative impact analysis, the site-specific analysis health risk assessment should have been evaluated in combination with the Baylands project to determine how the two projects might interact in combination both

[147]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2214

in terms of site grading and the location of future Baylands residential development in proximity to Project grading and excavation activities.

1165-2215

- **Failure to analyze the cumulative effects of increased noise on sensitive receptors.** As stated on page 3.18-25, “Volume 2, Appendix 3.18-B lists the transportation projects that would occur in the cumulative RSA. From a noise-generating perspective, these transportation projects can be categorized into three groups: rail and transit projects, roadway projects, and other projects”. The Draft EIR/EIS also states on that page, “[c]onstruction of some of the planned developments listed in Volume 2, Appendix 3.18-A could add localized noise increases from increased traffic and contribute to noise increases in the cumulative RSA.” As a result of this focus on cumulative noise generation, the cumulative impacts analysis makes the fatal error of not addressing the ways in which the Project would combine with other past, present, and reasonably foreseeable probable future projects to result in significant cumulative noise impacts on reasonably foreseeable planned development projects.

Most striking in Section 3.18 is that while the Draft EIR/EIS acknowledges the existence of the planned developments listed in Volume 2, Appendix 3.18-A, it does not acknowledge or analyze the impacts of increased noise levels on sensitive future receptors within those cumulative planned development projects. For example, while Project-level and cumulative-level analyze increases in noise generation as the result of the Brisbane LMF, the Draft EIR/EIS fails to address impacts of cumulative noise on the residential uses proposed as part of the Baylands Specific Plan, which is listed as a cumulative project in Appendix 3.18-A on page 3.18-A-4. In fact, the Draft EIR/EIS fails to disclose any of the noise impacts of the LMF other than stating the daily average L<sub>dn</sub> contribution from the East Brisbane LMF at the nearest receptor would be 36 dBA (10 dBA or more below HSR operations noise) and that the daily average L<sub>dn</sub> contribution from the West Brisbane LMF at the nearest receptor would be 40 dBA (also 10 dBA or more below HSR operations noise) (Noise and Vibration Technical Report Executive Summary page x) without noting that such sensitive receptors are currently located 1,500 to 1,900 feet from the LMF site, making it impossible to determine what impacts the LMF might have on Baylands residential development.

The Draft EIR/EIS thus fails to address the cumulative impact of Project-generated noise combining with cumulative projects listed in Appendix 3.18-A (e.g., Brisbane General Plan Baylands Specific) to result in a significant cumulative impact (Project construction and operational noise affecting sensitive receptors within the Baylands). This omission is a clear violation of CEQA and the duty of the Draft EIR/EIS to fully disclose impacts, including cumulative impacts resulting from the Project in combination with past, present, and reasonably foreseeable probable future projects.

1165-2216

While the Draft EIR/EIS identifies noise mitigation measures on page 3.18-26 that would reduce the Project’s impacts, those measures would not be applied to reduce the Project’s noise impacts on sensitive receptors within the Baylands since the Draft

[148]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2216

EIR/EIS never acknowledges Project-generated noise as an impact to cumulative planned development projects such as the Baylands.

Thus, the Draft EIR/EIS needs to:

- o Document noise cumulative impacts from the Brisbane LMF and other cumulative transportation projects listed in Appendix 3.18-B on sensitive receptors within cumulative planned development project such as Baylands that are listed in Appendix 3.18-A; and

1165-2217

- o Apply the following mitigation measures to address significant impacts the LMF would cause to proposed residential land uses within the Baylands.

**NV-MM#\_\_\_: Construction Noise**

Construction of the Brisbane LMF shall comply with Brisbane Municipal Code Section 8.28.060, Construction Activities as follows. Except for work on tracks within the Caltrain corridor, which must occur within established work windows, construction shall be occur between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the source, and the noise level outside the property plane of the LMF and Caltrain right-of-way shall not exceed 86 dBA.

**NV-MM#\_\_\_: LMF Operation Noise<sup>36</sup>**

Operational noise from the LMF shall not exceed the following noise level standards within any existing or planned residential or commercial property:

Residential	55 dBA (7:00 am – 7:00 pm) 50 dBA (7:00 pm – 10:00 pm) 45 dBA (10:00 pm – 7:00 am)
Commercial	65 dBA (7:00 am – 10:00 pm) 56 dBA (10:00 pm – 7:00 am)

<sup>36</sup> The noise standards set forth in this mitigation measure are based on City of Commerce Municipal Code Section 19.19.160. The City of Commerce has a large industrial base in close proximity to its residential neighborhoods. The BNSF railway operates the large-scale Commerce Intermodal Facility (Hobart Yard) on a 24/7 basis within the City. The 243-acre Hobart Yard is the largest rail yard of its kind in the U.S. These noise standards also follow a similar organization as that of Oakland Municipal Code Section 17.120.050

[149]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2217

The LMF shall operate so as not to exceed the above noise levels, when measured on any other property by:

1. The noise standard specified above for the receiving land use for a cumulative period of more than thirty (30) minutes in any hour.
2. The noise standard specified above for the receiving land use plus 5 dBA for a cumulative period of more than fifteen (15) minutes in any hour.
3. The noise standard specified above for the receiving land use plus 10 dBA for a cumulative period of more than five (5) minutes in any hour.
4. The noise standard specified above for the receiving land use plus 15 dBA for a cumulative period of more than one (1) minute in any hour.
5. The noise standard specified above for the receiving land use plus 20 dBA for any period of time.

1165-2218

- **Oversimplified approach to noise analysis understates cumulative impacts.** Section 3.18 presents an over-simplified analysis of noise impacts leading to a conclusion on page 3.18-25 that is so general as to provide no value in assisting the public understand the cumulative noise impacts of the Project in combination with other projects:

“The planned rail and transit projects, including construction and operations of the HSR project, would be most likely to cause cumulative noise impacts because they would generate the most additional noise exposure at noise-sensitive receptors. Some roadway projects could also cause cumulative impacts where changes in traffic would occur near the cumulative RSA.”

The cumulative noise analysis thus fails to recognize that different cumulative projects will combine with the various components of the Project to create different types and severity of noise impacts in different areas. While it is not feasible or necessary to analyze every possible combination of cumulative effects, the Draft EIR/EIS should have, at a minimum, analyzed the cumulative effects of the Project and cumulative projects in areas that would likely experience the greatest cumulative impacts, such as the area in and around the Brisbane LMF, high-speed rail stations, and other locations where large-scale or multiple planned development and/or transportation cumulative projects listed in Appendices 3.18-A and 3.18-B were located adjacent to the High-Speed Rail project. In the absence of such analyses for noise and other impacts, Section 3.18 fails to meet applicable CEQA requirements for cumulative impacts analysis.

1165-2219

- **Understates the potential for cumulative biological impacts.** The Draft EIR/EIS analysis of cumulative biological impacts begins by understating the potential for significant cumulative impacts, including statements such as:

[150]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2219

“Minor and localized impacts on these resources are expected to continue in the cumulative RSA but large-scale habitat loss is not expected because very little undeveloped land remains to be lost.”

“Most areas with high ecological integrity and that support these resources are already protected by local, state, and federal agencies. In other portions of the cumulative RSA (e.g., Lower and Upper Santa Clara Valleys, SR 152 corridor through Diablo Range, San Joaquin Valley), however, development pressures are expected to continue.”

Thus, the Draft EIR/EIS fails to recognize that it is precisely because the Peninsula region through which the Project is planned has been so urbanized that even minor losses of sensitive habitats could be cumulatively significant.

1165-2220

- **Analysis of cumulative biological resources impacts is based on inadequate Project analysis.** The Draft EIR/EIS analysis of cumulative impacts and the Project’s contribution to significant impacts is based on an inadequate analysis of the Project’s impacts on biological resources within Brisbane as stated in previous detailed comments. The cumulative analysis also fails to address the cumulative effects of the Project in combination with Baylands development by adversely affecting the ability of Baylands Specific Plan development to mitigate its biological resources impacts onsite. Specifically, the Project would reduce or eliminate the ability of Baylands Specific Plan development to mitigate its biological resources impacts onsite by:
  - Designing the relocated Tunnel Avenue bridge and realigned Lagoon to preclude restoration of marsh habitat along the north side of the Brisbane Lagoon; and,
  - Impacting Visitacion Creek to such an extent for the East LMF the Baylands development would be precluded from restoration of Visitacion Creek as mitigation for impacts west of the Caltrain rail line.

1165-2221

- **Cumulative hydrology and water resources impact discussion is based on assumptions rather than analysis.** Rather than actually analyzing cumulative hydrology and water resources cumulative impacts, the discussion starting on page 3.18-45 relies on an unanswered “if,”

“The project in combination with other cumulative projects would result in a cumulative impact on surface water hydrology if the combined effect alters the drainage pattern, resulting in substantial erosion and sedimentation or exceeding the capacity of existing or planned drainage systems.”

While this statement provides criteria for determining the significance of a cumulative impact, the discussion that follows does not analyze whether a significant cumulative impact would, in fact, occur. In relation to flooding, Section 3.18 lists other linear

[151]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2221

projects and concludes without analyzing whether these or other cumulative land use projects might combine to create cumulative impacts or conducting any quantitative or even qualitative hydrologic analysis, “Construction of the HSR project in combination with other cumulative projects would contribute additional runoff during storm events from new impervious surfaces.” In the absence of any actual analysis, the Draft EIR/EIS is unable to determine whether the cumulative impact is significant, and if it is, whether the Project’s contribution is cumulatively considerable. The result is an inadequate analysis.

1165-2222

Interestingly, the Draft EIR/EIS discussion of hydrology impacts provides more discussion of cumulative HSR Project/Baylands cumulative biological resources impacts than did the cumulative biological resources analysis: “With build-out of both the Brisbane Baylands and the LMF, a majority of the existing aquatic resources in the vicinity of these developments would be filled or otherwise affected, triggering the need for compensatory mitigation due to a net loss in jurisdictional aquatic resources.” In comparison, the Draft EIR/EIS discussion of cumulative HSR Project/Baylands impacts is limited to, “Several of the cumulative development projects would also have direct impacts on aquatic resources. These include residential projects, such as development at the Brisbane Baylands site...”

Rather than analyze cumulative surface water quality impacts, the Draft EIR/EIS simply assumes that because each cumulative project would comply with applicable laws and regulations, none of the 366 non-transportation cumulative projects and 91 transportation cumulative projects would have a significant hydrology or water resource impact *and* that the none of the less-than-significant impacts of these 457 cumulative projects would combine to result in a significant cumulative impact. At a minimum, the Draft EIR/EIS must provide explanation as to why existing laws and regulations would be adequate to prevent *any* significant project or cumulative hydrology/water resource impact from these projects.

1165-2223

- **Understated cumulative land use impacts.** The Draft EIR/EIS (p. 3.18-70) concludes that there are no significant cumulative land use impacts because cumulative projects are generally included in general plans when in fact the several projects identified in Appendix 3.18-A are proposing amendments to the local General Plan. In addition, consistency with a general plan does not necessarily prevent land use conflicts between a proposed project and adjacent and uses.

While the Community Impact Assessment (Technical Report TR-11) identifies several conflicts that the proposed Brisbane LMF has with the Brisbane General, as demonstrated in the Table Metis-1, below, a large number of conflicts are not identified. In addition, because these conflicts result in physical environmental effects, CEQA requires that such conflicts be disclosed as significant environmental impacts for which

[152]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2223

mitigation measures need to be proposed. Thus, cumulative impact analysis understates the Project's significant contribution to land use conflicts by asserting on page 3.18-69 that "[a]lthough the project alternatives would result in some localized changes in land use patterns near the East or West Brisbane LMF and at the Millbrae Station, the project alternatives would not lead to incompatible uses on a broad scale that would result in the substantial alteration of land use patterns within the cumulative [resource study area] RSA." However, as previously, the Brisbane LMF would, in fact, be incompatible, with adjacent and nearby planned land uses. The Draft EIR/EIS attempts to "average" impacts over the entirety of the Project and ignores how the Project and its impacts might interact with an adjacent cumulative project. This "averaging" of cumulative impacts is misleading since land use conflicts are highly localized.

The Draft EIR/EIS cumulative land use impact analysis must be revised to disclose the Project's significant cumulative impacts resulting from the interaction of the Project and its impacts with cumulative projects such as the Baylands Specific Plan in Brisbane and the Millbrae Station Area Specific Plan in Millbrae.

1165-2224

- Unclear Resource Study Area (RSA) for Aesthetics cumulative impacts analysis.** Section 3.18.6.14 defines the RSA for aesthetics and visual resources as the same as that identified in Section 3.15. However, because it is unclear what specific areas the RSA for Section 3.15 encompasses, the RSA for cumulative impacts is equally unclear. Section 3.15.4.1 initially defines the Resource Study Area for impacts on aesthetic and visual quality as "the San Francisco to San José viewshed (i.e., the area that potentially could have views of project components and the area potentially viewed from HSR trains in the Project Section)." However, Section 3.15.4.1 then backtracks by stating the RSA for direct and indirect impacts is a 0.25-mile radius from the project footprint in urbanized areas. However, "in areas where elevated or more expansive views are present or where there are prominent and regionally important visual and scenic features, such as mountain ridgelines, large iconic structures, or water features, middleground views (up to 3 miles from the project footprint) and background views (more than 3 miles from the project footprint) are discussed as contributing visual elements to the RSA. Background views, however, are not considered in depth because visual details become diminished beyond the middleground."

After stating that the RSA for aesthetics and visual resources as the same as that identified in Section 3.15, Section 3.18.6.14 changes the rules stating:

"Viewing distances along the project, which determines the cumulative RSA, vary by location. Because the project corridor is almost completely urbanized, the cumulative RSA is generally within 0.25 mile of the project alternatives' track centerlines. Many views within this distance are obscured by landscaping or buildings, limiting views to and from the alternatives. In some locations along the project corridor, viewing distances extend over wider areas from geographic conditions that permit longer views from elevated locations, primarily

[153]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

June 2022

Page | 20-374

Metis Environmental Group

1165-2224

residential areas on hillsides near the railway. In this area, the cumulative RSA expands to include areas within 0.5 mile of the alternatives' track centerlines."

Thus, unlike Section 3.15 which recognizes the viewshed for aesthetic analysis may extend up to three miles or more where the Project would be visible from that distance, the cumulative impact analysis limits cumulative viewshed analysis to only 0.5 miles. As a result, it appears that the Draft EIR/EIS cumulative aesthetics Resource Study Area is smaller area than the Project's Resource Study Area, which would be counter intuitive.

1165-2225

While the Draft EIR/EIS concedes that a significant cumulative aesthetics impact would result at the Baylands<sup>37</sup>, it then incorrectly asserts that the Project's contribution would not be considerable due to implementation of AVQ-IAMF#1 and AVQ-IAMF#2, neither of which offer any performance standards and appear to only address building and bridge architecture and perhaps landscape design. The conclusion on page 3.18-75 that the Project's contribution to a significant aesthetics impact is incorrect for the following reasons.

- Construction of the West LMF requires removal of the 186-foot high Icehouse Hill.
- Construction of the East LMF requires excavations up to 65 feet in depth into the former Brisbane Landfill, exposing the waste materials within the former landfill to public view for an undisclosed period of time.
- By removing Icehouse Hill during construction of the West LMF, filling in 980 linear feet of Visitacion Creek during construction of the East LMF, and relocated Tunnel Avenue bridge crossing to bring Lagoon Road back to its current alignment adjacent to the Brisbane Lagoon, the Project would:
  - Eliminate Icehouse Hill as a visual open space resource and remove the potential for recreational trails within that open space area.
  - Prevent habitat restoration and development of a shoreline park along the northern edge of the Brisbane Lagoon.
  - Severely restrict the potential for restoration of Visitacion Creek and a visual open space resource, particularly if the Authority chooses to implement the creek relocation plan set forth in its May 2020 Preliminary Compensatory Mitigation Plan.

<sup>37</sup> As stated on page 3.18-74, "Construction of either of the project alternatives in combination with other cumulative projects would result a permanent construction-related cumulative impact on aesthetics and visual resources at the 4th and King Street Station, Brisbane Baylands, Millbrae Station, and the San José Diridon Station."

[154]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

California High-Speed Rail Authority

San Francisco to San Jose Project Section Final EIR/EIS



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2225

- Reduce the desirability of remaining open space areas within the Baylands planned development by generating noise at the LMF on a 24/7 basis.

Thus, the LMF would adversely affect the ability of Baylands development to attract recreational viewers to “[n]ew and enhanced recreational facilities around the Brisbane Lagoon and throughout the planned Brisbane Baylands development<sup>38</sup>.” That future Baylands residents and guests seeking new and enhanced recreational amenities would instead “experience views of the Brisbane LMF and the Caltrain right-of-way” only speaks to the substantial adverse contribution that the LMF would provide to the significant cumulative impact at the Baylands.

1165-2226

**5. *Inconsistency with Plans.* The Brisbane LMF is inconsistent with the Brisbane General Plan and would impair the City’s ability to provide much needed housing.**

*The Draft EIR/EIS fails to address the extent to which the Brisbane LMF conflicts with the Brisbane General Plan and thereby fails to disclose the significant environmental impacts that would result from those conflicts.*

Draft EIR/EIS Section 3.13.4.5, Method for Determining Significance under CEQA, states that “the project would result in a significant impact on station planning, land use, and development if it would:

- Cause a substantial change in land use patterns by introducing incompatible land uses.
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulations adopted for the purpose of avoiding or mitigating an environmental impact.
- Induce substantial population growth in an area, beyond planned levels, either directly or indirectly.”

Although causing a significant environmental impact due to a conflict with a land use plan, policy, or regulations adopted for the purpose of avoiding or mitigating an environmental impact is acknowledged to be a significant CEQA impact, the Draft EIR/EIS fails to evaluate whether any of the Brisbane LMF’s General Plan conflicts identified in its Community Impact Assessment (Technical Report TR-11) would, in fact, have a significant environmental impact.

<sup>38</sup> On page 3.18-75, the Draft EIR/EIS cumulative aesthetic impacts states “[n]ew and enhanced recreational facilities around the Brisbane Lagoon and throughout the planned Brisbane Baylands development would bring new recreational viewers to the area, where they would experience views of the Brisbane LMF and the Caltrain right-of-way.” (Draft EIR/EIS, p. 3.18-75.)

[155]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2227

While the Community Impact Assessment identifies several conflicts that the proposed Brisbane LMF has with the Brisbane General, as demonstrated in the Table Metis-1 below, a large number of conflicts are not identified. In addition, because many of these conflicts result in physical environmental effects, CEQA requires that such conflicts be disclosed as significant environmental impacts for which mitigation measures need to be proposed. General Plan conflicts that should have been identified in the Draft EIR/EIS as significant impacts are indicated in the Table below in **bold text**.

**Table Metis-1: Consistency of the Proposed Brisbane LMF with the Brisbane General Plan**

General Plan Policy/Program	Draft EIR/EIS Analysis	Comments
<b>Transportation</b>		
<b>Policy C.2:</b> The level of service objective for principal and minor arterial streets within the City is LOS “D.”	“LOS D or better is not achieved at all facilities studied in the City’s jurisdiction requiring LOS D resulting in an inconsistency with the City’s LOS policy.” “While the project includes features to implement LOS mitigations, they are not available for all affected intersections and the project will remain inconsistent.”	The Authority’s analysis provides a generic statement that fails to identify which specific intersection(s) would not meet General Plan standards or what mitigation measures are proposed. A review of the Project’s traffic impact analysis revealed methodological issues that undermine the validity of Draft EIR/EIS findings as noted in previous comments.
<b>Policy C.3:</b> Design turning movements and traffic signal timing at intersections so as to avoid the queueing of vehicles at intersection from backing up and adversely affecting operations at another intersection. Design turning movements and traffic signal timing at freeway interchanges cause queueing of vehicles from the intersection onto the freeway mainline.	Not identified as inconsistent with the Brisbane General Plan.	The Authority’s analysis provides a generic statement that fails to identify which specific intersection(s) would not meet General Plan standards or what mitigation measures are proposed. A review of the Project’s traffic impact analysis reveals methodological issues that undermine the validity of Draft EIR/EIS findings as noted in previous comments.
<b>Program C.5.a:</b> Require the upgrade of Tunnel Avenue to current codes and safety standards.	Not identified as inconsistent with the Brisbane General Plan.	No commitments are made in the Draft EIR/EIS or IAMFs for the design of the relocated Tunnel Avenue bridge or Tunnel Road realignment. Because these are City-maintained roadways, all improvements constructed by the Authority must meet City design standards and be subject to approval of the Brisbane Public Works Director.
<b>Policy C.6:</b> Investigate and pursue alternative means of access to and egress from Sierra Point and investigate additional emergency access alternatives.	Not identified as inconsistent with the Brisbane General Plan.	<b>Rather than facilitating improved access to Sierra Point, the Project would eliminate direct emergency access via Sierra Point Parkway while the Tunnel Avenue bridge is closed during LMF construction.</b>
<b>Policy C.7:</b> Investigate and pursue traffic calming features for Visitacion Avenue, Old County Road and San Bruno Avenue to provide for greater	Not identified as inconsistent with the Brisbane General Plan.	Rather than providing for traffic calming, the Project would connect along Visitacion Avenue to Valley Drive, creating three closely spaced

1165-2228

1165-2229

1165-2230

1165-2231

1165-2232

[156]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

	General Plan Policy/Program	Draft EIR/EIS Analysis	Comments
1165-2232	pedestrian comfort and safety at street crossings.		intersections along Valley Drive. The potential for extending Visitation Avenue through to Valley Drive was considered and soundly rejected as part of the City's approved Gateway Precise Plan.
1165-2233	Policy C.44: Consider potential effects on mobility and emergency evacuation in making land use decisions.	Not identified as inconsistent with the Brisbane General Plan.	As demonstrated in the Draft EIR/EIS and in comments on that document provided in this report, the Project would have significant unavoidable impacts on mobility and emergency access during LMF construction. Because the Project's conflicts with Policy C.44 relate to this acknowledged significant unavoidable Project impact, the Project's conflict with Policy C.44 needs to also be acknowledged as a significant Land Use impact.
	<b>Noise and Vibration</b>		
1165-2234	Municipal Code Section 8.28.060. Construction Activities. Construction shall be allowed between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the source, and the noise level outside the property plane of the project shall not exceed 86 dBA.	"Project construction would occur at nighttime and on weekends outside the hours established in the code of ordinances." "The project would incorporate NV-IAMF#1: Noise and Vibration, to minimize noise impacts by requiring compliance with FRA guidelines for minimizing construction noise and vibration impacts when work is conducted within 1,000 feet of sensitive receptors. The Authority would implement NV-MM#1: Construction Noise Mitigation Measures, which would require the contractor to prepare a noise-monitoring program and noise control plan prior to construction to comply with the FRA construction noise limits wherever feasible. The monitoring program would describe the actions the contractor would use to reduce noise, such as installing temporary noise barriers, avoiding nighttime construction near residential areas, and using low-noise emission equipment."	Proposed Project construction is clearly inconsistent with the City's Municipal Code. Because this conflict results in a physical environmental effect, the Project's conflict with Municipal Code Section 8.28.060 needs to be acknowledged as a significant Land Use impact.
1165-2235	Policy 176: Minimize the intrusion of unwarranted and intrusive on community life.	Not identified as inconsistent with the Brisbane General Plan.	The Brisbane LMF would generate intrusive noise within the Baylands residential areas. The Draft EIR/EIS neither addresses nor provides mitigation for Project impacts on Baylands residential areas. Because this conflict results in a physical environmental effect, the Project's

[157]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

	General Plan Policy/Program	Draft EIR/EIS Analysis	Comments
1165-2235			conflict with Policy 176 needs to be acknowledged as a significant Land Use impact.
1165-2236	Policy 180: Establish and enforce truck routes and times of operation for haul routes to minimize impacts on residential areas.	Not identified as inconsistent with the Brisbane General Plan.	The Draft EIR/EIS does not address proposed truck routes or times for hauling for the 91,482 truckloads required for construction of the West LMF or 130,175 truckloads required for construction of the East LMF (including 27,000 truckloads hauling hazardous materials).
1165-2237	Program 184a: Use the State Guidelines for land use compatibility to determine noise impacted uses.	Not identified as inconsistent with the Brisbane General Plan.	Noise from the LMF would exceed State Guidelines for land use compatibility within Baylands residential areas. Because this conflict results in a physical environmental effect, the Project's conflict with Program 184a needs to be acknowledged as a significant Land Use impact.
	<b>Public Utilities and Energy</b>		
1165-2238	Policy BL.1 B: A reliable water supply approved by the City of Brisbane to support proposed uses within the Baylands shall be secured prior to site development.	Not identified as inconsistent with the Brisbane General Plan.	The Draft EIR/EIS incorrectly concludes that adequate water supply exists for the LMF based on analysis of the total amount of water available from SFPUC to agencies throughout San Mateo County, rather than on the City of Brisbane's contracted share of those supplies, which is not adequate serve LMF in addition to existing and approved development within Brisbane. Because the Project's conflict with Policy BL.1 B relates to a physical environmental impact, this conflict should have been identified as a significant Land Use impact.
	<b>Biological and Aquatic Resources</b>		
1165-2239	Policy 82: Encourage the preservation, conservation and restoration of open space to retain existing biotic communities, including rare and endangered species habitat, wetlands, watercourses and woodlands.	Not identified as inconsistent with the Brisbane General Plan.	Construction of the West LMF would remove all existing habitat areas on Icehouse Hill. The Project's proposed alignment of Lagoon Road would preclude restoration of marsh habitat along the northern edge of the Brisbane Lagoon. Because the Project's conflict with Policy 82 relates to a physical environmental impact, this conflict should have been identified as a significant Land Use impact.
1165-2240	Policy BL.1 H: Key habitat areas, including Icehouse Hill and Brisbane Lagoon and adjacent habitat as identified in the 2001 City Open Space	Not identified as inconsistent with the Brisbane General Plan.	Construction of the West LMF would remove all existing habitat areas on Icehouse Hill. The Project's proposed alignment of Lagoon Road would

[158]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

	General Plan Policy/Program	Draft EIR/EIS Analysis	Comments
1165-2240	Master Plan shall be preserved, enhanced, and protected.		preclude restoration of marsh habitat along the northern edge of the Brisbane Lagoon. Because the Project's conflict with Policy BL.1 H relates to a physical environmental impact, this conflict should have been identified as a significant Land Use impact.
1165-2241	Policy BL.16: Enhance the natural landform and biotic values of Icehouse Hill and preserve its ability to visually screen the Tank Farm.	Not identified as inconsistent with the Brisbane General Plan.	Construction of the West LMF would remove all existing habitat areas on Icehouse Hill. Because the Project's conflict with Policy BL.16 relates to a physical environmental impact, this conflict should have been identified as a significant Land Use impact.
1165-2242	Policy BL.20: Dedicate land area for open space, recreational uses and wetlands restoration, especially around the Lagoon.	Not identified as inconsistent with the Brisbane General Plan.	Construction of the West LMF would remove all existing habitat areas on Icehouse Hill. The Project's proposed alignment of Lagoon Road would preclude restoration of marsh habitat along the northern edge of the Brisbane Lagoon. Because the Project's conflict with Policy BL.20 relates to a physical environmental impact, this conflict should have been identified as a significant Land Use impact.
1165-2243	<b>Hydrology and Water Resources</b>		
	Policy BL.1 J: Development shall be designed to protect uses from the 100-year flood, including 100 years of projected sea level rise as determined based on regulatory standards or guidelines in effect at the time of project construction, with the reference to guidelines and sea level rise projections approved by the Director of Public Works/City Engineer based on context-specific considerations of risk tolerance and adaptive capacity.	Not identified as inconsistent with the Brisbane General Plan.	The Brisbane LMF and the proposed alignment of Lagoon Road appear to have been designed without consideration of sea level rise.
1165-2244	<b>Hazards Materials and Wastes</b>		
	Policy 173: The City shall not grant approval of a development project on a contaminated site unless a plan for remediation of the site has first been approved and adopted by all Federal, State and local agencies having jurisdiction over the remediation plan.	Not identified as inconsistent with the Brisbane General Plan.	The Draft EIR/EIS makes no mention of physical environmental effects associated with site remediation and landfill closure required for the West LMF or for Title 27 closure needed for the East LMF. The Authority apparently intends to approve the Project prior to developing remedial action plans and a Title 27 closure plan or securing required regulatory approvals. Because the Project's conflict with Policy 173 relates to a

[159]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

	General Plan Policy/Program	Draft EIR/EIS Analysis	Comments
1165-2244			physical environmental impact, this conflict should have been identified as a significant Land Use impact.
1165-2245	Policy 174: Include the remediation requirements of Federal, State and local agencies in the process of making determinations on land use designations and development applications.	Not identified as inconsistent with the Brisbane General Plan.	The Draft EIR/EIS makes no mention of physical environmental effects associated with site remediation and landfill closure required for the West LMF or for Title 27 closure needed for the East LMF. The Authority apparently intends to approve the Project prior to developing remedial action plans and a Title 27 closure plan or securing required regulatory approvals. Because the Project's conflict with Policy 174 relates to a physical environmental impact, this conflict should have been identified as a significant Land Use impact.
1165-2246	Policy 175: Assure that any development otherwise permitted on lands filled with municipal waste is safe by implementing the following programs. <i>Program 175b: Require evidence that scientific testing and verification has taken place to the satisfaction of regulatory agencies.</i>	Not identified as inconsistent with the Brisbane General Plan.	The Draft EIR/EIS makes no mention of physical environmental effects associated with landfill closure required for Title 27 closure needed for the East LMF. Because the Project's conflict with Policy 175 relates to a physical environmental impact, this conflict should have been identified as a significant Land Use impact.
1165-2247	<b>Safety and Security</b>		
	Policy 163: Continue to ensure a three-minute emergency response average and a ten-minute average response to other calls for (police) service.	Not identified as inconsistent with the Brisbane General Plan.	The Project would eliminate direct emergency access to Sierra Point, the Kinder Morgan tank farm, and Golden State Lumber while the Tunnel Avenue bridge is closed during LMF construction, precluding police and fire first responders from achieving acceptable emergency response times when the Tunnel Avenue bridge and Tunnel Avenue are closed. Because the Project's conflict with Policy 163 relates to a physical environmental impact, this conflict should have been identified as a significant Land Use impact.
1165-2248	<b>Socioeconomics and Communities</b>		
	Policy 8: Maintain and diversify the City's tax base, consistent with community character, in order to generate adequate revenues for City Government and sustain a healthy local economy.	"Alternatives A and B would both displace two industrial businesses and one commercial business in Brisbane. This would result in a reduction in the City's tax base under both project alternatives, which would reduce the City's property tax revenues. Project features and compliance with the Uniform Act would minimize the	The Draft EIR/EIS focuses on businesses that would be displaced and fails to address the economic effects of: <ul style="list-style-type: none"> <li>• Removing 100+ acres needed for the LMF from the City's property tax roll;</li> <li>• Removing 100+ acres of land from Baylands development that would participate in fair share funding for</li> </ul>

[160]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

	General Plan Policy/Program	Draft EIR/EIS Analysis	Comments
1165-2248		impacts on commercial and industrial properties by offering relocation assistance. Project features would partially reconcile these impacts; however, some existing commercial and industrial properties would be permanently removed. "The Authority would work with the City of Brisbane and developer of the Brisbane Baylands site to enhance the public benefits of HSR development to help meet the needs of the local communities. Numerous project features have been incorporated to minimize impacts on displacements. The Authority would comply with the Uniform Act to provide relocation assistance for businesses. Despite implementation of project features, the project would remain inconsistent."	important regional transportation improvements such as the Geneva Avenue extension and Candlestick interchange, including the added costs for extending Geneva Avenue by forcing the roadway to tunnel under the Caltrain line; <ul style="list-style-type: none"> <li>Eliminating Golden State Lumber's existing laydown yard and the potential subsequent impacts on Brisbane's sales tax revenues; and</li> <li>Displacing the City's existing corporation yard.</li> </ul> The vague promise of working with the City and Baylands developer to "enhance the public benefits of HSR development" is insufficient to achieve consistency with Brisbane General Plan Policy 8.
1165-2249	<b>Policy LU.3:</b> Establish a mix of land uses that best serves the needs of the community. <i>Program LU.3.a:</i> When evaluating land uses, consider whether a use would result in adverse impacts on existing and proposed land uses nearby, and whether those impacts can be mitigated.	Not identified as inconsistent with the Brisbane General Plan.	Construction and operation of the Brisbane LMF would result in numerous significant impacts on the community and on adjacent land uses within the Brisbane Baylands, while meeting no community needs.
1165-2250	<b>Policy LU.5:</b> Establish a mix of uses with a diversified economic base to maintain and increase tax revenues and contribute to the City's ability to provide services.	"The East or West Brisbane LMF options would be inconsistent with General Plan designations for residential and commercial development in the Brisbane Baylands thus reducing potential tax revenues to the City." "The Authority would work with the City of Brisbane to enhance the public benefits of HSR development to help meet the needs of the local communities, including housing and job opportunities (LU-IAMF#1, LU-IAMF#2). While the project includes features to implement urban design guidelines to maximize compatible design, the project would reduce the amount of land available for TOD in the Brisbane priority development area."	The Draft EIR/EIS focuses on businesses that would be displaced and fails to address the economic effects of: <ul style="list-style-type: none"> <li>Removing 100+ acres needed for the LMF from the City's property tax roll;</li> <li>Removing 100+ acres of land from Baylands development that would participate in fair share funding for important regional transportation improvements such as the Geneva Avenue extension and Candlestick interchange, including the added costs for extending Geneva Avenue by forcing the roadway to tunnel under the Caltrain line;</li> <li>Eliminating Golden State Lumber's existing laydown yard and the potential impacts on Brisbane's sales tax revenues; and</li> <li>Displacing the City's existing corporation yard.</li> </ul> The vague promise of working with the City and Baylands developer to "enhance the public benefits of HSR

[161]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

	General Plan Policy/Program	Draft EIR/EIS Analysis	Comments
1165-2250			development" is insufficient to achieve consistency with Brisbane General Plan Policy LU.5.
1165-2251	<b>Policy BL.1 E:</b> Baylands development shall be revenue positive to the City on an annual basis where all City costs (e.g., annual operating costs, maintenance and replacement of equipment, facilities, infrastructure, cultural resource and habitat protection and management etc.) are exceeded by project-generated revenues to the City (e.g., to the City's General Fund, enterprise funds, special funds, etc.) during all phases of development and upon final buildout.	Not identified as inconsistent with the Brisbane General Plan.	By taking 100+ acres from the Baylands upland development area and removing them from the City's property tax roll, the Brisbane LMF would adversely affect the Baylands development's ability to achieve consistency with this policy. Construction of the LMF at the center of the Baylands would make for an inefficient land use pattern and increase per-unit costs for infrastructure, including fair share costs for the Geneva Avenue extension and Candlestick interchange, as well as per-unit costs for required parks and open space. The LMF's 24/7 operation would generate significant noise impacts for which no mitigation is offered in the Draft EIR/EIS, and thereby transfers costs for noise mitigation to existing and future Brisbane taxpayers. By not fully addressing traffic impacts and ensuring the ongoing adequacy of proposed bridge and road improvements, the HSR project could also transfer costs for future roadway improvements onto existing and future Brisbane taxpayers.
1165-2252	<b>Station Planning, Land Use, and Development</b>		
	<b>Policy LU.3:</b> Establish a mix of land uses that best serves the needs of the community. <i>Program LU.3.a:</i> When evaluating land uses, consider whether a use would result in adverse impacts on existing and proposed land uses nearby, and whether those impacts can be mitigated.	"The East or West Brisbane LMF options would be inconsistent with General Plan designations for residential and commercial development in the Brisbane Baylands." "The Authority would work with local governments to enhance the public benefits of HSR development so that they help meet the needs of the local communities, including housing and job opportunities (LU-IAMF#1, LU-IAMF#2). While the project includes features to implement urban design guidelines to maximize compatible design, the project would reduce the amount of land available for TOD in the Brisbane priority development area."	Construction and operation of the Brisbane LMF would result in numerous significant impacts on the community and on adjacent land uses within the Brisbane Baylands, while meeting no community needs.

[162]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2253

General Plan Policy/Program	Draft EIR/EIS Analysis	Comments
<p><b>Policy LU.5:</b> Establish a mix of uses with a diversified economic base to maintain and increase tax revenues and contribute to the City's ability to provide services.</p>	<p>"The East or West Brisbane LMF options would be inconsistent with General Plan designations for residential and commercial development in the Brisbane Baylands, thus reducing tax revenues to the City."</p> <p>"The Authority would work with local governments to enhance the public benefits of HSR development so that they help meet the needs of the local communities, including housing and job opportunities (LU-IAMF#1, LU-IAMF#2). While the project includes features to implement urban design guidelines to maximize compatible design, the project would reduce the amount of land available for TOD in the Brisbane priority development area."</p>	<p>The Draft EIR/EIS focuses on businesses that would be displaced and fails to address the economic effects of:</p> <ul style="list-style-type: none"> <li>• Removing 100+ acres needed for the LMF from the City's property tax roll;</li> <li>• Removing 100+ acres of land from Baylands development that would participate in fair share funding for important regional transportation improvements such as the Geneva Avenue extension and Candlestick interchange, including the added costs for extending Geneva Avenue by forcing the roadway to tunnel under the Caltrain line;</li> <li>• Eliminating Golden State Lumber's existing laydown area and the subsequent impacts on Brisbane's sales tax revenues; and</li> <li>• Displacing the City's existing corporation yard.</li> </ul> <p>The vague promise of working with the City and Baylands developer to "enhance the public benefits of HSR development" is insufficient to achieve consistency with Brisbane General Plan Policy LU.5.</p>
<p><b>Parks, Recreation, and Open Space</b></p>		
<p><b>Policy BL.4:</b> Maximize opportunities for open space and recreational uses in any land use planning for this subarea (Baylands).</p>	<p>Not identified as inconsistent with the Brisbane General Plan.</p>	<p>By removing 100+ acres from the upland portion of the Baylands, orienting Lagoon Road to preclude restoration of marsh habitat north of the lagoon, and removing Icehouse Hill (West LMF), the HSR Project would preclude maximizing opportunities for open space and recreational uses within the Baylands.</p>
<p><b>Policy BL.20:</b> Dedicate land area for open space, recreational uses, and wetlands restoration, especially around the Lagoon.</p>	<p>Not identified as inconsistent with the Brisbane General Plan.</p>	<p>By removing 100+ acres from the upland portion of the Baylands, orienting Lagoon Road to preclude restoration of marsh habitat north of the lagoon, and removing Icehouse Hill (West LMF), the HSR Project would preclude maximizing opportunities for open space and recreational uses within the Baylands.</p>
<p><b>Aesthetics and Visual Quality</b></p>		
<p><b>Policy LU 21:</b> Preserve open areas with biological value and/or significant topographic characteristics at the perimeter of the City to maintain Brisbane as separate and distinct from nearby communities.</p>	<p>"Both project alternatives would build a 100- to 110-acre LMF on land that is currently undeveloped, eliminating views of open space that provide an image of Brisbane as separate and distinct from nearby communities,</p>	<p>The Brisbane Baylands is a contaminated site formerly used as a municipal landfill and for heavy industrial uses. Policy LU 21 is not intended to apply to the entirety of the Baylands which the General Plan</p>

[163]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2256

General Plan Policy/Program	Draft EIR/EIS Analysis	Comments
	<p>creating a view of continuous development from central Brisbane to San Francisco."</p> <p>"Prior to construction the contractor would document, through issue of a technical memorandum, how the Authority's aesthetic guidelines have been employed to minimize visual impacts. The Authority seeks to balance providing a consistent, project-wide aesthetic with the local context for the numerous HSR non-station structures across the state. Examples of aesthetic options that can be applied to non-standard structures in the HSR system would be provided to local jurisdictions (AVQ-IAMF#1: Aesthetic Options). The Authority would also require its contractors to document that the Authority's Aesthetic Design Review Process has been followed (AVQ-IAMF#2: Aesthetic Review Process).</p> <p>While the project includes these features to minimize visual impacts, they cannot keep the open space intact and the project would remain inconsistent."</p>	<p>designed for urban residential and commercial/office development. Thus, the Draft EIR/EIS analysis mistakenly focuses on development within the Baylands and not on loss of open areas with biological value and/or significant topographic characteristics such as Icehouse Hill and Visitation Creek.</p> <p>The Draft EIR/EIS analysis of loss of open space fails to acknowledge that construction of the West LMF would remove Icehouse Hill and its existing habitat areas, that impacts on Visitation Creek would result from construction of the East LMF, and that the Project's proposed alignment of Lagoon Road would preclude restoration of marsh habitat along the northern edge of the Brisbane Lagoon. AVQ-IAMF#1 and AVQ-IAMF#2 both address design of non-station structures within the LMF such as the main maintenance structure or the electrical substation to the construction contractor, even if such design is based on the Authority's guidelines would be of no value in achieving consistency with Policy LU 21, which calls for preserving areas with biological value and/or significant topographic characteristics (i.e., Icehouse Hill).</p> <p>Because the Project's conflict with Policy LU 21 relates to a physical environmental impact, this conflict should have been identified as a significant Land Use impact</p>
	<p><b>Policy BL.11:</b> Retain and enhance landscaping along Bayshore Boulevard to buffer traffic noise and enhance the visual appearance of land uses fronting of the roadway.</p>	<p>Not identified as inconsistent with the Brisbane General Plan.</p> <p>Construction of the West LMF would remove Icehouse Hill and a substantial amount of existing landscaping along Bayshore Boulevard. Landscaping would likely also be removed during relocation of the existing Brisbane fire station. The Draft EIR/EIS makes no commitment to enhance the visual appearance of landscaping along Bayshore Boulevard or to comply with City requirements for landscaping.</p>
	<p><b>Policy BL.16:</b> Enhance the natural landform and biotic values of Icehouse Hill and preserve its ability to visually screen the Tank Farm.</p>	<p>Not identified as inconsistent with the Brisbane General Plan.</p> <p>Construction of the West LMF would remove Icehouse Hill and conflict with Policy BL.16. Because the Project's conflict with Policy BL.16 relates to a</p>

[164]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2258

1165-2259

General Plan Policy/Program	Draft EIR/EIS Analysis	Comments
		physical environmental impact, this conflict should have been identified as a significant Land Use impact.
<b>Cultural Resources</b>		
<b>Policy 137:</b> Conserve pre-historic resources in accordance with State and Federal requirements.	<p>“There is a potential for construction activities for either project alternative to encounter unknown archaeological resources or human remains.”</p> <p>“Through implementation of CUL-MM#1, the Authority would complete Phased Identification inventory for archaeological resources and utilize or further develop treatment plans for any identified resources that would be impaired by the project. Implementation of CUL-MM#2 would train construction crews to identify archaeological resources during construction activities, provide for construction monitoring by qualified professionals in areas of archaeological sensitivity, and establish procedures to stop work in the event of a discovery. Also, in accordance with CUL-MM#2, if human remains are encountered, the appropriate state and federal laws would be followed to determine whether the remains are affiliated with a Native American tribe; if so, such remains would be treated appropriately. In accordance with CUL-MM#3, in the event that an unknown archaeological resource is encountered and cannot be avoided, mitigation measures would be applied as stipulated by the MOA and ATP.</p> <p>With the implementation of CUL-MM#1, CUL-MM#2, and CUL-MM#3, the inconsistency would be reconciled, and the project would be consistent with these goals and policies.”</p>	<p>The Draft EIR/EIS only addresses “unknown archaeological resources or human remains.” Cultural resources testing of borings taken to characterize soils in the area west of the Caltrain line identified sensitive resources that might be affected by the West LMF or relocation of the existing Bayshore Caltrain station. The cultural resources expert analyzing soil samples recommended additional, more intensive borings and analysis to determine the distribution of resources within the area west of the Caltrain right-of-way.</p> <p>Thus, the mitigation measure CUL-MM#2 defers needed cultural resources testing, analysis, and a determination as to whether the Project would affect a known resource until after Project approval.</p>
<b>Regional Growth</b>		
<b>Policy 8:</b> Maintain and diversify the City’s tax base, consistent with community character, in order to generate adequate revenues for City Government and sustain a healthy local economy.	<p>“Alternatives A and B would both displace two industrial businesses and one commercial business in Brisbane. This would result in a reduction in the City’s tax base under both project alternatives, which would reduce the City’s property tax revenues. Project features and compliance with the Uniform Act would minimize the impacts on commercial and industrial properties by offering relocation assistance. Project features would partially reconcile these impacts;</p>	<p>The Draft EIR/EIS focuses on businesses that would be displaced and fails to address the economic effects of:</p> <ul style="list-style-type: none"> <li>• Removing 100+ acres needed for the LMF from the City’s property tax roll;</li> <li>• Removing 100+ acres of land from Baylands development that would participate in fair share funding for important regional transportation improvements such as the Geneva Avenue extension and Candlestick</li> </ul>

1165-2260

[165]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2260

1165-2261

General Plan Policy/Program	Draft EIR/EIS Analysis	Comments
	<p>however, some existing commercial and industrial properties would be permanently removed.”</p> <p>“The Authority would work with the City of Brisbane and developer of the Brisbane Baylands site to enhance the public benefits of HSR development to help meet the needs of the local communities. Numerous project features have been incorporated to minimize impacts on displacements. The Authority would comply with the Uniform Act to provide relocation assistance for businesses. Despite implementation of project features, the project would remain inconsistent.”</p>	<p>interchange, including the added costs for extending Geneva Avenue by forcing the roadway to tunnel under the Caltrain line;</p> <ul style="list-style-type: none"> <li>• Eliminating Golden State Lumber’s existing laydown area and the potential impacts on Brisbane’s sales tax revenues; and</li> <li>• Displacing the City’s existing corporation yard.</li> </ul> <p>The vague promise of working with the City and Baylands developer to “enhance the public benefits of HSR development” is insufficient to achieve consistency with Brisbane General Plan Policy 8.</p>
<b>Policy LU.5:</b> Establish a mix of uses with a diversified economic base to maintain and increase tax revenues and contribute to the City’s ability to provide services.	<p>“The East or West Brisbane LMF options would be inconsistent with General Plan designations for residential and commercial development in the Brisbane Baylands thus reducing potential tax revenues to the City.”</p> <p>“The Authority would work with the City of Brisbane to enhance the public benefits of HSR development to help meet the needs of the local communities, including housing and job opportunities (LU-IAMF#1, LU-IAMF#2). While the project includes features to implement urban design guidelines to maximize compatible design, the project would reduce the amount of land available for TOD in the Brisbane priority development area.”</p>	<p>The Draft EIR/EIS focuses on businesses that would be displaced and fails to address the economic effects of:</p> <ul style="list-style-type: none"> <li>• Removing 100+ acres needed for the LMF from the City’s property tax roll;</li> <li>• Removing 100+ acres of land from Baylands development that would participate in fair share funding for important regional transportation improvements such as the Geneva Avenue extension and Candlestick interchange, including the added costs for extending Geneva Avenue by forcing the roadway to tunnel under the Caltrain line;</li> <li>• Eliminating Golden State Lumber’s existing laydown area and the potential impacts on Brisbane’s sales tax revenues; and</li> <li>• Displacing the City’s existing corporation yard.</li> </ul> <p>The vague promise of working with the City and Baylands developer to “enhance the public benefits of HSR development” is insufficient to achieve consistency with Brisbane General Plan Policy LU.5.</p>

[166]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2262

6. **Flawed Project Design.** *The design of the Brisbane East and West LMFs ignores the site's physical setting and the extent to which the LMF will be incompatible with adjacent land uses. As a result, the description of the Project is incomplete, and analyses of the Project's impacts are inadequate.*

Had an adequate analysis of the site-specific impacts associated with the flawed LMF design been undertaken, the Draft EIR/EIS would have disclosed the severe environmental consequences that would result from both the East and West LMF which render development of a light maintenance facility within Brisbane infeasible for the reasons enumerated below.

- Construction of the Brisbane LMF would necessitate demolition and relocation of the exiting Tunnel Avenue bridge crossing over the Caltrain right-of-way, including a 1-3 month time period until the new bridge crossing could be opened. Emergency access and response times for the Brisbane Police and North County Fire Authority to those portions of the City east of the Caltrain right-of-way would be unacceptably long, placing properties and lives at risk. While the Draft EIR/EIS concludes that the impacts of this temporary road closure would be significant and unavoidable, there is simply no valid reason such an impact could ever be considered to be acceptable, thereby precluding the Authority's ability to approve the Project including the Brisbane LMF.

The new bridge would also require relocation of the existing fire station along Bayshore Boulevard. The Draft EIR/EIS proposes moving the station a few hundred feet to the south; however, neither of the two options cited in the Draft EIR/EIS for relocating the fire station would be feasible. Because there are no circumstances under which leaving a community with a fatally flawed fire station could ever be considered to be acceptable, thereby precluding the Authority's ability to approve the Project including the Brisbane LMF.

In addition, relocation of the existing Tunnel Avenue bridge crossing would require:

- o Demolition of the historic Machinery & Equipment building along with dislocation of the Mission Blue Nursery, which is critical to ongoing habitat restoration efforts within the San Bruno Mountain State & County Park.
- o Relocation of the City's existing corporation yard, which the Draft EIR/EIS appears to mistakenly identify as an industrial use (East LMF only).

1165-2263

- The East LMF would require excavations up to 65 feet deep into the former Brisbane Landfill. While the Draft EIR/EIS states that the East LMF would be constructed on the landfill, no analysis is presented addressing amount of excavated materials from the East LMF that could be reused onsite (i.e., clean soils), hauled for disposal at a Class III landfill (i.e. non-hazardous wastes), or the amount of materials that must be hauled to a distant Class I landfill (i.e., contaminated soils and hazardous wastes). Approximately 130,575 truckloads would be required to haul the approximately 2,082,800 cubic yards of

[167]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2263

soil and waste materials needing offsite disposal from the East LMF. The Draft EIR/EIS fails to acknowledge that the Authority would be required to prepare Title 27 landfill closure plans, receive regulatory approval, and complete the final landfill closure prior to construction of the East LMF.

1165-2264

- Construction of the East LMF would require filling 980 linear feet of Visitacion Creek beneath the East LMF. Based on a review of the Draft EIR/EIS and the Authority's "Preliminary Compensatory Mitigation Plan," it appears that the Authority plans to either:
  - o Fill approximately 980 linear feet of the existing Visitacion Creek and construct a culvert under the widest point of the East LMF, or
  - o Reroute Visitacion Creek from where it daylight just east of the Caltrain tracks and construct a new 2,300 linear foot open channel running south adjacent to the East LMF that discharges the creek into Brisbane Lagoon rather than San Francisco Bay.

The likelihood of gaining regulatory approval for either of these concepts is questionable, considering that (1) less impacting alternatives are available in the form of LMF sites other than the Baylands that should have been investigated, but were not, as part of the Draft EIR/EIS and (2) relocating the creek would cut off natural stormwater runoff to the remaining 1,100 linear feet of Visitacion Creek east of the realigned Tunnel Avenue adversely affecting remaining habitats in that location and requiring additional mitigation.

1165-2265

- The proposed design of the East LMF with its "flyover" rail entry for southbound trains into the LMF would preclude the Geneva Avenue extension from building a bridge crossing over the Caltrain right-of-way, which has long been planned as part of a multi-jurisdictional transportation planning effort between San Francisco, San Mateo County, Brisbane, and others. As the East LMF is currently designed, the only way for Geneva Avenue to cross the Caltrain right-of-way would be to tunnel under the right-of way, which would require large-scale excavations into the contaminated soils within Operable Units UPC-OU-SM and OU-2, substantially increasing the costs and environmental impacts of this important transportation feature.

1165-2266

- Construction of the West LMF would require removal of Icehouse Hill. A total of approximately 1,463,700 cubic yards of soils would be hauled offsite for the West LMF (approximately 91,482 truckloads), including an estimate 432,000 cubic yards of contaminated soils (approximately 27,000 truckloads). The Draft EIR/EIS fails to acknowledge that the Authority would be required to prepare RAPs and RDIPs, receive regulatory approvals and remediate the site prior to construction of the West LMF.

1165-2267

- The Draft EIR/EIS erroneously concludes that adequate water supplies are available for the Brisbane LMF based on a review of the total amount of water available to San Mateo County from the SFPUC. An analysis of the City of Brisbane's contracted allocation of

[168]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2267

SFPUC water (980,000 gpd) reveals that the City does not have adequate water supply for the LMF in addition to its commitments to existing customers and approved developments. Thus, the Authority must secure and deliver an adequate water supply for the LMF.

1165-2268

- The LMF will generate severe impacts on development of much needed housing within the Baylands, which is identified in the Bay Area's sustainable communities strategy as a Priority Development Area due to its proximity to transit. The Draft EIR/EIS offers no mitigation for the noise, traffic, and other impacts the LMF would cause to housing within the Baylands, adversely affecting the City's ability to produce housing. By adopting General Plan amendment GP-1-18, the City of Brisbane committed to take on a disproportionate share of statewide and regional housing need, permitting 1,800 to 2,200 dwelling units to be constructed within the Baylands, which would approximately the City's population. The severe impacts the Brisbane LMF would have on the Baylands would compound the negative effects of the state's housing crisis on the availability and affordability of housing within the Bay Area.

1165-2269

*The design of the East LMF would prevent the Geneva Avenue extension from Bayshore Boulevard to the US 101 freeway proposed as part of the multi-jurisdictional San Francisco-San Mateo Bi-County Transportation Study from bridging over the Caltrain right-of-way s has long been planned. As it is currently designed, the Geneva Avenue extension would be required to tunnel under the Caltrain right-of-way, substantially adding to the Geneva extension's costs and environmental impacts.*

A Project Study Report (PSR) was developed by the firm of Biggs Cardosa Associates for the City of Brisbane that was approved in January 2014 by Caltrans to reconstruct the existing US-101/Candlestick Point interchange with a new compact diamond interchange that would improve traffic operations and regional access to and from US-101. The interchange would also serve to support a number of planned developments adjacent to the interchange within the Brisbane and San Francisco, including the Baylands. The roadway would cross either under or over US-101 (depending on the build alternative) and connect with Harney Way on the east side of US-101 in San Francisco and would extend and connect to Geneva Avenue at Bayshore Boulevard on the west side of US-101. This extension is a separate project from the Interchange but is defined and mentioned within the PSR.

The Geneva Extension Project would connect US-101 and Harney Road to Geneva Avenue from its current eastern terminus at Bayshore Boulevard cross over the existing Caltrain rail corridor. This extension provides an important access point to residential neighborhoods and businesses the west of the Caltrain corridor, an important connection to the Caltrain Bayshore station for residents/development to the east of the Caltrain corridor, and an important regional east-west transit connection from US-101 to the I-280 freeway and BART. The Geneva Avenue extension is also a critical transportation feature for development of the Baylands and projects to the north in San Francisco.

[169]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2269

As part of the Geneva Avenue Extension Project, Geneva Avenue would be constructed as a six-lane local roadway with Class II bike lanes and sidewalks in both directions. It also includes a wide median to support Bus Rapid Transit (BRT) service between San Francisco and Daly City through Brisbane. The agreed-upon alignment of Geneva Avenue would cross over the existing Caltrain railroad corridor via a new 1,143-foot-long, 148-foot wide, 9-span overhead structure. The anticipated construction cost only of the Geneva Ave Overhead in 2014 PSR was approximately \$60 million, excluding soft costs, annual escalation, construction management, and contingencies.

Additional studies reviewing the Geneva Avenue Extension were undertaken for the City of Brisbane in conjunction with San Mateo County Transportation Authority to review impacts and enhancements to the alignment and connections of the PSR defined project to consider BRT and Caltrain connectivity, accommodating direct and improved access to the Baylands Development, providing direct connection to Tunnel Avenue, and to accommodate proposed Recology modernization plans. The Geneva Avenue overhead bridge structure illustrated in Attachment Metis-C was defined in the approved 2014 PSR.

The Authority did, in fact, recognize the Geneva Avenue Extension as shown on the plan drawing in their report (see DWG MY-CO101 in Attachment Metis-F: Appendix B: B-15, V3-06, PEPD, Alternative A Book, A4, Structure Roadway LMF Alignment Date Table, Page 14 of 49 for the East LMF and DWG MY-CO201 Appendix B: B-, V3-06, PEPD, Alternative B Book, B4, LMF Alignment Data Table 8 for the East LMF). However, the Draft EIR/EIS does not indicate or discuss impacts associated with this planned network improvement that is included as a cumulative project in Draft EIR/EIS Appendix 3.18-B and is a vital future connection for the City and its regional partners. Additionally, the geometry as shown on the aforementioned plan is not shown correctly with what was defined in the 2014 PSR or the proposed layout from the Baylands Specific Plan. It is clear that the rail design for the East and West LMFs proposed by the Authority would have significant impacts to the viability of the Geneva Avenue Extension Project.

1165-2270

*The Tunnel Avenue bridge relocation and Lagoon Road alignment proposed by the Authority are poorly designed.*

The Authority is proposing relocating the access across the railroad corridor from the existing Tunnel Ave/Old County Road Intersection at Bayshore Boulevard approximately 190' to the northwest to the intersection with Valley Drive. The plan proposes constructing a new overhead structure to connect with and extend Lagoon Road towards the partial interchange along southbound US-101. The existing Tunnel Ave bridge would be demolished to accommodate necessary rail track improvements.

As stated in the Draft EIR/EIS, construction of the relocated Tunnel Avenue bridge would result in a 1-3 month temporary closure of the bridge before the relocated bridge crossing

[170]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Metis Environmental Group

1165-2270

would be opened. During this time, significant and unavoidable emergency response impacts would occur. It appears that the bridge closure is necessitated as a result of embankment construction needed to return Lagoon Road to its existing alignment.

Brisbane’s experience with the existing Tunnel Avenue bridge was that the construction of the bridge embankment was subject to fairly large short and long-term settlement due to its proximity to San Francisco Bay and the former Brisbane Landfill (pers. comm. with Randy Brault, PE, Brisbane City Engineer, August 10, 2020). Based on review of the Authority’s plans for the Tunnel Avenue bridge relocation by the firm of Biggs Cardosa, the City’s design engineer, it is reasonable to believe that the Lagoon Road approach to the relocated bridge and its embankments would be subject to similar settlement concerns, which could require that the embankments have extended construction settlement periods, extending the duration of the closure. As previously noted, no site-specific geotechnical analysis was undertaken for the Brisbane LMF or proposed bridge relocation.

1165-2271

*The proposed geometric design for the Tunnel Avenue bridge relocation and Lagoon Road realignment is flawed.*

As shown in Attachment Metis-C, Exhibits TC2-6-2.1A Tunnel Bridge Plan and TC2-6-2.1A Tunnel Bridge Profile, proposed geometric design for the Tunnel Avenue bridge relocation and Lagoon Road realignment have several design flaws in addition to the previously mentioned need for bridge closure, relocation of the City’s fire station, displacement of the City’s corporation yard, demolition of the historic Machinery & Equipment building, displacement of Mission Blue Nursery and, closely spaced intersections west of Bayshore Boulevard, including:

- The 95-foot curve radius on Tunnel Avenue approaching Bayshore Boulevard on a downhill slope is only suitable for design speed of 20 mph.
- Design of the Bayshore Boulevard/Valley Drive intersection would not be conducive to bicycle or pedestrian access across the intersection.
- Lagoon Road is proposed to approach the relocated bridge at a 5.51% grade, which would not be ADA compliant, even though the roadway is designed with sidewalks.
- Lagoon Road, which is now posted with a 40-mph speed limit is for only a 25-mph design speed, which could increase emergency response times.

1165-2272

**7. Factual Errors. The Draft EIR/EIS and its technical appendices contain factual errors that need to be corrected.**

*References to the Brisbane General Plan are incorrect.*

Page 3.2-6 refers to the “City of Brisbane General Plan (City of Brisbane 1994)” and the “City of Brisbane General Plan Updated (City of Brisbane 2020),” giving the impression that they are

[171]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Metis Environmental Group

1165-2272

two separate documents. They are not. The City’s current General Plan was originally adopted in 1994 and has been periodically amended over the years. Most recently, General Plan Amendment GP-1-18 was adopted by the City Council in August 2018 and approved by Brisbane voters in November 2018; General Plan Amendment GP-1-19 was approved earlier this year, addressing City roadway performance standards and other issues related to General Plan consistency with the provisions of GP-1-18.

1165-2273

*The description of land uses within the Baylands is incorrect.*

On page 3.12-18, the Draft EIR/EIS states, “Light industrial facilities and warehouses adjacent to the project alignment include San Francisco Recology, two lumber yards, a soil processing facility, and the San Francisco Products Pipeline Kinder Morgan Brisbane Terminal, which is a petroleum storage and distribution terminal.” This information is repeated on page 5-3 of the Community Impact Technical Report. As of July 2020, one lumber yard, Golden State Lumber, was operating within the Brisbane Baylands, the soil processing facility had ceased operations, and there were light industrial uses operating adjacent to the sites of the West and East LMF.

[172]

Comments on the High-Speed Rail Draft EIR/EIS. San Francisco to San Jose Segment

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

**Attachment Metis-A**  
**Metis Environmental Group Resumes**



437 Alcatraz Avenue  
Oakland, CA 94609

**Lloyd Zola**

**EDUCATION**

Bachelor of Arts, Urban Studies,  
1974  
California State University, Los  
Angeles

**Professional Experience**

As a consulting planner, Lloyd provides expertise in resolution of complex planning, environmental, and development issues; general plans and public policy formulation; public participation programs; environmental documentation; and the coordination of environmental, project design, and policy formulation and implementation.

Lloyd has been retained as an expert witness, assisting cities in defense of adult business ordinances, religious land use claims, hillside ordinances, and inverse condemnation.

Lloyd's planning expertise has evolved through the preparation of general plans, specific plans, commercial/industrial development projects, and related environmental documents as a private consultant, public agency planner, and private development company project manager. He has considerable experience in "environmental strategy," assisting in the coordination of development design with up-front environmental analysis and mitigation. Lloyd has a unique ability to organize and manage public participation programs and consensus building efforts, and is a trained mediator. He has managed environmental analyses for large-scale residential, commercial/industrial, recreation, and public works projects, as well as public community planning projects.

**Awards**

- *Outstanding Planning Award – Small Jurisdiction:* Sixth Street Specific Plan. Awarded by the Inland Empire Section, American Planning Association.
- *Outstanding Planning Award – Small Jurisdiction:* Ojai General Plan Land Use and Circulation Elements. Awarded by the California Chapter, American Planning Association.
- *Outstanding Planning Award – Large Jurisdiction:* California Speedway and Speedway Business Park. Awarded by the Inland Empire Section, American Planning Association.
- *Outstanding Planning Award – Comprehensive Planning:* Calabasas General Plan. Awarded by the Los Angeles Section, American Planning Association.
- *Distinguished Leadership Award:* Awarded by the Inland Empire Section, American Planning Association.

PHONE  
951.207.9684  
415.828.4290

WEBSITE  
metis-env.com

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Page 2

## Work History

### **Metis Environmental Group**

*Oakland, California*

*Partner*

*2014 - Present*

Serving as project director or project manager of large, complex community and environmental planning projects. Responsible for development of environmental analyses and mitigation strategies; preparation of environmental evaluations and documentation pursuant to CEQA; Specific Plan and ordinance preparation; and assistance with local, regional, state, and federal permitting and entitlement processes.

### **Environmental Science Associates**

*Los Angeles, California*

*Sr. Vice President, Community Development Practice Leader*

*2010 - 2014*

Responsible for organization development, strategic planning, and training for ESA's Community Development program; development of comprehensive plans for entire communities, coastal planning, and site planning for individual properties; environmental evaluations and documentation pursuant to CEQA, NEPA, and other agency regulations; entitlement processing; and assistance with local, regional, state, and federal permitting and entitlement processes.

### **HDR, INC.**

*Riverside, California*

*West Region Director of Community Planning*

*2005 - 2010*

Responsible for management and preparation of planning and environmental documents for large, complex land development and infrastructure projects. Also responsible for organization development and strategic planning for HDR's Community Planning program throughout the western United States.

### **LSA Associates, Inc.**

*Riverside, California*

*Principal/Associate/Project Manager*

*1994 - 2005*

Responsible for management and preparation of planning documents for complex planning programs, including multi-jurisdictional planning efforts, community-wide General Plan efforts, and site-specific development plans. Served as project manager of the award-winning Ojai General Plan Land Use and Circulation General Plan Elements.

Page 3

Also served as project manager for the California Speedway and adjacent business park on the former site of the Kaiser steel mill in Fontana, California.

### **Planning Network**

*Rancho Cucamonga, California*

*President,*

*1983 - 1994*

In addition to administrative responsibilities, responsible for overall project strategy and quality control, design and implementation of public participation programs, and presentations before administrative and legislative bodies. Directly prepared all or portions of planning documents and reports of unusual complexity, including General Plans, specific plans, and performance standards for new development. Served as project manager of general plans, specific plans, and environmental impact reports. Prepared hillside development guidelines for the cities of Lancaster, Hemet, and Calabasas as part of General Plan update programs. Served as project manager for the preparation of commercial/industrial specific plans covering several thousand acres of land in the cities of Ontario, Rancho Cucamonga, Chino, Palmdale, and Fontana.

### **L. D. King Engineering**

*Ontario, California*

*Project Manager/Director of Planning*

*1980 - 1983*

Responsible for management and preparation of planning documents, including specific plans and environmental impact reports. As Director of Planning, supervised staff of six project managers, planners, and graphic technicians. Prepared analysis and provided expert testimony for the Quechan Tribe of the Fort Yuma Indian Reservation as part of the adjudication of water rights along the Colorado River, including determination of those lands within the reservation which were "practically irrigable" (could be commercially farmed).

### **Covington Technologies**

*Fullerton, California*

*Project Manager*

*1979 - 1980*

Responsible for securing entitlements for residential developments ranging in size from 10 to 1,280 acres, including specific plans, tentative and final tract maps, infrastructure improvement plans, and building permits. Supervised and administered the contracts of civil engineers and other consultants.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Page 4

## **Riverside County, California**

*Senior Planner/Planner II,  
1976 - 1979*

Prepared and later supervised the preparation of area general plans as part of the County's overall general plan program. Prepared a manual for department use on the methodology for area general plan formulation. Responsible for review and recommendations on general plan amendments being processed by the County. Served as staff to the County Open Space Resources Committee whose responsibility was to review and make recommendations to the Board of Supervisors regarding the creation, enlargement, and cancellation of agricultural preserve contracts pursuant to the Williamson Act.

## **San Joaquin County, California**

*Planner I  
1975 - 1976*

Responsible for preparation of the Safety, Seismic Safety, and Scenic Highways elements of the County General Plan. Conducted detailed studies and provided land use recommendations for portions of the Land Use Element, which were later incorporated into the plan. Prepared analyses of proposed state legislation affecting agricultural land preservation.

## **City of Concord, California**

*Junior Planner  
1974-1975*

Prepared a citywide neighborhood analysis to be used for evaluating Community Development Block Grant requests. As part of this analysis, conducted a demographic and land use analysis of the City to identify residential, commercial, and industrial planning areas and their distinguishing characteristics.

## **Community Planning Selected Experience**

**Building Industry Association of Southern, San Bernardino County General Plan Update Review, San Bernardino, CA.** The Baldy View Chapter of the Building Industry Association (Baldy View BIA) retained Lloyd to represent Baldy View BIA in review of the 2007 County of San Bernardino General Plan Update. Lloyd was responsible for reviewing proposed updated General Plan, Community Plans, and Development Code. Lloyd represented the Baldy View BIA at meetings with County planning and Supervisors' staffs to discuss concerns and solutions to potential problems in the General Plan update program. Through a series of meetings, suggested revisions, and

Page 5

additional review, consensus was achieved concerning the General Plan update. Lloyd also represented the Baldy View BIA at the public hearings before the Planning Commission and Board of Supervisors.

**Colonies Partnership, The Colonies at San Antonio, Upland, California.** Lloyd was responsible for preparation of the Colonies at San Antonio Specific Plan, involving a multi-disciplinary team to plan and design the community. A key part of the design of the specific plan involved reuse of an abandoned surface mine and negotiations for mitigation of wetlands and waters of the United States that were present within the project site. Lloyd developed and implemented a strategy that demonstrated independent utility for Phase 1 development, facilitating development of Phase 1 and creating cash flow for the project while more complex planning and regulatory permit processing was undertaken for subsequent phases of development. Lloyd also prepared comprehensive zoning regulations for the specific plan area, and provided design guidelines for high-density mixed-use development within one of the specific plan's development areas. He was subsequently retained to develop design regulations and environmental documentation to prepare freeway-oriented LED changeable message board regulations and integrate those regulations into the project's sign program.

**City of Malibu, Local Coastal Program, Malibu, CA.** The City of Malibu retained Lloyd to provide technical input and represent the City as Coastal Commission staff prepared the Local Coastal Program for the City. Lloyd represented the City in meetings with Coastal Commission staff, undertook planning review of the Coastal Land Use Plan prepared by Coastal Commission staff, and advised City staff and elected officials regarding the proposed provisions of the Coastal Land Use Plan. As part of this effort, Lloyd also prepared substantial portions of the Coastal Local Implementation Plan (zoning ordinance), and worked with Coastal Commission staff to integrate City-prepared and Commission staff-prepared sections into a cohesive document.

**Ontario Mills, Ontario, CA.** Lloyd served as the project manager and primary author for Specific Plan and related Environmental Impact Report for development of the 1.0+ million square foot Ontario Mills mall at the junction of the I-10 and I-15 freeways. The Specific Plan involved coordination between the four property owner/developers involved in the development and their proposed land exchanges. Key project-related issues included traffic, road alignments, and coordination of proposed roadway improvements with the City of Rancho Cucamonga, whose city limits were immediately north of the mall.

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Page 6

**City of Pico Rivera, General Plan Update and EIR, Pico Rivera, CA.** Lloyd served as the project director for the 2014 update of the City's General Plan, having previously served as the project manager and primary author of the City's 1993 General Plan. A key feature of the update programs was extensive bilingual community outreach.

**San Bernardino County Commercial Solar Energy Generation Facilities Ordinance, San Bernardino County, CA.** Lloyd was retained by the County of San Bernardino to prepare an ordinance governing the development of commercial solar energy generation facilities in the County. Lloyd produced the ordinance, which contains detailed development standards to address substantial land use compatibility issues occurring under the County's previous ordinance, on a fast track schedule to meet the County's need to replace its previous emergency ordinance.

**City of San Dimas Hillside Development Regulations, San Dimas, California.** Lloyd was retained by the City of San Dimas to prepare hillside development regulations for the northern portion of the City, replacing existing hillside zoning requirements.

**City of Shafter General Plan Update and EIR, Shafter, CA.** Lloyd served as the project manager and primary author for the City's General Plan update and EIR. As part of this effort, Lloyd also supervised preparation of a Municipal Services Review in support of the City's request to LAFCO for a substantial increase in its sphere of influence and subsequent annexations. The EIR prepared for the General Plan addressed not only the impacts of the proposed General Plan update, but also the impacts of expanding the City's boundaries by approximately 50 percent, two large scale specific plans, and a proposed cancellation of agricultural preserve contracts covering approximately 1,000 acres within the proposed annexation area. As part of this effort, Lloyd assisted the City to develop a streamlined CEQA process that has successfully streamlined review of development projects consistent with the updated General Plan.

**City of Shafter Housing and Air Quality Elements, Shafter, CA.** Lloyd served as project manager for the successful update of the City's Housing Element, including securing the California Department of Housing and Community Department's concurrence with the updated element. Lloyd also prepared the City's required Air Quality Element, including securing approval of the element by the San Joaquin Valley Air Quality Protection District.

**City of Shafter Environmental Justice Element, SB 743 Implementation, and AB 617 Assistance, Shafter, CA.** Lloyd has been retained to prepare an Environmental Justice Element for the City to implement the provisions of SB 1000. As part of this effort, he developed goals, objectives, and policies related to providing meaningful opportunities for civic involvement by disadvantaged residents, promoting social equity in public policy decisions, maintaining a healthy community, and simultaneously addressing both

Page 7

reduce the unique and compounded health risks the community's disadvantaged residents face, and at the same time increase residents' access to employment opportunities. Lloyd is currently engaged in developing environmental thresholds and methodologies for CEQA transportation impact analyses addressing vehicle miles travelled rather than traditional level of service congestion metrics. Lloyd also provided technical and strategy assistance to public officials in relation to the City's participation in a Community Emissions Reduction Program conducted by the San Joaquin Valley Air Quality Protection District for the Shafter community.

**Sixth Street Specific Plan, Norco, California.** Lloyd was retained to prepare a specific plan for the Sixth Street corridor. Sixth Street served as Norco's primary local business area, encompassing the majority of the City's equestrian-oriented businesses. As part of the specific plan, Lloyd developed special home occupation requirements to provide a broader range of permitted uses for remaining single-family homes within the commercial corridor.

**Summit at Rosena Specific Plan, Fontana, California.** Lloyd was retained to prepare a specific plan, including comprehensive development regulations for a 900+ unit planning community in the City of Fontana. He was also responsible for entitlement processing of the Specific Plan through approval by the Fontana City Council.

**Ventura Freeway Corridor Areawide Plan and EIR, Los Angeles County, CA.** Lloyd served as the project manager and primary author for a joint planning effort between Los Angeles County and the cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village; Las Virgenes Unified School District, Las Virgenes Municipal Water District; and the National Park Service. The purpose of this large-scale planning effort was to prepare Los Angeles County's community plan for the Santa Monica Mountains area, ensure compatible land use and consistent development standards throughout the area's incorporated and unincorporated areas, ensure coordination between planning by the five municipal entities and the Santa Monica Mountains National Recreation Area, and provide a firm basis for master planning efforts by the area's two largest special district service providers. As part of this effort, Lloyd undertook a substantial public outreach effort involving a policy committee made up of elected officials, a 30-member citizens committee, and a staff-level technical committee. Lloyd was subsequently retained by Los Angeles County to provide environmental documentation for the ridgeline protection ordinance that was prepared to implement the Areawide Plan.

**West Valley Logistics Center, Fontana, California.** Lloyd prepared a specific plan, including comprehensive development regulations for a 3.2 million square foot warehousing complex in the City of Fontana. The Logistics Center was proposed

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Page 8

adjacent to residential neighborhoods within unincorporated San Bernardino County. As a result, the Specific Plan included a truck routing plan, noise mitigation, and detailed environmental performance standards.

### CEQA Documentation Selected Experience

#### Residential | Mixed-Use Communities | Industrial

**Brisbane Baylands, Brisbane CA.** Lloyd directed preparation of the Program Environmental Impact Report for the proposed development of the 733-acre site. The project was highly controversial, and would more than double the population and commercial/business park square footage of this small community south of San Francisco. Under Lloyd's direction, the Program EIR addressed a complex development proposal, including four development scenarios at an equal level of detail along with additional alternatives at a lesser level of detail, a proposed water transfer agreement between the City, Oakdale Irrigation District and two other agencies, remediation of a former rail yard and final closure of a former landfill in compliance with Title 27 requirements. In addition to the Program EIR, Lloyd assisted the City define the project's approval process and the relationship between the complex planning and environmental review processes. Lloyd also provided planning expertise to assist the City develop the General Plan amendment that was ultimately adopted and assisted the Planning Commission and City Council in their planning deliberations. Lloyd also conducted community outreach related to the EIR, including a series of four EIR presentation workshops and three presentations to various community groups. Subsequent to adoption of the Baylands General Plan amendment, Lloyd was retained to prepare needed General Plan amendments to address EIR mitigation measures and facilitate implementation of SB 743 requirements for CEQA analysis of vehicle miles travelled, rather than congestion metrics. He also prepared environmental documentation for these amendments. Subsequent to certification of the Final Program EIR, Lloyd prepared a follow-up General Plan Amendment and EIR Addendum to address roadway performance standards in compliance with SB 743. Lloyd also prepared an EIR Addendum to permit importation of bay mud soils for future use as a landfill cap.

**Rancho La Habra Specific Plan EIR, La Habra CA.** Lloyd served as the project manager and primary author for this EIR addressing the proposed conversion of an existing golf course to a planned residential community. In addition to the impacts of proposed site grading and development, the EIR addressed impacts and mitigation associated with the applicant's request for vacation of onsite deed restrictions originally provided as

Page 9

mitigation for impacts to wetland areas caused by construction of the existing golf course.

**Transit Oriented Development EIRs for Downtown Inglewood, Fairview Heights, Westchester/Veterans, and Crenshaw/Imperial, Inglewood, CA.** Lloyd served as the Project Manager for an EIR addressing TOD plans for high density, mixed-use transit-oriented development adjacent to two stations being constructed along the new Metro line to the Los Angeles International Airport and a second EIR addressing TOD plans adjacent to two other Los Angeles Metro light rail stations. Each of the two EIRs address impacts of increased development density within two distinct planning areas, encompassing a total of 1,238 acres.

**Willowbrook Specific Plan EIR, Los Angeles, CA.** Lloyd provided senior review for the EIR addressing the County's proposed transit-oriented development adjacent to the Willowbrook/Rosa Parks Station along the Metro Blue and Green lines in the unincorporated Willowbrook community. The EIR also addressed proposed expansion of the Martin Luther King, Jr. Center for Public Health and the Charles R. Drew University of Medicine and Science. Lloyd was also tasked with resolving conflicts between proposed TOD features of proposed development plans with previous mitigation measures adopted for Phase 1 of the MLK Medical Center expansion.

**City of Glendora, Hillside Initiative Ordinance Analysis, Glendora, CA.** Under contract to the City, Lloyd undertook an evaluation of a proposed Initiative Ordinance. The evaluation included a summary matrix that lent itself to easy public distribution. Lloyd worked closely with the City Attorney's office and Glendora's Planning and Engineering staff to ensure that the report was factually accurate and non-biased. He presented the report to the City Council in a public session attended by over 200 citizens, and the report was distributed to citizens throughout the city.

#### Public Policy Documents

**Pleasanton Climate Action Plan and General Plan Update EIR, Pleasanton, CA.** Lloyd provided senior leadership and directed preparation of an EIR to support a Climate Action Plan (CAP) and Housing Element update to reduce community-wide greenhouse gas emissions and help settle two separate lawsuits. Lloyd was responsible for ensuring consistent approaches to the CAP and CEQA documentation for the CAP and Housing Element, and was instrumental in defining the General Plan Amendment to increase housing availability as the common element that allowed the City to prepare a single EIR for both the CAP and Housing Element.

**Riverside County Integrated Project, Riverside County, CA.** Lloyd served as the environmental director for this large-scale planning and environmental documentation program, overseeing a \$5.0 million CEQA/NEPA documentation program. He was

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

responsible for overall direction and coordination of four related environmental documents, including preparation of an integrated environmental and planning database for Riverside County, the EIR for Riverside County's comprehensive General Plan update (for which he also served as project manager), an EIR/EIS for a multi-species habitat conservation plan (MSHCP) covering the western portion of the County (including incorporated cities), and CEQA/NEPA documents for two intra-county transportation corridors.

### Public Facilities

**City of Brisbane, New Brisbane Library IS-MND, Brisbane, CA, Project Manager.** Lloyd served as Project Manager for CEQA documentation for the City proposed new library. As part of this effort, Lloyd was responsible for coordination between the City's Public Works and Community Development Departments to ensure timely completion of the Initial Study – Mitigated Negative Declaration.

**City of Delano, Wastewater Treatment Plant MND, Delano, CA, Project Manager.** Lloyd assisted the City of Delano with the proposed expansion of its existing municipal wastewater treatment facility by preparing environmental documentation pursuant to the provisions of CEQA and NEPA. The City proposed to expand the capacity of its existing facility by approximately 8.8 million gallons per day to provide wastewater capacity for current and future residents until over a 20-year period.

**Coronado Lifeguard Public Safety Service Building EIR, Coronado, CA.** Subsequent to a court ruling that the City's Mitigated Negative Declaration was inadequate, Lloyd was retained to direct preparation of an EIR for the proposed construction of a Lifeguard Public Safety Service Building. The Lifeguard Services Building was the third and final component of a program of beach facilities improvements undertaken by the City of Coronado under its Beach Facilities Master Plan. The EIR was successfully prepared and certified without legal challenge.

### Entertainment Venues Experience

**Auto Club (formerly California) Speedway / Conversion of the Kaiser Fontana Steel Mill, Fontana, CA.** Lloyd served as the consultant project manager for planning, technical studies, and entitlement efforts for the development of the Auto Club Speedway, a two-mile super-speedway adjacent to the City of Fontana. The project involved redevelopment of the abandoned Kaiser Fontana steel mill. In this effort, he was responsible for ensuring the timely completion of project architectural and engineering design; as well as water, sewer, traffic, noise, and air quality technical studies. He also prepared and processed planned development documents for the speedway. The

project was awarded as an Outstanding Project by the Inland Empire Section of the American Planning Association for attention to the early identification and resolution of project issues, which resulted in completion of the design and entitlement process, including preparation of an EIR by San Bernardino County in less than 14 months. Following project approval, Lloyd supervised preparation of the traffic management plan for the 105,000 spectator capacity facility. In addition to entitlements for the speedway, Lloyd also prepared the specific plan to convert the mill's former warehouses into a modern business park, including redesign and environmental studies for reconfiguration to increase the capacity of the Etiwanda Avenue interchange on the I-10 freeway.

**Speedway Environmental and Feasibility Studies, Various Locations, Project Manager.** In addition to the Auto Club Speedway, Lloyd has been retained on several occasions to perform feasibility analysis for proposed speedway facilities, including projects for:

- The Mississippi Band of Choctaw Indians to conduct studies as to whether a speedway could be safely located within Tribal lands without creating significant noise impacts.
- The former owner of the Detroit Pistons to prepare noise and other feasibility studies for the proposed conversion of the Michigan State Fairgrounds horse racing track to auto racing.
- Penske Motorsports to assist in feasibility studies for a two-mile superspeedway in Aurora, Colorado, and southwest of Denver International Airport.

**Porsche Experience Driving Center, Carson, CA.** Lloyd supervised preparation of the EIR for the 53-acre Porsche Experience Driving Center project located on a former landfill in the City of Carson. The EIR addressed development and operation of the driver training facility, which includes two tracks, an acceleration/deceleration area, an off-road course, and ice/low-friction courses, along with a museum, restaurant, retail and office spaces, and a "human performance center." In addition to analyzing the impacts of the driver training facility, Lloyd's team evaluated the impacts of site remediation, including construction of a landfill cover and gas control systems.

### Airport-Related Development Experience

**Hofer Ranch (UPS West Coast Air Cargo Hub and Hofer Ranch Airport Business Park Specific Plans), Ontario, CA.** The Hofer Ranch is the last working ranch and vineyard in Ontario, California, located immediately south of Ontario International Airport. Development of the final portions of the ranch is encompassed in two development plans: UPS Air Cargo Hub and the Hofer Ranch Airport Business Park. The UPS Air Cargo Hub consists of 159 acres, and includes an aircraft apron for the loading and unloading of cargo aircraft, aircraft and vehicle fueling facilities, aircraft maintenance facilities,

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Page 12

and a 600,000 square foot package sorting facility. The Hofer Ranch Airport Business Park provides for development of 196 acres of mixed use industrial and commercial uses, including adaptive reuse of existing historic structures within the original ranch complex, which is listed in the National Register of Historic Places. A total of 1.9 million square feet of industrial/R&D use and 250,000 of commercial use are proposed. Lloyd served as the primary author of both development plan documents, and was responsible for securing required entitlements from the City of Ontario. For the UPS site, he prepared development regulations, design guidelines, and coordination of utility planning based on a site design prepared by UPS. For the Airport Business Park development, he was responsible for preparation of the land plan for the site and preparation of environmental documentation (Mitigated Negative Declaration), as well as for development regulations, design guidelines (including plans for adaptive reuse of the designated historic district), and coordination of utility planning.

**Mesa Gateway Development Plan, Mesa, AZ. Community Outreach, Strategic Planning Advisor.** Lloyd was responsible for designing and assisting in conducting community outreach for the Mesa Gateway Strategic Development Plan. Spurred by the realignment of Williams Air Force Base, the need for new airport facilities to supplement Sky Harbor Airport, the proposed expansion of Arizona State University, and closure of GM's Mesa Proving Grounds, the City of Mesa embarked on a program to create a regional employment center with a mix of jobs emphasizing the attraction of at least 100,000 high wage – high value jobs adjacent to the Phoenix Mesa Gateway Airport, emphasizing the integration of the airport and surrounding new urban center. In addition to designing the community outreach program and conducting several outreach sessions, Lloyd assisted in the development of strategic planning for the 32 square mile planning area.

**Sierra Army Depot Reuse Plan, Herlong, CA.** The reuse plan includes analysis of on-base and regional conditions, regional market conditions, and reuse opportunities for 4,338 acres of land offered to the community under the BRAC process. The plan sets forth land use, infrastructure, and community facilities plans for reuse of excess portions of the Depot, which is located 60 miles north of Reno, Nevada. Included are plans for development and adaptive reuse of 20 acres of residential uses, 16 acres of commercial use and a 486-acre business park (4.2 million square feet of building area). The reuse plan also provides for use of Amedee Army Airfield as a civilian use facility, including development of airport-related and general industrial uses adjacent to the field. Lloyd served as the project manager and primary author of the reuse plan. In this effort, he prepared land use plans and development standards, and was also responsible for ensuring the timely completion of airport design and building reuse feasibility studies, as well as water, sewer, drainage and traffic studies.

Page 13

### Selected Expert Witness Experience

#### Planning and Environmental Issues

**Ace Properties v. San Diego.** Lloyd was retained by the City of San Diego to assist in a takings claim involving property within the Otay Mesa Community Plan area. He reviewed the City's existing citywide General Plan, existing and proposed community plans, and existing and proposed zoning for a site within the City along the Mexican border to determine its developability and the reasonableness of proposed regulations in relation to the site's development potential based on existing onsite environmental constraints. Lloyd provided deposition and trial testimony. The City prevailed in this case at trial.

**Arizona v. California.** Lloyd was retained by the Quechan Indian Nation to assist in adjudicating water rights along the Colorado River. He identified lands within the reservation that were "practically irrigable" and, therefore, eligible for water rights under the Winters Doctrine. Following depositions and trial testimony before a Special Master of the United States Supreme Court, the Special Master determined that the tribe should be granted water rights for approximately 90 percent of the lands requested by the Quechan Nation. The full Supreme Court set aside the recommendation of the Special Master due to disputes over the legal boundaries of the reservation without ruling on the merits of the identification of practically irrigable lands.

**Kawaoka v. Arroyo Grande.** The City of Arroyo Grande in a federal civil rights suit challenging the City's General Plan retained Lloyd. To assist the City, he prepared a declaration documenting Arroyo Grande's process for preparing and adopting its General Plan, focusing on the effects the process and provisions of the General Plan had on certain agricultural interests in the City. The City was awarded a summary judgment at the trial court, which was appealed. The Ninth District Court of Appeals cited Lloyd's declaration in its decision upholding the City's actions.

**Madero v. El Paso.** Lloyd was retained by the City of El Paso, Texas as an expert to assist the City in defense of a landowner's taking claim resulting from the City's denial of a plat map within a hillside area. Following depositions, the plaintiff and the City agreed to a settlement.

**Metropolitan Water District of Southern California v. Campus Crusade for Christ.** Lloyd was retained by the Metropolitan Water District of Southern California to assist in a condemnation suit involving MWD's Inland Feeder Line. Lloyd was tasked with determining the development potential of the subject property based on applicable environmental conditions, development regulations, infrastructure availability, and economic climate and a more than 13-year-old valuation date. The District and Campus Crusade reached a settlement in the case.



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



**NJD v. Glendora, NJD v. San Dimas.** Lloyd was retained by the cities of Glendora and San Dimas to assist in their defense of separate actions undertaken first against San Dimas, and later against Glendora claiming inverse condemnation following denials by each city of separate proposed hillside developments on each side of the cities' common boundary. The plaintiff also challenged each City's hillside development regulations. Depositions were taken in both cases, and both cities' ordinances and project denials were upheld at trial.

**Polygon v. Glendale.** Lloyd was retained by the City of Glendale in an inverse condemnation suit involving denial of a proposed hillside development and a challenge to the City's hillside development regulations. Depositions were taken. As part of settlement discussions, Lloyd prepared an environmental review of the applicant's proposed reduced density alternative.

**Riverbend Ranch v. County of Madera.** Lloyd was retained by Madera County in an inverse condemnation suit involving the application of flood protection standards and EIR mitigation measures to a proposed golf course project. Depositions were taken, and a settlement was eventually reached.

**San Francisco Bay Area Renters Federation v. Lafayette.** Lloyd was retained by the City of Lafayette to assist in its defense of a Housing Accountability Act claim. Lloyd was charged with researching and analyzing land use issues related to alleged discrimination in the review of a proposed multi-family development project.

**Seaside v. Sand City.** Lloyd was retained by the City of Sand City to assist in litigation regarding requirements for addressing impacts of development within Sand City upon streets within the City of Seaside. Depositions were taken, and the case was settled between the parties.

**Serena v. Carpinteria.** Lloyd was retained by the City of Carpinteria in an inverse condemnation suit involving adoption of General Plan and local coastal program provisions for the Carpinteria Bluffs area. Depositions were taken, and the City's actions were upheld at trial.

## Adult Business

**3540 East Foothill Boulevard v. Pasadena.** Lloyd assisted the City of Pasadena in defending its adult business ordinance. As part of this effort, Lloyd undertook field review to confirm the availability of sites for adult business use as determined by City staff. In addition, he reviewed the public record regarding preparation of the East Pasadena Specific Plan to determine whether the Draft Specific Plan was in effect at the time application was submitted for an adult business at 3540 Foothill Boulevard, and if not, whether the Specific Plan could have been adopted in its present form at that time. The determination that the length of time taken to prepare and adopt the



plan, and that significant additional CEQA work was needed prior to plan adoption was an important part of the City successfully gaining a summary judgment, since the draft Specific Plan proposed placing the plaintiff's a zone that would permit an adult business, whereas the site's existing zoning prohibited adult business use. The City prevailed at the trial court and at the US Ninth Circuit Court of Appeals.

**Alameda Books v. Los Angeles.** Lloyd was retained by the City of Los Angeles in an action challenging the constitutionality of its adult use ordinance. As part of this effort, he undertook research regarding existing studies on the secondary effects of adult businesses at the time of ordinance adoption, as well as research as to how varying types of adult businesses differed from each other. His analyses were reviewed by the US Supreme Court in support of the City's successful argument that the case should be remanded back to the original trial court. He also conducted field review of over 5,000 sites meeting the locational criteria of the City's ordinance to confirm the City's mapping of sensitive uses, and to determine the inventory of sites that would meet the provisions of City ordinance and also meet the availability criteria established in *Topanga Press*. Lloyd analyzed the effect that the City's requirements for separation between adult businesses would have, and prepared a report on his findings. Lloyd also provided deposition testimony.

**City of Chula Vista v. Bay & E, Inc.** Lloyd was retained by the City of Chula Vista to assist in a zoning enforcement action undertaken by the City, which contended that the Eye Candy cabaret was operating in violation of the City's zoning ordinance. Issues to which Lloyd provided expert testimony included the location and number of sites available for adult business use within the City, the role of specific plans in the community's zoning scheme, definitions of what constituted a residentially zoned property, interpretation of specific development standards and distancing requirements, and the development feasibility of proposed transit-oriented development on the site of an existing parking facility at the San Diego Trolley's E Street station. The City prevailed at trial, and the cabaret was ordered to shut down.

**Diamond v. Taft.** Lloyd was retained by the City of Taft in an action challenging the constitutionality of its adult business ordinance. As part of this effort, Lloyd identified the sites within the City that would meet the requirements of Taft's ordinance, and also meet *Topanga Press* criteria. To do this, Lloyd undertook field review to identify the location of sensitive uses under the City's current, as well as previous ordinances, and conducted an analysis of the differences in the number of available sites pursuant to these ordinances. In addition, Lloyd undertook an analysis of the location of sensitive uses surrounding the plaintiff's proposed adult use site. Lloyd photographed each of the sites he determined to be available for adult business use, and prepared a report on his findings. The report was entered into evidence, and he provided testimony at trial. The court ruled that the City's ordinance was Constitutional. The

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Page 16

Ninth District Court of Appeals heard an appeal in February 2000 and upheld the trial court ruling.

**Gibboney v. Colton.** Lloyd was retained by the City of Colton in an action challenging the constitutionality of its adult business ordinance. Lloyd identified the sites within the City that would meet the requirements of Colton's ordinance, and also meet *Topanga Press* criteria. To do this, Lloyd undertook field review to identify the location of sensitive uses under the City's adult business ordinance. Lloyd prepared a report on his findings. A settlement between the City and Plaintiff was reached.

**Isbell v. San Diego.** Lloyd was retained by the City of San Diego in an action challenging the constitutionality of its adult entertainment ordinance. As part of this effort, he undertook field review of over 2,000 sites potentially meeting the locational criteria of the City's ordinance to update the identification of sensitive uses, and to determine which sites would also meet *Topanga Press* criteria. Lloyd analyzed the effect that the City's requirements for separation between adult businesses would have. A formal report was prepared, and Lloyd provided trial testimony. The trial court ruled San Diego's ordinance to be unconstitutional as applied to the plaintiff's property.

**Lim v. Long Beach.** Lloyd was retained by the City of Long Beach in an action challenging the constitutionality of its adult use ordinance. As part of this effort, he undertook field review of sites meeting the locational criteria of the City's ordinance and updated identification of sensitive uses to determine which sites would also meet *Topanga Press* criteria. Lloyd analyzed the effect of City requirements for separation between adult businesses. His expert report was entered into evidence at trial, and he also provided trial testimony. Trial was completed, and the court ruled in the City's favor. The Ninth District Court of Appeals heard an appeal in February 2000, and the case was remanded to the trial court in regard to the issue of "long-term" leases. A settlement was subsequently reached.

**Adult Business Ordinance Preparation Experience.** Lloyd has assisted the following communities update their adult business ordinance by developing locational criteria and evaluating the number of sites that would be available for different locational criteria alternatives, including evaluation of *Topanga* criteria: Cities of Chula Vista, Glendora, Hemet, Napa, Rialto, Ventura, and Westminster; San Bernardino County.

### Religious Land Use and Institutionalized Persons Act (RLUIPA)

**Congregation Etz Chaim v. Los Angeles.** Lloyd was retained by the City of Los Angeles to assist in defending a suit brought by the Congregation challenging the denial of their proposed conditional use permit. Lloyd prepared a report reviewing alternative sites with appropriate zoning that would not require discretionary approval from the City,

Page 17

and that would also meet the specific religious requirements of the Congregation's membership (e.g., walking distance of Congregation members, first floor entry, ability to separate men and women).

**Grace Church of North County v. San Diego.** Lloyd was retained by the City of San Diego to assist in a suit brought by Grace Church, which claimed that the time limitation placed on a conditional use permit approved by the City for operation of the church constituted a "substantial burden" under RLUIPA. Lloyd prepared a report reviewing the need for protecting the City's industrial employment base and the rationale behind requiring conditional use permits for churches in industrial zones, the appropriateness of the City's zoning regulations as applied to churches and comparable assembly uses, the appropriateness of the time limitations placed on the church's conditional use permit, and whether Grace Church's conditional use permit approval was substantially different than permits approved for other churches and non-industrial uses within Rancho Bernardo's industrially zoned areas in the past 10 years. Lloyd provided testimony in deposition.

**International Church of the Foursquare Gospel (Faith Fellowship) v. San Leandro.** Lloyd was retained by the City of San Leandro to assist in defending a suit brought by the International Church of the Foursquare Gospel challenging the denial of their proposed conditional use permit. Lloyd prepared a report reviewing recently approved revisions to City zoning requirements for places of worship within the City, including the need for protecting the City's industrial employment base, the rationale behind requiring conditional use permits for churches in industrial zones, and the appropriateness of the City's zoning regulations as applied to churches and comparable assembly uses, the availability of properly zoned locations for churches in the City. Lloyd provided testimony in deposition.

**West Valley Christian Center v. City of Los Angeles.** At the request of the Los Angeles City Attorney's office, Lloyd reviewed the staff reports and public hearing records of the proposed conditional use permit for the West Valley Christian Center in relation to the utility of studies prepared by the applicant and reasonableness of the County's findings and conclusions in relation to the proposed permit. I also undertook research to identify land, buildings and spaces within multi-tenant buildings other than the site selected by the West Valley Christian Center that would have been available at the time of their property search.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



Metis Environmental Group

437 Alcatraz Avenue  
Oakland, CA 94609

## Patricia Berryhill

Principal

### Professional Experience

As an established environmental professional with more than 20 years assisting clients with project planning, environmental analysis, and regulatory permitting, Patricia delivers diverse consulting support to transportation and land development projects, including contract management and management of consultant team members. Patricia's portfolio of work includes supporting large infrastructure programs and projects in transportation, as well as supporting land use planning and development projects including PDAs and Specific Plans for Bay Area clients. Patricia applies knowledge of the environmental and regulatory process to the project delivery process in terms of establishing project schedules and anticipating costs (including mitigation costs) and developing early strategies for demonstrating that projects can in fact attain approvals and permits. She supports clients in determining and establishing working relationships with Caltrans District 4 and the Metropolitan Transportation Commission for local municipalities.

#### Project Experience

**Redwood City Inner Harbor Specific Plan, Redwood City, CA.** Patricia managed the environmental team in an innovative approach to a Specific Plan process for the Inner Harbor portion of Redwood City by integrating environmental considerations, including vulnerability to sea level rise into the planning process at the outset of the planning process. The effort involved identifying environmental constraints and opportunities so that the design of project alternatives and the selection of the preferred alternative would recognize the environmental opportunities and constraints present within the Inner Harbor. As part of this effort, Patricia managed the development of sea level rise adaptation and regulatory permitting strategies that were integrated into project area land use alternatives and the preferred land use plan. Patricia was responsible for presentation of environmental conditions and their related planning implications to the public and the project's Task Force.

**Brisbane Baylands, Brisbane, CA.** Patricia is currently serving as Project Manager for preparation of the Brisbane Baylands EIR, addressing the impacts of proposed development of a 733-acre brownfield site. The project would more than double the population and commercial/ business park square footage of the City of Brisbane. Under Patricia's management, the EIR addresses a complex development proposal for the Baylands, analyzing four development scenarios at an equal level of detail, along with additional alternatives at a lesser level of detail. The project analyzed in

the EIR also includes a proposed water transfer agreement between the City and three other agencies, as well as construction of an onsite recycled water facility. The site consists of a former rail yard and landfill, requiring extensive remediation and a landfill closure plan, the impacts of both of which are also addressed in the Draft EIR that was released in June 2013. Patricia is responsible for overall contract management and interface with the City of Brisbane, as well as managing the project's team of subconsultants.

**Environmental On-Call Caltrans District 4.** Patricia led a team of biologists and planners to support Caltrans District 4 environmental staff over a nine-year period while operating her own environmental consulting firm as sole proprietor. Project issues included developing protocols and processes for implementing the NEPA delegation process internally. Additional tasks included developing environmental documents, conducting regulatory agency consultation, oversight of subcontractors, contract management, and invoicing according to State of California standards.

**Seismic Retrofit of Aerial Stations and Structures – BART System-wide Program, Oakland and San Francisco, California.** In the role of deputy Project Manager (sub-contracted to Carter and Burgess), Patricia led the environmental planning effort to address approximately 22 miles of discrete stations and aerial stations proposed for seismic retrofit. Because the project was partially funded by FHWA through the Caltrans Local Assistance Program, Patricia was tasked with coordinating field visits, PES form development and managing the work of a multi-disciplinary team of sub-consultants. The project approvals were obtained and the project was constructed.

**Presidio Parkway (Doyle Drive Project), San Francisco, California.** As part of the design-build team implementing the Doyle Drive project, Patricia developed the permitting and environmental compliance component approach to this first of its kind public-private partnership project in the California. During the P3 pursuit phase, Patricia worked to support the designers and contractors to define a project that minimized environmental permitting and maintained existing commitments made by the project owner and stakeholder team during the previous project phases.

**Caltrain San Bruno Station Grade Separation Project, San Bruno, California.** Patricia developed the strategy and implemented the environmental planning and permitting tasks for this multi-million dollar grade separation project within the Caltrain corridor. The project included a grade separation over four local streets and a new elevated station. The project had been initiated more than 10 years prior to Patricia's involvement, and had experienced multiple project managers and engineering team leaders directing the project at different times. Patricia picked up the pieces, determined what information produce over the previous 10 years still applied that could assist moving the project forward, and created an approach for addressing new requirements and studies that needed updating within a very short timeline. As a

#### EDUCATION

Bachelor of Science, Natural  
Resources Management  
University of California, Berkeley

PHONE  
415.828.4290  
951.207.9684

WEB  
metis-env.com

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Page 3

result of her efforts, the project's planning and environmental process was successfully completed.

**San Onofre to Las Pulgas Double-Tracking Project, San Diego, CA.** For this approximately 8.2 mile long double-track project, Patricia managed the environmental component of the overall project including development of the strategy and approach to environmental compliance under both NEPA and CEQA, agency coordination and permitting, development of the mitigation agreement, presentations to the client's program leadership and State and Federal agency staffs.

**Alameda County Congestion Management Agency (ACWMA), I-580 HOV Lane Project, Alameda County, CA.** Patricia developed and directed Endangered Species Act compliance on this CMLA-funded project. She established a methodology for integrating the engineering design with the endangered species compliance documentation that resulted in praise from both the client and USFWS. She scheduled and led agency meetings in the field and in Sacramento on behalf do the ACCMA and Caltrans, and attained approvals for project approach resulted in timely processing and approval from Caltrans staff and federal agencies.

## EDUCATION

Bachelor of Science, Botany  
University of California at Davis

## Julia King

### Professional Experience

Julia King is a senior botanist and wetland scientist with 17 years of professional experience in biological consulting, specializing in field investigations to determine the presence of wetlands and special-status plants and animals. She has expertise in the flora and fauna of California, including terrestrial, freshwater aquatic, and estuarine environments. Julia has experience in the Sacramento Valley, San Joaquin Valley, San Francisco Bay Area, and San Diego and Los Angeles areas. She has led special-status species investigations in a broad range of habitats including vernal pool, alkali sink, chaparral, valley and foothill grassland, and riparian soil associations. She is a highly trained and experienced wetland scientist, and her expertise includes delineation of wetlands, Clean Water Act Section 404 and Section 401 permitting, mitigation planning, and the creation, restoration, and monitoring of wetland and riparian habitats. She has performed wetland delineations on sites up to 15,000 acres, and has prepared Individual and Nationwide Permit applications for development and infrastructure projects.

### Project Experience

**Stanford University Steelhead Habitat Enhancement Program, Palo Alto, CA.** Julia coordinated the production of a series of regulatory agency mitigation monitoring reports for post-construction conditions, riparian survivorship monitoring, project effectiveness, and California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (SAA) compliance. Julia analyzed field data to provide survival results for riparian mitigation sites, and prepared graphics, photography, and tables for report inclusion. Julia conducted written peer review evaluations for sub consultant report material, consolidated data from Stanford sources, and prepared text for mitigation monitoring reports to fulfill agency requirements.

**CalAmerican Coastal Waters Project, Marina, CA.** Julia led special-status plant surveys of 500+ acres of coastal dune habitat north of Marina State Beach using GPS to map State and Federally listed species. Julia coordinated the production of special-status species maps for both plants and animals to be used in the planning process to assist in the placement of project infrastructure. Constraints were identified within the project area and as a result the avoidance of special-status species was accomplished.

**Sempervirens Fund Plot Study, Santa Cruz Mountains, CA.** Julia led plot sampling for redwood forest habitat evaluation to document understory vegetation for the establishment of baseline conditions. Julia conducted botanical surveys in secondary

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Page 2

redwood forest documenting species present and percent cover. The project involved identification of micro habitat classifications for mapping purposes to be used in comparison to future conditions after prescriptive timber thinning to promote “old growth” conditions. Through ground evaluation of vegetation, Julia created habitat maps and corresponding text describing the vegetation in the study area, which could be referred to in future habitat studies.

**Carmel River Lagoon Water Augmentation Project, Carmel, CA.** Julia led habitat assessment and mapping exercises for the early planning phases, including site selection for water percolation test ponds, for the Carmel Area Wastewater District (CAWD). Julia conducted field surveys and mapped the existing habitats located to the south of the CAWD facility, linking signatures on aerial photographs to vegetation types observed on the ground. Julia prepared written recommendations and aerial maps with habitat designations to CAWD, for the placement of their proposed water percolation test pond, in order to avoid wetlands and special-status species such as red-legged frog.

**San Onofre-Los Pulgas Double Tracking Project - Habitat Mapping, Wetland Delineation and Regulatory Permit Applications, Oceanside, CA.** Julia directed field studies for a six-mile stretch of rail line along San Onofre State Beach to support mapping of habitats along the right-of-way, and directed the preparation of a wetland delineation report to be submitted to the Corps of Engineers. The project proposed widening the existing rail corridor to accommodate a second track. Julia worked with GIS staff to map vegetation along the rail line, identifying habitats that could support special-status plants and animals. Julia also worked with engineers early in project design to identify highly sensitive wetland resources to be avoided. Julia gathered, interpreted, and analyzed project impacts in relationship to waters and wetlands and prepared Corps 404 Individual Permit and Regional Water Quality Control Board (RWQCB) 401 Permits.

**I-405 HOV Lane Project - Habitat Mapping, Wetland Delineation and Regulatory Permit Applications, West Los Angeles, CA.** Julia directed field work on a 10-mile stretch of I-405 to gather data for the preparation of a Corps wetland delineation. The project consists of the widening the I-405 for the installation of a high occupancy vehicle lane over Sepulveda Pass. Julia worked with GIS staff to map wetlands and waters of the U.S. along the project alignment, prepared a wetland delineation report, and the associated Corps 404 Nationwide Permit, CDFW SAA, and RWQCB 401 Permits for submittal to regional agencies. Julia coordinated wetland verification with each of the regulatory agencies.

**Guenoc Winery Expansion Project, Middletown, CA – Lead Wetland Scientist.** Julia conducted wetland delineation field work with a team of scientists on a 3,000 acre site where vineyard expansion and golf course construction was proposed by the privately owned Guenoc Winery. Julia prepared a wetland delineation report, developing a sub-basin analysis to meet the newly imposed Rapanos requirements. Julia prepared permit applications for impacts associated with project development for submittal to the Corps, RWQCB and CDFW.

Page 3

**Santa Margarita Ranch Vineyard Expansion Project, Santa Margarita, CA.** Julia conducted wetland delineation fieldwork with a team of scientists across 15,000 acres of grassland and oak woodland. Julia developed a mitigation and monitoring plan for impacts to onsite wetlands, and she subsequently monitored vegetation establishment within wetland mitigation areas over a five-year period. Julia prepared monitoring reports with management recommendations and strategies to improve wetland establishment at the mitigation site for use by the Ranch and submittal to the regulatory agencies,

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Attachment Metis-B  
Hexagon Transportation Consultants  
Transportation Comments and Resumes



**Memorandum**

**Date:** August 25, 2020  
**To:** Mr. David Smith, Manatt, Phelps & Phillips, LLP  
**From:** At van den Hout, Katie Riutta  
**Subject:** High-Speed Rail Draft EIR/EIS Review on Behalf of The City of Brisbane

**Introduction**

The peer review presented within this memo is mainly focused on the *Transportation Technical Report* (dated December 2019) prepared for the *San Francisco to San Jose Project Section Draft Environmental Impact Report/Environmental Impact Statement*, prepared by the California High-Speed Rail Authority, dated July 2020. Other chapters of the Draft EIR/EIS, documents, and maps included in the peer review include:

- Chapter 2: Alternatives
- Chapter 3, Section 3.2: Transportation
- Chapter 3, Section 3.11: Safety and Security
- Chapter 8: Preferred Alternative
- Appendix 2-E: Impact Avoidance and Minimization Features (IAMF)  
<https://maphsrnocal.org/SanFrancisco-SanJose/>

**Project Background**

The HSR Draft EIR/EIS identifies two project alignment alternatives, the East, and the West Light Maintenance Facility (LMF). HSR Authority has identified the East LMF to be the preferred alternative. The two alignments are described below and shown on Figures HTC-1 and HTC-2.

**East Brisbane Light Maintenance Facility**

This alignment would include a blended system that would share the existing at-grade Caltrain right-of-way within the City of Brisbane. The East Brisbane LMF would be built on approximately 100 acres, east of the Caltrain corridor. HSR trains would access the LMF via an aerial flyover at the north end or an at-grade track at the south end. The LMF would include 17 yard tracks, a maintenance building, and a 400-space surface parking lot. Tunnel Avenue would be moved east of the LMF.

**West Brisbane Light Maintenance Facility**

This alignment would also include a blended system that would share the existing at-grade Caltrain right-of-way within the City of Brisbane. The West Brisbane LMF would be built on approximately 110 acres west of the Caltrain corridor. HSR trains would access the LMF via aerial flyover in both the northbound and southbound directions. The existing tracks would be shifted to the west. The LMF would also include 17 yard tracks, a maintenance building, and a 400-space surface parking lot.

4 North Second Street, Suite 400 - San Jose, California 95113 - phone 408.971.6100 - fax 408.971.6102 - www.hextrans.com

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

High-Speed Rail EIR/EIS Review - Brisbane



Source: <https://mapshrnorcal.org/SanFrancisco-SanJose/>

Figure HTC-1  
High-Speed Rail East LMF Alignment

High-Speed Rail EIR/EIS Review - Brisbane



Source: <https://mapshrnorcal.org/SanFrancisco-SanJose/>

Figure HTC-2  
High-Speed Rail West LMF Alignment



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

## Review of Transportation Technical Report

1165-2275

The following sections summarize the review of the transportation analysis presented in the Transportation Technical Report and all other relevant information presented in the HSR Draft EIR/EIS. The review is based on Hexagon’s knowledge and experience conducting transportation analyses, the *Brisbane Baylands Draft EIR* (June 2013), *City of Brisbane General Plan* (updated January 2020), and *Plan Bay Area 2040* (July 2017).

Comments/questions/findings on specific sections will be discussed following the section.

## Study Scenarios, Methodologies, and Measures of Effectiveness

### Study Scenarios

The analysis of the HSR project was conducted for the following scenarios:

#### Existing conditions – 2016 conditions

**Existing Plus Project conditions** – includes all transportation network modifications necessary to construct the project; however, the project would not provide rail service under existing conditions. The evaluation is only conducted for the intersections of Bayshore Boulevard/Old County Road and Bayshore Boulevard/Valley Drive since these are the only intersections that would be affected by the permanent roadway modifications in Brisbane.

**2029 No Project conditions** – reflects future transportation conditions in 2029 for the 4th and King Street Station area only.

**2029 Plus Project conditions** – potential effects of the project on 2029 baseline conditions in the 4th and King Street Station area.

**2040 No Project conditions** – year 2040 transportation conditions, including foreseeable land use changes and transportation network modifications, not including the HSR project.

**2040 Plus Project conditions** – full potential effects of the project on 2040 baseline conditions; anticipated 2040 ridership and all transportation network modifications necessary to construct the project are reflected in this scenario.

### Traffic Volume Projections

Traffic volumes and LMF projections used in the analysis were derived from various sources:

*Existing conditions traffic counts.* Existing traffic volumes at study intersections in the Brisbane LMF area were based on traffic counts conducted in 2016, as shown in Appendix A.

**Comment:** Traffic counts for the intersection at Bayshore Boulevard and Industrial Way are not included in Appendix A.

*LMF trip generation.* Vehicle trip generation for the proposed Brisbane LMF was based on trip rates identified in *Trip Generation* (2012) published by the Institute of Transportation Engineers (ITE). Trip generation was based on rates published for “General Light Industrial” (Land Use Code 110) for an estimated 150 employees at the proposed facility.

1165-2276

**Comment:** General Light Industrial land uses tend to have traditional work hours where employees arrive and leave during the typical AM and PM peak hours. It is assumed that the Brisbane LMF employees would work in shifts and commutes would not necessarily take place during the typical AM and PM peak hours. Therefore, ITE trip generation rates for the LMF may not provide accurate peak-hour trip estimates. Hexagon recommends that the HSR Authority provide a detailed operations plan for the LMF to estimate the number of daily and peak hour trips. The operations plan should indicate shift hours, the number of employees working each shift, and the times that employees are expected to arrive to start their shift and leave when their shift ends.

*VMT forecasts.* The Ridership and Revenue Model was used to forecast annual VMT for San Francisco County and San Mateo County under 2040 No Project and Plus Project conditions.

*Future 2040 traffic volumes.* 2040 No Project traffic volumes were based on the incremental growth in vehicle trips as forecast by the VTA travel demand model. Vehicular trips generated by the Brisbane LMF were manually added to the 2040 No Project volumes based on distribution data derived from the VTA model to estimate the project-related traffic volumes.

**Comment:** While adding the increment of traffic between the base year and the future year, forecasted by the model, to the traffic counts is an often used and accepted method to develop future turning movements at intersections, it is unclear which base year model was used. Ideally, the base year model should be the same as the year when the traffic counts were conducted. This should be clarified.

1165-2277

**Comment:** The VTA model was used to forecast the increase in vehicular traffic at the study intersections along the corridor, including the intersections in and around Brisbane. The Draft EIR/EIS does not mention if the transportation network and the traffic analysis zones in the Brisbane area were refined so that more accurate traffic assignments can be forecasted with the model. The network and zone system of the VTA model is too coarse in Brisbane for the model to produce turning movements with reasonable accuracy at the study intersections. If the intersection turning movements produced by the model were manually adjusted (beyond the method of adding the incremental model volumes to the counts) to account and compensate for the lack of detailed network coding, the process and the results of adjusting the intersection volumes should be explained and documented.

1165-2278

Page 4-4 of the Transportation Technical Report states: The socioeconomic datasets used as inputs to prepare the forecasts are based on *Projections 2013* (Association of Bay Area Governments [ABAG] 2013). These datasets are accepted by the Metropolitan Transportation Commission (MTC) to reflect regional model consistency for models used by the congestion management agencies and were used to develop the regional travel demand forecasts for *Plan Bay Area 2040*, the current RTP and sustainable communities strategy for the Bay Area (ABAG and MTC 2017).

**Comment:** The Draft EIR/EIS does not mention if the land use data projections used in the VTA forecasting model were reviewed to include reasonably foreseeable development plans. While the HSR documentation does not provide summaries of the land use assumptions for the model’s Traffic Analysis Zones (TAZ’s), it is believed that the land use growth for areas in the City of Brisbane is severely underestimated. This presumption is based on (1) the relatively small change in vehicular traffic and delay between existing and 2040 No-Project traffic conditions at the study intersections in the vicinity of the Brisbane LMF and (2) Hexagon’s review of the VTA 2015 and 2040 ABAG *Projections 2013* land use assumptions for the area surrounding the proposed LMF.

1165-2274



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

1165-2279 | The fact that the level of service and vehicular delay at the study intersections in Brisbane are projected not to change much between Existing and 2040 No-Project conditions suggests that the model forecast assumes modest growth in development in Brisbane over the next 20 to 25 years. While the land use and socio-economic data for the TAZ's are not documented in the Draft EIR/EIS, Hexagon's review of what we believe are the official ABAG's *Projections 2013* land use data sets for 2015 and 2040, indicates that for the Baylands area, which is represented by TAZ 1636 in the VTA model, the number of jobs would only increase by 585, from 2,761 in 2015 to 3,346 in 2040. The year 2040 land use projections for the Baylands does not assume any residential development. The Baylands development project is projected to construct approximately 100-200 dwelling units by the 2025 or 2026. Construction of additional residential units in the Baylands will continue, with some office/commercial development also constructed and occupied west of the Caltrain line by 2029. By 2040 the traffic forecasts of the Draft EIR/EIS should include "all reasonably foreseeable projects" which includes the Baylands development. The 2040 No Project baseline should include buildout of the Baylands with 2,200 dwelling units and 6.5 million square feet of commercial/office use and 500,000 square feet of hotel use. Assuming a ratio of 3 jobs per 1,000 square feet, the Baylands development would generate over 20,000 new jobs by the year 2040, which is substantially more than the increase of 585 jobs assumed in the model's traffic projections. As a result, the 2040 No Project and plus Project traffic conditions are significantly underestimated. The Draft EIR/EIS should include the Baylands development in the 2029 and 2040 traffic forecasts and reanalyze future traffic conditions in and around Brisbane.

1165-2281 | recommends that the Bayshore Boulevard/San Bruno Avenue intersection be included in the study. This intersection may be impacted by project generated trips.

1165-2282 | **Comment:** *The Brisbane General Plan (Chapter VI Circulation Element, Program C.1.d)* states that new development projects that would generate 50 or more peak hour trips at any intersection along Bayshore Boulevard, Geneva Avenue, or US 101 should comply with the design plan developed pursuant to Program C.1.c and provide physical improvements or pay a traffic impact fee. Once these implementation programs are complete, HSR should comply with this section of the General Plan.

**Other Analyses**

Other analyses include:

- Effects on emergency vehicle response time.
- Effects on transit facilities and operations, including bus service and passenger rail service, by project construction and operations.
- Effects on nonmotorized transportation facilities, including pedestrian and bicycle, by project construction and operations.

**Project Effects Analyses**

Analyses included in the evaluation of the HSR project include a VMT analysis and intersection level of service analysis (total of 14 intersections under Existing conditions and 15 intersections under 2040 conditions located in the Brisbane LMF area). The VMT analysis and 2040 No Project conditions intersection level of service analysis are discussed below. The 2040 Plus Project intersection level of service analysis, and other analyses described above, are discussed in the following sections under each of the HSR alignments.

**Vehicle Miles Traveled**

Vehicle miles traveled (VMT) projections, presented on page 5-1 of the Transportation Technical Report, include annual existing (2016) and future (2029 and 2040) VMT projections for San Mateo County.

**Comment:** The VMT values in the analysis show the annual VMT with and without the project for the three Bay Area counties. It would be more informative to better understand the effect of the project on the reduction in VMT to present *daily* VMT per job and/or daily VMT per population. The large annual VMT values provided by themselves are meaningless for the average reader.

**Comment:** The narrative below Table 5-1 states that under project conditions, vehicle trips around the stations would increase because of the addition of passengers and HSR workers traveling to station areas. A portion of the trips generated by HSR would divert vehicle trips from airports and other intercity travel hubs and shift vehicle trips to train trips. This diversion of trips, even with the addition of new trips at the stations and LMF, would result in a VMT reduction. While we agree that the project would result in a reduction of countywide VMT, it should be acknowledged that the VMT in areas around the stations and the LMF would increase, causing the air quality around those areas to deteriorate.

1165-2280 | The analyses presented in the Transportation Technical Report for roadways, freeways, and intersections are based on delay and Level of Service (LOS), based on the *Highway Capacity Manual* (HCM) (Transportation Research Board 2010). Traffic conditions evaluation methods and significance thresholds were identified by the HSR Authority.

**Freeway Segments**

Freeway segments that would serve 100 or more project trips during at least one peak hour were included in the study. HSR Authority determined correctly that no freeway segments within the City of Brisbane would serve 100 or more project-generated vehicle trips during the peak hour, so freeway segment impacts were not studied.

1165-2283

**Intersections**

Intersections of roadways classified as collector or above that would be physically modified by the project or would serve 50 or more project trips during at least one peak hour were included in the study. Intersection level of service analysis presented in the Transportation Technical Report was based on the 2010 HCM. Synchro, SimTraffic, or VISSIM software packages were utilized to calculate the intersection levels of service. Project effects on intersections were identified as LOS E or F conditions and an average traffic delay increase of 4 seconds or more over No Project conditions for signalized intersections.

1165-2284

**Comment:** The HSR impact criteria differ from adopted City of Brisbane level of service analysis impact criteria. *The Brisbane General Plan (Chapter VI Circulation Element, Policy C.2)* states that the level of service objective for principal and minor arterial streets within the City is LOS D. There is no mention of an average traffic delay increase of 4 seconds.

1165-2281 | **Comment:** Page 4.N-5 of the *Brisbane Baylands Draft EIR* states that study intersections were selected based on proximity to the project site, their location on key access roads, and the likelihood that each location would be adversely affected the Project-related trips. Hexagon

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

1165-2285

**No Project Conditions Intersection Levels of Service**

The existing intersection level of service results (Transportation Technical Report Table 5-3) show that one study intersection within the Brisbane LMF area currently (2016 traffic conditions) operates at LOS E or F during one of the peak hours.

Under 2040 No Project conditions, four study intersections within the Brisbane LMF area are projected to operate at LOS E or F during at least one of the peak hours (Transportation Technical Report Table 5-11).

**Finding:** The existing and 2040 No Project conditions level of service results were compared to the intersection level of service results for existing (2007 traffic conditions) and 2030 No Project (With Geneva Extension) conditions presented in the *Brisbane Baylands Draft EIR* Tables 4.N-25, 4.N-26, 4.N-29, and 4.N-30. The comparison is presented in Table HTC-1 below.

While it can be expected that traffic forecasts produce different results between the HSR Draft EIR/EIS and the Baylands Draft EIR because the forecasts were developed with different tools and input assumptions, the differences in future traffic operations (2030 for the Baylands Draft EIR and 2040 for the HSR Draft EIR/EIS) are substantial. The Baylands Draft EIR reported a worse level of service for ten intersections under 2030 No Project conditions during at least one peak hour compared to 2040 HSR No Project conditions. This suggests that the Baylands Draft EIR assumes more land use development projects in the larger Brisbane area resulting in higher traffic volumes compared to the development projects and projected traffic volumes presented in the HSR Draft EIR/EIS.

**Comment:** An explanation should be provided why the future traffic conditions in the Brisbane area for the 2040 No Project scenario (i.e., without the Baylands development) reported in the HSR Draft EIR/EIS are so much better compared to 2030 No Project traffic conditions (i.e., without the Baylands development) presented in the Baylands Draft EIR.

**Table HTC-1  
No Project Level of Service Comparisons**

Intersection	Peak Hour	Existing Conditions		Future No Project Conditions	
		HSR	Baylands	2040 HSR	2030 Baylands
MF1 Bayshore Boulevard/US 101 SB Off-Ramp	AM	F	-	F	-
	PM	E	-	F	-
MF2 Bayshore Boulevard/Tunnel Avenue	AM	A	C	B	F
	PM	A	B	B	E
MF3 Bayshore Boulevard/Blanken Avenue	AM	B	A	B	D
	PM	B	B	C	D
MF4 Bayshore Boulevard/Visitation Avenue	AM	B	-	C	-
	PM	B	-	C	-
MF5 Bayshore Boulevard/Geneva Avenue	AM	C	C	D	E
	PM	C	C	E	F
MF6 Bayshore Boulevard/Guadalupe Canyon Parkway	AM	B	B	C	B
	PM	B	B	C	D
MF7 Bayshore Boulevard/Valley Drive	AM	B	B	B	B
	PM	B	B	B	D
MF8 Bayshore Boulevard/Old County Road	AM	C	C	C	C
	PM	C	C	D	F
MF9 Tunnel Avenue/Blanken Avenue	AM	B	A	B	B
	PM	A	A	A	C
MF10 Harney Way/Thomas Mellon Circle	AM	B	A	F	C
	PM	B	A	F	C
MF11 Alanna Way/Beatty Road/US 101 SB Ramps	AM	B	B	This existing intersection is replaced by MF15	
	PM	A	A		
MF12 Tunnel Avenue/Lagoon Road	AM	A	A	B	F
	PM	A	A	B	F
MF13 Sierra Point Parkway/Lagoon Road	AM	A	A	A	F
	PM	A	B	B	F
MF14 Bayshore Boulevard/Industrial Way	AM	A	-	A	-
	PM	A	-	A	-
MF15 Gevena Extension/US 101 SB Ramps	AM	-	-	C	F
	PM	-	-	D	F
MF16 Gevena Extension/US 101 NB Ramps	AM	-	-	D	-
	PM	-	-	F	-

**Sources**  
 HSR = San Francisco to San Jose Project Section Transportation Technical Report, December 2019. Existing conditions reference 2016 volumes.  
 Baylands = Brisbane Baylands Draft EIR, June 2013. Existing conditions reference 2007 volumes.

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

High-Speed Rail Draft EIR/EIS Review – Brisbane

August 25, 2020

High-Speed Rail Draft EIR/EIS Review – Brisbane

August 25, 2020

1165-2286

**East Brisbane LMF**

With the East LMF, the proposed high-speed rail tracks would share a blended system with the existing at-grade Caltrain right-of-way within the City of Brisbane. The East LMF would be built on approximately 100 acres east of the Caltrain corridor. HSR trains would access the LMF via an aerial flyover at the north end or an at-grade track at the south end. The LMF would include 17 yard tracks, a maintenance building, and a 400-space surface parking lot. The Bayshore Caltrain Station would be reconstructed approximately 0.2 mile south of the existing station. Changes to the Transportation System would be as follows:

- Tunnel Avenue would be realigned east of the LMF
- The Tunnel Avenue overpass would be relocated, and the new southern connection would be at the intersection of Bayshore Boulevard and Valley Drive
- Lagoon Road would be extended west to the new Tunnel Avenue overpass

**Comment:** The relocation of the Tunnel Avenue overpass and the new southern connection to Valley Drive would result in secondary changes to the transportation system that were not described in the Draft EIR/EIS. The HSR Authority's online interactive map shows that Visitation Avenue would be extended from Old County Road to Valley Drive, resulting in new intersections at Visitation Avenue and Valley Drive and at Visitation Avenue and Old County Road. The changes to the transportation system west of the relocated Tunnel Avenue overpass should be detailed in the Draft EIR/EIS.

1165-2287

**Transportation Impacts**

A level of service analysis for Existing Plus Project conditions was conducted for the two intersections affected by the Tunnel Avenue overpass relocation (Transportation Technical Report Table 5-14). The results show that under Existing Plus Project conditions, the Bayshore Boulevard/Valley Drive intersection would operate at LOS C during both peak hours and the Bayshore Boulevard/Old County Road intersection would operate at LOS A during both peak hours.

Under 2040 Plus Project conditions, four intersections would operate at LOS E or F and two intersections would have a project effect (Transportation Technical Report Table 5-16). The following intersections would have a project effect under 2040 Plus Project conditions:

- MF10. Harney Way/Thomas Mellon Circle – LOS F, PM peak hour
- MF16. Geneva Extension/US 101 NB Ramps – LOS F, PM peak hour

While California is no longer using automobile delay as a measure of transportation impacts under CEQA, the project effects on LOS would be significant under NEPA. The Draft EIR/EIS provides the following potential mitigation measures (TR-MM#1) to address the project effects: various standard vehicle capacity enhancements such as signal retiming or additions, lane restriping, road/intersection widening and turn pocket additions/increases (including right-of-way acquisitions as needed), and contribution to regional/joint solutions to implement such enhancements. As stated on page 3.2-96 of the Draft EIR/EIS, "the Authority will determine whether to implement mitigation strategies identified in TR-MM#1, which are available to address NEPA effects related to vehicle congestion or delay".

**Comment:** The Draft EIR/EIS provides LOS outputs in the Transportation Technical Report Appendices. However, geometry assumptions are not provided for intersections that were analyzed

1165-2287

with VISSIM or SimTraffic, including the two intersections with project effects. These assumptions should be provided in the Draft EIR/EIS.

1165-2288

**Comment:** Specific mitigation measures should be described for each affected intersection. Since we were unable to replicate the LOS results, possible mitigation measures, such as widening Alana Way or Harney Way and/or adding turn lanes at the affected intersections, should be investigated by the Authority.

1165-2289

**Comment:** The Transportation Technical Report Table 5-16 states that "in the 2040 scenarios, the southern leg of the existing US 101 Northbound Ramp/Harney Way intersection is removed". However, the Draft EIR/EIS does not describe how the existing traffic to and from the south leg will be redistributed and what affect the redistribution of that traffic would have on the transportation system. This effect should be explained and analyzed.

1165-2290

**Comment:** With the relocation of the Tunnel Avenue overpass, Tunnel Avenue would connect to Valley Drive, whereas it currently connects to Old County Road. The eastbound through and westbound through vehicles that currently cross Bayshore Boulevard at Old County Road to Tunnel Avenue should be maintained. The Draft EIR/EIS maintains these traffic movements by redistributing these trips onto Bayshore Boulevard between Old County Road and Valley Drive. However, the assumptions made in redistributing the traffic affected by the relocation of Tunnel Road are too simplistic and in fact, unrealistic. Future traffic volumes at the Bayshore Boulevard/Old County Road/Tunnel Avenue intersection show zero vehicles westbound and ten vehicles eastbound traveling across Bayshore Boulevard between Tunnel Road and Valley Drive. The redistribution of traffic between Tunnel Avenue and Valley Drive assumed in the Draft EIR/EIS would not be the most direct route. Instead, the trips should be redistributed so that the eastbound through and westbound through trips would cross Bayshore Boulevard at Valley Drive to Tunnel Avenue and vice versa. The redistribution of traffic at this intersection should be revised and the operational analysis updated based on realistic behavior of route choice by motorists.

1165-2291

**Comment:** The relocation of Tunnel Avenue and the extension of Visitation Avenue would result in new intersections at Visitation Avenue and Valley Drive and at Visitation Avenue and Old County Road. The short distance between the Park Place/Valley Drive, Visitation Avenue/Valley Drive, and Bayshore Boulevard/Valley Drive intersections would be problematic for traffic flow. The extension of Visitation Avenue would also result in trip redistribution between the downtown area and the area near the City Hall and Police Department. In addition, the extension of Visitation Avenue would block access to one business and remove parking for three businesses in the area. HSR Authority needs to perform a level of service analysis, queuing analysis, and study the effects on emergency response at the affected intersections west of the proposed Tunnel Avenue relocation.

1165-2292

**Geneva Avenue Extension Design Impacts**

The Draft EIR/EIS Table 3.2-12 includes the Geneva Extension as a future transportation change under 2040 conditions. However, the Draft EIR/EIS does not study the project's impact on the Geneva Avenue extension design. As proposed in the *Plan Bay Area 2040 Final Supplemental Report Appendix A*, the Geneva Avenue extension would be a six-lane arterial from the Bayshore Boulevard/Geneva Avenue intersection to the planned US 101/Candlestick Point interchange. The extension would be grade separated at the Caltrain tracks and Tunnel Avenue.

**Comment:** HSR Authority needs to study the feasibility of the planned Geneva Avenue extension with the proposed additional right-of-way for the East LMF. It is anticipated that the High-Speed Rail project would not accommodate the Geneva Avenue overpass extension. Therefore, the Geneva

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

High-Speed Rail Draft EIR/EIS Review – Brisbane

August 25, 2020

High-Speed Rail Draft EIR/EIS Review – Brisbane

August 25, 2020

1165-2292

Avenue extension would be impacted by the HSR project. Extending Geneva Avenue from Bayshore Boulevard to US 101 is for Geneva Avenue to cross under the Caltrain line. This would require extensive excavation of contaminated soil within the western portion of the Baylands.

1165-2293

### **Bayshore Boulevard Impacts**

The Draft EIR/EIS studied nine intersections along Bayshore Boulevard within the East Brisbane LMF area. None of the intersections would have project impacts under 2040 Plus Project conditions (Transportation Technical Report Table 5-16). However, the roadway could expect temporary or permanent impacts from construction and impacts on emergency response times and bicycle, pedestrian, and transit facilities. These impacts are discussed in the sections below.

### **Construction Impacts**

Temporary parking area, lane and roadway closures would be necessary during the construction of the East LMF and modification of the Bayshore Caltrain Station. Based on the Transportation Technical Report Table 5-19, the construction of each major transportation modification (Tunnel Avenue realignment, Tunnel Avenue overpass, and Lagoon Road extension) would take 1 to 3 months and would "result in temporary lane closures or periodic nighttime and weekend roadway closures" (Transportation Technical Report page 5-86). Page 5-87 of the Transportation Technical Report states that construction of the Tunnel Avenue overpass "would require closure of Tunnel Avenue for 1 month". Temporary lane closures may be required at the Bayshore Boulevard/Old County Road and Bayshore Boulevard/Valley Drive intersections during construction of the Tunnel Avenue overpass. Construction of the Brisbane LMF would be expected to take 2 to 3 years. Construction would occur "midday during the week between morning and afternoon rush hours" (Transportation Technical Report page 5-28). Property access would be maintained during temporary roadway closures.

Construction impacts would include "increased traffic congestion on roadways and intersections from lane or street closures, diversions in traffic from temporary detours, and other temporary disruptions to traffic". Page 5-28 of the Transportation Technical Report lists the following impacts that could also occur: temporary damage to pavement conditions, temporary changes to traffic signal timing, temporary lane width reductions, temporary reduced speed limits, or temporary changes to or loss of parking, bicycle facilities, or pedestrian facilities.

As stated on page 5-29 of the Transportation Technical Report, construction traffic would include "heavy truck traffic entering and exiting construction sites to deliver materials, transport demolished or excavated materials, and move heavy construction equipment onto the construction site. Use of heavy equipment and delivery or removal of materials by trucks has the potential to add traffic, especially if movements occur during morning or evening peak hours. Construction traffic would also result from construction worker trips. Worker vehicles entering and leaving the job sites at the beginning and end of shifts have the potential to increase delays on roadways and at intersections. Construction traffic could lead to interference with local vehicle circulation and operational hazards."

Temporary construction related impacts would be addressed with the implementation of a construction transportation plan (CTP, TR-IAMF#2). Page 5-29 of the Transportation Technical Report states that "the CTP would provide a traffic control plan that would identify when and where temporary closures and detours would occur, with the goal of maintaining traffic flow, especially during peak travel periods. The traffic control plan would be developed for each affected location and would include, at a minimum, signage to alert drivers to the construction zone, traffic control methods, traffic speed limitations, and alternative access and detour provisions during road closures." "As part of the CTP, truck routes would be established away from schools, day care

1165-2293

centers, and residences, or along the routes with the least effect to minimize operational hazards. A detailed construction access plan would be developed and implemented for the project prior to beginning any construction activities. The construction access plan would be reviewed by local city, county, and transit agencies. The movement of heavy construction equipment such as cranes, bulldozers, and dump trucks to and from the site would generally occur during off-peak hours on designated truck routes" (Transportation Technical Report page 5-30).

**Comment:** Based on the Draft EIR/EIS Table 2-25, the East Brisbane LMF would reuse 17% and the Tunnel Avenue overpass would reuse 54% of excavated materials suitable for embankment construction. The HSR Authority should include an analysis of the number of truck loads, based on the volume of excavated materials to be hauled, on study intersection impacts and traffic delays. The EIR should also describe the duration of the hauling of material, the number of trucks per day, planned truck routes, and time periods during the day when hauling trucks are allowed.

### **Emergency Response Times**

The realignment of the Tunnel Avenue overpass would require the relocation of the Brisbane Fire Station. Page 5-89 of the Transportation Technical Report states that "the Brisbane Fire Station would be relocated approximately 600 feet to the south of the existing fire station, with two driveways connecting to Bayshore Boulevard. The southerly driveway for the relocated fire station would connect to the east leg of the signalized Bayshore Boulevard/Old County Road intersection (Figure 5-32), providing full access to Bayshore Boulevard that is equivalent to the existing level of access provided at the signalized Bayshore Boulevard/Valley Drive intersection. A second northerly driveway would connect to Bayshore Boulevard at the existing station's secondary driveway approximately 400 feet north of Old County Road. This secondary driveway is a mid-block location that provides right-in, right-out access to northbound Bayshore Boulevard."

Construction of the major transportation modifications identified in the Transportation Technical Report Table 5-19 "would result in temporary lane closures or periodic nighttime and weekend road closures. These temporary closures would result in increases in travel time, delay, and limited access of emergency response vehicles." Page 5-87 of the Transportation Technical Report states that "the realignment of the Tunnel Avenue overpass for both alternatives, would require closure of Tunnel Avenue for 1 month. This closure of Tunnel Avenue would affect emergency access and response of the Brisbane Fire Station located at 3445 Bayshore Boulevard, near the southern terminus of Tunnel Avenue. Temporary road closures and lane closures at these locations would cause temporary delays." As stated on page 3.11-50 of the Draft EIR/EIS, "direct east-west access between US 101 at the Lagoon Road off-ramp and Bayshore Boulevard and central Brisbane would be blocked. For example, if there was an emergency incident on US 101 near the Lagoon Road off-ramp, emergency vehicles from the Brisbane Fire Station at 3445 Bayshore Boulevard would be delayed by having to use Bayshore Boulevard to travel north to the Beatty Avenue on-ramp or south to Oyster Point Boulevard in South San Francisco. Similarly, vehicles would also be delayed if traveling from US 101 into central Brisbane. The realignment of Tunnel Avenue with construction of the East Brisbane LMF would require temporary closure of Tunnel Avenue for between 1 and 3 months, which would not affect east-west connections between US 101 and Bayshore Boulevard but would temporarily hinder north-south travel to the industrial areas north of the proposed East Brisbane LMF." The impact to emergency response times would be significant under CEQA.

Page 5-88 of the Transportation Technical Report states that "prior to construction, the [Authority's] contractor would prepare a construction safety transportation management plan that includes the contractor's coordination efforts with local jurisdictions for maintaining emergency vehicle access during construction (SS-IAMF#1). The plan would also specify the contractor's procedures for

1165-2294

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

High-Speed Rail Draft EIR/EIS Review – Brisbane

August 25, 2020

High-Speed Rail Draft EIR/EIS Review – Brisbane

August 25, 2020

1165-2294

implementing temporary road closures, including access to residences and businesses during construction, lane closures, signage, detour provisions, emergency vehicle access, and alternative access locations". A construction transportation plan (CTP, TR-IAMF#2) also would be prepared to "identify when and where temporary roadway closures and detours would occur." Page 3.11-51 of the Draft EIR/EIS states that "the project features would minimize increases in emergency response delays through coordination with local jurisdictions and procedures for implementing or maintaining emergency vehicle access during construction, but significant impacts would still occur." Therefore, the impacts would be significant and unavoidable under CEQA.

Emergency vehicles could also expect permanent delays due to project generated traffic from the Brisbane East LMF. As stated on page 5-94 of the Transportation Technical Report, "the nearest fire stations to the LMF sites are the Brisbane Fire Station located at 3455 Bayshore Boulevard and San Francisco Station 44 at 1298 Girard Street. The LMFs would not cause adverse effects to study intersections along Bayshore Boulevard or Geneva Avenue, which are primary access routes for these two fire stations. As such, the added traffic generated by LMF operations would not result in increases greater than 30 seconds for fire station/first responder emergency response times."

**Comment:** The closure of Tunnel Avenue would eliminate access to the Kinder Morgan tank farm and restrict emergency access to the tank farm, lumber yard, and other Brisbane businesses along Tunnel Avenue. The construction safety transportation management plan would describe alternate access; however, this should be provided in the Draft EIR/EIS. Hexagon recommends a study be conducted, in collaboration with the Brisbane Fire Department, to evaluate the effects of the HSR alignment on Fire Department service areas and emergency response time during construction and identify the best possible mitigation measures to meet the Department's best practice response time.

1165-2295

**Bicycle, Pedestrian, and Transit Impacts**

Construction activities would result in temporary closures of pedestrian and bicycle facilities. These temporary closures would coincide with temporary roadway lane or road closures. Page 5-117 of the Transportation Technical Report states that the relocation of the Bayshore Caltrain Station "may require temporary pedestrian and bicycle access modifications for both project alternatives". To minimize effects on bicycle and pedestrian facilities, the contractor would prepare construction management plans to maintain pedestrian access (TR-IAMF#4), maintain bicycle access (TR-IAMF#5), and maintain pedestrian and bicycle safety (TR-IAMF#12) throughout construction.

**Finding:** Page 3.2-88 of the Draft EIR/EIS states that "to maintain pedestrian and bicycle access, project design plans include specifications for vehicle lanes, passenger loading zones, sidewalks, crosswalks, bike lanes, trails, bus stops, parking, and intersection controls (TR-IAMF#12). These features address how pedestrian and bicycle accessibility would be provided and maintained across the HSR corridor, to and from stations, and on station property. Local access programs, such as Safe Routes to Schools, would be maintained or enhanced". This complies with Brisbane's General Plan Policy C.27. The Draft EIR/EIS also states that "all reconstructed roadways would replace all bicycle and pedestrian facilities upon completion of construction. All new and replaced facilities would be designed with specifications for passenger loading zones, sidewalks, crosswalks, bike lanes, trails, bus stops, parking, and intersection controls". This complies with Brisbane's General Plan Policy C.30 and Policy C.35.

Page 3.2-74 of the Draft EIR/EIS states that construction of the Brisbane LMF "may require the temporary closure of parking areas, bus stops, or roadway travel lanes. Roadway closures would only occur periodically at night or on weekends, as necessary, which would reduce the potential

1165-2295

effect on transit service when it is heaviest during the day on weekdays. Bus stops would be temporarily relocated to nearby locations so that service would not be disrupted." Page 3.2-75 of the Draft EIR/EIS lists the following impacts that could also occur: temporary closure and relocation of bus stops, temporary rerouting of bus lines, temporary closure of parking to accommodate relocated bus facilities, and temporary closure and relocation of sidewalks, crosswalks, and curb ramps used to access bus stops. The Draft EIR/EIS also states that "construction-related activities would lead to temporary delays of buses because of changes in vehicle circulation and increased travel time." These impacts would be significant under CEQA.

Page 3.2-75 of the Draft EIR/EIS states that "implementation of a CMP and CTP would include methods to maintain bus transit operations and access, thereby reducing impacts on the performance of bus transit facilities; however, material decreases in the performance of certain bus routes would still occur. No mitigation measures are available to address this impact". Therefore, the impacts would be significant and unavoidable under CEQA.

**Comment:** Brisbane's General Plan Policy C.1 emphasizes mobility for Brisbane residents and businesses. Construction of the HSR project would impact Brisbane's already limited transit service. Based on the HSR alignment, the project would be expected to affect the Brisbane-Crocker Park BART/Caltrain Shuttle, the Brisbane-Bayshore Caltrain Shuttle, and SamTrans Routes 292 and 397. Page 3.2-75 of the Draft EIR/EIS states that "increased travel times and modified access along affected bus routes could cause bus patrons to shift to another bus route or cause a temporary reduction in bus ridership for the duration of construction". Therefore, the impacts to bus transit could increase single-occupant vehicle trips as people opt out of using transit. This would not comply with Brisbane's General Plan Policy C.38. Thus, HSR Authority should coordinate with San Mateo County's Transportation Demand Management Agency and SamTrans to address the project impacts.

1165-2296

**Comment:** Brisbane's General Plan describes the proposed expansion of the Bayshore Caltrain Station into a multi-modal station as part of the Baylands development. The Draft EIR/EIS should consider any HSR impacts to this development and its future transit connections.

1165-2297

**Transportation Impact Avoidance and Minimization Features**

HSR Authority plans to implement programmatic impact avoidance and minimization features (IAMF) during project design and construction to avoid or minimize impacts (Draft EIR/EIS Appendix 2-E). The IAMFs include a construction safety transportation management plan (SS-IAMF#1) and a construction transportation plan (CTP, TR-IAMF#2). The construction safety transportation management plan would describe how the contractor would coordinate with local jurisdictions and how they would implement the temporary road closures. The CTP would be prepared with the local jurisdiction and would provide details regarding the construction activities during different phases. The goal of the CTP would be to minimize the effects of construction activities on the roadways.

**Comment:** TR-IAMF#6 states that construction material deliveries and construction employee trips would be limited during the peak hours. This should be expanded to include all construction-related traffic, including, but not limited to, trucks transporting demolished or excavated materials and construction equipment.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

1165-2298	<p><b>West Brisbane LMF</b></p> <p>With the West LMF, the proposed high-speed rail tracks would share a blended system with the existing at-grade Caltrain right-of-way within the City of Brisbane. The West LMF would be built on approximately 110 acres west of the Caltrain corridor. HSR trains would access the LMF via aerial flyover in both the northbound and southbound directions. The existing tracks would be shifted to the west. The LMF would include 17 yard tracks, a maintenance building, and a 400-space surface parking lot. The Bayshore Caltrain Station would be reconstructed approximately 0.2 mile south of the existing station. Changes to the Transportation System would be as follows:</p> <ul style="list-style-type: none"> <li>• The Tunnel Avenue overpass would be relocated, and the new southern connection would be at the intersection of Bayshore Boulevard and Valley Drive</li> <li>• Lagoon Road would be extended west to the new Tunnel Avenue overpass</li> </ul> <p><b>Comment:</b> The comment regarding the explanation of changes to the Transportation System west of the relocated Tunnel Avenue overpass also applies to the West LMF.</p>	1165-2301
1165-2299	<p><b>Transportation Impacts</b></p> <p>A level of service analysis for Existing Plus Project conditions was conducted for the two intersections affected by the Tunnel Avenue overpass relocation (Transportation Technical Report Table 5-14). The results are the same as with the East LMF.</p> <p>Under 2040 Plus Project conditions, the same four intersections would operate at LOS E or F and the same two intersections would have a project effect as with the East LMF (Transportation Technical Report Table 5-16). The Draft EIR/EIS provides the same potential mitigation measures (TR-MM#1) to address the NEPA effects as the with the East LMF.</p> <p><b>Comment:</b> The comments regarding the transportation impacts to the East LMF also apply to the West LMF.</p>	1165-2302
1165-2300	<p><b>Geneva Avenue Extension Design Impacts</b></p> <p>The Draft EIR/EIS includes the Geneva Extension as a future transportation change under 2040 conditions. However, the Draft EIR/EIS does not study the project's impact on the Geneva Avenue extension design.</p> <p><b>Comment:</b> HSR Authority needs to study the feasibility of the planned Geneva Avenue extension with the proposed additional right-of-way for the West LMF. It is anticipated that the West LMF would be more problematic than the East LMF in accommodating the Geneva Avenue extension due to the additional right-of-way west of the Caltrain tracks. Therefore, the extension would be impacted by the project and mitigation would be required.</p>	
1165-2301	<p><b>Bayshore Boulevard Impacts</b></p> <p>The Draft EIR/EIS studied nine intersections along Bayshore Boulevard within the West Brisbane LMF area. None of the intersections would have project impacts under 2040 Plus Project conditions (Transportation Technical Report Table 5-16). However, the roadway could expect temporary or permanent impacts from construction and impacts on emergency response times and bicycle, pedestrian, and transit facilities. These impacts are discussed in the sections below.</p>	

**Construction Impacts**

Construction of the West LMF would require the same temporary closures as the East LMF during the construction of the project, with one exception. Tunnel Avenue would not be realigned for the West LMF (Transportation Technical Report Table 5-19). The same construction timelines would be expected as the East LMF. Temporary closures and construction traffic would have the same impacts and would be addressed in the same way as the East LMF.

**Comment:** Based on the Draft EIR/EIS Table 2-25, the West Brisbane LMF would reuse 79% and the Tunnel Avenue overpass would reuse 54% of excavated materials suitable for embankment construction. Hexagon recommends that HSR Authority includes an analysis of the number of truck loads, based on the volume of excavated materials to be hauled, on study intersection impacts and traffic delays. The Draft EIR/EIS should also describe the duration of the hauling of material, the number of trucks per day, planned truck routes, and time periods during the day when hauling trucks are allowed.

**Emergency Response Times**

The realignment of the Tunnel Avenue overpass would require the relocation of the Brisbane Fire Station. Page 5-89 of the Transportation Technical Report states that "the Brisbane Fire Station would be relocated approximately 150 feet to the south of the existing fire station, with a single driveway for the relocated fire station connecting to Bayshore Boulevard via the existing station's secondary driveway (Figure 5-33). This secondary driveway is a mid-block location that provides right-in, right-out access to northbound Bayshore Boulevard. Fire trucks exiting the relocated fire station would only be able to turn northbound onto Bayshore Boulevard. To reach destinations south of the existing fire station, fire trucks would have to make a U-turn at the signalized Bayshore Boulevard/Valley Drive intersection. During congested conditions, fire trucks required to make this U-turn under Alternative B would experience additional delays compared to existing conditions." This impact would be significant under CEQA.

To mitigate the impact to the Brisbane Fire Station, a modified driveway access control plan would be developed (SS-MM#2). Page 3.11-83 of the Draft EIR/EIS states that "the modified driveway access control plan would provide for the installation of a new mid-block signalized intersection (i.e., signal only for the fire station driveway) at the secondary driveway on Bayshore Boulevard between signalized intersections at Valley Drive and Old County Drive. In addition, median modifications at the new mid-block intersection would provide a break in the raised median to allow fire truck movements and a short southbound left-turn pocket where inbound fire trucks could wait for the fire station signal to be triggered. The contractor would prepare all materials necessary for and obtain the approval of the City of Brisbane for the implementation of this improvement. This mitigation measure would be effective in maintaining existing emergency vehicle response times for the Brisbane Fire Station."

Emergency vehicles could expect the same permanent delays (up to 30 seconds) as the East LMF due to project generated traffic. Travel time in and around construction areas would also have a significant impact on emergency response time due to the Tunnel Avenue overpass relocation. Similar to the East LMF, these impacts would be minimized with a construction safety transportation management plan (SS-IAMF#1) and a construction transportation plan (CTP, TR-IAMF#2). However, significant impacts would still occur. Therefore, the impacts would be significant and unavoidable under CEQA.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

High-Speed Rail Draft EIR/EIS Review – Brisbane

August 25, 2020

High-Speed Rail Draft EIR/EIS Review – Brisbane

August 25, 2020

1165-2302 | **Comment:** The closure of Tunnel Avenue would eliminate access to the Kinder Morgan tank farm and restrict emergency access to the tank farm, lumber yard, and other Brisbane businesses along Tunnel Avenue. The construction safety transportation management plan would describe alternate access; however, this should be provided in the Draft EIR/EIS. Hexagon recommends a study be conducted, in collaboration with the Brisbane Fire Department, to evaluate the effects of the HSR alignment on Fire Department service areas and emergency response time during construction and identify the best possible mitigation measures to meet the Department's best practice response time.

1165-2303 | **Bicycle, Pedestrian, and Transit Impacts**  
Bicycle, pedestrian, and transit impacts and mitigations would be the same as the East LMF.  
**Comment:** The comments regarding bicycle, pedestrian, and transit impacts to the East LMF also apply to the West LMF.  
**Transportation Impact Avoidance and Minimization Features**  
HSR Authority plans to implement the same programmatic impact avoidance and minimization features (IAMF) as with the East LMF.

1165-2304 | **Summary of Comments and Recommendations**  
Below is a summary of the comments and recommendations on the peer review of the HSR Draft EIR/EIS.  
**Existing Conditions Traffic Counts Comment:** Traffic counts for the intersection at Bayshore Boulevard and Industrial Way are not included in Appendix A.

1165-2305 | **LMF Trip Generation Comment:** General Light Industrial land uses tend to have traditional work hours where employees arrive and leave during the typical AM and PM peak hours. It is assumed that the Brisbane LMF employees would work in shifts and commutes would not necessarily take place during the typical AM and PM peak hours. Therefore, ITE trip generation rates for the LMF may not provide accurate peak-hour trip estimates. Hexagon recommends that the HSR Authority provide a detailed operations plan for the LMF to estimate the number of daily and peak hour trips. The operations plan should indicate shift hours, the number of employees working each shift, and the times that employees are expected to arrive to start their shift and leave when their shift ends.

1165-2306 | **Future 2040 Traffic Volumes Comment:** While adding the increment of traffic between the base year and the future year, forecasted by the model, to the traffic count is an often used and accepted method to develop future turning movements at intersections, it is unclear which base year model was used. Ideally, the base year model should be the same as the year when the traffic counts were conducted. This should be clarified.

1165-2307 | **Future 2040 Traffic Volumes Comment:** The VTA model was used to forecast the increase in vehicular traffic at the study intersections along the corridor, including at the intersections in Brisbane. The Draft EIR/EIS does not mention if the transportation network and the traffic analysis zones in the Brisbane area were refined so that more accurate traffic assignments can be forecasted with the model. The network and zone system of the VTA model is too coarse in Brisbane to produce turning movements with reasonable accuracy at the study intersections. If the intersection turning movements produced by the model were manually adjusted (beyond the method of adding the incremental model volumes to the counts) to account and compensate for the

1165-2307 | lack of detailed network coding, the process and the results of adjusting the intersection volumes should be explained and documented.

1165-2308 | **Future 2040 Traffic Volumes Comment:** The Draft EIR/EIS does not mention if the land use data projections used in the VTA forecasting model were reviewed to include reasonably foreseeable development plans. While the HSR documentation does not provide summaries of the land use assumptions for the model's Traffic Analysis Zones (TAZ's), it is believed that the land use growth for areas in the City of Brisbane is severely underestimated. This presumption is based on (1) the relatively small change in vehicular delay between existing and 2040 traffic conditions at the study intersections in the vicinity of the Brisbane LMF and (2) Hexagon's review of the VTA 2015 and 2040 ABAG *Projections 2013* land use assumptions for the area surrounding the proposed LMF. The level of service and vehicular delay at the study intersections in Brisbane are projected not to change much between Existing and 2040 No-Project conditions. This suggests that the model forecast assumes modest growth in development in Brisbane over the next 20 to 25 years. While the land use data for the TAZ's are not documented in the Draft EIR/EIS, Hexagon's review of what we believe are the official ABAG's *Projections 2013* land use data sets for 2015 and 2040, indicates that for the Baylands area, which is represented by TAZ 1636 in the VTA model, the number of jobs would only increase by 585, from 2,761 in 2015 to 3,346 in 2040. The year 2040 land use projections for the Baylands does not assume any residential development. The Baylands development project is projected to construct approximately 100-200 dwelling units by the 2025 or 2026. Construction of additional residential units in the Baylands will continue, with some office/commercial development also constructed and occupied west of the Caltrain line by 2029. By 2040 the traffic forecasts of the Draft EIR/EIS should include "all reasonably foreseeable projects" which includes the Baylands development. The 2040 No Project baseline should include buildout of the Baylands with 2,200 dwelling units and 6.5 million square feet of commercial/office use and 500,000 square feet of hotel use. Assuming a ratio of 3 jobs per 1,000 square feet, the Baylands development would generate over 20,000 new jobs by the year 2040, which is substantially more than the increase of 585 jobs assumed in the model's traffic projections. As a result, the 2040 No Project and plus Project traffic conditions are significantly underestimated. The Draft EIR/EIS should include the Baylands development in the 2029 and 2040 traffic forecasts and reanalyze future traffic conditions in and around Brisbane.

1165-2309 | **Intersection Analysis Comment:** Impact criteria differs from adopted City of Brisbane level of service analysis impact criteria. *The Brisbane General Plan (Chapter VI Circulation Element, Policy C.2)* states that the level of service objective for principal and minor arterial streets within the City is LOS D. There is no mention of an average traffic delay increase of 4 seconds.

1165-2310 | **Intersection Analysis Comment:** The Brisbane Baylands Draft EIR selected intersections based on proximity to the project site, their location on key access roads, and the likelihood that each location would be adversely affected the Project-related trips. Hexagon recommends that the Bayshore Boulevard/San Bruno Avenue intersection be included in the study. This intersection may be impacted by project generated trips.

1165-2311 | **Intersection Analysis Comment:** *The Brisbane General Plan (Chapter VI Circulation Element, Program C.1.d)* states that new development projects that would generate 50 or more peak hour trips at any intersection along Bayshore Boulevard, Geneva Avenue, or US 101 should comply with the design plan developed pursuant to Program C.1.c and provide physical improvements or pay a traffic impact fee. Once these implementation programs are complete, HSR should comply with this section of the General Plan.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

1165-2312		<b>Vehicle Miles Travelled Comment:</b> Vehicle miles traveled (VMT) projections, presented on page 5-1 of the Transportation Technical Report, include annual existing (2016) and future (2029 and 2040) VMT projections for San Mateo County. The VMT values in the analysis show the annual VMT with and without the project for the three Bay Area counties. It would be more informative to better understand the effect of the project on the reduction in VMT to present <i>daily</i> VMT per job and/or daily VMT per population. The large annual VMT values provided by themselves are meaningless for the average reader.	1165-2318		<b>Transportation Impacts Comment:</b> The Transportation Technical Report Table 5-16 states that “in the 2040 scenarios, the southern leg of the existing US 101 Northbound Ramp/Harney Way intersection is removed”. However, the Draft EIR/EIS does not describe how the existing traffic to and from the south leg will be redistributed and what affect the redistribution of that traffic would have on the transportation system. This effect should be explained and analyzed.
1165-2313		<b>Vehicle Miles Travelled Comment:</b> The narrative below Table 5-1 of page 5-1 of the Transportation Technical Report states that under project conditions, vehicle trips around the stations would increase because of the addition of passengers and HSR workers traveling to station areas. A portion of the trips generated by HSR would divert vehicle trips from airports and other intercity travel hubs and shift vehicle trips to train trips. This diversion of trips, even with the addition of new trips at the stations and LMF, would result in a VMT reduction. While we agree that the project would result in a reduction of countywide VMT, it should be acknowledged that the VMT in areas around the stations and the LMF would increase, causing the air quality in those areas to deteriorate.	1165-2319		<b>Transportation Impacts Comment:</b> With the relocation of the Tunnel Avenue overpass, Tunnel Avenue would connect to Valley Drive, whereas it currently connects to Old County Road. The eastbound through and westbound through vehicles that currently cross Bayshore Boulevard at Old County Road to Tunnel Avenue should be maintained. The Draft EIR/EIS maintains these traffic movements by re-distributing these trips onto Bayshore Boulevard between Old County Road and Valley Drive. However, the assumptions made in redistributing the traffic affected by the relocation of Tunnel Road are too simplistic and in fact, unrealistic. Future traffic volumes at the Bayshore Boulevard/Old County Road/Tunnel Avenue intersection show zero vehicles westbound and ten vehicles eastbound traveling across Bayshore Boulevard between Tunnel Road and Valley Drive. The redistribution of traffic between Tunnel Avenue and Valley Drive assumed in the Draft EIR/EIS would not be the most direct route. Instead, the trips should be redistributed so that the eastbound through and westbound through trips would cross Bayshore Boulevard at Valley Drive to Tunnel Avenue and vice versa. The redistribution of traffic at this intersection should be revised and the operational analysis updated based on realistic behavior of route choice by motorists.
1165-2314		<b>No Project Conditions Level of Service Finding:</b> The existing and 2040 No Project conditions level of service results were compared to the intersection level of service results for existing (2007 traffic conditions) and 2030 No Project (With Geneva Extension) conditions presented in the Brisbane Baylands Draft EIR. While it can be expected that traffic forecasts produce different results between HSR Draft EIR/EIS and the Baylands Draft EIR because the forecasts were developed with different tools and input assumptions, the differences in future traffic operations (2030 for the Baylands Draft EIR and 2040 for the HSR Draft EIR/EIS) are substantial. The Baylands Draft EIR reported a worse level of service for ten intersections under 2030 No Project conditions during at least one peak hour compared to 2040 No Project HSR conditions. An explanation should be provided why the future 2040 No Project traffic conditions in Brisbane reported in the HSR Draft EIR/EIS are so much better compared to 2030 No Project traffic conditions presented in the Baylands Draft EIR.	1165-2320		<b>Transportation Impacts Comment:</b> The short distance between the Park Place/Valley Drive, Visitacion Avenue/Valley Drive, and Bayshore Boulevard/Valley Drive intersections would be problematic for traffic flow. The extension of Visitacion Avenue would also result in trip redistribution between the downtown area and the area near the City Hall and Police Department. In addition, the extension of Visitacion Avenue would block access to one business and remove parking for three businesses in the area. HSR Authority needs to perform a level of service analysis, queuing analysis, and study the effects on emergency response at the affected intersections west of the proposed Tunnel Avenue relocation.
1165-2315		<b>Changes to Transportation System Comment:</b> The relocation of the Tunnel Avenue overpass and the new southern connection to Valley Drive would result in secondary changes to the transportation system that were not described in the Draft EIR/EIS. The HSR Authority’s online interactive map shows that Visitacion Avenue would be extended from Old County Road to Valley Drive, resulting in new intersections at Visitacion Avenue and Valley Drive and at Visitacion Avenue and Old County Road. The changes to the transportation system west of the relocated Tunnel Avenue overpass should be detailed in the Draft EIR/EIS.	1165-2321		<b>Geneva Avenue Extension Design Comment:</b> HSR Authority needs to study the feasibility of the planned Geneva Avenue extension with the proposed additional right-of-way for both the East and West LMF. It is anticipated that the High-Speed Rail project would not accommodate the Geneva Avenue extension. It is also anticipated that the West LMF would be more problematic than the East LMF in accommodating the Geneva Avenue extension due to the additional right-of-way west of the Caltrain tracks. Therefore, the extension would be impacted by the project and mitigation would be required.
1165-2316		<b>Transportation Impacts Comment:</b> The Draft EIR/EIS provides LOS outputs in the Transportation Technical Report Appendices. However, geometry assumptions were not provided for intersections that were analyzed with VISSIM or SimTraffic, including the two intersections with project effects. These assumptions should be provided in the Draft EIR/EIS.	1165-2322		<b>Construction Impacts Comment:</b> Based on Table 2-25, the East LMF would reuse 17%, the West LMF would reuse 79% and the Tunnel Avenue overpass would reuse 54% of excavated materials suitable for embankment construction. Hexagon recommends that HSR Authority includes an analysis of the number of truck loads, based on the volume of excavated materials to be hauled, on study intersection impacts and traffic delays. The EIR should also describe the duration of the hauling of material, the number of trucks per day, planned truck routes, and time periods during the day when hauling trucks are allowed.
1165-2317		<b>Transportation Impacts Comment:</b> Specific mitigation measures should be described for each affected intersection. Since the LOS results are unable to be replicated, possible mitigation measures, such as widening Alana Way or Harney Way and/or adding turn lanes at the affected intersections, should be investigated by the Authority.	1165-2323		<b>Emergency Response Times Comment:</b> The closure of Tunnel Avenue would eliminate access to the Kinder Morgan tank farm and restrict emergency access to the tank farm, lumber yard, and other Brisbane businesses along Tunnel Avenue. The construction safety transportation management plan would describe alternate access; however, this should be provided in the Draft



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

High-Speed Rail Draft EIR/EIS Review – Brisbane

August 25, 2020

1165-2323

EIR/EIS. Hexagon recommends a study be conducted, in collaboration with the Brisbane Fire Department, to evaluate the effects of the HSR alignment on Fire Department service areas and emergency response time during construction and identify the best possible mitigation measures to meet the Department's best practice response time.

1165-2324

**Bicycle, Pedestrian, and Transit Finding:** Page 3.2-88 of the Draft EIR/EIS states that "to maintain pedestrian and bicycle access, project design plans include specifications for vehicle lanes, passenger loading zones, sidewalks, crosswalks, bike lanes, trails, bus stops, parking, and intersection controls (TR-IAMF#12). These features address how pedestrian and bicycle accessibility would be provided and maintained across the HSR corridor, to and from stations, and on station property. Local access programs, such as Safe Routes to Schools, would be maintained or enhanced". This complies with Brisbane's General Plan Policy C.27. The Draft EIR/EIS also states that "all reconstructed roadways would replace all bicycle and pedestrian facilities upon completion of construction. All new and replaced facilities would be designed with specifications for passenger loading zones, sidewalks, crosswalks, bike lanes, trails, bus stops, parking, and intersection controls". This complies with Brisbane's General Plan Policy C.30 and Policy C.35.

1165-2325

**Bicycle, Pedestrian, and Transit Comment:** Brisbane's General Plan Policy C.1 emphasizes mobility for Brisbane residents and businesses. Construction of the HSR project would impact Brisbane's already limited transit service. Based on the HSR alignment, the project would be expected to affect the Brisbane-Crocker Park BART/Caltrain Shuttle, the Brisbane-Bayshore Caltrain Shuttle, and SamTrans Routes 292 and 397. Page 3.2-75 of the Draft EIR/EIS states that "increased travel times and modified access along affected bus routes could cause bus patrons to shift to another bus route or cause a temporary reduction in bus ridership for the duration of construction". Therefore, the impacts to bus transit could increase single-occupant vehicle trips as people opt out of using transit. This would not comply with Brisbane's General Plan Policy C.38. Thus, HSR Authority should coordinate with San Mateo County's Transportation Demand Management Agency and SamTrans to address the project impacts.

1165-2326

**Bicycle, Pedestrian, and Transit Comment:** Brisbane's General Plan describes the proposed expansion of the Bayshore Caltrain Station into a multi-modal station as part of the Baylands development. The Draft EIR/EIS should consider any HSR impacts to this development and its future transit connections.

1165-2327

**Transportation Impact Avoidance and Minimization Features Comment:** TR-IAMF#6 states that construction material deliveries and construction employee trips would be limited during the peak hours. This should be expanded to include all construction-related traffic, including, but not limited to, trucks transporting demolished or excavated materials and construction equipment.



**At van den Hout, Vice President & Principal Associate**

**Education**

**Bachelor of Science in Traffic Engineering and Transportation Planning**, Nationale Verkeersacademie, Tilburg, The Netherlands

**Experience**

Mr. van den Hout is one of the founding partners of Hexagon Transportation Consultants, Inc. Mr. van den Hout has over twenty-five years of experience in transportation planning and traffic engineering with the emphasis on travel demand forecasting. Throughout his career, Mr. van den Hout has acquired extensive experience with multi-modal travel forecasting models. He is particularly familiar with the models from the Metropolitan Transportation Commission (MTC) in the San Francisco Bay Area, Santa Clara County (VTA), Contra Costa County and Alameda County. Mr. van den Hout is familiar with all major travel demand forecasting software packages such as EMME/2, CUBE /VOYAGER, TRANPLAN, TransCAD, and MINUTP. Mr. van den Hout has managed and prepared a variety of site traffic impact studies, transportation planning projects and traffic engineering studies for both public and private clients. These studies include analyses for various land uses developments including residential and mixed-use projects, school studies and office developments in the Bay Area region.



**Representative Projects**

**Travel Demand Model Development Projects:**

- City of San Jose Model Update – Model Refinement and Validation
- Sunnyvale Citywide Model – Model Refinement and Validation
- Gilroy Citywide Model – Model Refinement and Validation
- San Mateo Countywide Model—San Mateo, California. Model development
- San Francisco International Airport Surface Transportation Air Passenger Model—San Francisco, California. Trip Generation/distribution model development, mode choice calibration, model validation

**Travel Demand Model Applications**

- SVRT Phases I and II BART Extension to San Jose- Santa Clara County
- Gilroy General Plan Update
- Palo Alto Comprehensive Plan Update
- Morgan Hill General Plan Update
- Lathrop River Islands Internal Roadway Design
- City of San Jose Strategy Plan Update
- Silicon Valley Rapid Transit Corridor MIS / EIS – Development of ridership and traffic forecast for the MIS, EIS, and EIR- Santa Clara County, California
- North San Jose Area Development Policy Update – Development of multi-modal travel forecasts for several large development concepts in North San Jose
- Santa Clara County Model—Santa Clara County, California. Travel forecasts for the Highway 85 widening and U.S. 101/Route 85 Interchange Projects, development of year 2020 land use and demographic forecast
- Tri-Valley Subarea Model—Alameda and Contra Costa Counties, California. I-580/I-680 Interchange Project, Tassajara Valley EIR, Tri-Valley Transportation Plan
- Alameda Countywide Model—Alameda County, California. Travel forecasts and analysis for the Alameda County Transportation Plan, I-880 Intermodal Corridor Study, I-880 Cypress Replacement Project, Castro Valley Arterial Study



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



### Environmental / Traffic Impact Studies

- City of Daly City – Serra Bowl Mixed Use Development
- City of Daly City – Christopher Court Residential Development
- City of San Bruno – Mills Park Mixed Use Development
- City of San Bruno – 111 San Bruno Avenue Mixed Use Development
- City of Millbrae – 1100 El Camino Real Mixed Use Development
- Mountain View – 2580 California Avenue Mixed Use Development
- City Center San Ramon Traffic Analysis
- BART SVBX and SVSX Traffic Impact Analysis
- McCarthy Ranch TIA
- Dougherty Valley Traffic Impact Studies and Intersection Design Projects
- Gale Ranch Phase 3 Traffic Study/Roadway Improvement Phasing Study
- McCarthy Ranch General Plan Amendment EIR

### School Access and Circulation Studies

- Gale Ranch 4 Elementary School Traffic Impact and Circulation Study
- Gale Ranch Elementary School Traffic Analysis (Dougherty Valley – Contra Costa County)
- Gale Ranch Middle School Circulation and Operational Analysis (Dougherty Valley – Contra Costa County)
- Alamo Creek Elementary School Traffic Analysis (Alamo Creek – Contra Costa County)
- School and Traffic – Comprehensive Data Collection and Analysis at 15 public schools (Santa Clara County)

### Selected Publications/Presentations

- “Implementation of Highway Capacity Manual Based Volume Delay Functions in a Regional Traffic Assignment Process,” presented at the TRB Annual Meeting, Washington, D.C.
- “Utilizing a Gateway Constrained Methodology to Better Forecast Traffic Volumes,” presented at the I.T.E. Conference, Denver, Colorado. (Co-Author)
- “Building a Path-Based Fare Matrix Using EMME/2 and TRANPATH,” presented at the International EMME/2 Conference, Montreal, Canada
- “Travel Demand Forecasting Models in the San Francisco Bay Area,” presented at the First European EMME/2 Users Conference in London, England.
- “Air Quality Impact Analysis Using the EMME/2 Network Calculator,” presented at the International EMME/2 Conference in Pasadena, California.



**Gary K. Black, AICP, President**

### Education

**Master of City Planning in Urban Transportation**, University of California at Berkeley  
**Bachelor of Arts in Geography**, University of California at Los Angeles

### Professional Associations

**American Institute of Certified Planners**  
**Institute of Transportation Engineers**

### Experience

Since 1982, Mr. Black has directed a number of transportation planning, traffic engineering, parking, and transit studies. He has prepared transportation plans for the Cities of San Jose, Palo Alto, San Mateo, and San Carlos, and areawide plans for reuse of the Bay Meadows racetrack site in San Mateo, the Cargill salt ponds site in Redwood City, and many parts of San Jose (North San Jose, Downtown, Edenvale, and Evergreen). He has prepared traffic studies for new development in most cities within the Bay Area. He also has prepared numerous parking studies, including downtown parking studies for San Carlos, San Mateo, Gilroy, and San Jose.

### Representative Projects

#### • Areawide Transportation Plans:

**Circulation Elements** for General Plans in San Mateo, Sunnyvale, Cupertino, Gilroy, and Palo Alto.

**Bay Meadows** – Hexagon prepared the transportation plan for redevelopment of the Bay Meadows Race Track in San Mateo into a mixed-use, transit orientated development.

**Sunnyvale** – Hexagon prepared specific plans for the Peery Park, Lawrence Station, and El Camino Real areas of Sunnyvale. The plans were developed to support increased density of development, more diverse land uses, and buildout of the bicycle and pedestrian networks. The studies included travel demand model forecasts and estimates of vehicle miles traveled.

**North San Jose** – Hexagon developed a revised development policy for North San Jose that included a long-range forecast of traffic conditions and development of a long list of necessary transportation improvements – both roads and transit. The policy resulted in the adoption of an impact fee to fund transportation improvements.

**Santa Clara** – Hexagon has done transportation planning for two specific plan areas. These were developed to support housing development in industrial areas to create a better jobs-housing balance. The studies were completed with travel demand models and calculated the change in vehicle miles traveled.

#### • Campus Studies:

**Foothill College** –The campus is served by one ring road that is accessed through a single intersection. Hexagon staff recommended that the ring road be made one-way. Other recommendations were also made for better signage and lighting around the ring road.

**City College** – Hexagon staff was hired to measure parking demand and to determine the amount of new parking needed. Hexagon staff conducted parking occupancy surveys. Student parking in neighborhoods was estimated by comparing overnight occupancy to occupancy at typical student peak times.



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



**IBM Campus** - Hexagon staff was hired to address various problems occurring on the internal roads. Many recommendations came out of the study, including modifying speed limits, narrowing streets, channelizing pedestrian crossings, adding signals, and modifying intersection geometries to improve sight distance.

**• Site Traffic Analyses:**

For offices, hotels, restaurants, residential subdivisions, apartments, schools, warehouses, industrial complexes, and mixed-use developments in San Jose, Santa Clara, Sunnyvale, Milpitas, Los Gatos, Fremont, Monterey, Palo Alto, Menlo Park, Redwood City, San Carlos, San Mateo, Los Altos, Santa Rosa, Napa, Hayward, Bakersfield, Richmond, Concord, and Cupertino, California. These included estimation of future trip generation, impacts on adjacent intersections, and site-specific pedestrian and auto circulation issues such as driveway and crosswalk locations.

**• Impact Fee Studies:**

Mr. Black has directed numerous transportation impact fee studies. The purpose of the studies is to identify future transportation deficiencies, improvements to address the deficiencies, and costs to implement the improvements. Impact fee studies were completed for San Mateo, Palo Alto, Sunnyvale, San Jose, Santa Clara, and Gilroy.

**• Parking Studies:**

**San Carlos** – Staff believed that the available parking spaces were utilized to such an extent that any future development could not be accommodated. It was determined that future development could be accommodated only by planning a parking structure. A suitable site was identified, and a three-level parking structure was designed (one level underground and two levels above). To help the financial feasibility of the parking structure, it was designed to have two levels of housing above.

**San Mateo** – Due to recent and projected growth, many downtown merchants believed that more parking facilities were needed. Surveys revealed that the existing parking situation was adequate, although during peak times customers sometimes had to settle for less desirable spaces because the prime spaces were taken by employees. The study was able to show that a relatively modest increase in downtown parking meter rates combined with a small property assessment could finance an additional parking structure.

**• Major Developments:**

**Valley Fair** – Valley Fair is a 1.2 million square foot regional mall that was proposed for enlargement by approximately 300,000 square feet.

**Santana Row** – This project transformed a 1960’s era shopping center into a mixed-use “Main Street” style shopping, entertainment and residential center.

**Oakridge Mall** – The proposed expansion consisted of the addition of 85,000 square feet of movie theater space plus additional retail and restaurant space.

**Evergreen Specific Plan** - The plan called for the construction of over 4,000 dwelling units on about 600 acres. Hexagon staff analyzed both on-site and off-site traffic impacts of the plan and developed the circulation element of the EIR.



**Gicela Del Rio, T.E., Senior Associate**



**Education**

**Bachelor of Science in Civil Engineering**, San Jose State University, San Jose, California

**Professional Associations**

**American Society of Civil Engineers**  
**Institute of Transportation Engineers**  
**Transportation and Development Institute of ASCE**  
**Registered Professional Traffic Engineer in the State of California (TR 2708)**  
**Registered Engineer-in-Training in the State of California**

**Experience**

Since June 1999, Mrs. Del Rio has assisted with and managed a variety of traffic engineering and transportation planning projects for both the public and private sector. These projects include the preparation of scopes of work, site traffic analyses, traffic simulation and operation studies, signal design, roadway closures, parking studies, and a variety of school projects.

**• On-Call City Traffic Engineer** – Mrs. Del Rio also spent 10 months working for the City of San Mateo Public Works Department as a contract employee in the capacity of City Traffic Engineer, which involved a variety of traffic engineering issues such as daily interaction with the public, responding to the public’s concerns in a timely manner, traffic control warrant analyses, assisting in the review of traffic signal plans, supervising installation of new signs and curb painting/pavement legends throughout the City, organization of soft and hard copies of City documents, development of schedules and procedures for common tasks, managing City resources and personnel, applying for (and obtaining) State Grants for local transportation improvement projects, supervising and directing other employees, and training the new City Traffic Engineer assistant.

**Representative Projects**

**• Site Traffic Impact Analyses/EIRs/Traffic Feasibility Studies** for a wide range of land uses in various jurisdictions in and around the San Francisco Bay Area and Northern California. These analyses include estimation of project trip generation and assignment, intersection level of service calculations, intersection impacts and recommended mitigation measures, mitigation cost estimates, traffic reassignment (due to roadway changes), freeway segment level-of-service analysis, site access and circulation review, signal warrant analysis, and intersection operational analysis. Some representative projects include: San Carlos General Plan Traffic Study, Traffic Mitigation Fee Report, San Carlos Citywide Traffic Study, East San Carlos Specific Plan Study, Palo Alto Medical Foundation EIR (hospital), and Caltrain Transit Village (mixed-use) (San Carlos); Downtown Operation Analysis, Westgate Mall Expansion, and San Jose Market Center EIR (retail) (San Jose), Las Animas Business Park (Gilroy); Creekbridge Residential Subdivision (Hollister); Cielo Grande Feasibility Study (residential) (Gonzales); and the Vasona Corridor LRT Expansion traffic study (Santa Clara County).

**• School Projects** for the analysis of various new schools, relocation/expansion of existing schools, and parking and circulation analyses for schools in the Cities East Palo Alto, San Jose, Mountain View, Sunnyvale, Atherton, Belmont, San Mateo, Cupertino, Redwood City, and Menlo Park. These projects include tasks as conducting trip generation surveys for the analysis of the school to attendance at meetings with the public and/or City officials in the process of project approval. Some representative projects include: East Palo Alto Adult School Annex, Myrtle Street School, and East Palo Alto Phoenix Academy Traffic Studies (East Palo Alto); ACE Charter Middle School Traffic Study, Santa Teresa and Silver Creek High Schools Stadium Lighting Project Traffic Studies (San Jose); Parking and Circulation Study for the Expansion of St. Francis High School (Mountain View); Challenger School Traffic Site Circulation Study and Cupertino Middle School Expansion (Sunnyvale); Menlo-Atherton High School Stadium Lighting Project Traffic Study (Atherton); Carlmont High School Stadium Lighting Project

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



Traffic Study (Belmont); St. Matthew's Episcopal Day School Master Plan (San Mateo); Lawson Middle School Expansion (Cupertino), Rocketship School (Morgan Hill), Sequoia High School Operations Analysis (Redwood City), and Menlo Park Charter High School (Menlo Park).

- **Silicon Valley Rapid Transit Corridor Traffic Analysis** for the proposed extension of the Bay Area Rapid Transit (BART) rail line to the South Bay. The analysis was performed utilizing traffic forecasts also produced by Hexagon and included the evaluation of the effects of the proposed stations on the immediate and surrounding transportation system. The traffic analyses included intersection and freeway analysis, evaluation of parking demand, and site access and on-site circulation evaluation for the proposed BART Stations in the Cities of Milpitas, San Jose, and Santa Clara. Other related projects include the traffic analysis of the proposed BART maintenance yards and the off-site parking facilities that would serve the projected additional bus lines needed to serve the proposed BART Stations.
- **Traffic Simulation Analyses** used to evaluate operations of existing and future traffic conditions with and without the implementation of proposed physical changes to the roadway network. These studies include use of the Synchro/SimTraffic microscopic traffic simulation software package. Most of these studies included the evaluation of future traffic conditions as a result of planned physical changes to the roadway network. Representative projects include: US101/Dunne and US101/Tennant interchange simulation (Morgan Hill), SR1/SR92/Main Street Simulation (Half Moon Bay), SR237 at Town Center Drive and Hillview Drive intersections (Milpitas), Downtown San Carlos Improvements and US 101/Holly Street Interchange PSR (San Carlos), Apple Campus Construction Traffic Simulation (Cupertino), Lions Creek Trail/Christopher High School Simulation Analysis (Gilroy), and SR237/Mathilda Interchange Simulation (Sunnyvale).
- **Site Access Studies** for schools and office parks. The analyses included evaluation of the existing access routes and vehicular queues formed at site driveways, and the development of a new access route to eliminate queues on the adjacent streets. Other projects included determining the number of access points and type of control required to serve the traffic generation at an office campus if the office campus was to be gated.
- **Signal Design** assistance in the design of various traffic signals in the City of San Jose as well as preparation of utility plans.
- **Road Closure Studies** in Milpitas, San Mateo, San Carlos, and San Jose. Roadway closure and lane configuration change studies mainly consisted of reassigning existing and future traffic to project traffic conditions as the result of road closures and/or lane configuration changes, comparing traffic conditions pre and post the proposed roadway changes. Representative projects include the analysis of complete roadway closures (The Great Mall Redevelopment TIA in Milpitas), The analysis of various roadway closure alternatives in order to find the alternative that would yield the best and safest traffic conditions in the study area (US 101 southbound ramps at Poplar Avenue in San Mateo), and the reassignment of existing and future as a result of the proposed elimination of movements at intersections in the Downtown area in an effort to reroute vehicular traffic and provide a more pedestrian-friendly environment (the Caltrain Transit Village TIA in San Carlos).
- **Areawide Transportation Plans** including Circulation Elements for General Plans, General Plan traffic studies, Citywide traffic studies, General Plan Amendments, and Urban Service Area Amendments. Representative projects include the Circulation Element for the City of Hollister General Plan; the Citywide traffic study for the City of San Carlos; the General Plan traffic study for the Cities of San Carlos, Morgan Hill, and Gilroy; the General Plan Amendments traffic study for the City of Morgan Hill; and the North Gilroy Neighborhood Districts Urban Service Area Amendment in the City of Gilroy. These projects involved estimating and analyzing the traffic conditions that would occur from buildout of General Plan conditions or known development sites within the city. Intersection levels of service were calculated and recommendations were made for possible transportation network improvements.



### Katie Riutta, Planner

#### Education

**Bachelor of Science – Statistics**, Michigan Technological University, Houghton, Michigan

#### Professional Associations

**Member, American Planning Association**  
**Member, Institute of Transportation Engineers**

#### Experience

Since joining Hexagon in 2018, Ms. Riutta has participated in a variety of traffic engineering and transportation planning projects throughout the Bay Area. These projects include Transportation Impact Analyses (TIA), High-Speed Rail EIR/EIS peer review, transportation demand management (TDM) plans, and parking studies.

Ms. Riutta has experience with Traffix and Synchro software and primarily utilizes the Highway Capacity Manual (HCM) methodology to evaluate intersection operations and analyze project impacts. Ms. Riutta is proficient with ArcGIS.

#### Representative Projects

- **HSR EIR/EIS Peer Review** on behalf of the City of Morgan Hill, California. The peer review included right-of-way and construction impacts to the transportation system, property access, and pedestrian, bicycle, and transit services in Morgan Hill.
- **Traffic Impact Analyses** for area-wide plans, offices, apartments, day care centers, and multiple-use developments throughout the Bay Area. These analyses include part or all of the following: project trip generation and assignment, intersection level of service calculations using Traffix or Synchro, freeway segment level of service analysis, site access and circulation review, signal warrant analysis, intersection operational analysis, and recommendations for mitigation measures. Representative projects include:
  - Moffett Park Specific Plan Update (Ongoing) – Sunnyvale, CA
  - Intuitive Surgical Campus Expansion Office/R&D TIA (Ongoing) – Sunnyvale, CA
  - Concar Passage Mixed-Use Development TA (Ongoing) – San Mateo, CA
  - 7 Magic Flowers Day Care Development TA (Ongoing) – San Jose, CA
- **Transportation Demand Management (TDM) Plans** for residential, office, and industrial projects. TDM plans incorporate services, incentives, facilities, and actions that help reduce single-occupant vehicle (SOV) trips to help relieve traffic congestion, parking demand, and air pollution problems based on the project's size and location. Representative projects include:
  - 1162 El Camino Real Residential Development – Menlo Park, CA
  - 901 Shasta Street Office/Industrial Development – Redwood City, CA
  - 6293-6299 San Ignacio Avenue Office Development (Ongoing) – San Jose, CA
- **Parking Studies** for an assisted living facility in Newark, California, five community centers in San Mateo, California, and a billiard parlor in Sunnyvale, California. These studies included conducting surveys of existing parking demand and calculations of required parking supply for the proposed projects.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



**Michelle Hunt, Vice President & Principal Associate**

**Education**

Bachelor of Science in Industrial Engineering and Operations Research, University of California, Berkeley

**Professional Associations**

Institute of Transportation Engineers



**Experience**

Since 1990, Ms. Hunt has participated in a variety of traffic engineering and transportation planning projects for both the public and private sectors. These projects include transportation analyses for environmental impacts reports, site traffic analyses, traffic simulation studies, transit corridor studies, parking studies, freeway operation analyses, signal timing studies, and travel demand management plans.

Additionally, Ms. Hunt has extensive experience in the application of traffic simulation software such as CORSIM, SYNCHRO, and SimTraffic.

**Representative Projects**

- **Area Wide Transportation Studies**—East Palo Alto Mobility Study; Santa Clara County Circulation and Mobility Planning Project; Atherton Civic Center Master Plan; Ravenswood/4 Corners TOD Specific Plan, East Palo Alto; Evergreen East Hills Development Policy, San Jose; Station Park Green Specific Plan; San Mateo; Reid-Hillview Airport Master Plan, San Jose.
- **Transportation Analyses for Environmental Impact Reports**—Palo Alto Golf Course Reconfiguration; eleven General Plan Amendments, including the Downtown Strategy Plan, San Jose; Holly Street Grade Separation, San Carlos; Ralston Avenue Grade Separation, Belmont; and San Jose 2020 General Plan Update.
- **Traffic Impact Analyses**— Oxford Academy, East Palo Alto; Bay Road Medical Clinic, East Palo Alto; 2020 Bay Road Office Development, East Palo Alto; The Primary School, East Palo Alto; University Plaza Phase II, East Palo Alto; EPA Center Arts, East Palo Alto; Six Rocketship Charter Elementary School Sites in San Jose and Redwood City; 1690 Broadway hotel, Redwood City; Sobrato Phase I Office Development on Pear Avenue, Mountain View; Calvano Phase I Office Development at 1001 North Shoreline Boulevard, Mountain View; KIPP Charter Middle School, San Jose; Design Tech High School, Redwood City; ACE Charter Middle School, San Jose; San Jose Branch Library Improvement Projects; Yahoo Office Campus, Santa Clara; Palo Alto Recycling Center and Household Hazardous Waste Drop-Off Facility; Palo Alto Library Plan Projects; YMCA, Palo Alto; Carden Academy, Santa Clara; National Hispanic University, San Jose; San Jose Branch Library Improvement Projects; Monarch Village Apartments, Santa Cruz; Ocean View Plaza, Monterey; Arboleda Subdivision Peer Review, King City; Monterey Public Services Center; San Jose Water Company mixed-use development, San Jose; 1295 El Camino Real Office/Retail Development, Menlo Park; Beltramo Mixed-Use Development, Menlo Park; 638-640 Oak Grove Avenue Office Building, Menlo Park; 145 El Camino Real Office/Retail Development, Menlo Park; The GAP— Corporate Office Project, San Bruno; Gateway Office Project, South San Francisco; Fifth Avenue Railroad Grade Separation, Redwood City; Century Plaza Expansion, South San Francisco; Boccardo Residential Development, Campbell; Proposed Giants Ballpark in Santa Clara and San Jose; Chevron Service Station, Cupertino; mixed office/residential development, Belmont; Johnson Sports Park, Alameda County.
- **Feasibility Analyses and Peer Review**—Donohoe and University Office Development, East Palo Alto; University Circle, East Palo Alto; Commonwealth Corporate Center, Menlo Park; 1095 W. El Camino



Real, Sunnyvale; 556 El Camino Real, Burlingame; Arboleda Specific Plan, King City; Mills Ranch Specific Plan, King City.

- **Signal Timing Studies**—Winchester Boulevard and Lark Avenue, Los Gatos; Bridgepointe Parkway, San Mateo; Eleventh Street, Tracy; Piilani Highway, Maui, Hawaii; Alma Plaza Redevelopment, Palo Alto, California; SR 87 interchanges at Taylor and Skyport Drives, San Jose; Mercado Development (King and Story Roads), San Jose; Waterford Project on Capitol Expressway, San Jose; Almaden Plaza Way at Route 85/ Almaden Expressway, San Jose; El Camino Real, Menlo Park.
- **Traffic Simulation Studies**— Delmas Avenue/San Fernando Street with Light Rail Signal Preemption, San Jose; SR 87 Interchanges at Taylor and Skyport Drives, Honolulu International Airport Traffic and Parking Study, Honolulu, Hawaii; US 101/Blossom Hill Road and US 101/Hellyer Avenue Interchange Reconstruction Projects, San Jose; Highway 68, Pebble Beach; Highway 1, Monterey County; Wolfe Road Widening Project, Sunnyvale; Downtown Development Plan Traffic Operations Analysis, San Jose; Blossom Hill Road Traffic Operations Analysis, San Jose; Third/Fourth Street Conversion Study, San Jose; San Jose; I-80/I-580 Buchanan Street Interchange Reconstruction Project, Alameda; Lamorinda Area-wide Traffic Study, Contra Costa County; BART Parking Garage Study, Concord; Pyramid Way and McCarran Boulevard, Sparks, Nevada; Los Alamos National Laboratory Evacuation/Transportation Plan, Los Alamos, New Mexico; and First Hawaiian Bank Tower, Downtown Honolulu, Hawaii.
- **Parking Studies**—1690 Broadway hotel, Redwood City; Hilton Garden Inn, Mountain View; Shashi hotel, Mountain View; Valley Medical Center, San Jose; Chick-fil-A, Mountain View; The Village at Corte Madera; San Jose Arena; and Silicon Graphics, Mountain View.
- **Transit Corridor Study of Light Rail Transit Alternatives**—Capitol and Tasman Corridors, Santa Clara County.
- **Freeway Operations Analysis**—I-80/Pyramid Way Interchange Reconstruction Project, Sparks, Nevada; I-80/Business 80 and SR 160, Sacramento; I-80, Contra Costa and Alameda Counties; I-580/I-680 Interchange, Alameda County; and I-238/I-580 Widening and Truckway Project, Alameda County.
- **Travel Demand Management Plans**—Greystar III and IV residential projects, Redwood City; 1690 Broadway hotel, Redwood City; Commonwealth Corporate Center, Menlo Park; Munchery food processing facility, South San Francisco, CA; 363 Delmas Avenue residential project, downtown San Jose; West Maude Avenue office development, Sunnyvale; 1205 El Camino Real, Sunnyvale; 3200 Scott Boulevard office development, Santa Clara; and Shashi hotel, Mountain View.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) -  
Continued

Attachment Metis-C  
**EKI Environment and Water**  
Hazardous Materials  
Comments and Resumes



Corporate Office  
577 Airport Boulevard, Suite 500  
Burlingame, CA 94010  
(650) 292-9100  
ekiconsult.com

PRIVILEGED & CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION  
ATTORNEY WORK PRODUCT

25 August 2020

David Smith, Esq.  
Manatt, Phelps & Phillips, LLP  
695 Town Center Drive, 14<sup>th</sup> Floor  
Costa Mesa, California, 92626

Subject: **Review of High-Speed Rail, San Francisco to San Jose Section, Draft Environmental Impact Report/Environmental Impact Statement**  
(EKI C00079.00)

Dear Mr. Smith:

EKI Environment & Water, Inc. ("EKI") has reviewed California High-Speed Rail Authority's *San Francisco to San Jose Section, Draft Environmental Impact Report/Environmental Impact Statement*, dated July 2020 ("Draft EIR"). This document provides EKI's comments on the Draft EIR associated with soil remediation issues.

**BACKGROUND**

EKI understands that Draft EIR proposes two options for a 100- to 110-acre light maintenance facility ("LMF") at the Brisbane Baylands site. Under Alternative A, the LMF would be located on the east side of the Caltrain railroad tracks, within the existing footprint of the Baylands Soil Processing facility which is also a landfill known as the Brisbane Landfill, a landfill that has not been closed (Figure EKI-1). Under Alternative B, the LMF would be located on the west side of the Caltrain railroad tracks and occupies a large portion of Operable Unit ("OU") 2 of the Brisbane Baylands site and a small portion of the San Mateo County Operable Unit ("OU-SM") (Figure EKI-2).

Both alternatives would result in the LMF being located within the Brisbane Baylands, which are active remediation sites. More specifically, OU-SM and OU-2, located west of the railroad tracks, are being remediated under the oversight of the Department of Toxic Substances Control ("DTSC") and the Regional Water Quality Control Board San Francisco Bay Region ("Water Board"), respectively. These sites area also identified as the Brisbane Baylands, Southern Pacific Railroad, and/or Tuntex Site on the State's Geotracker and Envirostor websites. The east side of the Caltrain railroad tracks at the Brisbane Baylands is a landfill that is undergoing active groundwater monitoring and the landfill needs to be closed under the California Code of Regulations ("CCR") Title 27, which stipulates Water Board and CalRecycle requirements. Thus, Draft EIR needs to adequately address the environmental conditions of these locations. Further discussion and specific comments are provided below.

Oakland, CA • Davis, CA • Marin, CA • Roseville, CA • Irvine, CA  
Centennial, CO • Saratoga Springs, NY

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Review of High-Speed Rail Draft EIR  
25 August 2020  
Page 2 of 9



Review of High-Speed Rail Draft EIR  
25 August 2020  
Page 3 of 9



1165-2328

**COMMENTS**

**General Comment on LMF on East Side of Tracks**

The description of the East Brisbane Light Maintenance Facility (p. 2-77) does not acknowledge the fact that the 100-acre facility would be located at an existing landfill site that has active oversight by the Water Board and would require closure by the Water Board and CalRecycle prior to construction of the LMF. Rather, the description focuses on nearby track modifications and realignments but does not indicate that millions of cubic yards of landfill would have to be excavated to achieve the grade of the railroad tracks. While Section 3.10 of the Draft EIR (Hazardous Materials and Wastes), acknowledges that the East Brisbane LMF would overlie the former Brisbane Landfill, the Draft EIR never presents the full regulatory closure process that would have to be implemented as part of the project (see comments on Impact HAZ#10).

The description of the landfill in Section 3.10.5.2 (Sites with Potential Environmental Concerns) states that the East Brisbane LMF overlies the former Brisbane Class II Landfill<sup>1</sup> and Section 3.10.5.10 further describes the landfill as follows:

The landfill actively received waste from 1932 to 1967. Some methane gas is still being generated from decomposing material within the landfill and is periodically treated through pumping and flaring (City of Brisbane 2013). The San Francisco Bay Regional Water Quality Control Board has been performing semiannual groundwater, surface water, seep, and leachate monitoring for the landfill since 2005 as required by Cal. Code Regs., Title 27. The groundwater monitoring well network for the Brisbane Landfill consists of 22 monitoring stations with 13 shallow monitoring wells, 7 deep monitoring wells, and 2 shallow interior leachate wells. The most recent monitoring has shown low concentrations of VOCs detected above reporting limits.

As described below in the specific comments, the Draft EIR does not adequately evaluate the requirements and impacts of excavating the Brisbane Landfill to construct the East Brisbane LMF.

1165-2329

**General Comment LMF on West Side of Tracks**

The description of the West Brisbane Light Maintenance Facility (p. 2-98) does not acknowledge the fact that the 110-acre facility would largely be located at an existing remediation site that has active oversight by the Water Board and the DTSC, and construction of the LMF would require planning and oversight by those agencies. In Section 3.10.5 (Affected Environment), the Draft EIR states that the West Brisbane LMF was a freight yard, “which assembled trains and maintained steam locomotives, operated between 1907 and the 1980s. This site has remained largely vacant since the facility was dismantled in the 1980s.” In Section 3.10.5.2 (Sites with Potential Environmental Concerns), the Draft EIR states the following: “At the site of the proposed West Brisbane LMF, investigations at the former

<sup>1</sup> Technically, the Brisbane Landfill is not classified as the landfill was constructed and operated before landfill classifications existed.

1165-2329

Bayshore freight yard revealed that the groundwater is contaminated with halogenated organic solvents and the soil is contaminated with chromium, copper, zinc, lead, arsenic, and petroleum hydrocarbons.”

As described below in the specific comments, the Draft EIR fails to recognize that the redevelopment of OU-SM and OU-2 for the West Brisbane LMF would require the submittal of formal Remedial Action Plans, which address both temporary construction impacts and the long-term protection of human health and the environment, to the DTSC and Water Board, each with its own separate public processes and oversight, for approval.

1165-2330

**Estimated Earthwork Volumes are Likely Underestimated and Soil Disposal Costs are Not Included for the East Brisbane LMF**

On p. 3.10-29, the Draft EIR states, “construction of the Brisbane LMF would require excavation and earthwork on the site of a former class II landfill” and “Potential contaminants that could be disturbed by excavation in the former landfill under Alternative A include heavy metals, VOCs (including methane), semi-VOCs, petroleum hydrocarbons, PCBs, pesticides, and asbestos products.” Table 2-25 provides estimated earthwork volumes; the assumptions to estimate the volumes are not provided. For the East Brisbane LMF, the Draft EIR indicates that 2,183,800 cubic yards (“cy”) of material would be cut to create the LMF and that 2,082,800 cy of this material would have to be disposed of. This assessment seems to underestimate the volume of material that would have to be excavated to lower the LMF to track grade (or even deeper to accommodate a landfill cap if landfill contents still remain in place) and does not account for the fact that a portion of the landfill contents may have to be disposed of as a hazardous waste.

Approximately 75% of the East Brisbane LMF footprint is located within the footprint of the landfill (Figure EKI-1). The current elevation of the landfill is highly variable, but on average is approximately at an elevation of 40 feet and the current Caltrain track alignment are approximately at an elevation of 15 feet. Thus, excavation of the East Brisbane LMF to track grade, not accounting for any over-excavation to install a landfill cap or to reach the project subgrade, would result in the generation of approximately 3,000,000 cy (75 acres with an average cut of 25 feet), approximately 50% more than that estimated in the Draft EIR. This quantity of soil equates to approximately 250,000 truckloads of material. The air quality assessment in Section 3.3 should account for these quantities of transportation and off-site disposal. Moreover, the project costs do not appear to account for the fact that the characterization of the landfill contents is not known and soil disposal costs are not included; at a minimum the material would likely have to be disposed of at a Class II landfill but some will likely require disposal at a Class I hazardous waste landfill.

1165-2331

Assuming 80% of the excavated soil and landfill contents would require disposal at a Class II landfill and 20% of the soil at a Class I hazardous waste landfill (and proportionally scaling up the quantities and cost estimates provided in Geosyntec, 2020a for OU-2 ), the total cost of soil excavation and disposal of 3,000,000 cy of landfill material and associated soil would be on the order of \$625,000,000.<sup>2</sup> Appendix

<sup>2</sup> The estimated value is based on the off-site disposal of 3,000,000 bank cubic yards and using the assumptions presented in Geosyntec 2020a and 2020b (i.e., a bulking factor of 1.2 bulk cubic yards per bank cubic yard, a soil excavation and handling cost of \$15 per bulk cubic yard, a soil density of 1.5 tons per bulk cubic yard, disposal

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Review of High-Speed Rail Draft EIR  
25 August 2020  
Page 4 of 9



Review of High-Speed Rail Draft EIR  
25 August 2020  
Page 5 of 9



1165-2331

6-A of the Draft EIR does not include any costs for Item 40.03: "Hazardous material, contaminated soil removal/mitigation, groundwater treatments." The total cost of "Sitework" for the entire project under Alternative A is shown as \$2,029,000,000 (Table 6-1 of Draft EIR), but review of the detailed costs included in Appendix 6-A do not include the soil remediation costs for the Brisbane landfill (Item 40.03). In addition, the estimated cost of the construction of the East Brisbane LMF (\$395,000,000; Item 30.02.010 on p. 31 of Appendix 6-A) is less than the estimated disposal cost (i.e., \$625,000,000); thus, the potential cost for the disposal of excess soil from the project was clearly not included in the lump sum estimated cost of the construction of East Brisbane LMF or it was grossly underestimated. Taken together, the cost evaluation presented in the Draft EIR is deficient with respect to the cost of constructing the East Brisbane LMF because it is missing the cost for disposal of the excess soil from the project (including disposal costs in the estimate, the total "Sitework" cost should be on the order of \$2,650,000,000).

1165-2332

**Estimated Disposal Costs are Not Included for the West Brisbane LMF**

Table 2-25 provides estimated earthwork volumes; the assumptions used to estimate these volumes are not provided. For the West Brisbane LMF, the Draft EIR indicates that 1,463,700 cy of excavated material would have to be disposed of. Similar to the analysis for the East Brisbane LMF, Appendix 6-A of the Draft EIR does not include costs for the disposal of excess soil from the project. While the majority of this material would likely be derived from Ice House Hill, a portion of it would be from regrading activities within OU-2 and OU-SM of the Brisbane Baylands Southern Pacific Railroad/Tuntex site, both of which are known to be significantly impacted with metals in shallow soil (Geosyntec, 2020a and 2020b). Section 3.10 (Hazardous Materials and Waste) does not evaluate or address these costs or impacts, but Section 3.6 (Public Utilities and Energy) states on p. 3.6-59 that for construction of the West Brisbane LMF, "the Authority estimated that approximately 432,000 cubic yards of the solid waste generated during earthwork activities may be contaminated and require special disposal as hazardous waste." Using the assumptions presented in Geosyntec (2020a and 2020b) for the excavation and disposal of hazardous waste at the Brisbane Baylands, the estimated cost to excavate and dispose of the 432,000 cy of soil as a hazardous waste for the construction of the West Brisbane LMF would be \$144,000,000. These costs were not included or evaluated in the Draft EIR.

1165-2333

**Section 3.6, Public Utilities and Energy Incorrectly Evaluates the Waste that Would be Generated from the Construction of the East Brisbane LMF.**

Section 3.6 (Public Utilities and Energy) on p. 3.6-59 incorrectly states, "It is anticipated that Alternative A would not generate substantial quantities of hazardous waste during construction grading and excavation because construction of Alternative A would not involve excavation and grading of identified areas of contaminated soil." However, construction of the East Brisbane LMF includes excavation on the order of 3,000,000 cy of landfill materials. While the actual contents of the Brisbane landfill are not known, the Brisbane landfill operated from 1932 to 1967, prior to the classification of landfills, and therefore a wide range of chemical constituents were likely disposed of at the landfill. As stated on p.

costs of \$90 per ton for disposal at a Class II Landfill and \$170 per ton for disposal and that approximately 80% of the excess soil would require disposal at a Class II landfill and that 20% of the excess soil would require disposal at a Class I hazardous waste landfill) and has been rounded to three significant figures.

1165-2333

3.10-29 of the Draft EIR, "Potential contaminants that could be disturbed by excavation in the former landfill under Alternative A include heavy metals, VOCs (including methane), semi-VOCs, petroleum hydrocarbons, PCBs, pesticides, and asbestos products." Both Sections 3.6 and 3.10 of the Draft EIR do not fully evaluate the impact of excavating significant portions of the Brisbane Landfill to construct the East Brisbane LMF.

1165-2334

**Impact HMW#1 Does Not Identify or Evaluate the Impacts of the Transportation and Disposal of 2.2 Million Cubic Yards of Material**

Impact HMW#1 correctly acknowledges that "waste generation may also include soil or groundwater contaminated by petroleum hydrocarbons, pesticides, herbicides, asbestos, heavy metals or other hazardous materials, and demolition materials that contain asbestos or lead." It further states:

Construction at the East Brisbane LMF under Alternative A would require significant earthwork cut and fill to create a level surface for the workshop, yard, tracks, and supporting systems and utilities on the site of the former Brisbane Landfill. An estimated 2.2 million cubic yards of cut would be required, with excavation depths of 60 feet below ground surface (Authority 2019c).

The analysis in the Draft EIR indicates that the impact from the transport, use, storage, and disposal of hazardous materials and wastes during construction would be less than significant under CEQA and NEPA for both the east and west LMFs because the project incorporates Impact Avoidance and Minimization Features ("IAMFs;" IAMF#s 6, 7, 8, and 10). The Draft EIR indicates that the IAMFs would avoid or minimize impacts associated with the release of hazardous materials and wastes transported, used, or stored during project construction, which could result in contamination of air, soil, surface water, or groundwater. While hazardous soil can be loaded, transported, and disposed of in a safe manner, it is not appropriate to mitigate the impacts through IAMFs; the Draft EIR does not evaluate the impacts of sheer quantity of soil being excavated for this project (2.2 million cubic yards or more as discussed above). Therefore, a conclusion cannot be made regarding the significance of this impact.

1165-2335

**Impact HMW#2 Fails to Address the Fact that the Environmental Concerns at the Sites Known to be Located within the Proposed East and West Brisbane LMFs are not Temporary Impacts**

The Draft EIR identifies that the East and West Brisbane LMFs would be located on "high-risk" sites, namely the Brisbane Landfill and the Brisbane Baylands/Southern Pacific Railroad/Tuntex sites, respectively. These sites are undergoing investigation and remediation under the oversight of the Water Board and DTSC. The Draft EIR considers the impacts from construction on these sites to be temporary impacts that can be avoided or minimized through application of the IAMFs to "characterize contamination before it is disturbed and manage it if disturbance is deemed necessary for project construction (HMW-IAMF#1)." The Draft EIR further states, "By limiting soil disturbance, migration of and exposure to contaminants would be reduced to the immediate vicinity of the exposed surface. Engineering controls (HMW-IAMF#3) would be put in place to minimize the migration of and exposure to the contaminants." This logic fails to recognize that development at these sites would require formal Remedial Action Plans (for OU-SM and OU-2 at the West Brisbane LMF) and the preparation and implementation of a landfill closure plan (for the East Brisbane LMF) to address both the temporary construction impacts and the long-term protection of human health and the environment consistent



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Review of High-Speed Rail Draft EIR  
25 August 2020  
Page 6 of 9



Review of High-Speed Rail Draft EIR  
25 August 2020  
Page 7 of 9



1165-2335

with the planned land use. Construction of either the East or West Brisbane LMFs is not feasible without a formal remedy in place that has gone through its own separate public process under the oversight, and approval of, the applicable regulatory agency (i.e., DTSC, Water Board, and CalRecycle); the Construction Management Plan or “CMP” as described in the IAMFs is not such a plan. Impact HMW#2 has not been adequately evaluated with respect to the existing environmental conditions, the long-term protection of human health and the environment, and the required regulatory agency oversight process; therefore, a conclusion cannot be made regarding the significance of this impact.

1165-2337

(2) if all solid waste and contaminated soils are not removed, closure and post-closure maintenance plans and a financial assurances mechanism for closure and post-closure maintenance. Such a unit shall not be regarded as having been clean closed.

1165-2336

**Impact HMW#10 Fails to Address the Fact that the Impacts at Brisbane Landfill are not Temporary Impacts**

As with Impact HMW#2, the Draft EIR only evaluates the construction-related impacts, such as the release of flammable gases (e.g., methane) and the potential to encounter contaminated materials, which may require remediation and on-site management, transport, and disposal of hazardous materials. As indicated previously, the Draft EIR states on p. 3.10-39:

Construction of the East Brisbane LMF under Alternative A would require significant earthwork cut and fill to create a level surface for the workshop, yard, tracks, and supporting systems and utilities on the site of the former Brisbane Landfill. An estimated 2.2 million cubic yards of cut would be required, with excavation depths of 60 feet below ground surface.

1165-2338

The Draft EIR correctly identifies mitigation measures that would be appropriately implemented during excavation and construction activities. However, the Draft EIR further states on p. 3.10-40, “Prior to construction, the Authority’s design-build contractor would be required to prepare a removal action plan (RAP) that would determine the requirements for removal, transportation and disposal of excavated materials, air monitoring, regulatory concerns, and worker health and safety.” This “RAP” is not a typical regulatory-agency required remediation document since it only address construction measures and not the long-term protection of human health and the environment. This “RAP” would need to consider that the landfill would need to be properly closed under CCR Title 27.

For portions of the landfill remaining in place, CCR Title 27 includes specific capping requirements, landfill gas collection system, long-term landfill gas monitoring requirements, drainage controls, and other measures that would need to be addressed under the oversight of the Water Board and CalRecycle as part of the construction of the East Brisbane LMF. Moreover, because a portion of the landfill would presumably be closed by the Authority and the remaining portion of the landfill would be the responsibility of the current owner of the Brisbane Landfill, it is not clear if or how the landfill closure would actually be designed and implemented by these two different entities.

The Draft EIR includes the preparation of a “RAP” that is not included in the IAMFs; however, as described, the “RAP” is not the appropriate or complete documentation that would be needed for the project. Overall, the Draft EIR fails to identify and address long-term landfill closure requirements that are not temporary construction impacts and would need to be performed under regulatory agency oversight. Given that the Draft EIR does not discuss or evaluate the landfill closure process and requirements, there is no basis to make a significance determination regarding construction of the East Brisbane LMF on the Brisbane Landfill.

**Several of the Issues Identified in the Project Impact Avoidance and Minimization Features Should Actually Be Fully Evaluated in the Draft EIR**

Appendix 2-E presents the Project IAMFs for the LMFs that should have been evaluated more thoroughly in the Draft EIR because existing information can be used to perform the technical assessments. Examples of the inappropriate use of IAMFs are as follows:

1165-2337

More specifically, for the portions of the landfill that would be clean closed, 27 CCR §21810, requires a closure plan with the following information:

- (1) a detailed implementation schedule for clean closure activities;
- (2) a characterization of the site conditions to define the extent and character of wastes present and the levels and extent of any soil contamination;
- (3) a description of the excavation and material management procedures to be followed;
- (4) a description of health and safety procedures to be followed and specific measures to protect public health and safety during clean closure activities.

1165-2339

GEO-IAMF#1: Hazards: The Draft EIR delays the performance of a geotechnical investigation until the design phase of the project. The East Brisbane LMF would be constructed on a landfill which could have significant subsidence if landfill contents are left in place. In addition, a geotechnical evaluation is needed to address the surrounding slopes of the landfill that would remain in place to allow for the appropriate capping and closure design. A geotechnical investigation should have been performed in advance of the preparation of the Draft EIR so the conditions at the East Brisbane LMF could be evaluated appropriately with respect to subsidence and slope stability.

GEO-IAMF#3: Gas Monitoring: The Draft EIR indicates that a CMP would be prepared that would include gas monitoring related to gas migration for historic or active landfills. The monitoring discussed in GEO-IAMF#3 is associated with worker protection and the active construction work, but does not address potential exposures to the nearby community nor does it address the long-term requirements for landfill gas monitoring that would be needed at the East Brisbane LMF.

After clean closure activities are completed, a verification report would need to be prepared that confirms waste and residual contaminated soils have been removed and includes the following information, as appropriate:

1165-2340

- (1) if the plan for clean closure was part of a remedial action, a description of any post-closure maintenance activities needed to comply with the implementation of the remedial action plan. In such cases the unit will not be deemed clean closed until completion of the corrective action.

HMW-IAMF#1: Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments: This IAMF indicates that Phase 1 and Phase 2 Environmental Site Assessments would be performed and remediation implemented as needed for the project. As stated numerous times in these comments, the Draft EIR does not address the remediation efforts and regulatory oversight that would be required to develop the LMFs; HMW-IAMF#1 is not appropriate and is insufficient for these known remediation sites. Given the level of documentation known about these remediation sites, the actions and

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Review of High-Speed Rail Draft EIR  
25 August 2020  
Page 8 of 9



1165-2340

regulatory process that would need to be taken to address the known contamination at these sites should have been specifically described and evaluated in the Draft EIR.

1165-2341

**HMW-IAMF#2: Landfill:** This IAMF indicates that measures would be put in place to monitor and measure methane for work within 1,000 feet of a landfill; this IAMF completely misses the point that the East Brisbane LMF would be constructed on an existing landfill and portions of the landfill would remain in place on or adjacent to the LMF. HAZ-IAMF#2 does not include the long-term requirements for on-going post-closure methane monitoring, nor does it describe the other critical elements of landfill closure. More specifically, the Draft EIR should include a full evaluation of the impacts of constructing the East Brisbane LMF on the landfill, including the required regulatory agency oversight and documentation to remove portions of the landfill for construction of the LMF as well as the remedial actions that would be put in place for any remaining portions of the landfill such as the slopes of the landfill that would remain in place, adjacent to the East Brisbane LMF. The requirements associated with the landfill closure are extensive and cannot properly be captured by an IAMF.

1165-2342

**HMW-IAMF#4: Undocumented Contamination:** This IAMF indicates that a CMP would be prepared to provide procedures to address unknown contamination that could be encountered during construction. While this measure is appropriate for unknown contamination that may be encountered along the High-Speed Rail alignment, it does not indicate that the East Brisbane and West Brisbane LMFs require Remedial Action Plans that address both construction impacts and long-term protection of human health and the environment. The Draft EIR needs to consider the known, documented contamination and the regulatory oversight required to remediate and redevelop these sites; it is not appropriate to include these requirements as an IAMF.

1165-2343

## CONCLUSIONS

Overall, the impacts of construction of the East and West Brisbane LMFs were not fully assessed and evaluated in the Draft EIR. The Draft EIR:

- does not identify the impacts associated with the fact that both proposed LMFs are located on active remediation sites;
- does not evaluate the regulatory process to remediate and develop on these active remediation sites; and
- does not include the costs to dispose of the significant quantities of soil that would be generated from construction of the LMFs.

Please do not hesitate to contact us if you have any questions about EKI's review of the Draft EIR.

Very truly yours,

EKI ENVIRONMENT & WATER, INC.

Michelle K. King, Ph.D.  
President

Review of High-Speed Rail Draft EIR  
25 August 2020  
Page 9 of 9



## Attachments

Figure EKI-1: East Brisbane Light Maintenance Facility, Brisbane Landfill Location

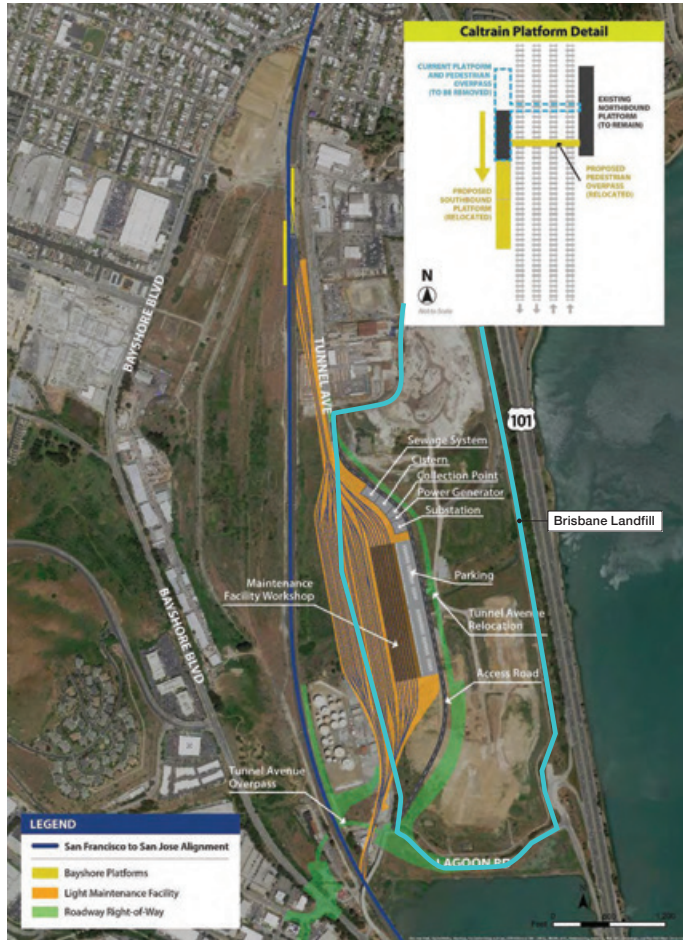
Figure EKI-2: West Brisbane Light Maintenance Facility, UPC OU-SM and OU-2 Location

## References

Geosyntec, 2020a. *Draft Final Feasibility Study/Remedial Action Plan (FS/RAP), Brisbane Baylands Operable Unit 2, Brisbane, California*, 29 May 2020.

Geosyntec, 2020b. *Draft Final Feasibility Study/Remedial Action Plan, San Mateo County Portion of Universal Paragon Corporation Operable Unit (UPC OU-SM), Brisbane, California*, 9 June 2020.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



**Figure EKI-1**  
East Brisbane Light Maintenance Facility  
Brisbane Landfill Location



**Figure EKI-2**  
West Brisbane Light Maintenance Facility  
UPC OU-SM and OU-2 Location

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



### Michelle Kriegman King, PhD President/Environmental Engineer/Chemist

Dr. King has over thirty-four years of experience and a background in environmental chemistry, geological engineering, and environmental engineering.

She specializes in working with clients and regulatory agencies to facilitate risk-based remedial actions for redevelopment of contaminated properties and former military bases, transfer of environmental cleanup responsibility at military bases, overseeing and performing human health risk assessments, performance of site assessments including vapor intrusion assessments, and evaluation of the fate and mobility of organic and inorganic chemicals in soil and aqueous environments. She also directs investigations of the vadose zone and aquifers containing volatile organic compounds (VOCs) and metals, evaluations of groundwater treatment systems, and assessments of the potential for chemical transformations. Dr. King plays a key role in evaluating chemical and physical data from the field and identifying the processes that potentially control the fate of the chemicals of concern in environmental systems.

#### Relevant Experience

- **Evaluating and Addressing Lead-Impacted Soil in Park. East Bay, CA.** Currently, Dr. King is assisting the client to evaluate and address lead-impacted soil at a bay-front park that was historically used for disposal of battery casings. Dr. King developed a plan to assess the adequacy of the cap that was put in place more than 30 years ago and is overseeing the evaluation of potential remedial alternatives to repair the cap, including associated cost estimates. Dr. King also oversees EKI's stormwater monitoring and management activities at the park.
- **Acquisition, Advocacy, and Remediation Planning for PCB Site. East Bay, CA.** Dr. King is the principal-in-charge overseeing the environmental aspects of the acquisition and remediation planning for a 24-acre property impacted with polychlorinated biphenyls (PCBs) and VOCs. The project has required extensive coordination and advocacy with U.S. Environmental Protection Agency (U.S. EPA) Region 9 for Toxic Substances Control Act compliance and the California Department of Toxic Substances Control (DTSC) to develop a

1-7



#### Education

- Ph.D., Environmental Engineering, Stanford University, 1993
- M.S., Environmental Engineering, Stanford University, 1987
- B.S.E., Geological Engineering, Princeton University, 1985

#### Registrations/Certifications

- 40 Hour HAZWOPER Training Course
- Eight-hour Health and Safety Training Course for Supervisors

#### Affiliations

- Center for Creative Land Recycling (CCLR), Board Member
- Women in the Environment, Mentor

Michelle K. King, PhD



remediation plan that allows for the construction of a large warehouse and distribution center. Significant project challenges include the presence of single-family homes adjacent to the property, remediation of PCBs and lead from a historic structure planned for preservation, hot-spot excavations to be performed in tents, and implementation of a robust, health-protective air monitoring program due to the site location in an underserved community.

- **Remediation, Advocacy, and Assessments of Brownfield Redevelopments.** Dr. King is currently working on several Brownfield redevelopment projects in California to direct environmental due diligence followed by oversight of the site characterization, identification of chemicals of concern, estimation of human health risks, and development of proposed remedial actions or risk management measures that are appropriate and consistent with the planned future use of the specific sites. As part of these projects, Dr. King presents the technical arguments to the responsible party and the regulatory agencies to support an approach that will address identified environmental concerns in a cost-effective manner and within the timing and phasing of planned redevelopment. Many of these projects have required the performance of vapor intrusion assessments and evaluation of mitigation options.
- **Environmental Program Management for Development of Former Airfield. Northern California.** Program Manager. Dr. King is currently EKI's program manager for environmental activities associated with the reuse of approximately 1,000 acres at a former federal airfield. Dr. King oversaw the preparation of the Environmental Issues Management Plan (EIMP), which provides a framework to manage environmental concerns during design and construction for the reuse of the property. Dr. King serves as a liaison to communicate environmental issues among the key stakeholders, including the client, the regulatory agencies, NASA, the design team, and the general contractor. Dr. King also oversees EKI's technical approach and deliverables on the project. Primary environmental concerns include residual petroleum hydrocarbons and VOCs in soil, soil gas, and groundwater as well as PCBs and lead on the Hangar 1 structure. As part of this project, Dr. King has overseen the vapor intrusion assessment and planning for the vapor intrusion mitigation system as part of the retrofit and restoration of a large hangar.
- **Advocacy for Property Owners at Superfund Site. Northern California.** At a Superfund Site in Northern California, Dr. King represents a group of property owners that own approximately 85 percent of the commercial property within the footprint of the Superfund Site. Her role is to provide technical advocacy with regard to issues such as vapor intrusion assessment, monitoring, and mitigation and evaluation of alternate groundwater remedial actions. Dr. King, in conjunction with the owners and outside counsel, were successful at having U.S. EPA Region 9 modify the vapor intrusion remedy to address the property owner's interests. Separate from the owners' group, Dr. King also represents several of the commercial property owners at the Superfund Site and she has overseen vapor intrusion assessments and mitigation.
- **Complex Remediation of Groundwater and Soil for Repurposing of Former Industrial Site. San Francisco Bay Area, CA.** On behalf of a Brownfields developer, Dr. King managed the preparation of the human health risk assessment, feasibility study, and remedial action plan (FS/RAP) at an 86-acre, near-bay site with more than 100 years of industrial activity that resulted in the release of pyrite cinders and associated acid and metals leaching to soil and groundwater, VOCs in soil and groundwater, PCBs in soil, and thiocarbamate pesticides in groundwater. The FS/RAP was the first in California to specifically address contingencies for potential future sea level rise as part

2-7

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Michelle K. King, PhD



of the remedy. Additionally, because the future land use at this site has not yet been defined, the FS/RAP provides a “menu” of potential remedial actions depending on the planned future land use, which is particularly significant for the vapor intrusion pathway. Dr. King oversaw the preparation and implementation of an accelerated PCB removal that was performed in consultation with U.S. EPA. In addition to significant technical challenges associated with the complex geochemistry at the site, Dr. King must consider and balance the interests of multiple stakeholders, including the client, the responsible party, DTSC, an active community group, and the insurer.

- **Remediation of Contaminated Groundwater under Single-Family Homes.** At a residential site impacted with benzene, methyl tert butyl ether (MTBE), and other petroleum hydrocarbons and fuel oxygenates in shallow groundwater, Dr. King oversaw the evaluation of potential human health risks and remediation options. The project faces unique challenges because the source area is located underneath single-family homes, and the fine-grained soils limit the effectiveness of common remediation technologies. A dual-phase extraction (DPE) system was installed at the site to remediate the source area and mitigate off-site migration of the chemicals of concern. In addition, sub-slab soil gas sampling was routinely performed to assess the vapor intrusion pathway. More recently, Dr. King has overseen the technical arguments to close the site under California’s Underground Storage Tank Low-Threat Closure Policy.
- **Advocacy for Safe Cleanup Levels in Former Asphalt Plant.** *Northern California.* Dr. King provided expert services on behalf of a property owner regarding the appropriate petroleum hydrocarbon cleanup levels to apply at a former asphalt plant site in Northern California. The facility started operations in the 1960s. The most recent tenant is responsible for the remediation; however, the cleanup implemented by the tenant is not consistent with unrestricted commercial or industrial land use. Dr. King advocated for cleanup levels that consider protection of human health and the environment.
- **Remediation in Historic Army Base – Project Management of Transfer of Cleanup Responsibilities.** *San Francisco, CA.* Project Manager. Dr. King supported the client in its negotiations with the U.S. Army for the transfer of \$100 million and cleanup responsibilities to the Trust. These negotiations included extensive side-bar discussions to obtain buy-in from key stakeholders, including the National Park Service, U.S. EPA Region 9, DTSC, and California Regional Water Quality Control Board (RWQCB) staff. As Project Manager, she oversaw the preparation of an alternative remedial action document and a series of detailed engineering cost estimates that were used as the basis of negotiations.
- **Remediation in Historic Army Base – Document Preparation and Contingency Planning.** *San Francisco, CA.* Project Manager. In addition to managing site investigations and the preparation of various engineering documents (e.g., feasibility studies, remedial action plans) for submittal to the DTSC, she also managed the development of a contingency plan to address contamination that may be encountered during construction or other subgrade activities. Dr. King oversaw the development of a land use control management report for the client to implement long-term risk management measures.
- **Remediation in Historic Army Base – Mitigation of Contamination from Closed Petroleum Tanks.** *San Francisco, CA.* Project Manager. Dr. King oversaw the development (a) of a database to

3-7

Michelle K. King, PhD



compile closure documentation for more than 400 petroleum tank sites and (b) a site-wide approach to address potential residual contamination along fuel distribution system pipelines that formerly extended more than 10 miles throughout the [Presidio] army base. Dr. King worked with the DTSC and a potential tenant to address vapor intrusion issues at a historical building.

- **Reuse Planning and Environmental Advocacy at Naval Site.** *Northern California.* Dr. King assisted a Northern California city with reuse planning and environmental advocacy associated with a 5,200-acre Navy site, which is designated a National Priorities List (NPL) site. As part of this project, Dr. King oversaw the preparation of the hazardous materials chapter of the Environmental Impact Report (EIR) for the city’s reuse plan. She has prepared comment letters on the Navy’s proposed cleanup plans and is participating in discussions with the Navy, U.S. EPA Region 9, DTSC, and the RWQCB regarding the adequacy of investigation and cleanup at the 430-acre “bunker city” site that is impacted by arsenic as well as other sites, including munitions disposal areas and firing ranges.
- **Risk Assessment for Former Mercury Mine in Residential Neighborhood.** *Northern California.* Dr. King oversaw the performance of a risk assessment and development of risk-based action levels at a former mercury mine that was active between 1890 and 1960. The mercury mine and associated tailings piles were located at a park in a residential neighborhood in Northern California. Dr. King evaluated available information on bioavailability of mercury to support the risk assessment and to advocate for a higher action level for mercury.
- **Evaluation of Remedial Actions and Preparation of Risk Mitigation at Former Aerospace Facility for Planned Reuse.** Dr. King evaluated the proposed remedial actions at a former aerospace facility impacted with chlorinated solvents relative to the planned reuse as a commercial office space, residential, and public open space. Dr. King evaluated the incremental costs to remediate the site in a manner consistent with the planned re-use. Dr. King was deposed as part of arbitration on this project regarding cost allocation. She also oversaw preparation of a risk management plan to identify mitigation measures for protection of human health during and after construction. The risk mitigation measures included procedures to address unknown contamination encountered during construction, protocols for designing utilities, foundations, and other below-grade structures, and a sub-slab depressurization system to prevent vapor intrusion of VOCs to indoor air.
- **Environmental Evaluation for Transfer of Cleanup Responsibility at Former Navy Site.** *Alaska.* Dr. King assisted a native-owned corporation with the evaluation of environmental conditions and transfer of cleanup responsibility at a former naval air facility in Alaska, an NPL site. As part of this work, Dr. King developed and advocated a risk-based cleanup approach consistent with planned residential and commercial/industrial reuse, including discussions with U.S. EPA Region 10.
- **Remediation of Former Manufactured Gas Plant Property.** *San Francisco, CA.* At a former manufactured gas plant property undergoing redevelopment, Dr. King managed the site remediation under the City and County of San Francisco’s (CCSF) Maher Ordinance. A primary aspect of the development was the excavation and off-site disposal of approximately 100,000 cubic yards of soil. Dr. King oversaw negotiations with the CCSF and landfills to allow for soil characterization prior to excavation, thereby streamlining the excavation and disposal

4-7

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Michelle K. King, PhD



- **Remediation of Former Army Field to Recreational Area.** *San Francisco, CA.* Dr. King managed the evaluation and review of environmental investigations and the remedial action selection process performed by the U.S. Army for a field at the Presidio of San Francisco. As part of this project, she has negotiated with the Army, DTSC, and U.S. EPA Region 9 to implement remedial actions that were consistent with the restoration of the field to wetlands. This area is now a major attraction and recreational area used by thousands of residents and visitors annually.
- **Risk Management Plans and Site Management Plans for Redevelopments.** *San Francisco Bay Area, CA.* At several sites in the San Francisco Bay Area undergoing redevelopment, Dr. King has managed and written site-specific risk management plans (RMPs) or site management plans (SMPs) that provide a framework to manage risks to human health and the environment due to chemicals in the soil and groundwater to be implemented as a core element of redevelopment work. She has worked closely with the DTSC and the RWQCB staff and local agencies on these projects, ultimately resulting in a more streamlined review process. Implementation of these plans allows remediation to occur concurrently and cost-effectively with construction. The plans also typically include protocols for long-term management of residual chemicals on-site post-construction.
- **Site-Specific Risk Assessments for Properties with Impacted Groundwater and Soil.** Dr. King has performed and evaluated risk assessments for properties containing petroleum hydrocarbons, chlorinated solvents, PCBs and metals in soil and groundwater. She has worked closely with RWQCB and DTSC staff regarding exposure pathway analysis, exposure assumptions, and calculation of remedial goals as part of many site-specific risk assessments.
- **Remediation of Groundwater and Soil adjacent to Creek.** *Northern California.* At a manufacturing facility in Northern California, Dr. King provided project oversight for the preparation of an interim remedial action plan for a solvent release site adjacent to a creek. She managed the remedial design and construction of the groundwater extraction and treatment system, which has effectively curtailed further migration of VOCs into the creek. A dual-phase extraction system was installed to reduce VOC concentrations in soil and groundwater in the identified source area.
- **Chemical Analysis of Landfill.** Project Scientist. Dr. King investigated the geology and groundwater chemistry of an industrial landfill containing sugar processing residues. By using the chemical equilibrium model, HYDRAQL, and chemical fingerprinting techniques, she demonstrated that the landfill had not impacted groundwater.
- **Analysis of Fate and Transport of VOCs to Determine Origin.** Project Scientist. At several sites, Dr. King has analyzed the fate and transport of VOCs in the vadose zone using the computer code, VLEACH. She has also used VLEACH to determine potential impacts of VOCs to groundwater. In one case, Dr. King used VLEACH to show that the VOCs detected in the vadose zone originated from an off-site groundwater source, rather than an on-site source.
- **Doctoral Thesis on Transformation of Pyrite and Ferrous Iron Bearing Minerals to Halogenated Organic Compounds.** *Stanford, CA.* Doctoral Student. For her doctoral thesis, Dr. King evaluated the ability of pyrite and ferrous iron bearing minerals to transform halogenated organic compounds. This research involved extensive laboratory analyses using gas chromatography, ion chromatography, and liquid scintillation counting to identify the transformation products of the

5-7

Michelle K. King, PhD



VOCs. Additionally, the near-surface technique of x-ray photoelectron spectroscopy was used to evaluate the reaction products on the mineral surfaces.

- **Evaluating Arsenic Release in Hydroelectric Lake.** *New Zealand.* Fulbright Scholar. As a Fulbright Scholar in New Zealand, Dr. King assessed the seasonal fate of arsenic in a hydroelectric lake that was contaminated by runoff from a geothermal field and geothermal power station effluent. Field and laboratory testing indicated that arsenic (III), the more toxic form of arsenic, was released from the sediments to the lake when the lake was stratified in the summer months. From her laboratory testing, she published protocols for the storage of natural water samples containing metals such as iron and arsenic.

### Presentations and Publications

Moes, M. J, M. K. King and T. W. Kalinowski, 2012, Engineering Evaluation of Including Sub-Slab Liners in Active Vapor Intrusion Mitigation Systems, *Air & Waste Management Association Vapor Intrusion Conference Proceedings*, 3-4 October 2012.

Moes, M. J, M. K. King, C. A. Cuadrado, and T. W. Kalinowski, 2012, Quantitative Review of EPA's Proposed Vapor Intrusion Attenuation Factor for Exterior Soil Gas, and the Potential Impact on Brownfield Development, *Air & Waste Management Association Vapor Intrusion Conference Proceedings*, 3-4 October 2012.

Kriegman-King, M. R. and Reinhard, M., 1994, Transformation of Carbon Tetrachloride by Pyrite in Aqueous Systems: *Environ. Sci. Technol.*, v. 28, p. 692-700.

Kriegman-King, M. R. and Reinhard, M. 1994, *Abiotic Transformation of Carbon Tetrachloride at Mineral Surfaces*: EPA Report 600/SR-94/018 for R.S. Kerr Environmental Research Laboratory, Ada, Oklahoma.

Kriegman-King, M. R. and Reinhard, M., 1992, Transformation of Carbon Tetrachloride in the Presence of Sulfide, Biotite and Vermiculite: *Environ. Sci. Technol.*, v. 26, p. 2198-2206.

Kriegman-King, M. R. and Reinhard, M., 1991, Reduction of Hexachloroethane and Carbon Tetrachloride at Surfaces of Biotite, Vermiculite, Pyrite and Marcasite, in Baker, R., ed., *Organic Substances and Sediments in Water*, v. 2, Processes and Analytical: Lewis Publishers, Inc., Chelsea, MI, p. 349-364.

Aggett, J. and Kriegman, M. R., 1988, The Extent of Formation of Arsenic (III) in Sediment Interstitial Waters and its Release to Hypolimnetic Waters in Lake Ohakuri, *Water Res.*, v. 22, p. 407-411.

Aggett, J. and Kriegman, M. R., 1987, Preservation of Arsenic (III) and Arsenic (V) Samples in Natural Waters, *Analyst*, v. 112, p. 153-157.

King, M. K., October 2018, Practical Guide to the HERO Notes for Property Redevelopment, California Land Recycling Conference, Carson, CA.

King, M. K., Wuelfing, K., December 2016, Vapor Intrusion Assessment and Mitigation: A Corporate Approach to Addressing the Legacy of Silicon Valley: California Industrial Hygiene Council Seminar, San Diego, CA.

King, M. K., October 2014, Vapor Intrusion Coming to a Property Near You: 2014 Environmental Law Conference at Yosemite, Fish Camp, CA.

King, M. K., July 2014, Vapor Intrusion: Regulators and the Regulated Community, Bar Association of San Francisco Meeting, San Francisco, CA.

King, M. K., April 2011, Brownfields Development for Sensitive Uses: Key Elements to Allow for Long-Term Success: U.S. EPA's Brownfields 2011 Conference, Philadelphia, PA.

6-7

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Michelle K. King, PhD



King, M. K., November 2009, Contingency Planning for Sea Level Rise in Feasibility Study/Remedial Action Plan: U.S. EPA's Brownfields 2009 Conference, New Orleans, LA.

King, M. K., January 2009, The Public Health Service Hospital at the Presidio of San Francisco: Where Landfills and Steep Slopes Meet Native Plant Restoration and Steep Slopes: National Brownfields Associations California Chapter Meeting, Sacramento, CA.

Kriegman-King, M. R. and Reinhard, M., March 28 –April 2, 1993, Reduction of Carbon Tetrachloride by Pyrite: Amer. Chem. Society Meeting, Denver, CO.

Kriegman-King, M. R. and Reinhard, M., April 5–10, 1992, Abiotic transformation of carbon tetrachloride in the presence of sulfide and mineral surfaces: Amer. Chem. Soc. Mtg., San Francisco, CA.

Kriegman, M. R., Curtis, G. P., and Reinhard, M., April 22–27, 1990, Transformations of carbon tetrachloride and hexachloroethane induced by natural sediments and minerals under anaerobic conditions: Amer. Chem. Soc. Mtg., Boston, MA.

Kriegman, M. R. and Reinhard, M., Sept. 10–15, 1989, Electron transfer reactions of haloaliphatic compounds and ferrous iron bearing minerals: Amer. Chem. Soc. Mtg., Miami, FL.

## Attachment Metis-D Entech Northwest Noise and Vibration Comments and Resumes

7-7

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

<b>ENTECH NORTHWEST COMMENTS ON THE HIGH-SPEED RAIL SAN JOSE - SAN FRANCISCO DRAFT EIR/EIS NOISE AND VIBRATION TECHNICAL ANALYSIS</b>				
<b>Discipline</b>	<b>Comm ID #</b>	<b>REF DOCUMENT</b>	<b>PAGE NUMBER</b>	<b>REVIEW COMMENT</b>
<b>Noise &amp; Vibration</b>	<b>NV0</b>			
1165-2344 Noise & Vibration	NV1	Noise & Vibration Report	1 Introduction Page 1-1	The description of the two alternatives being analyzed should be summarized. Without the proper presentation of the scope of what is being analyzed in the Noise & Vibration Technical Report the reader is not able to ascertain whether all associated noise sources from the proposed project have been considered and evaluated. If the discussion of the overall HSR alignment is relevant, surely the description of what is being analyzed needs to be presented.
1165-2346 Noise & Vibration	NV2	Noise & Vibration Report	Section 1.1 Page 1-1	There is a background discussion presented for the HSR program which mentions operating speeds of up to 220 mph and train volume of 200 weekday trains. Clearly define why the San Francisco to San Jose Project Section (or other sections) will have limited speeds of 110 mph and fewer train passbys than other sections of the HSR line. Speeds have an influence on the level of noise and vibration impacts experienced along the corridor. For public disclosure, state what operational constraints limit this operating condition. The noise and vibration study needs to make a clear correlation between what is being analyzed operationally so if changes occur during acquisition of trains it is apparent whether noise and vibration impacts are accurately analyzed.
1165-2345 Noise & Vibration	NV3	Noise & Vibration Report	Section 1.1 Organization of this Technical Report Page 1-1	In the absence of a separate Appendix that provides the detailed noise and vibration calculations, mapping, and results, the reader is not able to confirm that the approach presented in the Noise & Vibration Technical Report follows FRA and FTA guidelines. These guidances are clear on the relevance of relating land use proximity to the proposed project. Omission of presenting the detailed information of the assumptions, calculations and associated mapping casts doubt on the thoroughness of the evaluation of impacts on surrounding land use. Further, no supporting quantitative documentation is provided to ascertain the severity of impacts, the assumptions that were used to develop the calculations and the basis for drawing the conclusions presented. The information is presented at a cursory level. A resident is not able to discern how their particular residence would be affected by the project or the relative change in noise and vibration levels that would be experienced for an individual land use.



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

1165-2347

Discipline	Comm ID #	REF DOCUMENT		REVIEW COMMENT
Noise & Vibration	NV4	Noise & Vibration Report	Section 2	<p>General comment. The noise and vibration analysis methodology presented in the report states that different methodology was used based on the types of trains utilized for the blended track. Assessing noise and vibration impacts is heavily dependent upon correlating the location of noise sources from the proposed project with identifying effected land uses. The mapping provided is at a cursory level that does not provide a measurable scale to disclose distances of land uses to proposed project effects. Further, the blended track triggers the need for two separate types of analyses that change how noise is evaluated at various land uses. FRA and FTA provide specific screening methodologies with each type of methodology to adequately assess impacts. Without the required measurable scaled mapping, it is difficult to discern whether all affected land uses have been evaluated for impacts. Clearly distinguish on the mapping which improvements are occurring as part of the Caltrain modernization program and what additional improvements will occur with HSR. A visual presentation at a scale that associates project improvements with land uses will assist the public in understanding the project changes on the existing environment. Indicate common design features between the alternatives on the associated mapping to correlate to the description of the common features. This level of disclosure is required per FRA guidance section 4.2.4 page 4-12, which states " Obtain scaled mapping and aerial photographs showing the project location and alternatives. A scale of 1 inch (in) = 200 or 400 ft is appropriate for the accuracy needed in the noise assessment. The size of the base map should be sufficient to show distances of at least 1,000 ft from the center of the alignment." The level of analysis detail of where the two methodologies were applied visually is not transparent in the document. This lack of disclosure of presenting the which leads to unreliability of the conclusions drawn in the report.</p>

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

1165-2348

Discipline	Comm ID #	REF DOCUMENT		REVIEW COMMENT
Noise & Vibration	NV5	Noise & Vibration Report	Section 3.1.3.2 Page 31	<p>The text states the US EPA noise standard may not apply to HSR trainsets and that the analysis will use a trainset similar to the European TSI standard used in Europe. The selection of the type of trainset and whether it can meet US EPA standards has a significant influence on the evaluation of impacts. US EPA establishes noise standards for trainsets to reduce impacts on nearby residences to protect the public health and welfare. Selection of a trainset that does not meet the US EPA noise standard would not be in compliance with US EPA standard. Documentation needs to be shown that confirms that HSR is exempt from complying with this noise standard. Further, as the selection of the HSR trainset has not been made, a commitment needs to be made on the performance standards the will be utilized when purchasing trainsets to ensure that what has been evaluated in the Noise &amp; Vibration Technical Report is an accurate assessment of impacts. Without specific performance measures that HSR commits to, the opportunity is left open for the selection of trainsets that will have impacts greater than what is disclosed. It is unreasonable to assume that the US will not have a noise standard for high speed trainsets, so existing US standards can be ignored. The Noise &amp; Vibration report needs to be updated to state why the selection of the trainset is reasonable for this analysis, how the European Standard compares to the EPA standard and why it is a reasonable standard to use for the study. Does the European standard provide stricter or more lenient noise standards? What performance measures can be provided to guide the acquisition of trainsets to meet the evaluation criteria analyzed in this report?</p>

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2350	Noise & Vibration	NV6	Noise & Vibration Report Section 3.1.3.3 Page 3-2	The HSR would add additional horn noise with the project area. FTA and FRA guidances has identified horns and bells can generate high noise levels for nearby residents and are often sources of complaints. The Noise & Vibration Report does not address how this horn noise will be mitigated. As a viable mitigation option, both FRA and FTA guidance state that "The final environmental document should discuss the main considerations in adopting the quiet zone including: the engineering feasibility, receptiveness of the local public authority, consultation with the railroad, preliminary cost estimates, and evidence of the planning and interagency coordination that has occurred to date." The Noise & Vibration study lacks a discussion to address how horn noise will be mitigated. The Noise & Vibration report should discuss what mitigation options have been presented to mitigate horn noise. Are quiet zones being incorporated as part of the IAMF measures? Are project design features being implemented to fast-track the use of quiet zones by the time the project is in operation to reduce noise levels? Does the analysis demonstrate the achievable noise level below the FRA standard with quiet zones? What areas of the project should implement quiet zones? Answers to these questions must be implemented in the Noise & Vibration analysis to complete the detailed noise and vibration analysis. FTA and FRA guidance requires that if impacts are found mitigation measures must be evaluated. The Noise & Vibration analysis of impacts and mitigation measures are incomplete in following established guidance procedures for evaluation.
1165-2349	Noise & Vibration	NV7	Noise & Vibration Report Section 3.1.5 Page 3-3	The Noise & Vibration Report presents the discussion of FHWA noise regulations as though a particular portion of the project will alter a state highway. It is misleading to present regulatory requirements that either are not applicable or not address in the analysis of impacts. An explanation needs to be provided to explain what analysis correlates to the discussion presented on FHWA Noise regulations? What highway is being impacted from the HSR? According to the project description provided, no state highways will be affected, however, the report needs to explain why these regulations are being presented.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2351	Noise & Vibration	NV8	Noise & Vibration Report Section 3.3 page 3-5 Paragraph 2, 5 sentence	Local policies and ordinances are presented in the Noise & Vibration report but it states that they are not applicable to HSR. Although these policies are not specifically apply to HSR, it does not absolve the HSR Noise & Vibration analysis from developing specific standards for the proposed project that apply to construction and operation of the project. Per FTA and FRA guidance chapter 7, project specific construction criteria should be developed to take into account the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land uses. The construction analysis in the Noise & Vibration report fails to present what coordination was performed with the local cities to develop noise thresholds on an hourly basis and what mitigation measures will be implemented to reduce noise and vibration levels. In the absence of these standards, land uses will sustain high noise and vibration levels during construction without any tangible enforcement measures to mitigate them. Establishing thresholds would allow cities to utilize the disclosure of impacts from future projects to discern whether the existing or future land use would experience an unacceptable noise level that is incompatible with the existing noise environment. Coordination with the local cities to define these allowable increases and acceptable nighttime construction noise levels thresholds should occur per FRA and FTA guidance. Disclose what the local noise level criteria will be for the project area and how the project will evaluate compliance with these standards. FRA and FTA provide operational noise and vibration standards which are utilized in lieu of local standards and policies to express the increase over baseline levels and whether the increase in noise and vibration is significant. Significant increase should be mitigated to be consistent with local planning policies.
1165-2352	Noise & Vibration	NV9	Noise & Vibration Report Section 4.1.2 page 4-3	The Noise & Vibration report shows inconsistencies in defining screening distances. Accurately identifying screening distances and all applicable land uses within the study area is critical to disclosing impacts from all noise sources. The proposed project has several types of noise sources that can be heard at greater distances than those directly adjacent to the rail line depending upon the type of existing environment. The Noise & Vibration report states the project area is a quiet suburban area. However, land uses within the San Francisco to South San Francisco Substation are located in an urban environment. The proper definition of the area should be corrected noted. The FRA and FTA have specific screening distances based on the type of noise source. If the screening distances is not properly established affected land uses may not be evaluated for impacts.
1165-2353	Noise & Vibration	NV10	Noise & Vibration Report Section 4.1.2 page 4-3	What is defined as non-revenue trains? It is important to clarify the classification of trains because the FRA and FTA analysis has provided specific methodology for the train type. It is not clear if non-revenue trains were evaluated in the noise and vibration analysis.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Discipline	Comm ID #	REF DOCUMENT		REVIEW COMMENT
Noise & Vibration	NV11	Noise & Vibration Report	Section 4.1.2 page 4-3	Define whether there are a total of 144 revenue trains that are the expected per day at full build out. Tables in the other sections of the document (i.e. Table 5.5) show more than 144 trains between the HSR and Caltrain. Add a footnote to table 5.5, to clarify whether the total number of trains would not exceed a maximum of 144 or if HSR retains the option to increase above 144. Clarify the total number of train passbys that were actually analyzed. The train volume increases the noise and vibration levels within the project area. In the absence of this data, it is not clear whether all train volume was evaluated.
Noise & Vibration	NV12	Noise & Vibration Report	Section 4.1.3.2 page 4-3	Add a discussion identifying all of the noise sources that will be evaluated for the HSR project. Disclose to the public what methodologies between FTA and FRA guidance were utilized for the blended service, what noise descriptor will be used to present impacts, define what noise values will be added together to obtain a 24 hr. community noise level (Ldn) vs. which sources will show maximum noise levels for daytime and nighttime noise levels. It is difficult to discern, what noise levels will be experienced in-between train passbys, particularly in relation to LMF-generated noise. The methodology section needs to provide a correlation between the methodology, assumptions, approaches used by the analyst for this specific project. Describe what modifications were made from the standard methodology presented by FRA when design parameters are not available, what adjustments are made for speed, geology and propagation, track roughness and special trackwork and provide references that support these modifications. It is difficult to discern if the current analysis omitted critical assumptions that would play a factor in underestimating impacts.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

1165-2356

Discipline	Comm ID #	REF DOCUMENT		REVIEW COMMENT
Noise & Vibration	NV13	Noise & Vibration Report	Section 4.1.3.2 page 4-6	<p>Based on the analysis year, the characteristics of operational conditions change. It is not clear whether all variables were included in the noise and vibration analysis for each analysis year, therefore provide the chance that impacts are understated. Clarify the noise and vibration criteria that was used to analyze the various noise sources of the project for each project year. Clearly define how the analysis used both FTA and FRA guidance for the Caltrain fleet. It should be disclosed how the Caltrain diesel trains were evaluated as part of the future project condition in 2029. What criteria was used to evaluate noise impacts from Caltrain EMU train passbys? Distinguish between the two types of EMU being used within the corridor. Later in the report in Table 5.5, it appears that there are two types of EMUs: HSR vs. Caltrain. It appears that EMU trains for the Caltrain do not apply to the FRA or FTA methodology. It is not clear from the methodology discussion how the distinction was made between the two types of trains. Also discuss how the maintenance yards were evaluated when high speed rail trains are not in operation. During the nighttime hours there will be periods where the maintenance yard will be the dominant noise source when train traffic subsides. Based on FTA guidance, noise levels for yards should be presented in Leq(h). Providing this maximum hourly Leq(h) will disclose to residence the maximum noise levels that will be generated when train traffic is not the dominant source. Although, noise levels from the maintenance yard will not persist at this level for a full a 24-hr period, the increase over ambient levels at nighttime would need to be disclosed to determine if significant increases occur.</p>

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2357	Noise & Vibration	NV14	Noise & Vibration Report Section 4.1.3.2 page 4-6	Relative noise project impacts are a component of the FRA and FTA evaluation of impacts. The report fails to provide a presentation of these impacts for each land use. Provide an explanation of how the analysis will utilize the relative noise criteria to evaluate impacts. This approach should also state how this will assist local cities in understanding how HSR will change noise levels and whether these noise levels will bring existing noise levels to unacceptable levels in relation to the State's noise compatibility guidelines used by most cities. Existing noise (generated by Caltrain) would change due to HSR project permitting Caltrain operations to occur at higher speeds due to track improvements needed for HST operations; therefore, the relative form of noise criteria must be used. The write up in this section provides a direct reference from FRA guidance, however, it should be disclosed how the analyst utilized the criteria to determine the existing and future project noise levels when evaluating the various design features of the project. The method used to determine the allowable increase in cumulative noise levels using Figure 4-3 and Figure 4-4 should be disclosed. Also describe what project noise sources will be included in deriving the project noise level. Further the explain whether other noise sources, such as horn noise, traffic increases, stationary facilities will be included in developing the total project noise level to determine the relative noise level increase. How will nighttime noise level be addressed to determine whether residences will have higher hourly increase in noise levels when the trains are not passing by and the maintenance yard is in operation?
1165-2359	Noise & Vibration	NV15	Noise & Vibration Report Section 4.1.4 page 4-9	Provide scaled mapping that clearly shows the noise measurement locations along the alignment. Disclose how a particular noise measurement represents a particular cluster of land uses where impacts would be evaluated. Define what would be a sufficient number of monitoring locations to represent the various land uses within each community of the subsections. Specify the dominant noise sources during the noise measurement and how these measurements are still appropriate to represent the existing environment during the Notice of Preparation (2016). Also include all future and proposed land developments within the screening distances selected. The Noise & Vibration Report fails to disclose all affected land use impacts and whether the characterization of the existing environment is a representative baseline to evaluate project increases. It is unclear what the relative change in noise and vibration levels are for each affected land use, therefore the analysis is incomplete.
1165-2358	Noise & Vibration	NV16	Noise & Vibration Report Section 4.1.5 page 4-11	Describe what assumptions were made to provide a conservative construction scenario to present impacts. The Noise & Vibration Report is unclear whether the impacts presented could be exceeded and how impacts will be mitigated to reduce unacceptable levels.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Discipline	Comm ID #	REF DOCUMENT		REVIEW COMMENT
Noise & Vibration	NV17	Noise & Vibration Report	Section 4.1.5.2 page 4-11	<p>The noise and vibration analysis fails to present the complete evaluation of how the FTA and FRA methodologies were applied to address all of the operational changes for each analysis year. The Noise &amp; Vibration report conclusions may underestimate the relative change in noise and vibration levels because assumptions might have been made that are not representative of planned operating conditions. Discuss what will be evaluated in each of the analysis years and the volume of train passby in a separate section. This section of the report should discuss the components on how noise from HSR will be evaluated. Table 4.4 shows inconsistent operational parameters for the HSR project. As stated earlier, the analysis should look at the relative change in noise level. Comparing projected noise levels between no build and build is not the recommended approach by FRA but is needed for analysis of CEQA impacts in relation to noise/land use compatibility. FRA states that the difference between existing and the with project condition should be compared. The with project conditions should include all sources of noise to determine the increase over existing. Make a clear distinction as to what is included in the with project condition and explain what sources of project noise are included in each analysis year. Are the comparisons being made only for train passbys? The noise and vibration measurements capture all sources of noise that contributed to the existing environment. Predictions for the future project condition should include all noise sources for the disclosure of all impacts. The project appears to receive some benefit in noise reduction in converting the remaining Caltrain trains to 100% EMU; however, Caltrain conversion to 100% EMU should not be included as part of the HSR project since it was previously addressed as part of Caltrain modernization in the PCEP EIR. Since the HSR project would allow for Caltrain speeds to increase, which may result in an increase in noise and vibration, impacts of such increase Caltrain speeds should be addressed as HSR impacts. The noise and vibration conclusions presented in the report are not reliable without the demonstration that a complete analysis was performed.</p>
Noise & Vibration	NV18	Noise & Vibration Report	Section 4.1.5.2 page 4-12	<p>Provide the specific operating constraints (track design or other engineering descriptions) that limits the speed of the EMU trains to a maximum speed of 110 mph. This needs to be disclosed to discern whether the analysis is evaluating a maximum condition. Reference the engineering drawings/specifications that set these parameters. In the absence of typing operational constraints with the analysis, there is no assurance that the conclusions presented are representative of the proposed project.</p>



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2364	Noise & Vibration	NV19	Noise & Vibration Report Section 4.1.5.2 page 4-13	Simplify the discussion at the top of this page. What is presented is not specific as to how the methodology applies to the proposed project. Introduce the equation that was utilized to evaluate noise from HSR trains, what data inputs were utilized from table 5.2 in the FRA guidance. State that aerodynamic noise was not included for speeds over 150 mph per guidance. Since the specific type of HSR EMU train has not been selected, discuss what assumptions were used and where they were obtained to defined total car length and number of cars. Check consistency between train length and car length. If each car is 84 feet for an eight-car train the total train length is 672 feet not 660 feet. Link assumptions to design drawings or documentation that these are maximum design conditions based on track design. Disclose whether noise levels presented are worst-case/conservative conditions. In the absence of tying operational constraints with the analysis, there is no assurance that the conclusions presented are representative of the proposed project.
1165-2362	Noise & Vibration	NV20	Noise & Vibration Report Section 4.1.5.2 page 4-13	Why did the analysis vary speeds in the subsections of the project area? Wouldn't the maximum train speed provide the worst-case noise impacts? Are their particular sections within the subsections that limit train speed? If there are no physical constraints limiting speeds to those assumed in the report, the analysis might be underestimating impacts in areas where the train speed could exceed what was evaluated. Also verify footnote for this table. In section 6, there is not a listing for Authority 2019. The source should site the design plans or some reference document that shows these design speeds.
1165-2363	Noise & Vibration	NV21	Noise & Vibration Report Section 4.1.5.2 page 4-15	Discuss the adjustments and associated formulas used to account for elevated, attenuation effects, noise barriers and special trackwork at the bottom of this page. Provide an input table that connects design features with noise formula inputs to affected receiver locations. The disclosure of this information will enhance the reliability of the conclusions presented. The FTA and FRA methodology presents several types of formulas and adjustments to account for variables within a projects features and it is unclear what specifically was used. Presenting this information in a clear, easy to follow format is needed to demonstrate how the guidance was applied to the project and demonstrates that a complete analysis was performed to disclose impacts.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2365	Noise & Vibration	NV22	Noise & Vibration Report Section 4.1.5.2 page 4-16	Discuss how does the tunnel, elevated track and two track versus four track sections affect noise levels. If the track is elevated, how does it change the results of figure 4-6? The FTA states that are elevated tracks close to buildings have an effect on vibration. The Noise and Vibration Study mentions elevated but it is not clear where these occur for the project. Further, since the analysis mentions that ballast and tie track was assumed for the entire alignment, how were tunnels along the alignment addressed? FTA provides adjustments to the vibration formulas based on tunnel type. It is unclear whether the analysis provided the level of detail to account for specific adjustments identified by FTA and FRA that would affect noise and vibration levels. The oversimplification of ignoring required adjustments may underestimate impacts.
1165-2366	Noise & Vibration	NV23	Noise & Vibration Report Section 4.1.5.2 page 4-16	Explain the relevance of Figure 4-6. It is an over simplification of how noise is decreased with distance; however, the key assumptions of adjustments to the project design are not accounted for which are critical to vibration levels. How is it helpful in analyzing project impacts? There are several FRA adjustments that need to be accounted for to represent the project design. Further, the HSR is only one component of the Ldn in the project area. Disclose all adjustments and inputs made to predict results. Without this information what is presented in the report appears to be understating impacts.
1165-2367	Noise & Vibration	NV24	Noise & Vibration Report Section 4.1.5.2 page 4-17	The discussion on other rail traffic does not provide information on the methodology. The information presented is only operational conditions. Provide a discussion of how the noise from Caltrain train passbys were conducted. Provide assumptions to the formulas used to assess impacts from the EMU. Reference the discussion in the Caltrain PCEP Noise and Vibration report on assumptions. This document states that the proposed multi-level car train will have comparable dimensions to the existing Caltrain gallery car, possibly up to 90 ft length. As of the date of the Caltrain study there is no prototype of the proposed EMU. Discuss if there have been any updates of suitable trains to purchase and how was the noise evaluated without this data. Provide detail assumptions and methodology that was used to predict noise levels. Also the Caltrain study only analyzed maximum speeds of 79 mph. Disclose how the assessment of noise impacts will account for increased speeds of up to 110mph. There appears to be inconsistencies on how the methodology was applied for Caltrain trains based on the analysis year, operation assumptions, lack of train prototype. In the absence of how the analyst accounted for assumptions for an undefined train type and how the increase in speed from 79 to 110 mph would produce the same vibration impacts, creates doubt on whether impacts were completely evaluated. Therefore the analysis fails short of disclosing project impacts.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2370	Noise & Vibration	NV25	Noise & Vibration Report Section 4.1.5.2 page 4-17	For freight operations which operate at night, was there an analysis done near the Baylands site to determine the maximum noise level along with the maintenance facility operations and the increase over existing nighttime levels to disclose impacts within the City of Brisbane? If the Ldn captures the nighttime increase from all noise sources, provide an explanation as to whether residences will experience noticeable increases at night from train and maintenance facility operations. Disclosure all of the noise sources that are apart of maintenance facility operations. The noise and vibration analysis provides an oversimplification of impacts of noise sources that would be the dominant noise source without train traffic because it assumes that train noise will always dominant, while in reality, maintenance activities operate 24-hours each day. The analysis does not describe the change in noise level over ambient conditions during the night time hours. Therefore, the noise and vibration analysis is inadequate in presenting all project impacts.
1165-2368	Noise & Vibration	NV26	Noise & Vibration Report Section 4.1.5.2 page 4-19	The horn noise discussion provides an oversimplification of the methodology that was used and the associated impacts. In the absence of a detail description of the horn noise analysis and the results of the FRA horn noise model, the results have no basis for the conclusions presented. Explain how on-axis horn noise was derived. Explain how it was determined that the Caltrain horn noise is consistent with the minimum horn source level allowable by FRA regulations. How were ATOR heights determine for HSR and freight trains? FRA guidance shows a different height. Provide the results of the horn noise model in chapter 5. Chapter 4 section for horn noise should only provide the methodology used to calculate horn noise. Horn noise was apart of the existing noise baseline from measurements. How is horn noise factored into the Ldn noise level for future project impacts at affected receiver locations? Does the analysis on horn noise include all locations where horns operate (i.e. stations, at-grade crossings, etc.)?
1165-2369	Noise & Vibration	NV27	Noise & Vibration Report Section 4.1.5.2 page 4-22	Explain and present the inputs used for station and maintenance noise in a table and/or an appendix to show assumptions. Discuss how a conservative worse-case scenario was developed based on a 24-hour operating schedule for the light maintenance facility. Determine the maximum hourly and Ldn values and compare them to existing noise levels for disclosure to the City of Brisbane. Determine the net increase in noise levels from the project when the train traffic tappers off at night. The noise and vibration analysis does not appear to provide a total Ldn value for all combined noise sources. The cursory level presentation of impacts in the results appears to only present the train noise. The text states that due to the trains being the dominant source of noise, the other noise sources are insignificant. However, the analysis is incomplete and should follow FTA and FRA guidance by addition the total project Ldn together at each land use to disclose impacts. The noise and vibration analysis needs to be updated to reflect this combined noise level for each analysis year.

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2373	Noise & Vibration	NV28	Noise & Vibration Report Section 4.1.5.2 page 4-23	Identify all of the receiver locations where Traction Power Facility noise would occur and the distances from these receivers in table form. Include in the table all existing and proposed receivers in the City of Brisbane including the Baylands Development, which needs to be recognized in the report's analysis. The noise and vibration analysis omits the evaluation of noise impacts on the Baylands Development. The TPF will be located near residential land uses that will have a direct line of sight of the facility. Disclose impacts that these residential land uses will experience for completeness.
1165-2371	Noise & Vibration	NV29	Noise & Vibration Report Section 4.2.2 page 4-29	The analysis of Caltrain EMU lacks the supporting documentation to demonstrate that the noise and vibration analysis represents project impacts accurately. The text presents that the Caltrain EMUs do not fall within the FTA range of train options; however, it is unclear how the impacts presented would be reliable without an appropriate methodology of evaluation. Disclose information to the following questions to disclose how an undefined trainset was adequately evaluated to present impacts. What screening distance was used for existing diesel and future EMU Caltrain trains? Was the FTA procedure used to determine impacts? It is difficult to determine if all affected residential communities, both planned and developed, were included in the screening distance that identified affected land uses. For EMU trains what procedure was used to evaluate EMU as no prototype is available? Caltrain Noise and Vibration report states that the vibration would be identical to the diesel trains. What evidence supports that vibration levels would be equivalent? Caltrain trains increase in speed with the project. How is the increase in vibration accounted for?
1165-2372	Noise & Vibration	NV30	Noise & Vibration Report Section 4.2.3.2 page 4-30	The FRA and FTA guidance states that airborne noise is usually the dominant problem from guideways at-grade. The report does not provide an analysis of airborne noise. Conclusions are being drawn in paragraph three without substantiated evidence or a reference to a source document. Provide evidence that ground-borne noise and not airborne noise for the project should be evaluated only. Provide a discussion of the geological conditions that support negligible airborne noise. Are there other sensitive receivers in Category 2 or 3 that would be sensitive to airborne noise? In the absence of supporting documentation that eliminates the need to analyze airborne noise, the noise and vibration analysis is incomplete and may underestimate impacts at nearby land uses.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2374	Noise & Vibration	NV31	Noise & Vibration Report Section 4.2.3.2 page 4-31	The FRA and FTA analysis presents guidance on how to evaluate increases above existing noise environment. However, the noise and vibration methodology description presents erroneous information that convolutes the methodology discussion. The unclear presentation of the methodology and the lack of detailed calculations and results by each land use limits the reliability of evaluating project increases as required for NEPA and CEQA. Present the selection of the applicable criteria used for assessing noise for the proposed project. It is not necessary to present a discussion on the infrequently use of trains in the rail corridor when the project exceeds 12 trains per day. Develop the discussion to be more specific to how FRA criteria was used to evaluate the HSR project. Discuss what components of the HSR project require reviewing whether existing vibration levels exceed or do not exceed the 72 VdB threshold at a particular residential land use, how project vibration levels increase and how shifting the existing tracks would affect the approach to evaluating impacts. Discuss what instances along the alignment was the criteria driven by increased train passbys vs. tracks being shifted.
1165-2375	Noise & Vibration	NV32	Noise & Vibration Report Section 4.2.4 page 4-35	The noise and vibration analysis is utilizing monitoring data from a different study. There is no definitive evidence that the monitoring locations used were selected based on the effect land uses. Without correlating the soils report with the location of the vibration measurement locations, the validity of the selected sites can not be confirmed whether transfer mobility characteristics obtain are relevant to a particular land use. Transfer Mobility is a critical component in predicting how future vibration levels based on soil conditions. Disclose supporting documentation of how the soils report was utilized to determine the specific measurement locations for vibration. Describe what criteria was used to select these testing locations. This information would provide more reliance on the use of field data from other project purposes.
1165-2376	Noise & Vibration	NV33	Noise & Vibration Report Section 4.2.5.2 page 4-37	Why was the Pendolino train selected as the most represented HSR train? Was this train selection based on defined design parameters? If so, what are the parameters that govern selecting this train type to predict maximum FDL levels? The variable of not having a defined HSR train selected can greatly affect the type of vibration levels expected in the project area. Further, there is a potential that a trainset would ultimately be selected and put into use that is not similar to what has been evaluated. In the absence of a commitment from HSR that the type of trainset to be put into service will meet the assumptions presented in the noise and vibration study, there is no reliance that noise and vibration impacts evaluated are applicable to the actual project.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2378	Noise & Vibration	NV34	Noise & Vibration Report Section 4.2.5.2 page 4-37	Paragraph 2 states that the reference speed for the Pendolino train is 150 mph. What features of the Pendolino train are similar to the design parameters the will be used to select a HSR train? There are other HSR trains listed in the FRA guidance that have higher FDLs than the Pendolino train. It is difficult to discern why this train was selected or a reference speed of 150 mph is appropriate for the San Francisco to San Jose segment. Disclose selection criteria so it is clear what HSR would commit to upon selection of the HSR trainset and that the analysis presented in the report is valid.
1165-2377	Noise & Vibration	NV35	Noise & Vibration Report Section 4.2.5.2 page 4-37	Paragraph 2 that the FDL for Caltrain was provided at a reference speed of 50 mph. The maximum speed for the Caltrain is 79 mph. Was the field measurement data used to adjust for speed? It is difficult to discern the assumptions and basis for the FDL data. Therefore, it is unclear whether the calculations used to predicted vibration impacts from the proposed project are based on a conservative assumption or are valid for analysis of the project. Without clearly defined parameters used for equipment selection, there is the potential that future HSR operations would exceed the impacts that were analyzed if the actual trains used do not meet the assumption used for analysis. Disclose how the analysis was developed to provide a conservative case for evaluating impacts. Without establishing a conservative assumption for the analysis of Caltrain, the noise and vibration study may underestimate impacts.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2379	Noise & Vibration	NV36	Noise & Vibration Report Section 4.2.5.2 page 4-37	Paragraph 2 states that Caltrain FDL and HSR FDL are similar below 31.5 Hz, while above 100 Hz Caltrain FDL peaks which would result in a higher vibration level. It is difficult to discern if the FDL for the HSR train was adjusted by field measurements or if a factor of 5 VdB was applied to account for track wear. The text references Figure 4-11, but it does not state if this information was based on field data or FTA guidance. Per FRA guidance, force density is inferred from measurements of transfer mobility and train vibration at the same site. It is important to disclose the basis for calculating FDL for all train passbys to determine if vibration levels presented are conservative or understated. It appears that Figure 9-5 of the FRA guidance was used to develop the graph for the Pendolino train for Figure 4-11 in the report. If this is the case, this information does not correlate to the field measurements that influence how vibration propagations through the existing geology. It appears the FDL information was developed for Caltrain existing trains since the speed is based on 50mph. However, it appears that the Caltrain FDL is under estimated (not based on 79 mph max speed) and the HSR data presented is not specific to our project. Disclose the methodology, assumptions and conclusions to how the FDL was developed. It is difficult to discern whether vibration impacts are accurately reported. There is a possibility that Caltrain vibration impacts are understated and HSR vibration impacts are unreliable because it does not take into account field measured transfer mobility. In the absence of performance standards that commit the type of trainset selected, assumptions made for speed, force density and propagation effects are not connected to the proposed project, therefore underestimating impacts.
1165-2380	Noise & Vibration	NV37	Noise & Vibration Report Section 4.2.5.2 page 4-37	Comment NV32 applies also to the evaluation of the FDL of EMUs for Caltrain. It is assumed that future EMUs will have the same vibration as the existing diesel trains. Provide information to substantiate that this assumption is conservative. The FDL appears to be based on a lower speed in this study. The Caltrain study shows a maximum speed of 79 mph that was used to evaluate impacts. It is difficult to discern whether impacts are understated with the change in FDL information that was provided for the existing diesel trains. Further, Caltrain will operation trains at a maximum speed of 110mph. Disclose how this was accounted for in the analysis. The validity of the noise and vibration analysis is dependent upon making assumptions that represent the actual conditions of the project. Variance from these assumptions upon equipment purchase makes the conclusions invalidate and noise and vibration impacts are unknown.

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2381	Noise & Vibration	NV38	Noise & Vibration Report Section 4.2.5.2 page 4-37	The last sentence states that the FDL spectra was adjusted for speed using the formula listed. However, the speeds do not appear to be adjust to the speeds of 110 for HSR or 79mph and 100 mph for Caltrain. Update the discussion and analysis to present maximum speed information. The noise and vibration analysis appears to make an oversimplification of how speeds will affect project impacts. Without supporting documentation that demonstrates that assuming existing diesel EMUs are equivalent to electric EMUs regardless of speed changes, the noise and vibration analysis does not assess all impacts from the proposed project.
1165-2382	Noise & Vibration	NV39	Noise & Vibration Report Section 4.2.5.2 page 4-39	There are inconsistencies in train length. Fifth paragraph shows 600 feet but 660 feet was mentioned on page 4-13. Double check assumptions that are used and update calculations and discussions where appropriate. Please note comment NV19 presented earlier in this comment log. Accurate train length affects the predictive results of future impacts. The noise and vibration analysis should be updated to correct inconsistencies so full impacts can be disclosed.
1165-2383	Noise & Vibration	NV40	Noise & Vibration Report Section 4.2.5.2 page 4-41	Provide a section discussing the approach to mitigating increases in operational and vibration noise over existing conditions. In the absence of presenting this project-specific approach, the noise and vibration analysis lacks the completeness to assess impacts on the existing environment with established FTA and FRA criteria. The noise and vibration analysis lacks sufficient detail to disclose project impacts.
1165-2384	Noise & Vibration	NV41	Noise & Vibration Report Section 5.1.1 page 5-1	It is difficult to discern the areas that were evaluated for impacts and the types of land uses associated with these locations. Disclose the clusters that were used to group areas where measurements were not taken with a nearby measurement. Present a discussion by subsection of the receivers that were evaluated, the location identified by cluster and associated measurement location, existing dominant noise source and associated mapping to a scale that corresponds to the description of a particular cluster/receiver location. Per FRA guidance, GIS tools should be used to depict the appropriate level of detail to disclose areas of evaluation. In the absence of presenting the information in accordance to FTA and FRA guidance, the noise and vibration analysis is not clear whether all affected land uses were evaluated for impacts.



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2386	Noise & Vibration	NV42	Noise & Vibration Report Section 5.1.1 page 5-2 through 5-5	Update all mapping as discussed in comment NV41 to a scale that residents and cities along the route could use to determine the extent to which they might be impacted. See FRA Guidance for information on the level of detail required to be presented ( see page 5-31 of guidance). The figures provided are only useful to show that all of the monitoring locations were adjacent to the alignment. However, it is difficult to discern what general locations were next to design features or where tracks shifted closer to receivers. It is unclear whether these measurements are near all affected existing and proposed land uses in the area. Further, the type of vibration or noise measurement is not depicted on the map. Various measurements were conducted over several days while some vibration measurements were taken simultaneously at one location. However, the map does not provide this level of detail. Update accordingly. It is important to disclose this information as the existing noise environment may be under or overstated in certain areas if an adequate sampling of measurements were not taken. In the absence of linking clusters to associated receivers and land uses, the noise and vibration is incomplete in following FRA and FTA guidance in assessing impacts at affected land uses.
1165-2385	Noise & Vibration	NV42	Noise & Vibration Report Section 5.1.1 page 5-6	The summary of the existing land uses affected by the project are presented at such a high level until it is not clear by subsection if all affected land uses were identified, as discussed earlier in comment NV41. Disclose the level of detail previously discussed so it can be determine whether all existing and proposed developments have been assessed for future impacts and how the existing noise environment will change. In the absence of providing each land use that was evaluated, the reliability that the noise and vibration analysis evaluated all affected land uses as per FTA and FRA guidance is questionable.
1165-2387	Noise & Vibration	NV43	Noise & Vibration Report Section 5.1.1 page 5-6	Table 5-1 lists land use types but does not correlate the FTA / FRA category type (i.e. 1, 2 or 3) to the associated measurement. Further, it should be indicated what the dominate source of noise was during the measurement and the distance from the trains to confirm whether there is adequate coverage of receivers identified within the screening distance presented. In the absence of this information, the reliability of the noise and vibration analysis evaluated all affected land uses as per FTA and FRA guidance is questionable. Further, FTA and FRA criteria can not be applied to evaluate impacts.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

	Discipline	Comm ID #	REF DOCUMENT	REVIEW COMMENT
1165-2389	Noise & Vibration	NV44	Noise & Vibration Report Section 5.1.1 page 5-7	It is not clear for the subsection San Francisco to South San Francisco whether adjacent measurements are representative of the Baylands area and applicable to its development. Disclose if measurements were performed in this area and what are the associated noise levels. It appears that the Ldn noise level at 50 Joy Avenue, Brisbane, CA is high (74Ldn) with the loudest hourly Leq value being 64 Leq. In the absence of this information, the noise and vibration analysis omits a specific area of land uses affected by the project. The disclosure of noise and vibration impacts is incomplete.
1165-2388	Noise & Vibration	NV45	Noise & Vibration Report Section 5.1.1 page 5-7	Confirm that the measurement data presented is still representative of baeline noise levels in 2016, the date of the Notice of Preparation. The noise and vibration data is over 10 years old. In the absence of explaining why 10 year old data is still representative of baseline conditions limits the reliability of the field data used in the study to evaluate relative impacts.
1165-2390	Noise & Vibration	NV46	Noise & Vibration Report Section 5.1.1 page 5-9	Provide a more extensive discussion of the characterization of the existing environment that discusses which receivers are directly adjacent to the tracks and have a direct line of site but are further away. Explain the variation in the ranges of the noise levels and where are the highest noise levels are experienced. In the absence of this information, it is unclear whether the geographic features of the project area have been accounted for. Land uses that are not adjacent to the project area that have unobstructed views to the project may experience significant noise impacts. The noise and vibration analysis is incomplete without a discussion of these land uses and their predicted levels.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

**RESUME**

**Education**

B.S Civil Engineering, 1992

**Years Experience**

27

**Years with the Firm**

25

**Value Added to Team**

- Expertise in applying FTA, FHWA guidelines to evaluate noise, air quality, GHG, energy impacts
- Worked on a variety of transit-oriented development projects
- Transit specific project experience through existing on-call SANDAG environmental compliance contract

**Michelle A. Jones**  
**Principal Noise Analyst**

Ms. Jones has over twenty-five years of diversified experience performing and managing noise impact analyses in support of CEQA/NEPA documentation for transit projects for SANDAG, Sound Transit, Riverside Transit Agency, and LA Metro. Ms. Jones brings an understanding of how to perform and manage air quality, GHG, noise/vibration studies that are compliant with applicable FTA and FHWA modeling and analysis development.

**Project Experience**

**LA Metro On-Call Environmental Compliance Contract (2012 to present)**

**LA Metro Harbor Transitway Bus Station, Mitigation Verification Study Los Angeles, CA**

Ms. Jones, the Principal Engineer, lead the environmental study on the LA Metro Harbor Transitway Bus Station. This study was completed to document the abatement achieved from the mitigation measures recommended for the bus station platform located between the northbound and southbound travel lanes of Interstate 110 in the City of Los Angeles. Ms. Jones was responsible for managing the development of a work plan created to outline the approach taken to document the effectiveness of the mitigation measures. The work plan consisted of the methodology used to perform the environmental verification study. Ms. Jones supervised the field survey of the proposed project to identify and characterize the existing environment. Ms. Jones supervised the development of the technical memorandum and presented the results of the study and ensured the timely submittal of the memo.

**LA Metro Blue Line Crossover Project**

Ms. Jones, Project Manager, prepared a noise memorandum to support CEQA and NEPA environmental clearance. The noise memo determined the potential noise impacts from the construction and operation of new track crossovers, bungalows, and pedestrian gates at nearby sensitive noise receivers. Existing measurements were taken to identify current noise levels over a long-term (24-hour) and short-term (15-minutes) period, at a reference distance of 50 feet from the edge of the nearest rail track to obtain train pass by sound levels. Construction impacts were also assessed to determine. A qualitative analysis was performed to determine the potential short-term impacts from the construction of the bungalow and the pedestrian gates using noise propagation formulas

**LA Metro Green and Gold Line Pilot Study**

Ms. Jones, Project Manager, lead the environmental study to evaluate abatement options at freeway stations as part of a pilot feasibility study. The noise abatement study determined the existing noise environment at each station ranked the stations based on the highest noise level, and assess the array of noise abatement options that were cost-effective in providing the greatest reduction in noise levels at each of the patron platforms.

**SANDAG On-Call Environmental Contract (2009 to present)**

**Batiquitos Double Track Project**

Entech is performing the noise and vibration analysis for the Batiquitos Lagoon Double-Track Project (Project) located at the border between the City of Carlsbad and the City of Encinitas along the 351-mile Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor which serves as a vital link for passenger and freight movements in the San Diego region. The project proposed to increase the reliability, operational flexibility, and capacity of the LOSSAN rail corridor to add passenger and freight rail service to meet future transportation demands. Entech prepared the noise and vibration technical report is for the San Diego Association of Governments (SANDAG) to assess the potential noise and vibration impacts from construction and operation of the project and to identify mitigation measures and design considerations necessary for compliance with local, state, and federal regulations of noise and vibration for rail systems.

**RESUME**

**Sorrento to Miramar Curve Straightening and Double Track Project San Diego, CA**

As the Principal Engineer, Ms. Jones was responsible for managing the delivery of the updated environmental impact study and final development for the assessment of future impacts to support the design team. Ms. Jones lead the effort to develop a technical, environmental impact report that included an analysis of the potential impacts generated from the operational and construction of the proposed project. Potential impacts generated from the operation and construction of the proposed project were analyzed utilizing FTA guidance for environmental impacts. Michelle developed the methodology that was used to assess future impacts near sensitive habitats and receivers. Future predicted environmental impacts were compared to applicable federal, state, and local standards to assess impacts and mitigation measures.

**Springs/Peñasquitos Transit Center, San Diego, CA**

Ms. Jones was responsible for managing the delivery of the environmental impact analysis to support the development of the Sabre Springs/Peñasquitos Transit Center project. She was responsible for developing the work plan for the project, which outlined the methodology and appropriate level of analysis required to demonstrate compliance with CEQA and NEPA requirements. Ms. Jones lead the effort in conducting environmental surveys in the Project study area to identify locations of sensitive receivers, identifying other nearby projects undergoing simultaneous construction, comparing effects with land use compatibility standards and applicable standards, and assigning level of significance in accordance with CEQA environmental checklist and other regulatory requirements.

**Anaheim Regional Transportation Intermodal Center (ARTIC) Anaheim, CA**

Ms. Jones was responsible for managing the delivery of an environmental impact report to support the development of the Anaheim Regional Transportation Intermodal Center project. She was responsible for developing the work plan to execute the work in accordance with NEPA and CEQA requirements to expedite approval of the environmental impact report. Michelle was responsible for defining the selection of sensitive receptors, field survey preparations to assess the existing project area, developing the methodology used to analyze environmental impacts generated from the construction and operation of the proposed project, and determining potential environmental impacts in accordance with applicable requirements and standards. She reviewed predictive modeling results and calculations performed to estimate potential environmental impacts for the relocation of the existing transit center and the final technical, environmental impact report summarizing the results of the studies.

**Caltrans District 11 On-call Noise Contract, San Diego, CA**

Since 2003 to present, Ms. Jones has provided Caltrans District 11 with noise support under three multiple-year On-call Noise Agreements in partnership with Parsons. Task orders under these contracts included preparing several noise analyses to support Caltrans' noise group, including conducting field measurements, performing TNM modeling to analyze traffic impacts and abatement measures, developing discipline reports following the Caltrans Environmental Procedures Manual. Ms. Jones has been successful in expediting the review and approval of the technical analysis and noise abatement measures for multiple projects throughout the District 11.

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Attachment Metis-E  
**Ten Over Studio**  
Proposed Fire Station Relocation Design  
Comments and Resumes



DRAFT ANALYSIS AND REVIEW OF BRISBANE FIRE STATION IMPACTS  
CALIFORNIA HIGH SPEED RAIL AUTHORITY  
SAN FRANCISCO TO SAN JOSE PROJECT SECTION  
DRAFT EIR/EIS

September 5, 2020

**SECTION 1 – IDENTIFYING THE EXISTING OPERATIONS AND OVERALL SIZE OF THE EXISTING FIRE STATION NO. 81**

**EXISTING FIRE STATION BUILDING**

This is an one company fire station with staffing of four firefighters for the North County Fire Authority, which serves the City of Brisbane. The existing Brisbane Fire Station 81 is located at Bayshore Blvd and the Valley Drive intersection. The one story, 7,700 SF station has two drive through apparatus bays, with 18 turnout gear lockers, a clean-up sink, washer and dryer for house laundry, and a hose storage rack to accommodate one complement of synthetic hose along the sides of the bays.

The apparatus bays have direct tailpipe exhaust using the Plymo Vent system. There are 12 pieces of exercise equipment that are located on the apparatus bay floor as well.

There are separate spaces for medical storage, janitor closet, and the shop. There is a pre-empt traffic signal button in the apparatus bays to control the traffic signal at Valley Drive. Battery charging is placed in several locations throughout the station. There is no SCBA compressor, engineer lockers, or a turnout washer.

In the firefighter living quarters there is a combined dayroom, dining and kitchen, six firefighter bunk rooms, and three gender neutral restrooms. There are two beds and one desk in each bunk room. There are 18 personnel wardrobe lockers along the hallway immediately outside the bunk rooms for personal gear and uniforms.

There is a separate Dayroom that accommodates 5 recliners with a TV and bookcase. The dining room table accommodates 5 chairs and a kitchen with one range and one refrigerator. There is one small storage closet.

The administrative offices include two private offices and an open work area for firefighters that are along an open hallway. There is an existing secured reception vestibule with an ADA compliant restroom and a training classroom that can seat 12 people comfortably. There is no separate space for file cabinets, mailboxes, a copier/printer, or office supplies storage.

**EXISTING FIRE STATION SITE**

The site is approximately 94,000 SF with ample visitor and personnel parking along the street side of the site. The front apron of the station directly aligns the Apparatus Bays with the Valley Drive intersection making response times very efficient. There is a short depth rear apron at the backside of the Apparatus Bays.

Since the apparatus bays store 4 vehicles in addition to the fitness equipment, the fire department does not have drive through access in this facility. There are two ways to access the rear of the site. There is a private road that connects from Bayshore Blvd just north of the Old County Road intersection. There is also a secured drive from the fire station parking lot

Ten Over Studio, Inc.  
805.541.1010  
539 Marsh Street  
San Luis Obispo, CA  
info@tenoverstudio.com  
tenoverstudio.com

Page 1 of 11

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



There is a patio space immediately adjacent to the kitchen space and another fenced area with the existing emergency generator. There are a number of antennas and dishes mounted on the roof at the rear of the station. There is no on-site fueling.

The Fire Authority is using the land to the south of the existing station as a training facility. The training area has (2) two-story metal containers and (1) one story metal container for search and rescue, hose, ladder, and forceable entry training. There is also a fire training command trailer, a metal container for police, and a metal container for public works being stored on the property as well.

## SECTION 2 – DEFINING THE OPERATIONAL NEEDS AND OVERALL SIZE OF THE REPLACEMENT FIRE STATION NO. 81

The City of Brisbane and the North County Fire Authority have analyzed the current operational requirements at the existing station to help determine the size of the replacement fire station. The City and Fire Authority is taking a “like for like” replacement strategy for the design of the new station, which would result in a replacement station sized at 7,700 SF. However, the new facility must meet all of the current building codes, the California Essential Services Act, the American with Disabilities Act, NFPA, and OSHA requirements. Once all of these code and regulatory factors are taken into account, **the replacement station will need to be approximately 8,600 to 9,000 SF.**

We have developed the **Exhibit TOS -3** to demonstrate the basic and potential layout of the replacement fire station

### APPARATUS BAYS

The existing apparatus bays are drive through and the new apparatus bays should be as well. To fit all of the existing fire engines in the new bays with proper safety clearances on all sides of each vehicle, we have determined that the apparatus bays should be approximately 40'-0" wide x 70'-0" long, which equates to a space of approximately 1,400 SF. The following are the existing fire apparatus that are currently in active use at Station 81.

- Front Line, Type 1 Engine. 10'-0" wide x 10'-1" high x 29'-6" long
- Reserve, Type 1 Engine. 10'-0" wide x 9'-0" high x 28'-0" long
- Brush Rig, Type 6. 9'-6" wide x 8'-0" high x 25'-0" long
- OES State, Type 1 Engine.

Fire personnel conduct daily engine and equipment checks at the beginning of each shift. It is important to have safe working space in between the parked apparatus. Fire personnel open all compartment doors on each side of the engines to unload stored equipment to check that each tool is in good working order. The daily engine checks can be checked within the apparatus bays or on the front or rear aprons.

### APPARATUS SUPPORT SPACES

There are a number of new suppression support spaces to accommodate the existing fire suppression operations. Current building codes, NFPA and OSHA requirements no longer allow some of these specialized functions to be within the apparatus bays and must be in separated rooms.

### TURNOUT ROOM

Per NFPA requirements, a separate and dedicated turnout room is required to store the fire personnel turnout gear, that is currently stored along the side of the apparatus bays. Storage within the apparatus bays is no longer a viable or code compliant solution. The capacity for turnout gear lockers aligns with the number of assigned personnel. Station 81 has the capacity to have six assigned personnel on duty per shift. There are three shifts (A, B, and C), so the number of turnout lockers needed is 18.

Ten Over Studio, Inc.  
805.541.1010  
539 Marsh Street  
San Luis Obispo, CA  
info@tenoverstudio.com  
tenoverstudio.com



Turnout gear is PPE for fire personnel, which includes two sets pairs of pants and jackets along with boots and a helmet. There is also gear bags that are stored for each firefighter in case they are called away to serve an emergency that are outside of the North County Fire Authority's district.

The dedicated space is required to be continuously and mechanically ventilated to meet NFPA. The new turnout room will accommodate 18 turnout lockers and will be approximately 180 SF. This is a new space to meet current code requirements. The placement of this specific space should be immediately adjacent to the apparatus bays.

### CLEAN UP ROOM

Per OSHA requirements, a separate and dedicated clean-up room is required to provide proper decontamination of personnel and fire equipment upon return from each call out and incident. This space will have a shower for the decontamination cleaning firefighter personnel and large items. An emergency eye wash could be included in this room near the shower component

A two compartment clean up sink with double drainboards will be provided with hands free faucets. The hands free operations can be achieved by an automatic sensor at the plumbing fixture and/or with foot pedals. This is a new space should be approximately 120 SF to meet current code requirements and best practices for “hot zones”

Dedicated restrooms with showers could be added at or immediately adjacent to the Clean Up Room to provide a space where fire personnel can completely decontamination after an emergency call before heading back into the firefighter living quarters and administrative spaces. This strategy will reduce the possible transmission of contaminants and viruses throughout the station.

### SHOP

The existing shop space seems to be undersized and a recommendation to increase the size of the shop would allow the fire personnel to improve on their work efficiencies within that space. A new and slightly larger space with room to store a tool chest, have a longer length of workbench for projects, and for the checking and maintaining of tools.

As fire personnel conduct daily equipment checks at the beginning of each shift, the shop space is utilized to work on regular maintenance and minor repairs to the equipment such as axes, chain saws, and other firefighting tools.

This is a new space should be approximately 120 SF to meet best practices.

### MEDICAL STORAGE

The existing Medical Storage room seems to be about the right size, though a bit tight. The recommendation to increase the size of the medical storage slightly to allow fire personnel space to work more efficiency within the room. This is a new and slightly larger space.

This is a new space should be approximately 100 SF to meet best practices.

### FIREFIGHTER LIVING AND SLEEPING QUARTERS

The number of new living spaces will match the existing number, though the overall SF of these spaces will increase to meet the current building codes.

Ten Over Studio, Inc.  
805.541.1010  
539 Marsh Street  
San Luis Obispo, CA  
info@tenoverstudio.com  
tenoverstudio.com

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



## KITCHEN, DINING AND DAYROOM

We recommend providing a combined and open concept for the kitchen, dining and dayroom. These spaces will be sized to accommodate a one company station with six personnel. There will be six chairs in the dayroom and at the dining room table. We anticipate providing one range with an overhead vent hood, one large sink, one dishwasher, and two refrigerators. There should be counter space for a microwave, coffee maker, and other small appliances.

Upper and base cabinetry to store dry goods, supplies, utensils, plates, glassware, pots, and pans for cooking, cleaning, and eating. A connection to an outdoor patio is desired to match the existing facility.

It is anticipated that this new combined space should be approximately 250 to 300 SF to meet best practices and ADA compliance

## FIREFIGHTER BUNK ROOMS

We recommend providing six gender neutral bunk rooms with two beds, three lockers and one desk. These new spaces will replace the existing six bunk rooms. The existing wardrobe lockers currently are located in the hallway at the existing station. We recommend pulling these lockers into the bunk rooms to keep the hallways clear as the hallway is the response path to the apparatus bays.

These bunk rooms need to be placed on an exterior wall to accommodate a window that will be used as the secondary means of egress to meet the building code requirements for sleeping rooms. The walls in between each sleeping room will be ½ hour rated per the building code for an R-2 occupancy.

Each new bunk room should be approximately 168 SF to meet best practices. To meet ADA requirements, we will design one of the bunk rooms to have the additional clearances needed to meet the Americans with Disabilities Act.

## FIREFIGHTER RESTROOMS

We recommend providing three gender neutral restrooms with one sink, one toilet and one shower. These new restroom spaces will replace the existing three restrooms.

Each new restroom should be approximately 80 SF to 120 SF to meet best practices. To meet ADA requirements, we will design one of the restrooms to have the additional clearances needed to meet the Americans with Disabilities Act.

## LAUNDRY AND JANITOR ROOM

We recommend a separate janitor mop sink with storage for cleaning supplies and tools along with space for a residential grade washer and dryer.

This is a new space should be approximately 120 SF to meet best practices.

## EXERCISE ROOM

We recommend a separate and dedicated exercise room with proper ventilation for the users. Overhead fans and operable doors may be incorporated into the design of the exercise room to promote air movement. There are 12 existing pieces of exercise equipment, which will need to be moved to the new facility. The FD has identified that there are rowing machines, treadmills, elliptical, stair stepper, and weights.

This is a new space should be approximately 400 SF to provide safe space in between each piece of equipment.

Ten Over Studio, Inc.  
805.541.1010  
539 Marsh Street  
San Luis Obispo, CA  
info@tenoverstudio.com  
tenoverstudio.com



## ADMINISTRATION OFFICES

The number of new administrative spaces remains the same as the existing facility, though we believe the overall SF of these spaces will increase to meet the current building codes.

## ENTRY VESTIBULE AND RECEPTION AREA

There is a dedicated and secured entry vestibule to welcome and control access visitors at the existing station. The new entry vestibule should be placed to welcome visitors and connect to a new reception area. The design could incorporate the firefighter work area to function as the reception for the station. We recommend providing a combined and reception and firefighter work area for space efficiency.

This is a new combined space should be approximately 200 SF to be ADA compliant.

## CAPTAIN'S OFFICE

We recommend providing one shared office space for 3 captains (one captain per shift). Each captain would get their own desk within this space. As there is only one captain on duty per shift, this would be an efficient space solution instead of building each captain their own office. There are currently 2 offices.

This is a new shared office space should be approximately 200 to 250 SF

## FIREFIGHTER'S WORK AREA

We recommend providing an open work area for the firefighters to accommodate 3 people. This area could be open to or immediately adjacent to the entry vestibule. It is best that this space not be within circulation space like the existing station.

A small library space can be created here for fire personnel use. This is a new firefighter work area should be approximately 100 SF

## WORK ROOM

The copier/printer and offices supply storage currently line the existing hallway in the administrative area. In the new station, we recommend that a dedicated work room be created to eliminate the need to place storage in hallway spaces. By pulling these items into a dedicated space, it keeps the response path to the apparatus bays clear of potential interference.

This is a new work room space should be approximately 80 to 100 SF

## FILE ROOM

File cabinets currently line the existing hallway in the administrative area. In the new station, we recommend that a dedicated file room be created to eliminate the need to place storage in hallway spaces. By pulling these file cabinets into a dedicated space, it keeps the response path to the apparatus bays clear of potential interference.

This is a new work room space should be approximately 80 SF

## TRAINING CLASSROOM

We recommend providing a new classroom that accommodates 12 people for meetings and training. The room would include audio visual display, communication infrastructure, and storage for training materials, such as those to teach CPR to community members once a month.

This is a new work room space should be approximately 450 to 500 SF

Ten Over Studio, Inc.  
805.541.1010  
539 Marsh Street  
San Luis Obispo, CA  
info@tenoverstudio.com  
tenoverstudio.com

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



### ADA COMPLIANT RESTROOMS

We recommend including two ADA compliant, gender neutral restrooms within the administration area, for visitor use. This restroom will service the Training Room and Offices.

This is a new restroom space should be approximately 80 SF

### MECHANICAL SPACES

Dedicated electrical, mechanical and IT rooms will be included in the replacement station.

### ELECTRICAL ROOM

The size of the electrical room will depend on the electrical loads and requirements for UPS for the fire alerting system and computer servers. The current building code will require that this facility be solar ready, which will increase the size of the main switchgear and add another electrical panel.

This is a new space should be approximately 100 SF to meet best practices.

### MECHANICAL ROOM

The size of the mechanical room will depend on the number and size of water heaters. This is based on the hot water demand and location of the plumbing sources. Mechanical units may be roof mounted and not require interior space.

This is a new space should be approximately 100 SF to meet best practices.

### IT ROOM

The size of the IT room will depend on the number and size of computer racks. This is based on the number of computer servers, audio visual devices, fire alerting system, and radio equipment. The fire alarm

This is a new space should be approximately 100 SF to meet best practices.

### FIRE RISER ROOM

The fire riser and fire alarm panel will be housed in this space. This is a new space should be approximately 64 SF to meet code requirements.

### SITE IMPROVEMENTS

At a minimum, the site improvements at the replacement station, should include visitor parking and secured parking for fire personnel. This will include ADA compliant parking spaces for visitors with a code compliant pathway to the front door of the fire station. EV charging stations at dedicated parking spaces are required by the planning ordinances for public facilities. Personnel parking should accommodate 8 parking spaces at a minimum to accommodate fire personnel parking and shift change.

New concrete front and rear aprons will be sized for everyday use and emergency staging. The depth of the aprons should be a minimum of 40 feet in length to accommodate the longest engine in the District's fleet.

Site circulation should promote positioning of the Apparatus Bays to directly access Bayshore Blvd to minimize response times. The site should accommodate entry into the apparatus bays from the rear entry upon return from an emergency. There should be space for an exterior patio adjacent to the firefighter living areas, a covered trash enclosure, and a ground mounted hose drying rack at the rear of the station.

An emergency generator with a belly tank should provide a minimum of 24 hours of emergency back-up power at full capacity.

Ten Over Studio, Inc.  
805.541.1010  
539 Marsh Street  
San Luis Obispo, CA  
info@tenoverstudio.com  
tenoverstudio.com



A 30 to 40 feet high antenna tower may be required if the location and height of the building is positioned in such a way as to limit the line of sight from other City and Fire Authority antennas for radio communications

There is a small training facility on the south end of the existing property. We recommend that the existing metal containers that form the training grounds and props be placed on the replacement fire station site to accommodate routine in service training, such as search and rescue, hose, ladder, and forceable entry to name a few.

**The City of Brisbane and the North County Fire Authority would like the selected site for the new Brisbane Fire Station 81 to accommodate all of the building and site operations and spaces identified above.**

### SECTION 3 - SITE ANALYSIS APPROACH

The design team used the "like for like" replacement strategy to identify and define the operational needs and overall size of the replacement of Brisbane Fire Station No. 81.

The replacement station could be a one story fire station that has two drive through apparatus bays with apparatus support spaces, firefighter living quarters, and administrative offices as described in Section 2 for the City of Brisbane and the North County Fire Authority.

We have developed the *Exhibits TOS -1 and TOS-2* to demonstrate all of the site impacts and constraints.

### SITE ALTERNATIVE A – EAST LMF ALIGNMENT

The design team reviewed Site Alternative A and have the following analysis to offer:

#### SITE CONSTRAINT IMPACTS

The proposed site has several site constraints that limit the ideal placement and orientation of the apparatus bays. The site is very narrow and constrained by the proximity of Tunnel Road.

The setback requirements of the existing and new railway lines limit the placement of the station and all the other site improvement needed to support fire operations at this station, such as the training functions and the orientation of the drive through apparatus bays.

Site Alternative A is not a viable site for the development of the replacement fire station.

#### RESPONSE TIME IMPACT

Site Alternative A is not an ideal site for the Replacement Fire Station No. 81. The constraints of available site area requires the placement of the new station with the apparatus bays facing parallel to Bayshore Blvd instead of perpendicular. The North County Fire Authority will not be able to maintain or improve the existing response times if the replacement station is located at Site Alternative A.

A parallel street orientation of the apparatus bays will increase response times. Emergency vehicles must leave the apparatus bays and travel down the front apron and a long driveway before having to slow down to make a 90 degree turn to reach the Bayshore Blvd and Old County Road intersection. A new pre-empt traffic control button should be installed and used at the station to clear and stop traffic at the Bayshore Blvd and Old County Road intersection, however this would not improve the overall response times.

Ten Over Studio, Inc.  
805.541.1010  
539 Marsh Street  
San Luis Obispo, CA  
info@tenoverstudio.com  
tenoverstudio.com

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



There would be a **severe impact** to the Fire Authority's average response time of 6 minutes and 59 seconds to 90% of their emergency calls.

### TUNNEL ROAD IMPACT

This site alternative requires the removal of the existing Tunnel Avenue overpass to gain the site area needed to place the new replacement station onto the site. While the Tunnel Avenue overpass is under construction, Station No. 81 will need to use alternative routes to reach the northeast section of the North County Fire Authority's, City of Brisbane service area. This will **severely impact** response times to this section of the City.

### NOISE IMPACTS

The proximity of the station replacement to existing and new active railway lines will **severely impact** the ability of firefighters to sleep while on duty at night. Even if the station has triple pane windows, increased wall thicknesses, uses continuous insulation at the exterior walls, and other acoustical solutions, there will still be ground vibration and noise impacts from the railway lines.

### OPERATIONAL IMPACTS

The setback requirements of the existing and new railway lines limit the optimal orientation and placement of the replacement station and all the other site improvement needed to support fire operations at this station, such as the training functions and the orientation of the drive through apparatus bays.

### TURN-OUT TIME IMPACTS

Turn-out time is measured from the time the emergency call is received at the station until the fire engine starts rolling out the fire station. If the replacement station is a one story building, the impact to turnout time should be minimal. However, if the replacement station needs to be a two story building to better fit on the site, then there will be an impact to the turn-out time as well as increased safety concerns. Fire personnel will be using stairs or a fire pole if a two story solution is used.

### FLOOD PLAIN IMPACTS

The proposed site is situated near the Brisbane Lagoon. Further due diligence and investigation is needed to evaluate if there are flood plain impacts.

### TEMPORARY FACILITIES IMPACTS

The proposed site is very narrow and is constrained by Tunnel Road on the east side of the site. The construction of the new Tunnel Road overpass may be required to increase the site area available for the development of the replacement fire station.

New temporary facilities for the fire station at a site unknown would be necessary if the construction of the overpass take place ahead of when the replacement station can begin or complete construction.

### HAZARDOUS MATERIALS IMPACTS

Further due diligence and investigation is needed to evaluate if there are hazardous materials impacts. We can visually observe various piles of waste materials on the proposed site. The contents of the piles and the sources of these piles of debris are unknown.

Ten Over Studio, Inc.  
805.541.1010  
539 Marsh Street  
San Luis Obispo, CA  
info@tenoverstudio.com  
tenoverstudio.com



### BAYLANDS PLANNED DEVELOPMENT IMPACTS

The North County Fire Authority has mentioned that in the future, with the build out of the Baylands Planned Development, the number of calls for service will increase with the new commercial uses. It is anticipated that a ladder truck and unit will be required in the future. This will require the addition of a third apparatus bay as well as more space in the apparatus support functions and the firefighter living and sleeping quarters. Adding a new ladder company will require the addition of four fire personnel at a minimum.

### SITE ALTERNATIVE B – WEST LMF ALIGNMENT

The design team reviewed Site Alternative B and have the following analysis to offer:

### SITE CONSTRAINT IMPACTS

The proposed site has several site constraints that limit the ideal placement and orientation of the apparatus bays. The presence of the Guadalupe Canal and top of bank limits the available site area for ideal placement of the replacement fire station and severely limits site opportunities for all building and site operational goals.

The setback requirements of the existing and new railway lines limit the placement of the station and all the other site improvement needed to support fire operations at this station, such as the training functions and the orientation of the drive through apparatus bays.

Site Alternative B is not a viable site for the development of the replacement fire station.

### RESPONSE TIME IMPACT

Site Alternative B is not an ideal site for the Replacement Fire Station No. 81. The constraints of the available site area requires the placement of the new station with the apparatus bays facing parallel to Bayshore Blvd instead of perpendicular.

A parallel street orientation of the apparatus bays will increase response times. Emergency vehicles must leave the apparatus bays and travel down a long driveway before having to slow down to make a 90 degree turn at the new mid-block driveway cut along Bayshore Blvd, in between Valley Drive and Old County Road. This driveway location will only allow a northern right hand turn from the driveway as there is no traffic signal at this location and an existing median that prevents left hand turns to allow emergency response vehicles to travel south.

A new mid-block keep clear zone and flashing traffic light must be installed to allow the emergency vehicle to safely exit from the new driveway location and the existing median must be updated to allow a left hand turn and access to the south. A pre-empt traffic control button can be installed and used at the station to clear and stop traffic along Bayshore Blvd, however this would not increase or improve the overall response times.

Without the ability to turn left from the new driveway location, the emergency response vehicle would need to travel north and then make a U turn at Valley Drive in order to travel south.

There would be a **greater and more severe impact** to the Fire Authority average response time of 6 minutes and 59 seconds to 90% of their emergency calls than Site Alternative A.

Ten Over Studio, Inc.  
805.541.1010  
539 Marsh Street  
San Luis Obispo, CA  
info@tenoverstudio.com  
tenoverstudio.com



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



### TUNNEL ROAD IMPACT

This site alternative does not require the removal of the existing Tunnel Avenue overpass to gain the site area needed to place the new replacement station. While the Tunnel Avenue overpass is under construction, Station No. 81 will need to use alternative routes to reach the northeast section of the North County Fire Authority's service area within the City of Brisbane. This will *severely impact* response times.

With Site Alternative B, the impact and location of the new Tunnel Avenue overpass interchange is that it severely limits the available site area for the station to have a rear apron and a path for the emergency response vehicles to drive through into the apparatus bays from the northern end of the proposed site

### NOISE IMPACTS

The noise impact with the replacement station's proximity to existing and new active railway lines is the same as Site Alternative A. The ability of firefighters to sleep while on duty at night will be severely impacted even if the station has triple pane windows, increased wall thicknesses, use of continuous insulation at exterior walls and other acoustical solutions to limit the noise impacts.

### OPERATIONAL IMPACTS

The setback requirements of the existing and new railway lines limit the placement of the station and all the other site improvement needed to support fire operations at this station, such as the training functions and the orientation of the drive through apparatus bays.

### TURN-OUT TIME IMPACTS

Turn-out time is measured from the time the emergency call is received at the station until the fire engine starts rolling out the fire station. If the replacement station is a one story building, the impact to turnout time should be minimal. However, if the replacement station needs to be a two story building to better fit on the site, then there will be an impact to the turn-out time as well as increased safety concerns. Fire personnel will be using stairs or a fire pole if a two story solution is used.

### WATERWAYS AND FLOOD PLAIN IMPACTS

The proposed site is situated near the Brisbane Lagoon and closer to the Guadalupe Canal. Further due diligence and investigation is needed to evaluate if there are waterway impacts from the canal. The Guadalupe Canal is under the jurisdiction of the Army Corp of Engineers. There may be flood plain impacts as well due to the site's proximity to the Brisbane Lagoon.

### TEMPORARY FACILITIES IMPACTS

The proposed site is narrow and is constrained by Tunnel Road on the east side of the site. The construction of the new Tunnel Road overpass may be required to increase the site area available for the development of the replacement fire station.

New temporary facilities for the fire station at a site unknown would be necessary if the construction of the overpass take place ahead of when the replacement station can begin or complete construction.

### HAZARDOUS MATERIALS IMPACTS

Further due diligence and investigation is needed to evaluate if there are hazardous materials impacts. We can visually observe various piles of waste materials on the proposed site. The contents of the piles and the sources of these piles of debris are unknown.

Ten Over Studio, Inc.  
805.541.1010  
539 Marsh Street  
San Luis Obispo, CA  
info@tenoverstudio.com  
tenoverstudio.com

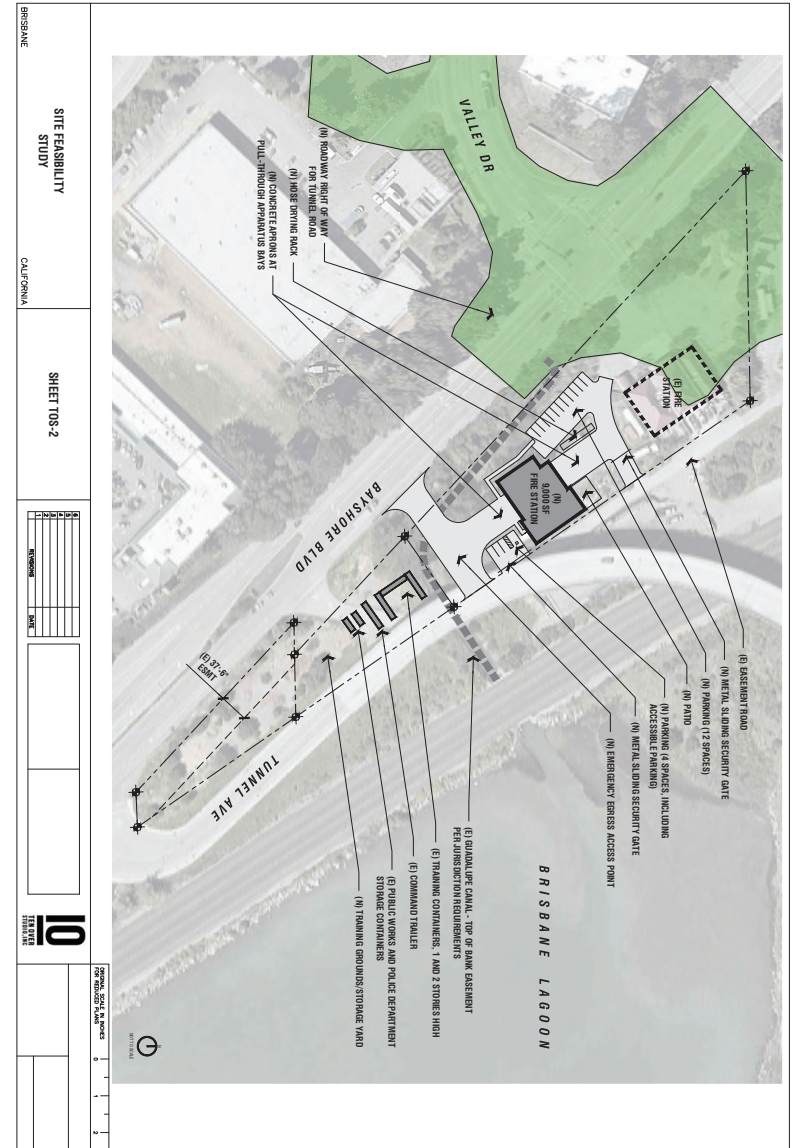
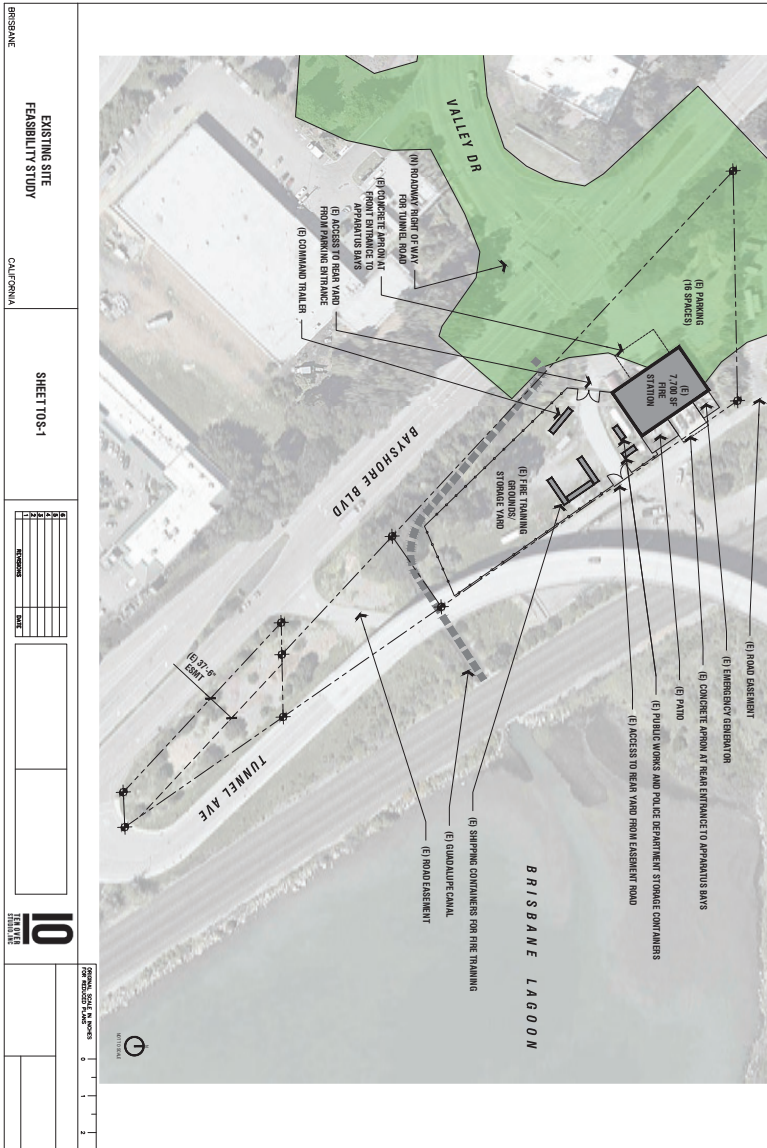


### BAYLANDS PLANNED DEVELOPMENT IMPACTS

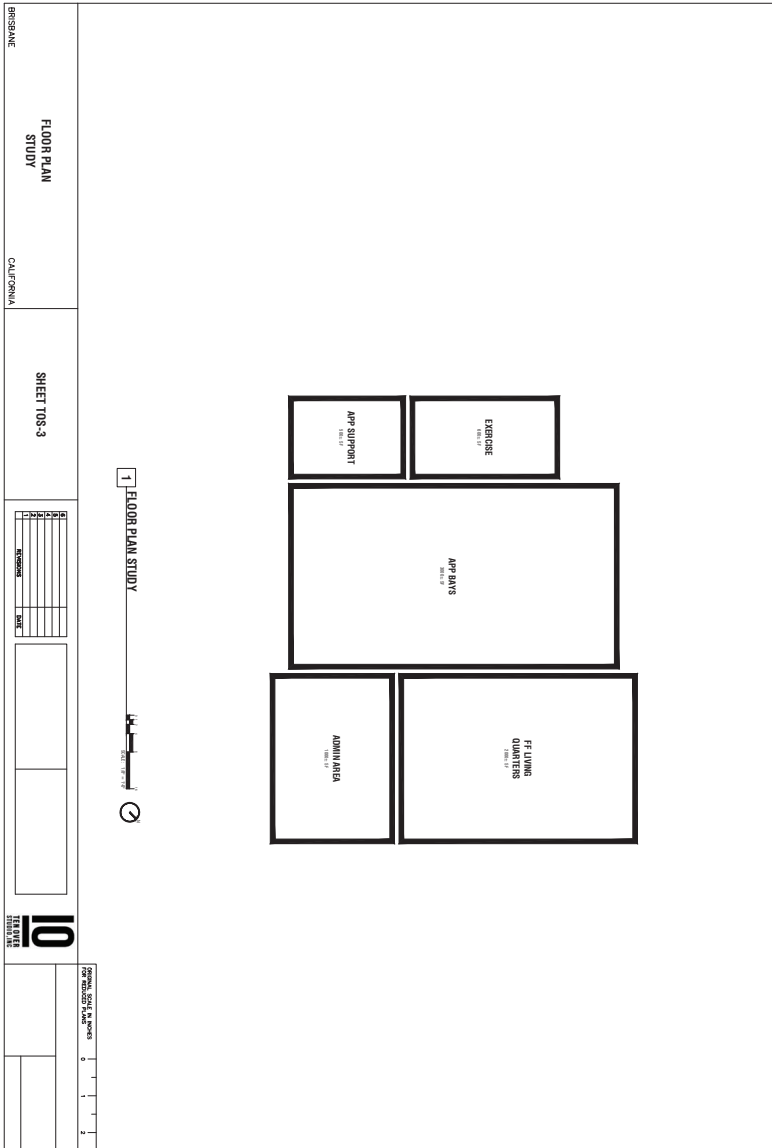
The North County Fire Authority has mentioned that in the future, with the build out of the Baylands Planned Development, the number of calls for service will increase with the new commercial uses. It is anticipated that a ladder truck and unit will be required in the future. This will require the addition of a third apparatus bay as well as more space in the apparatus support functions and the firefighter living and sleeping quarters. Adding a new ladder company will require the addition of four fire personnel at a minimum.

Ten Over Studio, Inc.  
805.541.1010  
539 Marsh Street  
San Luis Obispo, CA  
info@tenoverstudio.com  
tenoverstudio.com

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS

# ABOUT TEN OVER STUDIO

**TEN OVER IS A STATE OF BEING.**  
TEN OVER reflects our firm's philosophy and our goal of giving 11.0% in everything we do. It is our continual goal to exceed the expectations of our clients, community, colleagues, and ourselves.

Our mission is simple: **To leave the world better than we found it.**  
We've made the commitment to use our business as a force for good. In 2017, we became a Certified B Corp – uncommon in our industry.

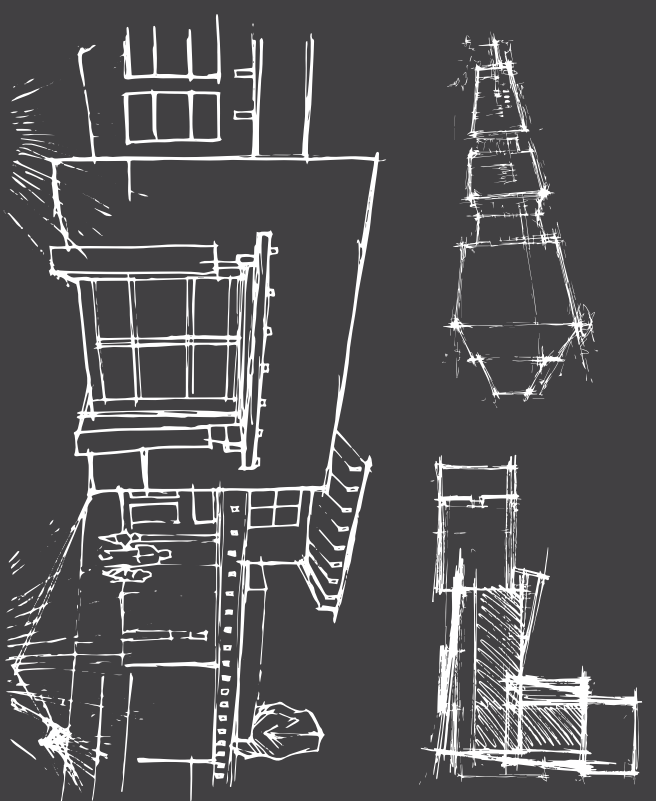
Why, you ask? Because business as usual doesn't align with our mission. We can do better. We value wild places with clean air & clear water. We treasure the vibrant built spaces where people come together to live, work and play. And we seek out passionate communities working for the common good. Just like you.

**Certified**  
**B**  
**Corporation**

COMPANIES WITH B CORPORATION CERTIFICATIONS SIGN A "DECLARATION OF INTERDEPENDENCE" ACKNOWLEDGING THEIR RESPONSIBILITY TO THEIR EMPLOYEES, COMMUNITIES, THE ENVIRONMENT AND TO FUTURE GENERATIONS.

2 TENOVERSTUDIO.COM

STATEMENT OF QUALIFICATIONS



3 TENOVERSTUDIO.COM

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS

5 TENOVERSTUDIO.COM

**LIST OF BASIC SERVICES**

- Project Management
- Architectural Design
- Interior Design
- Landscape Architecture
- Feasibility Studies
- Architectural Programming
- Project Budgeting
- Master Planning
- Strategic Planning
- Specification Writing
- Sustainable Design
- LEED Documentation
- 3D Visualization/Media

**TYPE OF OWNERSHIP**  
B Corp & S Corp

**SIZE OF FIRM**  
30

**YEARS IN BUSINESS**  
Since 2014

**LOCATION**  
75 E. Santa Clara Ste 600  
San Jose, CA 95113

539 Marsh Street  
San Luis Obispo, CA 93401

805.541.1010  
info@tenoverstudio.com

4 TENOVERSTUDIO.COM

STATEMENT OF QUALIFICATIONS

5 TENOVERSTUDIO.COM

**LIST OF BASIC SERVICES**

- Project Management
- Architectural Design
- Interior Design
- Landscape Architecture
- Feasibility Studies
- Architectural Programming
- Project Budgeting
- Master Planning
- Strategic Planning
- Specification Writing
- Sustainable Design
- LEED Documentation
- 3D Visualization/Media

**TYPE OF OWNERSHIP**  
B Corp & S Corp

**SIZE OF FIRM**  
30

**YEARS IN BUSINESS**  
Since 2014

**LOCATION**  
75 E. Santa Clara Ste 600  
San Jose, CA 95113

539 Marsh Street  
San Luis Obispo, CA 93401

805.541.1010  
info@tenoverstudio.com

4 TENOVERSTUDIO.COM

**TEN OVER TREADS LIGHTLY**

By utilizing common materials in uncommon ways, our spaces surprise and inspire. As a Certified B Corp, we use our business as a force for good, reinforcing our mission to leave the world a better place than we found it.

*B Corporations are for-profit companies certified every two years to meet rigorous standards of social and environmental performance, accountability, and transparency.*

**QUALIFICATIONS**

The TEN OVER STUDIO team has over 40 years of experience working for municipalities and public agencies throughout the State of California. We have direct experience with a wide range and variety of on-call and public sector projects ranging from feasibility studies to

the design and implementation of large scale facilities. Our team has direct experience with public facilities including community spaces, municipal corporation yards, maintenance facilities, administrative offices, and public safety facilities.

**DESCRIPTION OF THE FIRM**

**TEN OVER STUDIO, INC.**

TEN OVER reflects our firm's philosophy and refers to our goal of putting forth 110% effort towards everything we do. It is our continual goal to exceed the expectations of our clients, contractors, consultants, community and ourselves.

From programming and master planning to design and construction, TEN OVER STUDIO has the experience and expertise that result in successful public facilities. We understand our role as stewards of public funds and provide solutions for our clients that maximize the project budget while maintaining the highest levels of quality.

TEN OVER STUDIO was formed in 2014 and currently employs 30 design professionals including seven licensed architects, one licensed landscape architect, and three LEED accredited professionals.

**VALUES**

TEN OVER reflects our firm's philosophy and our goal of giving 110% in everything we do. We strive to lead by example, go the extra mile, take responsibility and do the right thing, even when no one is looking.

Just like our first responder clients, we believe in "we before me." We know working as a team improves everything we do. We go out of our way to help others succeed, we understand that listening, humility and empathy are some of our greatest tools.

**TEN OVER STUDIO IS DIFFERENT**

We are architects, landscape architects and interior designers whose passion is to think outside the box. When we design, we offer thoughtful, honest solutions with an emphasis on sustainability; those qualities come through in our work.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



STATEMENT OF QUALIFICATIONS

**STATEMENT OF QUALIFICATIONS**

## CALEXICO FIRE HEADQUARTERS STATION

**LOCATION:** CALEXICO, CA  
**CLIENT:** CITY OF CALEXICO  
**SIZE:** 9,006 SF  
**SCOPE:** ARCHITECTURE, INTERIOR DESIGN, LANDSCAPE, 3D VISUALIZATION, CONSTRUCTION ADMINISTRATION  
**CONSTRUCTION COST:** \$8.4 MILLION  
**ARCHITECT OF RECORD:** TEN OVER STUDIO

TEN OVER STUDIO worked closely with the City Fire Design Committee through an in-depth process to replace the existing Fire Headquarters Station facility, which did not meet the operational space requirements for staffing and essential equipment, nor the CA Essential Services Act.

The project includes careful demolition and seismic separation of the existing fire station from the existing police station. This includes placement and installation of a new radio tower, antennas, communication and power services and infrastructure.

Our design includes three drive-through apparatus bays, living and sleeping quarters for eight personnel, and administrative offices. The station apparatus bays are designed to be used as a cooling center during periods of extreme heat, such as the summer months.

The high-efficiency systems and building envelope will help reduce utility costs. Ultimately, this durable and low-maintenance facility will house the fire department comfortably for the next 50 years.

6 TENOVERSTUDIO.COM



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS

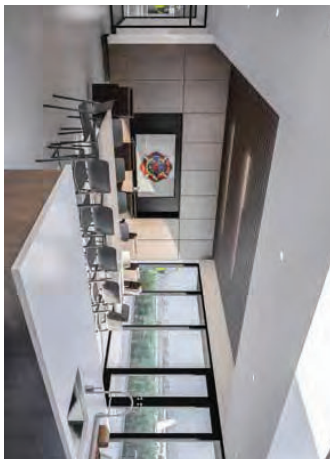
**MINETA SAN JOSE INTERNATIONAL AIRPORT ARFF FACILITY**

CLIENT: CITY OF SAN JOSE  
 SIZE: 18,180 SF  
 SCOPE: ARCHITECTURE, LANDSCAPE ARCHITECTURE, MEDIA, LEED  
 COMPLETION: IN PROGRESS  
 CONSTRUCTION COST: \$20 MILLION  
 ARCHITECT OF RECORD: TEN OVER STUDIO

The Aircraft Rescue and Fire Fighting (ARFF) Facility at the Mineta San Jose International Airport is a 18,180 sq. ft. company replacement station. Currently in design, the final design-build project will include administrative offices, firefighter living and sleeping quarters, fitness room and specialized spaces for aviation rescue and firefighting response at the airport. There are 4 ARFF bays and 1 fire engine bay with a turnout room, clean-up, medical, SCBA, workshop, and foam storage. Immediately adjacent to the apparatus bays and looking out onto the airfield is the watch room.

As Public Safety Designer and Architect of Record, TEN OVER STUDIO will actively manage the project through the design and construction process to ensure the landside and airside programmatic requirements are met. The ARFF station will be LEED certified at the silver level and a Zero NetEnergy project.

9 TENOVERSTUDIO.COM



STATEMENT OF QUALIFICATIONS

**EMERYVILLE FIRE STATION 35 AND EOC**

CLIENT: CITY OF EMERYVILLE  
 SIZE: 9,300 SF  
 SCOPE: CAMPUS MASTER PLANNING, PROJECT MANAGEMENT, SCHEMATIC DESIGN THROUGH CONSTRUCTION, INTERIOR DESIGN  
 CONSTRUCTION COST: \$4.2 MILLION  
 ARCHITECT OF RECORD: TEN OVER STUDIO

This project includes a renovation and seismic strengthening of the existing 10,872 SF Fire Station 35 includes a new exercise room, shop, turnout room, SCBA, EMS and Administrative Offices. The existing fire station was built in 1950 and substantially upgraded and renovated in 1996. The facility is owned by the City of Emeryville and operated by the County of Alameda.

A new standalone 5,000 SF Emergency Operations Center with a management policy room, space for finance and logistics, dispatch room and emergency cache storage. The EOC will have a separate electrical service, mechanical and emergency power systems. The renovation incorporates the upgrade of the electrical, mechanical, and emergency power systems for the fire station. Construction must be implemented in eight months to get the fire station and EOC to full operation.

Caroline is the project manager and lead designer on the EOC upgrades and fire station renovations.

8 TENOVERSTUDIO.COM



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS

## **PALO ALTO FIRE STATIONS 3 AND 4 FEASIBILITY STUDY\***

**LOCATION:** PALO ALTO, CA  
**CLIENT:** PALO ALTO FIRE DEPARTMENT  
**SCOPE:** REPLACEMENT NEEDS STUDY  
**COMPLETION:** 2005

Candice was the project manager in charge of preparing the feasibility study for the replacement of two existing and structurally unsound fire stations located in established residential areas. The study consisted of full programming/space needs, component diagrams, site plan concept, alternatives, opinions of probably cost, and presentations to the community and the Architectural Review Board.

Candice also prepared an analysis of sustainable strategies that could be incorporated into each fire station to meet the City's green goals.

Candice Wong was the project architect in charge of the needs assessment study and Jim Duffy was the project architect in charge of design on Stations No. 3 and No. 4 while they were both at RHM Design Group.

This study was completed on time and on budget.

*\*Experience of Jim Duffy and Candice Wong prior to forming TEN OVER STUDIO.*  
**TEN OVER STUDIO**  
**|| TENOVERSTUDIO.COM**



STATEMENT OF QUALIFICATIONS



**10 TENOVERSTUDIO.COM**



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS



13 TENOVERSTUDIO.COM

STATEMENT OF QUALIFICATIONS

**SAN JOSE FIRE STATION 34\***

**LOCATION:** SAN JOSE, CA  
**CLIENT:** CITY OF SAN JOSE  
**SIZE:** 12,000 SF  
**SCOPE:** MASTER PROGRAM DEVELOPMENT, PROJECT MANAGEMENT, ARCHITECTURE, SUSTAINABLE DESIGN, INTERIOR DESIGN  
**COMPLETION:** 2007  
**CONSTRUCTION COST:** \$5.3 MILLION

Station 34 was sited to mitigate existing response time issues in an industrial portion of the East side which is cut off by multiple freeways. This station accommodates an engine company and truck company. Due to a tight urban site, the station is a two-story building with three apparatus bays, support, administration and firefighter living quarters on the first floor and sleeping quarters and bathrooms on the second floor.

The project was completed while Jim Duffy and Candice Wong co-managed the Public Safety Studio at RRM. Jim was the Design Architect and Project Manager; Candice was the City's Advisor on architectural program compliance with the Fire Bond Program.

*\*Experience of Jim Duffy and Candice Wong prior to forming TEN OVER STUDIO.*



12 TENOVERSTUDIO.COM

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS



15 TENVENSTUDIO.COM

STATEMENT OF QUALIFICATIONS

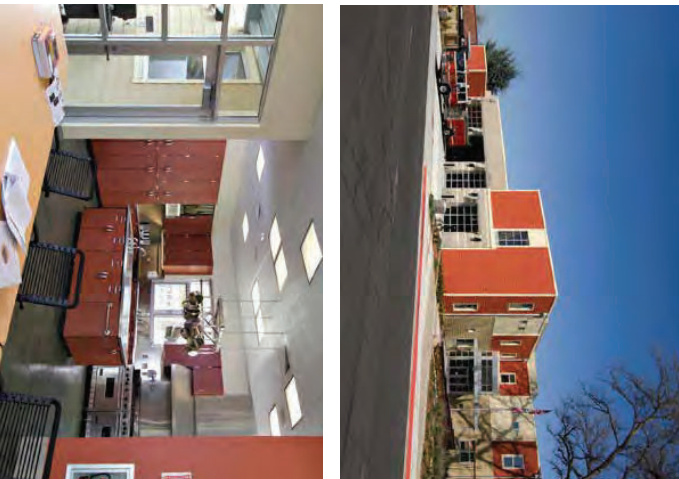
## SAN JOSE FIRE STATION 35\*

**LOCATION:** SAN JOSE, CA  
**CLIENT:** CITY OF SAN JOSE  
**SIZE:** 12,500 SF  
**SCOPE:** MASTER PROGRAM DEVELOPMENT, PROJECT MANAGEMENT, ARCHITECTURE, SUSTAINABLE DESIGN, LEED DOCUMENTATION AND CERTIFICATION, INTERIOR DESIGN  
**COMPLETION:** IN PROGRESS  
**CONSTRUCTION COST:** \$4.9 MILLION

Jim Duffy was the lead designer, project manager and architect for this new 12,400SF, two-company, three-apparatus bay battalion station. The two-story station design is based on the prototype battalion station from the Fire Facilities Program that Candice and Jim developed for the San Jose Fire Department. The design team worked together with the City to achieve USGBC LEED Silver certification, exceeding the City's certification requirements.

The Station was built on the corner of an existing community center which remained fully operational throughout construction.  
*\*Experience of Jim Duffy and Candice Wong prior to forming TENVEN STUDIO.*

14 TENVENSTUDIO.COM



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS

# SAN JOSE FIRE TRAINING CENTER RELOCATION STUDY

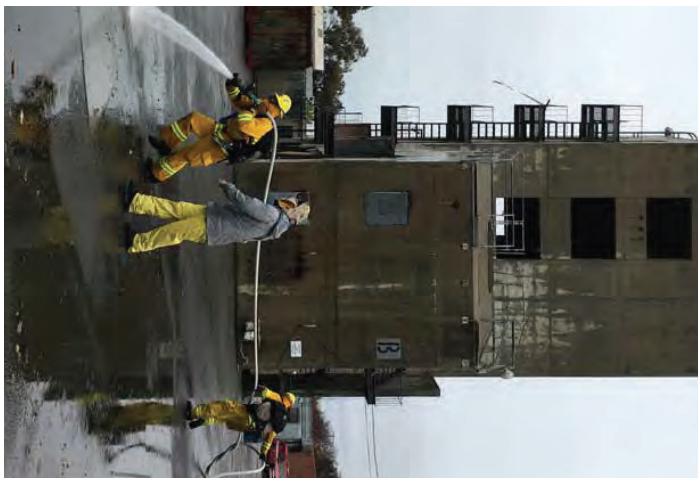
**LOCATION:** SAN JOSE, CA  
**CLIENT:** CITY OF SAN JOSE  
**SIZE:** 95,208 SF, 6.9 ACRES  
**SCOPE:** FEASIBILITY STUDY, NEEDS ASSESSMENT, PROGRAMMING, PROJECT BUDGET  
**PROGRAMMING:** 2019  
**CONSTRUCTION COST:** \$31.5 MILLION  
**ARCHITECT OF RECORD:** GROUP 4 ARCHITECTURE  
**ESSENTIAL SERVICE CONSULTANT:** TEN OVER STUDIO

TEN OVER STUDIO worked with the City of San Jose and Group 4 to analyze strategies for the relocation of their Fire Department Training Center to the Central Services Yard. The new Fire Department Training Center will occupy approximately 6.5 acres of the 22 acres at the Central Services Yard.

TEN OVER worked with the City team to validate the preliminary program and prepare a high-level development scheme to accommodate the fire training needs. The project will include a Fire Training Building for the training administration, the fire academy and in-service personnel training. A 6-story fire training tower and support spaces will be designed for both Class A and Class B training props and scenarios.

New on-site parking will accommodate the new Fire Training Center. Space to store EMS essential equipment, training materials, and site training props is a high priority.

17 [TENOVERSTUDIO.COM](http://TENOVERSTUDIO.COM)



STATEMENT OF QUALIFICATIONS

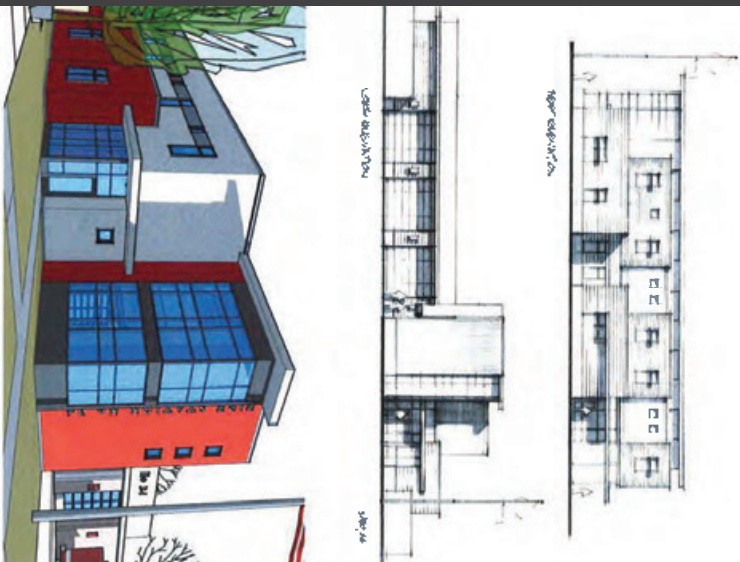
# SAN JOSE FIRE DEPARTMENT FIRE FACILITIES PROGRAM

**LOCATION:** SAN JOSE, CA  
**CLIENT:** SAN JOSE FIRE DEPARTMENT  
**SCOPE:** PROJECT MANAGEMENT, BOND PROGRAM  
**COMPLETION:** 2006

Candice Wong was the project manager in charge of preparing the San Jose Fire Facilities Program. The City wanted a strategic plan and operational procedures for all of the new fire station built under the Fire Bond. Candice worked with the Fire Department to identify the operational criteria to guide the development of three prototype fire stations. The programming process included workshops with many City staff members, visits to existing facilities, and discussions with San Jose Fire Department leadership. The program focused on operational practices, methods for obtaining better operational efficiencies and creating flexibility in the space planning to allow for future changes in operating procedures and increases in service levels.

*\* Experience of Candice Wong prior to forming TEN OVER STUDIO.*

16 [TENOVERSTUDIO.COM](http://TENOVERSTUDIO.COM)



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFJSJ-1132), September 9, 2020) - Continued

**STATEMENT OF QUALIFICATIONS**

## SAN JOSE FIRE TRAINING CENTER & EOC


**LOCATION:** SAN JOSE, CA  
**CLIENT:** CITY OF SAN JOSE  
**SIZE:** 63,208 SF (6.3 ACRES)  
**COMPLETION:** 2022  
**CONSTRUCTION COST:** \$50.1 MILLION  
**ARCHITECT OF RECORD:** TEN OVER STUDIO

After completing the feasibility study, needs assessment, and program budget for the new Fire Department Training Center, the TEN OVER STUDIO team was retained to move forward with design. The project includes designing a new 2-story fire training building, 6-story fire training tower, training grounds, and Emergency Operations Center.

A new 6-story fire training building and tower will feature a number of training props, mobile units and metal storage containers.

Site improvements will include utility infrastructure, covered storage for trailers and equipment, parking, landscaping, gates and landscaping.

18 | [TENOVERSTUDIO.COM](http://TENOVERSTUDIO.COM)



**STATEMENT OF QUALIFICATIONS**

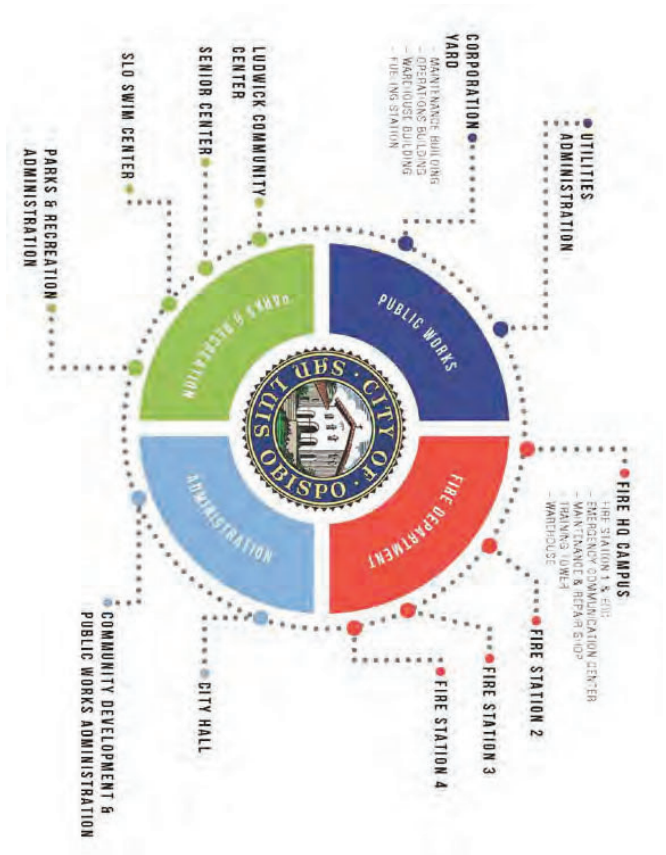
The fire training building will be used for fire training classrooms, fire training, EMS, recruit, data systems, and office emergency management administrative offices. An existing warehouse will be renovated for apparatus and equipment storage, offices for the BOS and the fitness center.

19 | [TENOVERSTUDIO.COM](http://TENOVERSTUDIO.COM)



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFJSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS



21 TENOVERSTUDIO.COM

STATEMENT OF QUALIFICATIONS

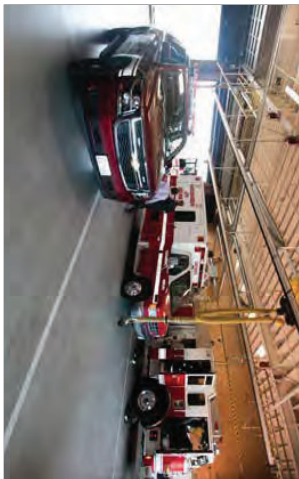
**SAN LUIS OBISPO FACILITIES MASTER PLAN UPDATE**

**LOCATION:** 12 SITES  
**CLIENT:** CITY OF SAN LUIS OBISPO  
**SIZE:** 250,000 SF  
**SCOPE:** PROJECT MANAGEMENT, FACILITIES MASTER PLAN, CAPITAL IMPROVEMENT PROGRAM DEVELOPMENT  
**COMPLETION:** 2018  
**CONSTRUCTION COST:** \$94 MILLION  
**ARCHITECT OF RECORD:** TEN OVER STUDIO

The City of San Luis Obispo's Facilities Master Plan was issued in 1998. The City owns over 221,000 SF of building space for municipal, public safety, community and maintenance functions. The City hired Ten Over Studio to update their existing facilities master plan to better guide capital improvements, maintenance, renovations, expansions and/or replacement of these facilities. The Master Plan update will help the City better understand if their facilities have outlived their original purpose and what each facility might require to continue to serve staff and the citizens of San Luis Obispo. The Master Plan update includes needs assessment and programming for four existing fire stations.

Candice is the Assessment and Master Planning Architect. She worked with the City to develop the project budgets, timelines and capital improvement plan for all of the facilities in the Master Plan Update.

20 TENOVERSTUDIO.COM



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS

**JIM DUFFY**  
PRESIDENT, AIA, NCARB, LEED AP  
JIM.D@TENOVERSTUDIO.COM

Jim draws on over 25 years of experience within a wide variety of projects ranging from civic and public safety to commercial and retail developments to large scale master planning and design. His extensive experience on civic and public safety projects throughout California make him a natural leader for technical public projects. Jim's educational background and experience in master planning along with his technical architectural experience and refined design sense make him a valuable resource in the early stages of public safety projects.

As a LEED accredited professional, his knowledge of and commitment to sustainable design is drawn upon at each level of planning, design and construction to ensure the most environmentally-friendly options are considered.

Jim excels in quality assurance and quality control checks both throughout conceptual design scenarios, identifying where theory conflicts with practice and practically, as well as on project drawings and specifications throughout the project. His attention to detail is an extreme attribute, especially in large-scale public safety projects.

23 TENOVERSTUDIO.COM

STATEMENT OF QUALIFICATIONS



22 TENOVERSTUDIO.COM



*"I would like to enthusiastically recommend Jim Duffy as a strong choice for architectural consulting services. Jim not only has the technical qualifications, but also has demonstrated the communication, leadership and management skills necessary to succeed in all that he endorses. The City of San Jose has had the pleasure of working with Jim through the design and construction of several fire stations over the years and we have many firefighters pleased that he responded to their needs."*

DEEDEE FLAUDING  
PROGRAM MANAGER, CITY OF SAN JOSE  
(RETIRED)

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS

**KARL LUNDEEN**

PUBLIC SAFETY PROJECT MANAGER  
KARL@TENOVERSTUDIO.COM

Karl graduated from Cal Poly with a degree in Architecture and a minor in Construction Management. His varied background, with experience in commercial and residential design and over ten years of woodworking and construction experience, gives him a unique understanding and approach to all aspects of the design and construction process.

Clients value Karl's easy-going demeanor and concise communication style. Karl listens carefully during conversations and integrates what he learns into his relationships and projects. A team player, Karl seeks timely, efficient and effective solutions; he enjoys finding ways to bring together seemingly unrelated components or ideas into a cohesive whole.

25 TENOVERSTUDIO.COM

STATEMENT OF QUALIFICATIONS

**CANDICE M. WONG**

PRINCIPAL, LEED AP BD+C  
CANDICEW@TENOVERSTUDIO.COM

Candice is a public safety design specialist. She has dedicated the past 23 years of her career to helping law enforcement personnel and first responders live and work in operations-driven, cohesive, comfortable facilities. Just talk to Candice for a minute, and you'll understand her passion for public safety. It's not just her job – it's her way of life.

From working through a strategic plan, needs assessment or program to designing a renovation, upgrade, or new facility, through to construction administration, Candice is a leader on how to marry good design, strong technical documents and sustainable solutions.

Clients appreciate that Candice keeps their goals front and center as she integrates their program requirements with the technical drawings and specifications. She is known for her strong technical skills, having worked in all phases and various roles of architecture and project management.

Part of creating a 50-75-year facility – a key component of public safety design – is using durable and low maintenance materials and solutions. Candice brings her extensive knowledge of sustainable design strategies to every component of a project. She has completed dozens of LEED®-certified public safety projects, focusing on lower operating and utility costs.

Candice shares her expertise through published articles and speaking engagements. At the Station Design Conference, Candice leads the Law Enforcement Preconference team, sharing insights on the latest in innovations in police stations and public safety facilities.

24 TENOVERSTUDIO.COM



*"We appreciate how the Ten Over Studio team has transformed our design committee's operational needs and wish list into an award-winning design. They continue to exceed our expectations, meet our timelines and stay within budget. We appreciate their in-depth understanding and experience with prebouse architecture and personalized service."*

FIRE CHIEF DIEGO FAMILA  
CITY OF CALEXICO



*"Ten Over Studio was our public safety consultant on two feasibility studies for the City of San Jose. They prepared site feasibility studies and provided programmatic validation services for the Fire Training Center Relocation project. Additionally, Ten Over Studio assisted with public safety review on the City's Police Training Center and Academy Relocation. Ten Over Studio is currently working with the City of San Jose as the lead public safety designer and Architect of Record for the Mineta International Airport ARFF Facility. We are happy to be working with an experienced and effective architectural firm on our mission-critical projects for the City of San Jose."*

DOMENIC ONORATO  
ARCHITECTURAL PROJECT MANAGER,  
CITY OF SAN JOSE

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS

**CAITLIN MILICH**

PROJECT DESIGNER  
CAITLINM@TENOVERSTUDIO.COM

Caitlin is a designer who understands what it means to respect the impact the designed environment has on its users. She appreciates the level of detail that is necessary in the design and development of essential service facilities and how that design impacts those people who serve their community. As a team member, Caitlin enjoys diving into the details of code research and participating in meetings with stakeholders, clients and consultants.

27 TENOVERSTUDIO.COM

STATEMENT OF QUALIFICATIONS

**WILLIAM RUOFF**

PROJECT ARCHITECT, AIA  
WILLR@TENOVERSTUDIO.COM

Bringing together his passion for architecture, landscape architecture, engineering, and environmental design, William understands the importance of collaboration and teamwork to create innovative solutions for his clients. His multi-faceted background provides a unique perspective on any project.

William believes architecture must combine not only aesthetic and functional goals but also the poetics of the site and the surrounding cultural influences to create a solution that not only works for the clients, but also helps the community as a whole.

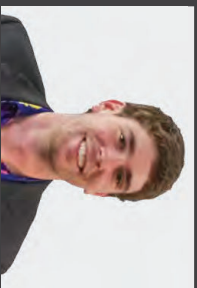
With his extensive background in public sector and non-profit work, William understands how projects affect budget, community and the clients' interests. He brings his strong work ethic and background to every project, making him a valuable part of the team.

26 TENOVERSTUDIO.COM



*"Ten Over Studio is more than providing the document the City requested, Ten Over Studio is providing the services and planning tool the City needs to successfully manage public facilities into the future. This plan will guide the maintenance, improvement and replacement strategies for the City for the next 20 years."*

MATT HORN  
PUBLIC WORKS OPERATIONS MANAGER



*"The staff at Ten Over went to great lengths to understand our needs prior to assessing the condition of our facilities. This "getting to know your needs first" approach was spectacular. Not only did it inform the subsequent (and thorough) assessment of our facilities, but it also established a credible, trusting relationship between the Ten Over staff and all levels of the Fire Department."*

FIRE CHIEF GARRETT OLSON,  
CITY OF SAN LUIS OBISPO (RETIRED)



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

STATEMENT OF QUALIFICATIONS

OUR MISSION

# TO LEAVE THE WORLD BETTER THAN WE FOUND IT

OUR VALUES

**DESIGN LIKE YOU GIVE A DAMN**  
Average is unacceptable. Question the status quo, push boundaries and make a positive impact.

**“WE” BEFORE “ME”**  
Working as a team improves everything we do. Go out of your way to help others succeed and understand that listening, humility and empathy are some of our greatest tools.

**110% ... ALWAYS**  
Lead by example - go the extra mile, take responsibility and do the right thing, even when no one is looking.

**KEEP IT REAL**  
Be fearlessly authentic with yourself, your work and your relationships.

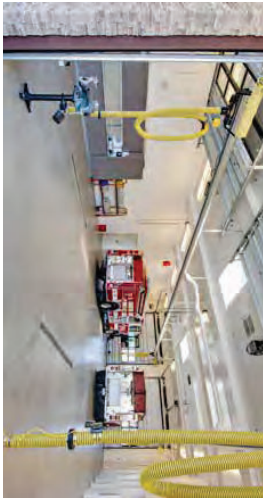
**SUSTAINABILITY ISN'T A CHECKBOX**  
It's a way of thinking and acting. It guides every decision we make in order to maximize the resources of our clients, team, community and planet.

**GIVE BACK**  
Get involved, volunteer your time and build community connections.

**ENJOY THE RIDE**  
Celebrate the success and learn from failures. Enjoy the journey as much as the destination.

29 TENDERSSTUDIO.COM

STATEMENT OF QUALIFICATIONS



REFERENCES

**MATT HORN**

Public Works Operations Manager  
City of San Luis Obispo  
(805) 781-7191  
mhorn@stiodcity.org

Projects:

- City of San Luis Obispo On-Call Architectural Services
- City of San Luis Obispo Downtown Master Plan
- City of San Luis Obispo Mechanical Renovation Projects
- City of San Luis Obispo City Hall Tenant Improvements
- City of San Luis Obispo Facilities Master Plan Update

**DOMENIC ORONATO**

Architectural Project Manager  
City of San Jose  
(408) 535-8407  
domenic.oronato@santioseca.gov

Projects:

- City of San Jose Essential Services On-Call Architectural Services
- Mineta San Jose International Airport ARFF Facility
- San Jose Fire Training Center Feasibility Study
- San Jose Fire Training Center and Emergency Operations Center
- San Jose Police Training Center Feasibility Study

**DIEGO FAVILA**

Fire Chief, City of Calexico  
(760) 768-2150  
dfavila@calexico.ca.gov

Projects:

- Calexico Fire Headquarters Station Program and Conceptual Design
- Calexico Fire Headquarters Station

**JEFF WONG**

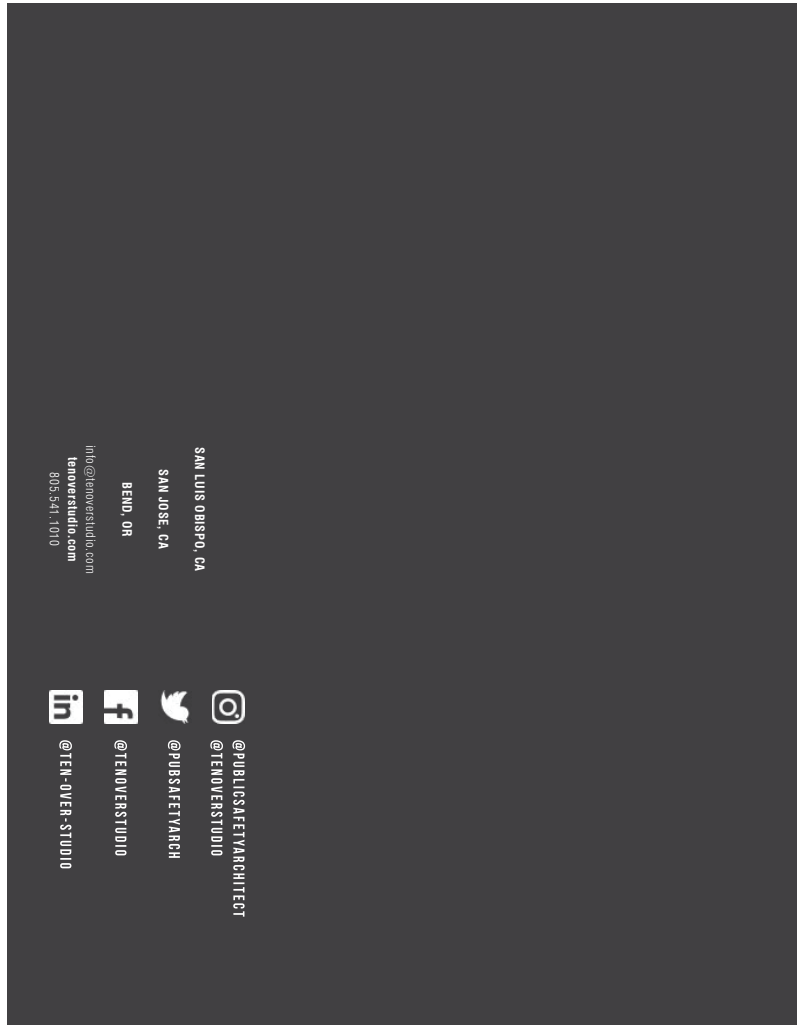
Capital Planning & Project Manager  
County of Marin  
415.473.6277, jwong@marincounty.org

Project:

- Marin County Sheriff Emergency Operations Facility

28 TENDERSSTUDIO.COM

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



Attachment Metis-F

California High-Speed Rail Authority  
San Francisco – San Jose Draft EIR/EIS

Brisbane LMF Evaluation and  
Alternatives Review



City of Brisbane Department of Public Works

September 8, 2020

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

## Table of Contents

<b>Table of Contents</b> .....	<b>1</b>
<b>List of Tables</b> .....	<b>2</b>
<b>1. Introduction</b> .....	<b>3</b>
1.1 Background .....	4
<b>2. Document Review</b> .....	<b>4</b>
<b>3. Summary of Requirements for Operations and Maintenance Facilities</b> <b>5</b>	
3.1 LMF Design Criteria .....	6
A. Authority’s Assumptions .....	6
B. LMF Purpose .....	7
C. Optimal LMF Configuration .....	7
D. Less Optimal LMF Configuration .....	8
E. Potential Work Arounds to Less Optimal LMF Configurations .....	8
F. Facilities Site Location Criteria .....	8
G. Summary of Operations Sizing for LMF .....	10
H. Technical Design Criteria .....	10
3.2 Site Selection Criteria .....	11
3.3 Adherence to Criteria and Requirements .....	13
A. Authority’s Preliminary Siting Criteria for Maintenance Facilities.....	13
B. Adherence to Requirements Outside the SAA .....	14
<b>4. Brisbane Site Analysis</b> .....	<b>15</b>
4.1 LMF East Option – Brisbane.....	15
A. Description of Track Infrastructure .....	15
B. Site Grading Design Vertical Observations .....	15
4.2 LMF West Option – Brisbane .....	16
A. Description of Track Infrastructure .....	17
B. Site Grading Design Vertical Observations .....	17
4.3 Reduction in LMF Service Level .....	17
<b>5. Brisbane Site Impacts</b> .....	<b>18</b>
5.1 Geneva Ave Extension.....	18
A. Geneva Extension Project .....	18
B. Geneva Ave Extension Project Options.....	19
C. LMF Reconfiguration Options to Accommodate Geneva Extension	
<b>Error! Bookmark not defined.</b>	
D. Golden State Lumber .....	25
5.2 Lagoon Road Extension .....	25

A. Alternative A .....	25
B. Alternative B .....	27
<b>6. Alternatives Analysis</b> .....	<b>28</b>
6.1 Bayview Industrial District – San Francisco.....	28
6.2 Newhall Yard – San Jose.....	29
6.3 Coyote Valley – Santa Clara County.....	29
6.4 San Francisco – Gilroy LMF/MOWF Consolidation.....	29
<b>7. Recommendations</b> .....	<b>30</b>
<b>List of Appendices</b> .....	<b>30</b>

## List of Tables

TC1 Table 1 - Document Summary .....	4
TC1 Table 2 – HMF, LMF and MOI Locations .....	9
TC1 Table 3 – Summary of Regional LMF’s.....	10
TC1 Table 4 – Summary of Pertinent Track Design Criteria .....	11

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative

Final

## 1. Introduction

In 2012, Caltrain and the California High Speed Rail Authority (Authority) entered into an agreement to operate as a blended regional commuter and state High-Speed Rail system (HSR). Under the agreement, Caltrain and the Authority agreed to share the tracks and maintain the corridor as primarily a two-track railroad. Following the 2012 agreement, Caltrain initiated improvements to the existing corridor, achieving environmental clearance and commenced construction on improvements under a program known as Caltrain Modernization (“CalMod”). The CalMod program includes a key component to electrify the corridor from Caltrain’s 4th and King Street Station in San Francisco to the Tamien Station in San Jose. These improvements are currently under construction as part of Caltrain’s program.

The Authority is currently completing its environmental review process for the required infrastructure which will be needed for high-speed rail service to be added to this shared corridor. The Authority issued a draft EIR/EIS in July 2020 to evaluate the impacts and benefits of introducing high-speed rail within the project section. Two alternatives, Alternatives A and B, along with a no-build option are being evaluated in the Draft EIR/EIS.

Alternatives A and B for the project section would generally operate within the existing Caltrain right-of-way between the 4th & King Street station in San Francisco and Diridon Station in San Jose via a blended system. Both alternatives share key features generally including:

- Caltrain and Authority operating trains on shared tracks and would operate a blended timetable for both commuter and intercity service.
- High-speed trains would use the same tracks and infrastructure as Caltrain and utilize infrastructure as part of the electrification currently under construction as part of the CalMod program.
- Alignment improvements would be completed to create higher speed capabilities within the corridor for both systems.
- Installation of corridor safety, train control and communications improvements would be completed.
- Existing Caltrain served stations would be modified.
- A Light Maintenance Facility (“LMF”) would be constructed within the project segment.
- High-speed stations would be planned at 4<sup>th</sup> & King Street in San Francisco, Millbrae, and Diridon in San Jose with the eventual plan to connect to the Salesforce Transit Center.
- High-speed rail would not prohibit the Caltrain’s future growth plans.

The primary difference between Alternate A and B are generally as follows:

- No additional passing tracks are proposed under Alternate A, whereas Alternate B provides for addition passing tracks between the cities of San Mateo and Redwood City. These improvements would require the relocation of San Carlos Caltrain Station.
- No viaduct to Diridon Station is proposed under Alternate A, whereas Alternate B proposes both a short and long viaduct options to Diridon.
- An LMF east of Caltrain corridor in City of Brisbane is proposed under Alternate A whereas Alternate B proposes the LMF west of the Caltrain corridor in City of Brisbane.

Rev 00

Page 3 of 32

8/25/20

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative

Final

The initial operations for high speed rail service would include 2 trains per peak hours per direction for a total of 4 trains per peak hour with an initial operating speed of 79 mph. Full operations will raise service levels to up to 4 trains per peak hour per direction for a total of 8 trains per peak hour with a full operations speed of 110 mph.

## 1.1 Background

The Draft Environmental Impact Report/Environmental Impact Statement (“Draft EIR/EIS”), was originally made available for a minimum 45-day public review beginning on July 10, 2020 pursuant to CEQA and NEPA. The City of Brisbane, California (“City”) is currently reviewing and preparing comments on the San Francisco to San Jose Project Section Draft EIR/EIS.

The City and its legal and technical consultant team have conducted a peer review of the Draft EIR/EIS and its technical appendices, its construction and project design documents. The focus of the peer review is to determine the feasibility and impacts of the project alternatives, including alternatives to the proposed LMF, project grade separations and proposed grade crossings as well as the impacts of the projected project design and construction of the light maintenance facility, Tunnel Avenue structure replacement (also referred as the Lagoon Road Extension), road improvements, grade crossings and grade separations to City impacted facilities, businesses, projects, services and roadways. The planned LMF under alternative A and B would both have serious impacts to the community. Ideally, the planned LMF would be relocated from the area so as not to impact the City.

## 2. Document Review

This technical review narrative is based on examination of the documents which were made available as part of the Draft EIR/EIS on July 10, 2020. Additionally, any applicable information available to the public, related to the project segments and the overall HSR program, including technical reports, was reviewed as well.

Given the large quantity of documents made available as part of the Draft EIR/EIS and the limited time window available for review and comment, this examination was focused on those documents which refer to the LMF, its requirements, operation and the Authority’s review of alternative sites.

The table below provides a comprehensive list of the documents which contained relevant information that was used in this report. In sections where information was taken from specific reports, that report name, pertinent to the section, will appear in italics, i.e. (*Draft EIRS\_FJ\_V1-08\_CH\_2\_Alternatives*). Callouts to specific pages will appear in bold italics and will be included as an Appendix to this document i.e. (**Appendix B: B-1 – Draft EIR-EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 18**).

TC1 Table 1 - Document Summary

No.	Document Name	Date	Author
1	<i>Draft EIR/EIS, V1-03, Fact Sheet</i>	July 2020	CHSRA
2	<i>Draft EIR/EIS, V1-07, CH 1 - Purpose Need Objectives</i>	July 2020	CHSRA
3	<i>Draft EIR/EIS, V1-08, CH 2 - Alternatives</i>	July 2020	CHSRA
4	<i>Draft EIR/EIS, V1-32, CH 8 – Preferred Alternative</i>	July 2020	CHSRA

Rev 00

Page 4 of 32

8/25/20

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

No.	Document Name	Date	Author
5	Draft EIR/EIS, V2-03, APP 2-A - Roadway Crossings Modifications Closures	July 2020	CHSRA
6	Draft EIR/EIS, V2-04, APP 2-B - Railroad Crossings	July 2020	CHSRA
7	Draft EIR/EIS, V2-05, APP 2-C - Operations Service Plan Summary	July 2020	CHSRA
8	Draft EIR/EIS, V2-06, APP 2-D - Applicable Design Standards	July 2020	CHSRA
9	Draft EIR/EIS, V2-08, APP 2-F - Summary Requirements Operations Maintenance Facilities	July 2020	CHSRA
10	Draft EIR/EIS, V3-03 PEPD, Alternative A Book A1 – Composite Plan, Profile, Typical Sections	July 2020	CHSRA
11	Draft EIR/EIS, V3-06, PEPD, Alternative A Book, A4 - Structures Roadway LMF Alignment Data Table	July 2020	CHSRA
12	Draft EIR/EIS, V3-07 PEPD, Alternative B Book B1 – Composite Plan, Profile, Typical Sections	July 2020	CHSRA
13	Draft EIR/EIS, V3-09 PEPD Alternative B Book B3 -Stations, Structures, and Roadway	July 2020	CHSRA
14	Draft EIR/EIS, V3-10 PEPD, Alternative B - Book B4 LMF Alignment Data Table	July 2020	CHSRA
15	Summary Description of Requirements and Guidelines for: Heavy Maintenance Facility (HMF), Terminal Layout/Storage & Maintenance Facilities & Right-of-way Maintenance Facilities TM 5.3	Aug 2009	CHSRA
16	CHSRA Factsheet LMF NorCal	-	CHSRA
17	TM 2.1.8 Turnouts and Yard Tracks R0	July 2009	

### 3. Summary of Requirements for Operations and Maintenance Facilities

The Authority provided information on assumptions, operations, facilities site location criteria, facilities descriptions and other factors related to operations and maintenance facilities in the following document: **Draft EIR-EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities.**

The objective of the report is to evaluate the analysis criteria for the optimal siting of facilities for heavy and light maintenance facilities for rolling stock, and for maintenance of infrastructure locations across the high-speed rail network. The report includes a set of requirements the Authority has established for those facilities, its size and location.

#### 3.1 LMF Design Criteria

##### A. Authority's Assumptions

The Authority provided several assumptions within the report pertaining to rolling stock, fleet size, maintenance level requirement, track lengths, purpose of tracks within facilities and the operational relationship between LMF facilities and end of segment stations. Those general assumptions are as follows:

- Rolling stock: Train sets would be operated and maintained in a configuration of 660-foot sets with the potential to operate in double trainset configuration of 1,320-foot total length sometime in the future.
- Fleet Size: Would be expected to grow from a small initial quantity of trainsets in early stage service offering, eventually increasing to 90 trainsets for the full Phase 1 service plan.
- Maintenance Facilities: Will be required to maintain rolling stock. Maintenance of rolling stock to follow a 5-level hierarchy of functions:

##### Level I – Daily inspections, pre-departure cleaning and testing

- Storage, inspection daily cleaning and toilet servicing tracks - Quantity would depend on service design.
- Shop Tracks: None planned

##### Level II – Monthly inspections

- Storage, inspection daily cleaning and toilet servicing tracks - Quantity would depend on service design.
- Shop tracks: Up to 2 each

##### Level III – Quarterly inspection, including wheel-truing

- Storage, inspection daily cleaning and toilet servicing tracks - Quantity would depend on service design.
- Shop tracks: Up to 8 each

##### Level IV – Annual inspections, including underside/bogie inspection

- Storage, inspection daily cleaning and toilet servicing tracks - Quantity would depend on service design.
- Shop tracks: Up to 10 each

##### Level V – Overhaul, component change out, commissioning and decommissioning

- Storage, inspection daily cleaning and toilet servicing tracks - Quantity would depend on service design.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative

Final

- Shop tracks – Up to 10 each
- Any proposed facility designed to handle projected system growth to the year 2040;
- Track lengths are designed to accommodate two 660-foot trainsets each, plus additional capacity is estimated at 80% of total possible space in the yard for maneuverability of the equipment to and from yard to shop areas with some room for growth.
- Tracks are intended for storage of trainsets that are not in use for revenue service. The majority of track are to be used for middle-of-day or overnight layover of trainsets.
- Trainsets will need to make non-revenue trips between LMF and the origin or destination at the beginning or end of revenue service.
- Include additional tracks for trainsets that are currently undergoing maintenance base on LMF type with higher level of maintenance requiring additional tracks.
- Additional tracks in LMF set aside of maintenance of infrastructure equipment storage. Work trains, track and tie installation trains may be among the types of equipment stored on these tracks.

## B. LMF Purpose

The LMF would be utilized within the HSR network for dispatching newly inspected and serviced trains and crew to begin revenue service throughout the day in addition to providing daily, monthly, and quarterly maintenance of trainsets. They would be sized to support level I, II, III maintenance activities including cleaning and servicing activities between runs, pre-departure inspections and testing, and monthly inspection and maintenance activities.

For Level II and III facilities, daily service, and monthly and quarterly inspections and maintenance will utilize inside shop track with interior access and inspection pits for underside of wheel-truck assemblies (bogie) inspection. Level III functionality includes train wash and wheel defect detection facilities.

## C. Optimal LMF Configuration

- Yard tracks capable of holding two complete trainsets, plus two runaround/transfer tracks to move from one end of the facility to the other.
- For Level III LMF's, dedicated train wash tracks and wheel defect detection track.
- Direct main track access through double-ended yards leads.
- Grade-separated flyovers to access the main track opposite the LMF without affecting main track traffic.
- 60 MPH interlockings with universal crossovers at the main tracks (on both ends, immediately adjacent to the main track turnouts).
- 1,700-foot transition tracks to reduce/increase speed to/from stop and to transition the automatic train control system.
- Estimated length of 7,500 feet (not including transition tracks) with a depth dependent on the number of tracks required at each facility.
- Estimated overall minimum footprint ranging from about 40 to 110 acres.

Rev 00

Page 7 of 32

8/25/20

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative

Final

## D. Less Optimal LMF Configuration

- At-grade or "flat" interlockings.
- Single 60 MPH crossovers at the main tracks (on both ends, immediately adjacent or within up to 3 miles of the main track turnouts).
- Turnout speeds in interlockings of less than 60 MPH.
- Shorter transition track.
- Single-Ended Facilities. (Authority notes that a single-ended LMF could be considered on a case-by-case basis depending on the proposed location of a site relative to the nearest station and on the operational details of the service plan.) **Appendix B: B-1 – Draft EIR/EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 18.**

## E. Potential Work Arouns to Less Optimal LMF Configurations

- Additional deadhead miles or time in order to avoid delays to revenue trains by deadhead movements.
- Additional operating crews in order to expedite reverse movements in the facility and/or on the main track.
- Alternations to maintenance scheduling to accommodate the arrival of deadhead trains at non-peak hours of operation.
- Co-locate facilities such as an LMF and MOWF. **Appendix B: B-1 – Draft EIR/EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 18.**

## F. Facilities Site Location Criteria

The Authority developed an operating plan based on a service design driven by ridership demand forecast. Based on this forecast, an operating plan was developed to define:

- The schedules and estimated number of trainsets required.
- Preliminary guidelines and criteria prepared by the Authority.
- Size and configuration of proposed facilities based on defining the capabilities and functional requirements.
- Size and configuration of facilities estimated based on capabilities and functional requirements necessary to support planned operation.
- Authority used preliminary guidelines and criteria to identify suitable site alternatives.
- Feasibility of each site evaluated from operational, engineering, and environmental standpoint.
- Authority determined potential sites based on its criteria and carried forward options it believed were viable. The Authority recommended the following rolling stock facilities:
  - Brisbane, LMF
  - Gilroy, LMF

Rev 00

Page 8 of 32

8/25/20

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

- Central Valley, LMF
- Antelope Valley, LMF
- Los Angeles, West Yard LMF
- Los Angeles, Montebello Yard LMF
- Anaheim, LMF
- Authority envisioned only one location in northern section route for a level III LMF. The two potential locations identified in that section were Brisbane and Gilroy.
- The LMF's at Brisbane and Gilroy are envisioned to work together. Whichever location is finally determined for level III activity would still require the other location to support lower level activities. Appendix B-2: (B-2 – Draft EIR/EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 11).
- Recommendation to clear both locations as level III capable LMF locations from an environmental perspective.

TC1 Table 2 – HMF, LMF and MOI Locations

(From Page 2, Table 2 – Summary of HMF/LMFs - Draft EIR/EIS Appendix 2-F: Summary of Requirements for Operations and Maintenance Facilities)

Proposed Facility	Miles (to Transbay)	Location Name	Comment
LMF	5.00	Brisbane	<ul style="list-style-type: none"> <li>• Level III facility to support train servicing and start up and close-down of service at San Francisco</li> <li>• Corresponds to location of proposed LMF.</li> <li>• <u>This site could also function as a Level I site on a smaller footprint to support service for the San Francisco Terminals</u></li> </ul>
LMF	60.00	Coyote (between San Jose and Morgan Hill)	<ul style="list-style-type: none"> <li>• Level I facility to support train servicing and start up and close-down of service at San Jose. Gilroy and Merced. Will need to clear a level III facility at this location based on the availability of the Brisbane site or the phasing requirements of the project.</li> <li>• Corresponds to the most likely of several alternative site already being considered for an LMF.</li> <li>• Co-location of this facility with the nearby MOIF is possible.</li> </ul>

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

Proposed Facility	Miles (to Transbay)	Location Name	Comment
MOIF	80.00	Just South of Gilroy Station	<ul style="list-style-type: none"> <li>• Corresponds to location of previously proposed MOIF.</li> <li>• Co-location of this facility with the nearby LMF is possible.</li> </ul>

### G. Summary of Operations Sizing for LMF

TC1 Table 3 – Summary of Regional LMF's

(From Table 1 – Summary of HMF/LMFs - Draft EIR/EIS Appendix 2-F: Summary of Requirements for Operations and Maintenance Facilities)

Facility Location/ Type	No. Tracks	Level	YR 2025 Proj. Fleet of 19 Train Sets (TS)		YR 2034 Proj. Fleet of 19 Train Sets (TS)		YR 2059 Proj. Fleet of 19 Train Sets (TS)	
			Total TS	AM TS	Total TS	AM TS	Total TS	AM TS
Brisbane LMF	13 Yd 2 or 8 Shop	III (or I)	8-10	6-8	14-17	10-13	16-21	12-17
Gilroy LMF	10 Yd 8 or 2 Shop	I (or III)	8-10 (See Note)	6-8 (See Note)	13-15	10-14	13-17	12-16

Notes and assumptions regarding information in table:

- Number of trainsets (as single consists) at each facility is given as a range to allow for unknown availability of station tracks for overnight layover and storage of consists that have been outfitted with autonomous inspection and measurement equipment.
- Number of morning starts (as single consists) from each facility differs from the number of trainsets stored at each facility due to allowances for hot standby trainsets, high-demand spares, and maintenance downtime.
- Maximum maintenance level at Brisbane could be lowered to Level I if the facility in Gilroy is built with the Level III capability.

### H. Technical Design Criteria

Applicable design standards can be found in the following document: (Draft EIR/EIS V2-06, Appendix 2-D - Applicable Design Standards). Technical design criteria specific to the track location within an LMF is covered under the Authority's technical memo: (TM 2.1.8 Turnouts and Yard Tracks R0).

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

TC1 Table 4 – Summary of Pertinent Track Design Criteria  
 From CHSRA Technical Manual: (TM 2.1.8 Turnouts and Yard Tracks R0)

Design Criteria	Requirements	Reference document
Min. Radius (Connection Track)	2,500' (Desirable)	CHSRA TM 2.1.8, Sec. 6.1.1
	900' (Minimum)	CHSRA TM 2.1.8, Sec. 6.1.1
	500' (Exceptional)	CHSRA TM 2.1.8, Sec. 6.1.1
Min. Radius (Yard/Maintenance Track)	950' (Desirable)	CHSRA TM 2.1.8, Sec. 6.1.2
	620' (Minimum)	CHSRA TM 2.1.8, Sec. 6.1.2
	500' (Exceptional)	CHSRA TM 2.1.8, Sec. 6.1.2
Track Storage Usable Length	1,450' (Desirable)	CHSRA TM 2.1.8, Sec. 6.1.3
	1,400' (Minimum)	CHSRA TM 2.1.8, Sec. 6.1.3
	1,375' (Exceptional)	CHSRA TM 2.1.8, Sec. 6.1.3
Min. Track Centers For Servicing	Alternating spacing of 30' and 22' (Desirable)	CHSRA TM 2.1.8, Sec. 6.1.3
	Alternating spacing of 28' and 20' (Minimum)	CHSRA TM 2.1.8, Sec. 6.1.3
	Alternating spacing of 28' and 20' (Exceptional)	CHSRA TM 2.1.8, Sec. 6.1.3
Min. Track Centers No Servicing	15' (Desirable)	CHSRA TM 2.1.8, Sec. 6.1.3
	15' (Minimum)	CHSRA TM 2.1.8, Sec. 6.1.3
	14' (Exceptional)	CHSRA TM 2.1.8, Sec. 6.1.3
Yard Turnouts	No. 11 (Minimum)	CHSRA TM 2.1.8, Sec. 6.2.3
	No. 9 (Exceptional)	CHSRA TM 2.1.8, Sec. 6.2.3
Space Between Turnouts	75' (Desirable)	CHSRA TM 2.1.8, Sec. 6.2.4

### 3.2 Site Selection Criteria

The Supplemental Alternative Analysis (**Appendix B: B-3 - Draft EIR/EIS, V1, Chapter 2 – Alternatives, Page 35**) evaluated potential LMF sites in accordance with the Authority’s preliminary siting criteria for maintenance facilities. This described the facility design and location criteria to meet the functional requirements for an LMF between San Francisco and San Jose, including:

- **Site Size** – The site shall be large enough to accommodate storage and maintenance operations. Authority states approximately 100 acres.
- **Proximity to the Mainline Tracks** – LMF should be immediately adjacent to the mainline tracks, to minimize the length of the lead track.
- **Double-ended Lead Tracks** –The LMF should be a double-ended facility (i.e., capable of dispatching and receiving trains from both ends of the facility).

In addition to the SSA information provided in the Draft EIR/EIS, the Authority published a fact sheet for the Northern California Light Maintenance Facility (**Appendix B: B-4 - CHSRA Factsheet for NorCal LMF**) which provided information for feasibility criteria for siting maintenance facility. This fact sheet indicating the Authority had considered 4 separate sites for criteria including:

- **Proximity:** Distance to San Francisco Terminal Station
- **Site Size:** Approximately 100 acres
- **Proximity to Mainline Tracks**
- **Double-ended Tracks:** Trains can enter and depart from both directions)
- **Site Availability:** Avoid conflicts with built improvements)

The site criteria included in the LMF fact sheet adds additional requirements for proximity to San Francisco Terminal and Site Availability (Avoid conflicts with built improvements). The criteria to “avoid conflicts with built improvement” greatly reduces the potential sites due to the highly developed urban setting within the project segment. Only the West and East LMF options would meet this requirement of all alternatives evaluated. This requirement was above and beyond the requirements set forth in the SAA and the Summary Requirements for Operations and Maintenance Facilities and does not appear to occur in any other document besides the LMF fact sheet.

A total of 4 sites were identified that meet site criteria and engineering and design guidelines established through the Authority’s Technical Memoranda. A graphical representation of the 4 evaluated sites as well as their location within the segment is presented in **Appendix B: B-5 - Draft EIR/EIS, V1, Chapter 2 – Alternatives, Page 36**. The sites that were analyzed include:

- Port of San Francisco (Piers 90-94)
- SFO
- West Brisbane
- East Brisbane

The Authority chose to proceed with the East and West LMF option for further study. Justification for selection of East and West LMF was that both sites provided adequate space, proximity to Caltrain mainline track and proximity to San Francisco terminal. The parameters under which alternate sites were not considered is as follows:

- **Port of San Francisco (Piers 90-94) Findings:** Removed from further study because the Authority claims the site to be operationally deficient because of its size, distance from the mainline tracks, and the need for the facility to be stub-ended which the Authority states would constrict operations. The Authority notes that acquiring the necessary right-of-way to build lead tracks would be too costly and that operations of trains along the required lead would be disruptive to neighboring properties. The site was therefore not carried forward for further study.
- **SFO Site Findings** – Removed from further study because the Authority claims the site to be adequately sized but operationally deficient because of its distance from the mainline track and need to be stub-ended. Authority additionally states that the cost for the lead for the facility and modifications required to the US-101 Interchange were constraints.



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

### 3.3 Adherence to Criteria and Requirements

This section questions the Authority’s conclusions of the various alternatives related to the criteria set forth for site size, proximity to the mainline and double-ended lead tracks. It also questions various aspects outside of the criteria stated in the SAA which the Authority had considered but did not evaluate further or were dismissed without a clear explanation.

1165-2391

#### A. Authority’s Preliminary Siting Criteria for Maintenance Facilities

##### 1) Site Size

The language within the SAA related to size criteria is that “The site be large enough to accommodate storage and maintenance operation.” (*Appendix B: B-3 - Draft EIR/EIS, V1, Chapter 2 – Alternatives, Page 35*). The authority approximates this site size to be approximately 100 acres. This criterion does not specifically state that the site must be 100 acres in order to be considered but rather that it be large enough to support the proposed operation.

Within the Summary of Requirements for Operations and Maintenance Facilities (*Appendix B: B-6 - Draft EIR/EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 21*), the Authority estimated a minimum footprint of an LMF ranging from about 40-110 acres dependent on the number of track required at each facility. This would also be dependent on the level of anticipated maintenance activities and the layout of the facility i.e. optimum vs. less optimum LMF layouts.

**Port of San Francisco (Piers 90-94) Site** – The Authority withdrew this alternate site partially due to the size of the site but did not provide any further details on how it reached this conclusion. The site would have required the use of a stub-ended facility layout which the Authority conceptualized as shown in *Appendix B: B-5 - Draft EIR/EIS, V1, Chapter 2 – Alternatives, Page 36*. The general area of the body of the storage and maintenance shop tracks as shown in the Authority’s report is approximately 65 acres.

A site utilizing a stub-ended layout arrangement would potentially allow for a smaller site footprint as we believe the Authority showed conceptually in the Appendix. Potential operational inefficiencies could be offset due to the proximity to the 4<sup>th</sup> and King Street station (+/- 2.5 miles).

1165-2392

##### 2) Proximity to the Mainline

Both the Port of San Francisco (Piers 90-94) and the SFO site were eliminated partially due to its proximity to the mainline. The SAA and the Summary of Requirement for Operations and Maintenance Facilities discuss the criteria for the LMF’s proximity to the mainline. The SAA specifies that the “LMF be immediately adjacent to the mainline tracks to minimize the length of the lead track.”

The Summary of Requirement for Operations and Maintenance Facilities discusses this criterion under an optimal and less than optimal configurations. Under optimal configurations, the proposed LMF would be directly adjacent to the main track. Under less than optimal configurations, other arrangements could be evaluated.

Given the highly developed urban setting of the project segment, the available sites which would meet this criterion are limited to only the East and West Brisbane options. The Authority would not consider less than optimum layouts for alternate sites which required longer lead tracks or yards which were not adjacent to the mainline. These potential layouts may be considered by the Authority to be less than optimum, but they are certainly feasible and should have been studied further. No studies for

1165-2392

potential work arounds from less optimal LMF configurations were completed as part of the Authority’s Draft EIR/EIS.

1165-2393

#### 3) Double-Ended Lead Track

The Authority’s preliminary siting criteria within the SAA for double-ended track states that “The LMF should be a double-ended facility (i.e., capable of dispatching and receiving trains from both ends of the facility). Double-ended facilities increase operational flexibility and allow for efficient dispatch of track maintenance equipment in the event there is an issue with one of the lead tracks. A stub-ended track is a high-risk design and should be avoided when a double-ended facility is feasible.” (*Appendix B: B-3 - Draft EIR/EIS, V1, Chapter 2 – Alternatives, Page 35*).

The Summary of Requirement for Operations and Maintenance Facilities discusses this criterion for optimal and less than optimal configurations. While the SAA and the Summary of Requirement for Operations and Maintenance Facilities documents are consistent that double-end lead track are optimum configurations, the Summary of Requirement for Operations and Maintenance Facilities considers the use of single-ended LMF’s on a case-by-case basis depending on the proposed location of a site relative to the nearest station and on the operational details of the service plane. It goes on to discuss workarounds to these conditions and are generally discussed in section 3.1 above and in *Appendix B: B-1 – Draft EIR/EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 18*.

In situations where stub-ended facilities are being considered, the Summary of Requirement for Operations and Maintenance Facilities indicated that “The operational and cost impacts of these less optimal configurations must be analyzed further in order to evaluate the trade-off of the additional yearly operating cost versus the increased capital construction cost and the potential increase in environmental impacts.” (*Appendix B: B-1 – Draft EIR/EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 18*).

Both the Port of San Francisco (Piers 90-94) and SFO sites utilized a stub-ended facility which would not meet the double-ended lead track siting criteria. The Authority withdrew these alternate sites partially due to the need to utilize a stub-ended design facility concept. The Authority did not evaluate the trade-off of a stub-ended facility layout vs. double-ended facility layout in these locations even though it found these types of arrangements to be potentially feasible. These potential layouts may be considered by the Authority to be less than optimum, but they are certainly feasible and should have been studied further. No studies for potential work arounds from less optimal LMF configurations were completed as part of the Authority’s Draft EIR/EIS.

1165-2394

#### B. Adherence to Requirements Outside the SAA

##### 1) Location of Level I and level III Facilities

The Authority envisioned there to be only one location in the northern section of the route that will handle activities associated with a level III facility. The Authority identified two potential locations in their report, one at Brisbane and one at Gilroy however the Authority envisioned the two facilities together (*Appendix B: B-7 - Draft EIR/EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 11-12*).

Within the report, the Authority determined that maximum maintenance levels at Brisbane could be lowered to Level I if the facility in Gilroy is built with the Level III capacity. The Authority identified several LMF site alternatives in the vicinity of Gilroy with likely alternative sites in the vicinity of Morgan Hill.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative

Final

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative

Final

1165-2394

The site size requirements for a Level III LMF could be better suited to be placed in an area which was not a highly developed urban area. Placing a Level I LMF in the San Francisco to San Jose segment would reduce the LMF's footprint and therefore the number of feasible sites could be greater.

The Authority studied no Alternatives where the Level III LMF could be in the vicinity of Gilroy and where a Level I LMF could be located in the segment between San Francisco and San Jose. Reversing the roles of the two planned LMF's could potentially open additional site alternatives with the project segments as the site requirements for a Level I LMF would be reduced.

## 4. Brisbane Site Analysis

This analysis provides an overview of the East and West LMF options and evaluates impacts to the City.

### 4.1 LMF East Option – Brisbane

The East LMF Alternative is located east of Caltrain's existing ROW and west of US-101 and is shown in **Appendix B: B-8 - Draft EIR/EIS, V3-06, PEPD, Alternative A Book, A4, Structure Roadway LMF Alignment Date Table, Page 16.**

At the northern connection of the proposed LMF, southbound trains would exit the southbound main track on to the west transition track and over Caltrain's right-of-way via a fly-over to access the proposed LMF from the north. Northbound trains leaving the proposed LMF would do so at grade via the east transition track onto the northbound main track.

On the south connection of the proposed LMF, both northbound and southbound trains would enter the facility at grade. Northbound trains arriving at the proposed LMF would enter directly utilizing either the west or the east transition track. Southbound trains departing the proposed LMF would depart via the west transition track initially on to northbound main track briefly before crossing-over to south-bound main track.

The proposed LMF is generally comprised of areas and track dedicated to storage/servicing, shop tracks for more complex maintenance task and refuge tracks. Between various shown uses, the proposed LMF shows a total of 31 tracks.

#### A. Description of Track Infrastructure

The storage and servicing yard include a total of 20 tracks. A total of 13 tracks (Y-1 to Y-10 and Y-11 to Y-13) are shown as storage, inspection, daily cleaning, and toilet servicing. These tracks generally have a raised platform between every other track. Tracks Y-10 and Y-11 are separated by the east and west transitions tracks. Track Y-13 to Y-17 are shown as a number of uses including interchange, switching, extraordinary, train washer and automatic wheel inspection. Additionally, there is a runaround track between the general storage/inspection area and the shop tracks.

The maintenance shop is comprised of 8 tracks total. These tracks are shown as pit, flat track/lift & truck/bogie track, and a wheel truing track. Additionally, 3 tracks, 2 on the north end of the proposed LMF and 1 on the south end of the LMF are shown as refuge tracks.

#### B. Site Grading Design Vertical Observations

Earthwork required for construction of the proposed LMF and realignment of Tunnel Avenue overpass would be extensive. Per Table 2-25 Estimated Earthwork Volumes by Alternative (Cubic Yard), the *Draft EIR-EIS, V1, Chapter 2 – Alternatives* shows a total of 2,082,800 CY of materials to be disposed

Rev 00

Page 15 of 32

8/25/20

of from the East LMF and 160,000 CY of materials to be disposed of from the Tunnel Avenue Overpass. A general summary of site grading design vertical observations for the north, middle and south end of the proposed LMF are as follows:

- **North Cross Section of Proposed LMF** - See Cross Section D, DWG MY-CO102 (**Appendix B: B-9 - Draft EIR/EIS, V3-06, PEPD, Alternative A Book, A4, Structure Roadway LMF Alignment Date Table, Page 17**). The cross section in this location generally shows an average cut of +/- 29.11' from existing ground to a proposed top-of-rail elevation of 20.00'. The cross section at this location is +/- 1,395' in width. The top-of-rail for Tracks Y-1 to Y-10 is generally at existing grade while the top-of-rail for tracks east of Y-10 is below existing grade ranging from +/- 5.00' at the East Transition Track to +/- 45.42' at track S-8.
- **Middle Cross Section of Proposed LMF** - See Cross Section E, DWG MY-CO105 (**Appendix B: B-10 - Draft EIR/EIS, V3-06, PEPD, Alternative A Book, A4, Structure Roadway LMF Alignment Date Table, Page 18**). The cross section in this location generally shows an average cut of +/- 1.00' from existing ground to a proposed top-of-rail elevation of 20.00'. The cross section at this location is +/- 1,475' in width. The top-of-rail for Tracks Y-1 to Y-9 is generally +/- 2' above existing grade while the top-of-rail for tracks east of Y-10 is below existing grade ranging from +/- 2.5' at the East Transition Track to +/- 7.00' at track S-8.
- **South Cross Section of Proposed LMF** - See Section F, DWG MY-C106 (**Appendix B: B-11 - Draft EIR/EIS, V3-06, PEPD, Alternative A Book, A4, Structure Roadway LMF Alignment Date Table, Page 19**). The cross section in this location generally shows an average cut of +/- 17.00' from existing ground to a proposed top-of-rail elevation of 20.00'. The cross section at this location is +/- 1,179' in width. The top-of-rail for Tracks Y-4 to Y-14 is generally +/- 2.50' above existing grade while the top-of-rail for tracks east of Y-15 is below existing grade ranging from +/- 7.00' at the Y-15 Track to +/- 36.25' at track S-8.

### 4.2 LMF West Option – Brisbane

The West LMF Alternative is located west of Caltrain's existing ROW and east of Bayshore Blvd and is shown in **Appendix B: B-12 - Draft EIR/EIS, V3-10, PEPD, Alternative B Book, B4, LMF Alignment Data Table, Pages 8 & 10.**

At the northern connection of the proposed LMF, southbound trains would enter directly from the southbound main track at grade into the proposed LMF via the west transition track. Northbound trains leaving the propose LMF would transition over Caltrain's right-of-way via a fly-over to the northbound main.

On the south connection of the proposed LMF, both northbound and southbound trains would enter the facility at grade utilizing a dedicated facility lead. Northbound trains into the proposed LMF on the northbound main track would briefly crossover to the southbound main track before entering the proposed LMF via the east transition track via flat interlockings. Southbound outbound traffic would exit the proposed LMF on the west transition track directly to the southbound main track.

The proposed LMF is generally comprised of areas and track dedicated to storage/servicing, shop tracks for more complex maintenance task and refuge tracks. Between various shown uses, the proposed LMF shows a total of 32 tracks.

Rev 00

Page 16 of 32

8/25/20

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

## A. Description of Track Infrastructure

The storage and servicing yard include a total of 20 tracks. A total of 13 tracks (Y-1 to Y-8 and Y-9 to Y-13) are shown as storage, inspection, daily cleaning, and toilet servicing. These tracks generally have a raised platform between every other track. Tracks Y-8 and Y-9 are separated by the east and west transitions tracks. Track Y-14 to Y-17 are shown as a number of uses including interchange, switching, extraordinary, train washer and automatic wheel inspection. Additionally, there is a runaround track between the general storage/inspection area and the shop tracks.

The maintenance shop is comprised of 8 tracks total. These tracks are shown as pit, flat track/lift & truck/bogie track, and a wheel truing track. Additionally, 3 tracks, 2 on the north end of the proposed LMF and 1 on the south end of the LMF are shown as refuge tracks.

## B. Site Grading Design Vertical Observations

Earthwork required for construction of the proposed LMF and realignment of Tunnel Avenue overpass would be extensive. Per table 2-25 Estimated Earthwork Volumes by Alternative (Cubic Yard), the *Draft EIRS\_FJ\_V1-08\_CH\_2\_Alternatives* shows a total of 1,463,700 CY of materials to be disposed of from the East LMF and 160,000 CY of materials to be disposed of from the Tunnel Avenue Overpass. A general summary of site grading design vertical observations are as follows:

- **North Cross Section** - See Section D, DWG MY-CO204 (*Appendix B: B-13 Draft EIR/EIS, V3-10, PEPD, Alternative B Book, B4, LMF Alignment Data Table, Page 11*). The cross section in this location generally shows an average fill of +/- 16.51' from existing ground to a proposed top-of-rail elevation of 27.00'. The cross section at this location is +/- 775' in width. The top-of-rail for all Tracks is generally +/- 17.5' above existing grade.
- **Middle Cross Section** - See Section E, DWG MY-CO205 (*Appendix B: B-14 - Draft EIR/EIS, V3-10, PEPD, Alternative B Book, B4, LMF Alignment Data Table, Page 12*). The cross section in this location generally shows an average fill of +/- 16.70' from existing ground to a proposed top-of-rail elevation of 27.00'. The cross section at this location is +/- 1,150' in width. The top-of-rail for all Tracks is generally +/- 17.5' above existing grade.
- **South Cross Section** - See Section F, DWG MY-CO205 (*Appendix B: B-14 - Draft EIR/EIS, V3-10, PEPD, Alternative B Book, B4, LMF Alignment Data Table, Page 12*). The cross section in this location generally shows an average cut of +/- 61.90' from existing ground to a proposed top-of-rail elevation of 27.00'. The cross section at this location is +/- 790' in width. The top-of-rail for all Tracks is generally +/- 88.84' below existing grade and ranges from +/- 39.34' to +/- 97.08' below existing grade.

## 4.3 Reduction in LMF Service Level

The Authority envisioned a single LMF location within the northern section of the HSR route. This LMF would have the ability to complete level III maintenance activities. Two potential locations for a level III LMF in the northern HSR section were called out in the Authority's report (*Appendix B: B-7 - Draft EIR/EIS, V2, Appendix 2-F - Summary Requirements Operations Maintenance Facilities, Page 11-12*). One of those potential locations was Brisbane and the second location was Gilroy. The Authority envisioned these two facilities to work together operationally. Further, it was anticipated that only one of those facilities would need to be capable of performing level III maintenance activities, the other would only need to operate at a level I capacity.

1165-2395

The Authority indicated in its report that the maintenance activity level of an LMF in Brisbane could be lowered to level I maintenance activities if an LMF in Gilroy was built to complete Level III maintenance activities. The Authority identified several LMF site alternatives in the vicinity of Gilroy and in the vicinity of Morgan per the report and recommended that environmental clearing be complete for a level III LMF at both locations.

However, the Authority studied no Alternatives where a Level I LMF could be located within the San Francisco to San Jose project segment and supported by a Level III LMF in the vicinity of Gilroy.

The change to a Level I LMF within the project segment would change the site size criteria used by the Authority to identify potential sites. Due to the reduced size requirements of a Level I LMF (+/- 40 acres) additional sites outside of the City could have been identified and evaluated. Additionally, this concept would limit the impact within the highly developed and urbanized project segment by locating the Level III LMF to an area which is sparsely developed. Further, a level III LMF located in the vicinity of Gilroy could be co-located with other planned infrastructure such as the Maintenance of way Facilities, (MOWF) that is currently planned.

## 5. Brisbane Site Impacts

### 5.1 Geneva Ave Extension

#### A. Geneva Extension Project

A Project Study Report (PSR) was developed by Biggs Cardosa Associates (BCA) for the City and was approved in January 2014 by Caltrans to reconstruct the existing US-101/Candlestick Point Interchange with a new compact diamond interchange, which would improve traffic operations and regional access to and from US-101. The interchange would also serve to support a number of planned developments adjacent to the interchange within the City and San Francisco, including the Baylands Development. The roadway would cross either under or over US-101 (depending on the build alternative) and connect with Harney Way on the east side of US-101 in San Francisco and would extend and connect to Geneva Avenue at Bayshore Boulevard on the west side of US-101. This extension is a separate project from the Interchange but is defined and mentioned within the PSR. The Geneva Extension Project will connect US-101 and Harney Road to Geneva Ave from its current eastern terminus at Bayshore Boulevard across the current Caltrain rail corridor. This extension will provide an important access point to developments and businesses to the west of the Caltrain corridor, an important connection to the Caltrain Bayshore station for residents/development to the east of the Caltrain corridor and an important regional east-west transit connection from US-101 to I-280 and BART.

As part of the Geneva Avenue Extension Project, Geneva Avenue would be constructed as a six-lane local roadway with Class II bike lanes and sidewalks in both directions. It also includes a wide median to support the potential for Bus Rapid Transit Service between San Francisco and Daly City through Brisbane. The alignment of Geneva Avenue would cross over the existing Caltrain railroad corridor through Geneva Avenue Overhead, a new 1,143-foot-long, 148-foot wide, 9-span overhead structure. The anticipated construction cost only of the Geneva Ave Overhead in 2014 PSR was approximately \$60M, excluding soft costs, annual escalation, construction management, and contingencies.

Additional studies reviewing the Geneva Ave Extension were done for the City of Brisbane in conjunction with San Mateo County Transportation Authority to review impacts and enhancements to the alignment and connections of the PSR defined project to consider BRT and Caltrain connectivity,

1165-2395

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative  
Final

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative  
Final

accommodating direct and improved access to the Baylands Development, providing direct connection to Tunnel Avenue, and to accommodate proposed Recology modernization plans. The overhead structure reviewed and shown herein is the one that was defined in the approved 2014 PSR and does not include any revisions as part of any future studies. The PSR reviewed two (2) alternatives for the Candlestick Point Interchange. For this study, Alternative 1 will only be considered as the Interchange is sufficiently far enough from these proposed improvements and the overall impacts to the interchange project will be similar for either alternative.

The Authority considered the Geneva Ave Extension as shown on the plan in their report. See DWG MY-CO101 (*Appendix B: B-15 - Draft EIR/EIS, V3-06, PEPD, Alternative A Book, A4, Structure Roadway LMF Alignment Data Table, Page 14 of 49*) for Alternative A and DWG MY-CO201 (*Appendix B: B-16 - Draft EIR/EIS, V3-06, PEPD, Alternative B Book, B4, LMF Alignment Data Table 8*) for Alternative B. However, the Draft EIR/EIS does not indicate nor discuss the project impacts associated with this planned network improvement and vital future connection for the City and its regional partners. Additionally, the geometry as shown on the aforementioned plan is not shown correctly with what was defined in the 2014 PSR nor the proposed layout from the Baylands Plan. A corrected plan is provided in TC2-MY-CO101A, and TC2-MY-CO101B showing the Geneva Avenue Overhead from the 2014 PSR. Based on this revised plan and profile, it is clear that the alternatives proposed by the Authority have significant impacts to the viability of the City's planned project as it was defined.

Since the Geneva Avenue Extension Project and overhead structure were not properly reviewed and analyzed as part of the HSR EIR/EIS, the project team briefly reviewed some alternatives and the future feasibility, constructability and cost related impacts associated that the HSR EIR/EIS proposed alternatives would have on the proposed Geneva Avenue Extension.

## B. Geneva Ave Extension Project Options

Optional profiles were studied to determine the feasibility of accommodating the Geneva Avenue Extension in correlation with the proposed alternatives within the HSR EIR/EIS. There are several major constraints considered with the review of these alternatives, including vertical clearance; constructability; ingress and egress issues for services, businesses, and developments; and effective conforms to existing facilities.

### 1) Geneva Ave Overhead

This alternative would require raising the current profile of the Geneva Ave Overhead to provide adequate clearance over the Transition Track Structure Flyovers that are being proposed as part of the Draft EIR/EIS for each alternative. The Transition Track flyover structure would require raising the current proposed Geneva Ave profile between 20' to 30'.

Following is a summary of impacts of raising the structure for each HSR Alternative.

#### ALTERNATIVE A

Refer to **Appendix A: TC2 - 6-1.1A Plan and TC2 - 6-1.1A Profile**.

#### Visual Impact

The raising of the structure by approximately 25' would create additional visual impacts to the City.

#### Geometric Impacts

- Length of Structure - Because of the profile increase and due to settlement issues related to the landfill and site geology for large extensive fills, this would likely require extending

the structure length considerably. It is estimated that this may increase the overall structure length by 1000 – 1200 feet.

- Column Locations – Because of the increased height of the structure, the columns and the resulting foundations will likely be more robust than originally envisioned. It appears that the columns can be positioned within the Caltrain, HSR and street corridors with some minor realignment of the street layouts. However, construction of the foundations of these columns may pose some constructability issues or adversely affect the operations of the track and road facilities during construction depending on the size of the overhead foundations and the required horizontal construction clearances that will be required. There may be limited opportunities for providing shooflies and detours during construction depending on construction schedules related to the various affected projects. Adjusting the span lengths to mitigate the constructability concerns will increase the structure depths and will further exacerbate any issues with conforms and ingress/egress points. The increased structure depth may eliminate feasibility of making the conform work at Bayshore Blvd.
- Conforms – Based on maintaining the practical span lengths as proposed in the PSR, it appears that the higher profiles depending on potential structure depths across the increased railroad corridors may be able to conform to Bayshore Boulevard. However, it results in less than optimal vertical curves at the conforms to the intersection. It will also significantly impact planned ingress and egress points along Geneva Ave Extension in this revised configuration.
- Baylands Development (West Side) Ingress/Egress – The PSR looked at connecting to proposed one-way street couplets of 1<sup>st</sup> and 2<sup>nd</sup> Ave with 3<sup>rd</sup> Ave crossing underneath the overhead structure. Based on the updated Baylands plan, it appears that all three streets were relocated and could be accessed on to Geneva Ave Extension close to or at grade. The raised overhead would eliminate the possibility of crossing at grade and it is likely that all the streets would have to go underneath and not connect to Geneva Ave Extension without significant impacts and/or modifications to the development. Based on the current position, 1<sup>st</sup> and 2<sup>nd</sup> Ave may not have sufficient vertical clearance to go underneath without modifications to the profile and grade revisions. Access to the development on this side would be greatly impacted and will create significant traffic consequences as a result.
- Baylands Development (East Side)/Recology Ingress/Egress – The PSR provided for a single access point for the businesses and development between the Candlestick Point Interchange and the Geneva Ave Overhead. This was an important access for both Baylands and Recology. The access would have to be shifted closer by approximately 300' to the interchange to remain at grade. The closer proximity poses some challenges to the ingress to the Baylands Development as this would reduce merge and lane crossing distances to required left turn access to this development. This may not be as significant an issue as the development requirements may be reduced because of the loss of development area on this alternative to this side. However, the reduced distance to the interchange is close to the Caltrans required limits and would only work in conjunction with this tight interchange configuration.

1165-2396

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

*Constructability*

- As defined previously, the larger columns and footings may create some constructability issues. It will also require access across the railroad corridors during construction. Street and railroad layouts should accommodate potential for future column and foundation placement considering that there will be limited shoofly and roadway staging opportunities.
- Falsework over the operating railroad corridors will be challenging. There may be some possibility of placing falsework over the existing Caltrain because of the improved vertical clearance. The challenges will be falsework over the flyover, existing access track and refuge tracks. Precast superstructure members can be used here but that may have some additional impacts to structure depths and profile that will need to be evaluated.

*Project Cost Related Impacts*

- Increased Structure Length
- More Robust Columns and Foundations
- Construction Costs to resolve the added Constructability Issues
- Construction Staging and Detours

It is anticipated that the increase in structure cost may be up to an additional \$70M for the increased 1100' of structure. These costs are assumptions based on increased structure construction costs only for the Geneva Ave Extension Project and do not include soft costs, shoofly and staging requirements, contingency, and escalation.

**ALTERNATIVE B**

Refer to **Appendix A: TC2 - 6-1.1B Plan and TC2 - 6-1.1B Profile.**

*Visual Impact*

The raising of the structure by approximately 25' would create additional visual impacts to the City.

*Geometric Impacts*

- Length of Structure - Because of the profile and increase due to settlement issues related to the landfill and site geology for large extensive fills, this would likely require extending the structure length considerably. It is estimated that this may increase the overall structure length by 1000 – 1200 feet.
- Column Locations – Because of the increased height of the structure, the columns and the resulting foundation will likely be more robust than originally envisioned. It appears that the columns can be positioned within the Caltrain, HSR and street corridors with some realignment of the HSR Access Road. However, construction of the foundations of these columns may pose some constructability issues or adversely affect the operations of the track and road facilities during construction depending on the size of the overhead foundations and the required horizontal construction clearances that will be required. There may be limited opportunities for providing shooflies during construction depending on construction schedules related to the various affected projects. Adjusting the span lengths to mitigate the constructability concerns will increase the structure depths and will further exacerbate any issues with conforms and ingress/egress points.

- Conforms – Based on maintaining the practical span lengths as proposed in the PSR, it appears that the higher profiles depending on potential structure depths across the increased railroad corridors may be able to conform to Bayshore Boulevard, it results in less than optimal vertical curves at the conforms to the intersection. However, it will significantly impact planned ingress and egress points along Geneva Ave Extension. The increased structure depth may eliminate feasibility of making the conform work at Bayshore Blvd.
- Baylands Development (West Side) Ingress/Egress – The PSR looked at connecting to proposed one-way street couplets of 1<sup>st</sup> and 2<sup>nd</sup> Ave with 3<sup>rd</sup> Ave crossing underneath the overhead structure. Based on the updated Baylands plan, it appears that all three streets were relocated and could be accessed on to Geneva Ave Extension close to or at grade. The raised overhead would eliminate the possibility of crossing at grade and it is likely that all the streets would have to go underneath and not connect to Geneva Ave Extension without significant impacts and/or modifications to the grading of the remaining development. Access to the development on this side would be greatly impacted but the size of the future development will also reduce so this will need to be reviewed.
- Baylands Development (East Side)/Recology Ingress/Egress – The PSR provided for a single access point for the businesses and development between the Candlestick Point Interchange and the Geneva Ave Overhead. This was an important access for both Baylands and Recology. The access would have to be shifted closer by approximately 200' to the interchange to remain at grade. The closer proximity poses some challenges to the ingress to the Baylands Development as this would reduce merge and lane crossing distances to required left turn access to this development. Access to the development on this side would be greatly impacted and will create significant traffic consequences as a result. Additionally, the reduced distance to the interchange is close to the Caltrans required limits and would only work in conjunction with this tight interchange configuration.

*Constructability*

- As defined previously, the larger columns and footings may create some constructability issues. It will also require access across the railroad corridors during construction. Street and railroad layouts should accommodate potential for future column and foundation placement considering that there will be limited shoofly and roadway staging opportunities.
- Falsework over the operating railroad corridors will be challenging. There may be some possibility of placing falsework over the existing Caltrain because of the improved vertical clearance. The challenges will be falsework over the flyover, access track, and refuge tracks. Precast superstructure members can be used here but that may have some additional impacts to structure depths and profile that will need to be evaluated.

*Project Cost Related Impacts*

- Increased Structure Length
- More Robust Columns and Foundations
- Construction Costs to resolve the added Constructability Issues

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative

Final

- Construction Staging and Detours

It is anticipated that the increase in structure cost may be up to an additional \$65M for the increased 1100' of structure. These costs are assumptions based on increased structure construction costs only for the Geneva Ave Extension Project and do not include soft costs, shoofly and staging requirements, contingency, and escalation.

## 2) Geneva Avenue Underpass

This alternative would require lowering the current profile of the Geneva Ave Extension to below the Caltrain railroad corridor and the Transition Track Structure Flyovers that are being proposed as part of the Draft EIR/EIS for each alternative. This alternative would be practically more feasible, but there are a number of challenges with this alternative.

Following is a summary of impacts of raising the structure for each HSR Alternative

### ALTERNATIVE A and B

Refer to **Appendix A: TC2 - 6-1.2A Plan and TC2 - 6-1.2A Profile** for Alternative A and **Appendix A: TC2 - 6-1.2B Plan and TC2 - 6-1.2B Profile** for Alternative B.

#### Visual Impact

There would be a reduction in the overall visual impacts to the City because of the profile of the extension being depressed. However, the net visual impact would still be created by the flyover structure being proposed by the HSR. There would be significant security concerns with pedestrians traversing in the depressed section.

#### Geometric Impacts

- Length of Structure – The overall length of structure would be similar to the overhead structure presented in the PSR with possibly a slight reduction in the overall length of the structure.
- Conforms – Based on reductions in the length of structure, the existing conforms as defined in the PSR should only be slightly impacted and should not be an issue. As a result, it should not impact or similarly impact the planned ingress and egress points along Geneva Ave Extension.
- Baylands Development (West Side) Ingress/Egress – The PSR looked at connecting to proposed one-way street couplets of 1<sup>st</sup> and 2<sup>nd</sup> Ave with 3<sup>rd</sup> Ave crossing underneath the overhead structure. Based on the updated Baylands plan, it appears that all three streets were relocated and could be accessed on to Geneva Ave Extension close to or at grade in this revised configuration. The underpass will not affect or only slightly affect this plan.
- Baylands Development (East Side)/Recology Ingress/Egress – The PSR provided for a single access point for the businesses and development between the Candlestick Point Interchange and the Geneva Ave Overhead. This was an important access for both Baylands and Recology. The underpass will not affect or only slightly affect this plan. However, there will need to be an added structure to accommodate Tunnel Ave crossing over the Underpass. This structure can be combined with the Access Road for some economy of scale and staging.

Rev 00

Page 23 of 32

8/25/20

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative

Final

#### Constructability

- Excavation and construction within landfill material. There are issues that will need to be addressed including settlement concerns, hard driving conditions, hazardous materials, cross contamination, etc. that are part of construction within the landfill.
- High ground water poses a number of constructability concerns. Ground water cutoff will be necessary as the ground water may be contaminated within the landfill. Storage and removal of the water will also need to be addressed.
- Buoyancy - Because this structure would be fairly wide and deep, there would be a need to resist any and all of the large hydrostatic uplift forces. Based on this, the underpass structure will likely require a fairly robust foundation system that will also have issues with placement through landfill and high ground water.
- Impacts of underground construction to the railroad corridors –
  - Transition Track - Because of the large fills associated with the Transition Access Track, there would be large vertical forces that the crossing of the proposed underpass structure would be required to support. It would be recommended to extend the structure length of this structure or add a new structure over the proposed Geneva Ave Extension to reduce these impacts and also to improve constructability.
  - Caltrain RR Corridor – The underpass will need to construct underneath the existing and expanded Caltrain corridor. As potential for shooflies may be extremely limited, it may also be beneficial to construct the structures for Caltrain, access tracks and refuge tracks as well unless they can temporarily be shut down as part of the future construction of the underpass to reduce the potential constructability and operation issues that may result in order to construct the Geneva Ave UP. This would require setting the horizontal layout of Geneva Ave Extension.
  - Positive Retaining Walls - Supporting the heavy train loads with the underpass walls at the deepest section will require positive wall design and detailing to reduce potential of adverse settlement. This may necessitate the use of tie-backs or strutted wall systems. These systems can be costly and pose constructability issues. At certain locations, it may be difficult. Caltrain may also not allow tied back walls within their corridor or directly adjacent to it for either the temporary and/or permanent case due to concerns with potential settlement. Strutted walls would create additional constructability impacts for equipment and placement.
- Impacts to the Roadways – The underground construction will require placement of additional roadway crossings for Tunnel Ave and the Access Road. Based on the alignment these structures can be combined for Alternative A. It is likely that the access road will need to be temporarily closed to accommodate Tunnel Ave staging during construction. For Alternative B they will be separate structures. If Tunnel Ave needs to be staged, it will have impacts to the Golden State Lumber operations and other businesses along Tunnel Ave.

#### Project Cost Related Impacts

- Construction Costs to resolve the added Constructability Issues
- Increased cost of structure construction for depressed section - \$60M

Rev 00

Page 24 of 32

8/25/20

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

- Pump Stations - \$4M
- Additional Structures required for the following transportation elements:
  - Tunnel Ave Crossing + HSR Access Road - \$8M
  - Existing Access Tracks and Refuge Track Structures - \$5M
  - West Transition Track if the structure is not extended – \$6M
  - Caltrain Track Corridor – \$12M
- Construction Staging and Detours

It is anticipated that the increase in structure cost may be up to an additional \$100M for the increased cost of the depressed structure and additional structures. These costs are assumptions based on increased structure construction costs only for the Geneva Ave Extension Project and do not include soft costs, shoofly and staging requirements, contingency, and escalation.

### C. Golden State Lumber

The Authority has maintained connection to the track which serves Golden State lumber. While there appears to be no impact to the serviceability of this track, the auxiliary laydown area which Golden State Lumber uses on the south side of Tunnel Ave will be eliminated by the proposed LMF. With the elimination of this laydown area, equipment for off-loading of any railcars from this track will be required to cross Tunnel Ave with equipment and inbound product which would significantly impact Tunnel Ave. To eliminate this impact a potential alternate location for the rail off-loading has been proposed. This location has the capacity to receive 2 rail cars and provides an approximate 2-acre new laydown area to replace the area eliminated by the LMF. See **Appendix A: TC1-A7 – Brisbane – Golden State Lumber Relocation Exhibit**.

### 5.2 Lagoon Road Realignment

The Authority is proposing relocating the access across the railroad corridor from the existing Tunnel Ave/Old County Road Intersection at Bayshore Boulevard approximately 190' +/- to the northwest to the intersection with Valley Drive. The plan proposes constructing a new overhead structure to connect with and extend Lagoon Road towards the partial interchange at US-101. The existing Tunnel Ave Overhead would be demolished to accommodate necessary rail track improvements.

There are a number of impacts to the City that are part of this proposed plan for either alternative, including impacts to Tunnel Ave, the City Corporation Yard, City Fire Station No. 81, and to the City's regional access network

The Authority indicated the Lagoon Rd Extension as shown on the plan in their report. See DWG MY-C0107 (**Appendix B: B-17 - Draft EIR/EIS, V3-06, PEPD, Alternative A Book, A4, Structure Roadway LMF Alignment Date Table, Page 20 of 49**) for Alternative A and DWG MY-C0206 (**Appendix B: B-18 - Draft EIR/EIS, V3-06, PEPD, Alternative B Book, B4, Structure Roadway LMF Alignment Date Table, Page 13 of 39**) for Alternative B. Refer to **Appendix A: TC2-6-2.1A Plan and TC2-6-2.1A Profile** for Alternative A and **Appendix A: TC2-6-2.1B Plan and TC2-6-2.1B Profile** for Alternative B.

### A. Alternative A

Following is a summary of the impacts associated with Alternative A on the City of Brisbane of the extension and realignment of Lagoon Road:

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

- Relocation of Tunnel Ave and temporary loss of connection
- Revised access to Kinder Morgan from new access road from Lagoon Road Overhead
- Demolition and Relocation of the City Corporation yard
- Relocation and Demolition of City Fire Station
- Construction of Old County Rd Extension

### 1) Temporary Loss of Tunnel Avenue Overhead.

It appears that Tunnel Ave Overhead will be cut-off as a result of the embankment construction of the Lagoon Road Extension. The Authority assumes that the access will be discontinued over Tunnel Ave for approximately 3 months before the Lagoon Rd Overhead can be opened.

As the construction of the embankment of Tunnel Ave was subject to fairly large short and long-term settlement considerations due to the proximity to the bay and the associated landfill, it is fairly reasonable to believe that the Lagoon Rd Overhead and embankments will be subject to similar concerns. These may require that the embankments have extended construction settlement periods and may extend the duration of the closure. Regardless, the cut in the connection would have impacts to emergency response services access and times particularly to the Kinder Morgan facility and the Sierra Point business park that should be reviewed.

### 2) Public Works Corporation Yard

As the east and west transition tracks exit the south entry to the proposed LMF facility, the City Public Works Corporation Yard on Tunnel Ave would be displaced.

### 3) City Fire Station

The intersection at Valley Drive and Bayshore Boulevard is the current access to the existing Fire Station No. 81. The new Lagoon Road Extension will eliminate access and impact some of the existing fire station buildings. As a result, it is proposed to be relocat south on Bayshore Blvd near existing Tunnel Ave road intersection. Since the new fire station needs to be relocated prior to construction of the Lagoon Rd Extension and the new fire station cannot be built until Tunnel Ave Overhead is demolished, there is an obvious timing issue. This will require that a temporary fire station be constructed between the roadway improvement stages. This may be several years. This will have some impacts to the emergency service response from this fire station during this period. The fire station relocation is being reviewed in another study.

### 4) Geometric Issues

A review of the proposed geometry. Refer to **Appendix A: TC2-6-2.1A Plan and TC2-6-2.1A Profile**.

- Since this will replace the Tunnel Ave Overhead as a connection to the Bay Trail, consideration of Bicycle and Pedestrian accessibility is important
  - 5.29% longitudinal slope will be not be compliant with ADA requirements. There is sidewalk attached to roadway.
  - Pork chop island design at the intersection of Bayshore Blvd/Valley Rd is not bicycle and pedestrian friendly.
- The design speed is defined as 25 mph per the design. This design speed is unreasonably low for a minor arterial street. It is currently posted at 40 mph. The sight distance at the

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative  
Final

proposed access road on top the profile appears to meet Caltrans standard for 25MPH or 35MH design speed.

- The 95' curve radius at Curve #4 is only suitable for design speed of 20MPH.
- The 200' intersection spacing between Bayshore Blvd and Old County Rd may be too short for effective signal operation on both intersections. A left turn lane to Old County Road may be necessary. This proximity of these intersections and Park Place will be reviewed under separate report by Traffic Consultant

## B. Alternative B

Following is a summary of the impacts associated with Alternative B on the City of Brisbane of the extension and realignment of Lagoon Road:

- Extension and realignment of Lagoon Road
- Revised access to Kinder Morgan
- Revise access to City Corporation yard
- Relocation and Demolition of City Fire Station
- Construction of Old County Rd Extension

### 1) Temporary Loss of Tunnel Avenue Overhead

It appears that Tunnel Ave Overhead will be cut-off as a result of the embankment construction from the construction of the Lagoon Road Extension. The Authority assumes that the access will be discontinued over Tunnel Ave for approximately 3 months before the Lagoon Rd Overhead can be opened. This will also affect ingress and egress to the City Corporation Yard and Kinder Morgan which will be eliminated due to the embankment construction.

As the construction of the embankment of Tunnel Ave was subject to fairly large short and long-term settlement considerations due to the proximity to the bay and the associated landfill, it is fairly reasonable to believe that the Lagoon Rd Overhead and embankments will be subject to similar concerns. These may require that the embankments have extended construction settlement periods and may extend the duration of the closure. Regardless, the cut in the connection would have impacts to emergency response services access and times particularly to the Kinder Morgan facility and the Sierra Point business Park that should be reviewed.

### 2) City Fire Station

The intersection at Valley Drive and Bayshore Boulevard is the current access to the existing Fire Station No. 81. The new Lagoon Road Extension will provide access to a reconstructed Fire Station in the same location and impact some of the existing fire station buildings. Since the new fire station needs to be relocated prior to construction of the Lagoon Rd Extension and the new fire station cannot be built until Lagoon Road Improvements are completed, this will require that a temporary fire station be constructed. This will have some impacts to the emergency service response from this fire station during this period. The fire station relocation is being reviewed in another study.

Rev 00

Page 27 of 32

8/25/20

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
Brisbane Impacts Evaluation  
Technical Review Narrative  
Final

### 3) Geometric Issues

A review of the proposed geometry is as follows:

- Since this will replace the Tunnel Ave Overhead as a connection to the Bay Trail, consideration of Bicycle and Pedestrian accessibility is important
  - 5.51% longitudinal slope will not be compliant with ADA requirements. There is sidewalk attached to roadway.
  - Pork chop island design at the intersection of Bayshore Blvd/Valley Rd is not bicycle and pedestrian friendly.
- The design speed is defined as 25 mph per the design. This design speed is unreasonably low for a minor arterial street. It is currently posted at 40 mph.
- The 95' curve radius at Curve #4 is only suitable for design speed of 20MPH.
- The 200' intersection spacing between Bayshore Blvd and Old County Rd may be too short for effective signal operation on both intersections. A left turn lane to Old County Road may be necessary. This proximity of these intersections and Park Place will be reviewed under separate report by Traffic Consultant

## 6. Alternatives Analysis

Based on site selection criteria included in the SSA and information gathered from the Summary of Requirements for Operations and Maintenance Facilities, we have identified and evaluated several potential alternative sites which could accommodate an LMF. For each alternative location, we have completed high-level layouts to verify that that proposed alternate LMF site could meet the Authority's requirements.

### 6.1 Bayview Industrial District – San Francisco

This potential site is located in the Bayview Industrial District within the City of San Francisco and is generally bound by Napoleon Street on the North, Industrial Street on the South, US-101 to the west and I280 & the Caltrain Corridor on the east. See **Appendix A: TC1-A3 - Bayview Industrial Area - LMF Alternative 1**.

The area identified as a potential alternate site is comprised of approximately 71 acres of currently developed parcels zoned PDR-2, (Production, Distribution and Repair). The site has a historical mixed industrial and commercial use which at various times in the past was freight rail served. An LMF in this location would be consistent with the designated land use and would be well buffered from nearby residential areas. The site would be large enough to accommodate storage and maintenance operations for Level I-III maintenance activities.

The site is within proximity to the mainline tracks. The proposed site could be connected to the mainline tracks to allow northbound and southbound traffic to enter the facility via dedicated lead tracks. Additionally, the site is located approximately 2.5 miles south of the 4<sup>th</sup> and King Caltrain Station.

The LMF would be a stub-ended but would be capable of dispatching and receiving trains from both directions on the mainline. Potential operational inefficiencies could be offset by the close proximity of proposed site relative to the nearest HSR station.

Rev 00

Page 28 of 32

8/25/20



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

California High-Speed Rail Authority San Francisco – San Jose Draft EIR/EIS  
 Brisbane Impacts Evaluation  
 Technical Review Narrative  
 Final

## 6.2 Newhall Yard – San Jose

The potential site is located in the area known as the Newhall Yard and is generally bound by Coleman Ave to the North, Caltrain right-of-way to the south, Brokaw Road to the West and I-880 to the east. See **Appendix A: TC1-A4 - Newhall Yard - LMF Alternative 2.**

The area identified as a potential alternate site is comprised of approximately 47 acres of previously developed land zoned HI (Heavy Industrial). The site has a historical rail use, at one time being used by Union Pacific Railroad’s predecessors as a freight rail yard. An LMF in this location would be consistent with the designated land use and would be well buffered from nearby residential areas. The site would be large enough to accommodate storage and maintenance operations for Level I-III maintenance activities.

The site is within proximity to the mainline tracks. The proposed site could be connected to the mainline tracks to allow northbound and southbound traffic to enter the facility via dedicated leads. Additionally, the site is located less than a mile north of the Diridon Caltrain Station.

## 6.3 Coyote Valley – Santa Clara County

The potential area identified is located in the area known as Coyote Valley and is partially located on parcels within the City of San Jose and County of Santa Clara. It is generally bound by Bailey Ave to the northwest, Scheller Ave. to the southeast, Santa Teresa Blvd. to the southwest and Caltrain right-of-way to the northeast. See **Appendix A: TC1-A5 - Coyote Valley - LMF Alternative 3.**

The area identified as a potential alternate site is comprised of +/- 633 acres of sparsely developed land zoned A (Agriculture). An LMF in this location would require a land use change. The site would be large enough to accommodate storage and maintenance operations for Level I-III maintenance activities and potentially for consolidation of multiple planned operations and maintenance facilities within the area.

The site is within proximity to the mainline tracks. The proposed site could be connected to the mainline tracks to allow north-bound and south-bound traffic to enter the facility via dedicated leads. Additionally, the site is located approximately 15 miles south of the Diridon Caltrain Station.

## 6.4 San Francisco – Gilroy LMF/MOWF Consolidation

The potential site is located just south of Gilroy and is generally bound by Southside Drive to the North, Bloomfield Ave to the south, Union Pacific right-of-way to the west. See **Appendix A: TC1-A6 - San Francisco-Gilroy LMF-MOWF Consolidation - LMF Alternative 4.**

The area identified as a potential alternate site is comprised of approximately 150 acres of sparsely developed land zoned A (Agriculture). An LMF in this location would require a land use change. The site would be large enough to accommodate storage and maintenance operations for Level I-III maintenance activities and potentially for consolidation of multiple planned operations and maintenance facilities within the area.

The site is within proximity to the mainline tracks. The proposed site could be connected to the mainline tracks to allow northbound and southbound traffic to enter the facility via dedicated leads. Additionally, the site is located approximately 32 mi south of the Diridon Caltrain Station.

The Authority envisioned there to be only one location in the northern section of the route that will handle activities associated with a level III facility. The Authority identified two potential locations in their report, one at Brisbane and one at Gilroy however the Authority envisioned the two facilities working together.

1165-2397 |  
 1165-2398 |  
 1165-2399 |  
 1165-2400 |  
 1165-2401 |  
 1165-2402 |  
 1165-2403 |  
 1165-2404 |  
 1165-2405 |  
 1165-2406 |  
 1165-2407 |

The alternative proposed to consolidate these two sites to one located in Gilroy. The site is currently planned as a Maintenance of Way Facility. Co-locating these facilities could facilitate better coordination and utilization of operations systems as assets while also potentially reducing the overall footprint required for the facilities.

## 7. Recommendations

The following are a list of key recommendations:

1. **Site Selection:** Evaluate the potentially feasible alternate sites identified in this report.
2. **Site Selection:** Consolidate the planned LMF’s in the region to areas more easily developable with less impacts such as Coyote Valley or Gilroy. Potentially co-locate with other maintenance-of-way facilities planned in the vicinity of Gilroy.
3. **Site Selection:** Evaluate reducing the level of service for the LMF within the project segment to level 1 and reevaluate potential sites outside of Brisbane for reduced site size criteria. Locate a level III LMF in the vicinity of Gilroy to operationally work together with a level I LMF within the project segment.
4. **Site Selection:** Evaluate reducing the level of service at the proposed Brisbane LMF (Both east and West) to that of a level I LMF. Locate level III LMF in the vicinity of Gilroy.
5. **Geneva Avenue Extension:** Evaluate alternative LMF rail access design to mitigate impacts to the proposed Geneva Avenue Extension overpass.
6. **Brisbane East LMF:** Evaluate relocation and impacts to the City Corporation Yard.
7. **Brisbane (East and West) LMF:** Condense layout to the smallest footprint possible, tighten track spacing, tighter curves, eliminate tracks.
8. **Brisbane (East and West) LMF:** Evaluate stub ended or partially sub-ended concept for West and East options to reduce facility size.
9. **Brisbane (East and West) LMF:** Evaluate modification of the Tunnel Avenue bridge to allow Tunnel Ave and Lagoon Rd access to remain throughout construction.
10. **Brisbane (East and West) LMF:** Evaluate Fire Station removal and reconstruction.
11. **Brisbane (East and West) LMF:** Evaluate a relocation option for Golden State Lumber.

## List of Appendices

### Appendix A: Figures

1. TC1-A1 - West Transition Track at Geneva, Alternative 1
2. TC1-A2 - West Transition Track at Geneva, Alternative 2
3. TC1-A3 - Bayview Industrial Area - LMF Alternative 1
4. TC1-A4 - Newhall Yard - LMF Alternative 2
5. TC1-A5 - Coyote Valley - LMF Alternative 3
6. TC1-A6 - San Francisco-Gilroy LMF-MOWF Consolidation - LMF Alternative 4
7. TC2-6-1.1A PP

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

- 8. TC2-6-1.1B PP
- 9. TC2-6-1.2A PP
- 10. TC2-6-1.2B PP
- 11. TC2-6-2.1A Plan
- 12. TC2-6-2.1B Plan
- 13. TC2-MY-C0101A – Geneva
- 14. TC2-MY-C0201B - Geneva

- 18. B-18 - Draft\_EIRS\_FJ\_V3-10\_PEPD\_Alternative\_B\_Book\_B4\_LMF\_Alignment\_Data\_Table, Page 13 of 39

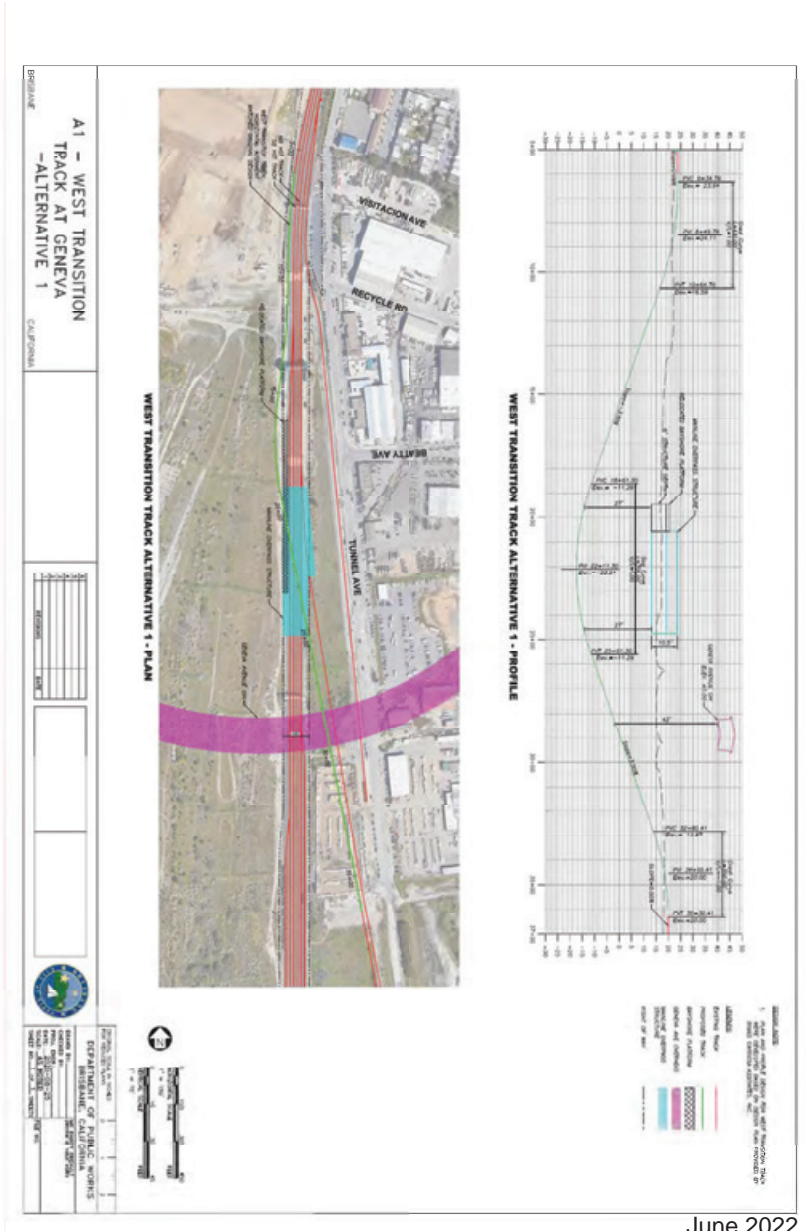
**Appendix B: Draft EIR/EIS Source References**

- 1. B1 – Draft EIR/EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 18
- 2. B2 – Draft EIR/EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 11
- 3. B3 – Draft EIR/EIS, V1, Chapter 2 – Alternatives, Page 35
- 4. B4 – CHSRA Factsheet for NorCal LMF
- 5. B5 – Draft EIR/EIS, V1, Chapter 2 – Alternatives, Page 36
- 6. B6 - Draft EIR/EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 21
- 7. B7 - Draft EIR/EIS, V2, Appendix 2-F – Summary Requirements Operations Maintenance Facilities, Page 11-12
- 8. B8 – Draft EIR/EIS, V3-06, PEPD, Alternative A Book, A4, Structure Roadway LMF Alignment Date Table, Page 16
- 9. B9 – Draft EIR/EIS, V3-06, PEPD, Alternative A Book, A4, Structure Roadway LMP Alignment Date Table, Page 17
- 10. B10 – Draft EIR/EIS, V3-06, PEPD, Alternative A Book, A4, Structure Roadway LMP Alignment Date Table, Page 18
- 11. B11 – B-11 - Draft EIR/EIS, V3-06, PEPD, Alternative A Book, A4, Structure Roadway LMF Alignment Date Table, Page 19
- 12. B12 – Draft EIR/EIS, V3-10, PEPD, Alternative B Book, B4, LMF Alignment Data Table, Pages 8 & 10
- 13. B-13 Draft EIR/EIS, V3-10, PEPD, Alternative B Book, B4, LMF Alignment Data Table, Page 11
- 14. B-14 - Draft EIR/EIS, V3-10, PEPD, Alternative B Book, B4, LMF Alignment Data Table, Page 12
- 15. B-15 - Draft\_EIRS\_FJ\_V3-06, PEPD, Alternative\_A, Book\_A4\_Structures\_Roadway\_LMF, Alignment\_Data\_Table, Page 14 of 49
- 16. B-16 - Draft\_EIRS\_FJ\_V3-10\_PEPD\_Alternative\_B\_Book\_B4\_LMF\_Alignment\_Data\_Table 8
- 17. B-17 - Draft\_EIRS\_FJ\_V3-06\_PEPD\_Alternative\_A\_Book\_A4\_Structures\_Roadway\_LMF, Alignment\_Data\_Table, Page 20 of 49

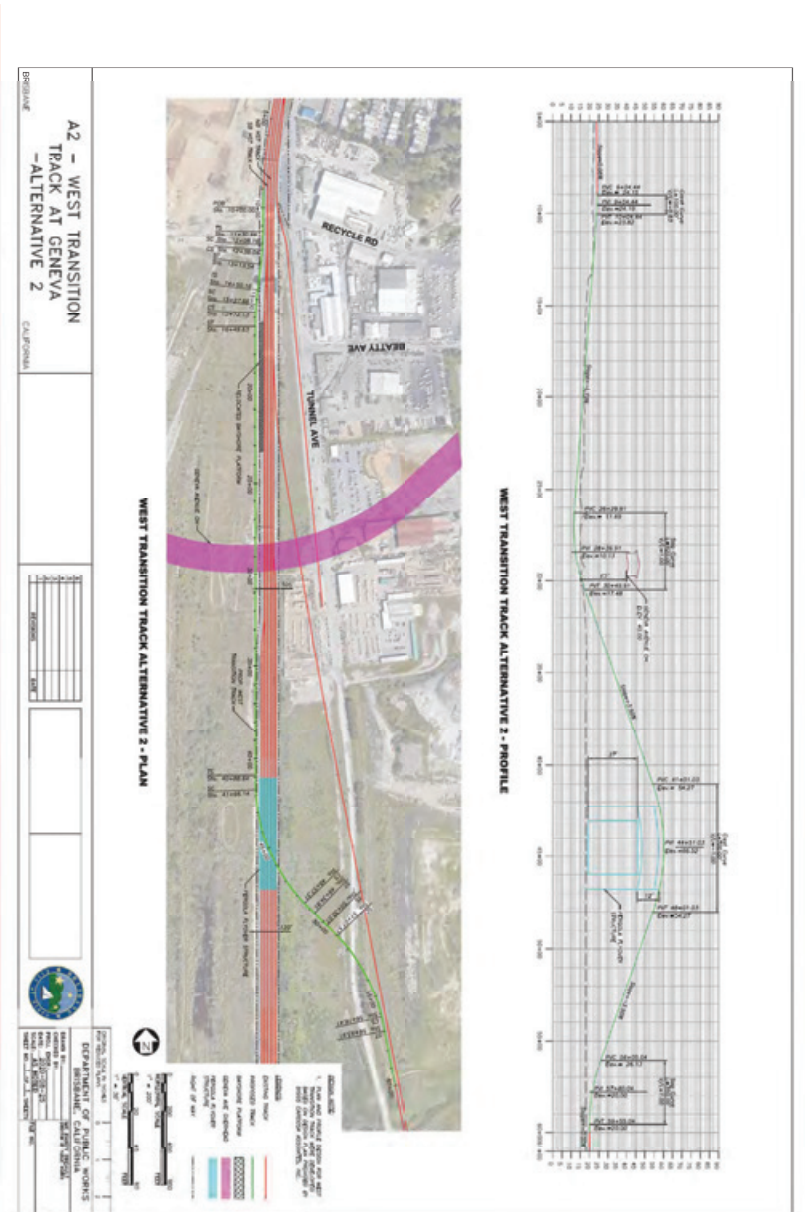
Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Appendix A

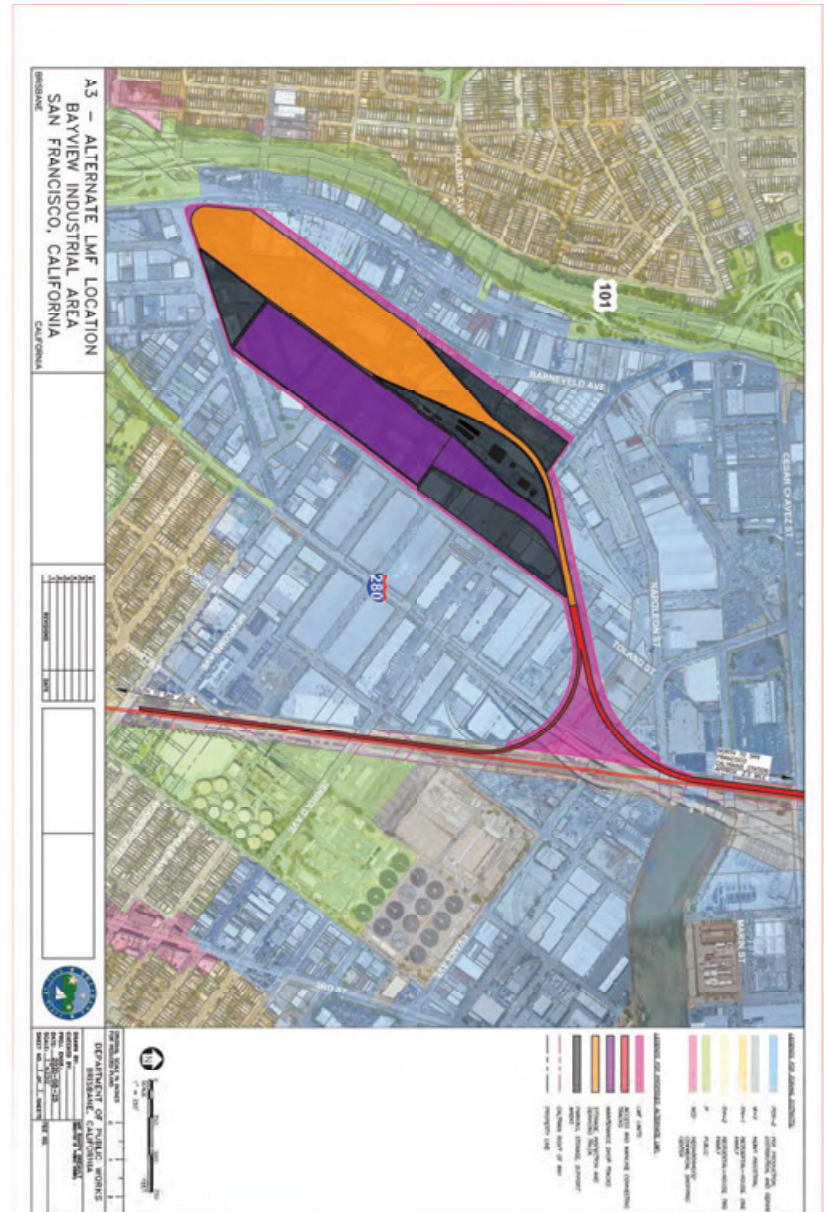
Figures



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

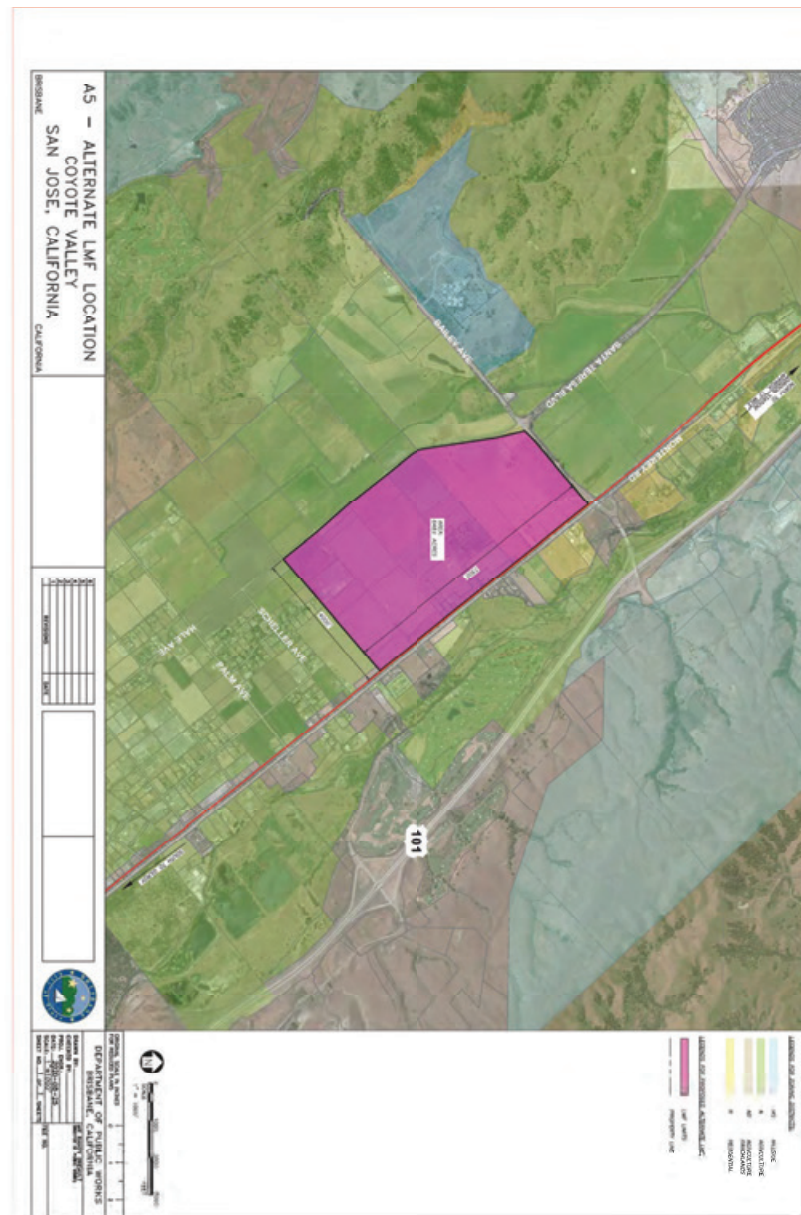
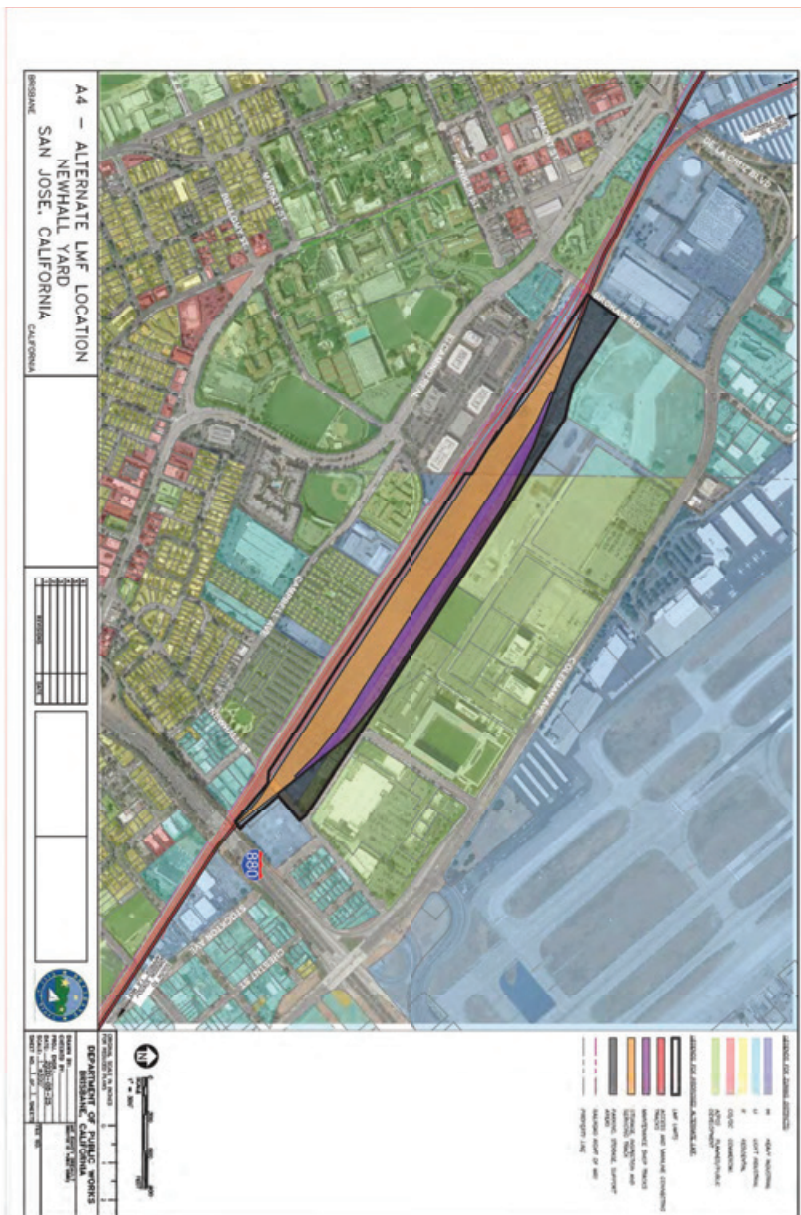


June 2022

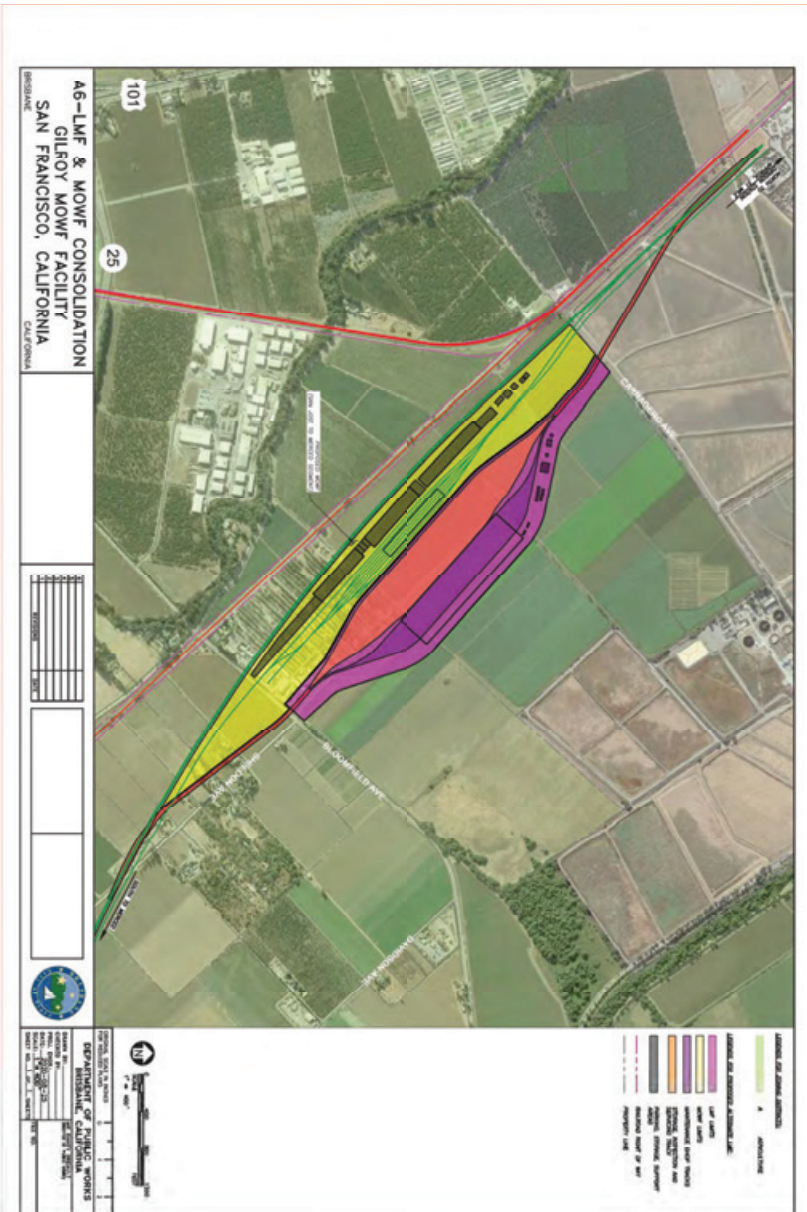


California High-Speed Rail Authority

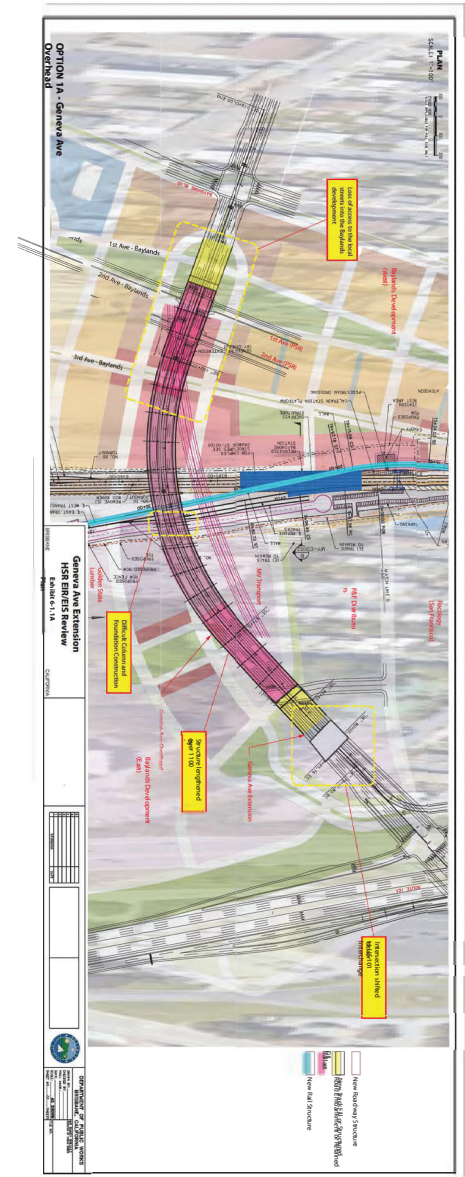
Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

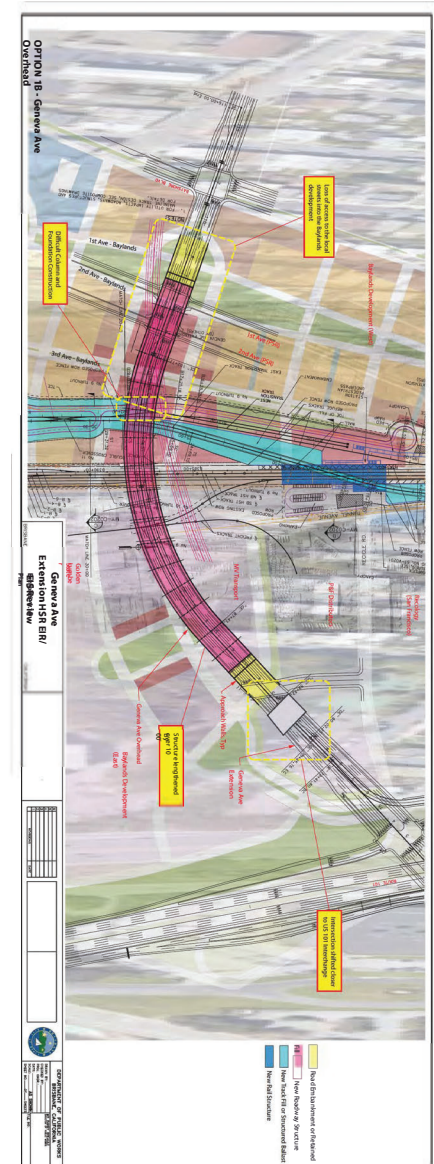
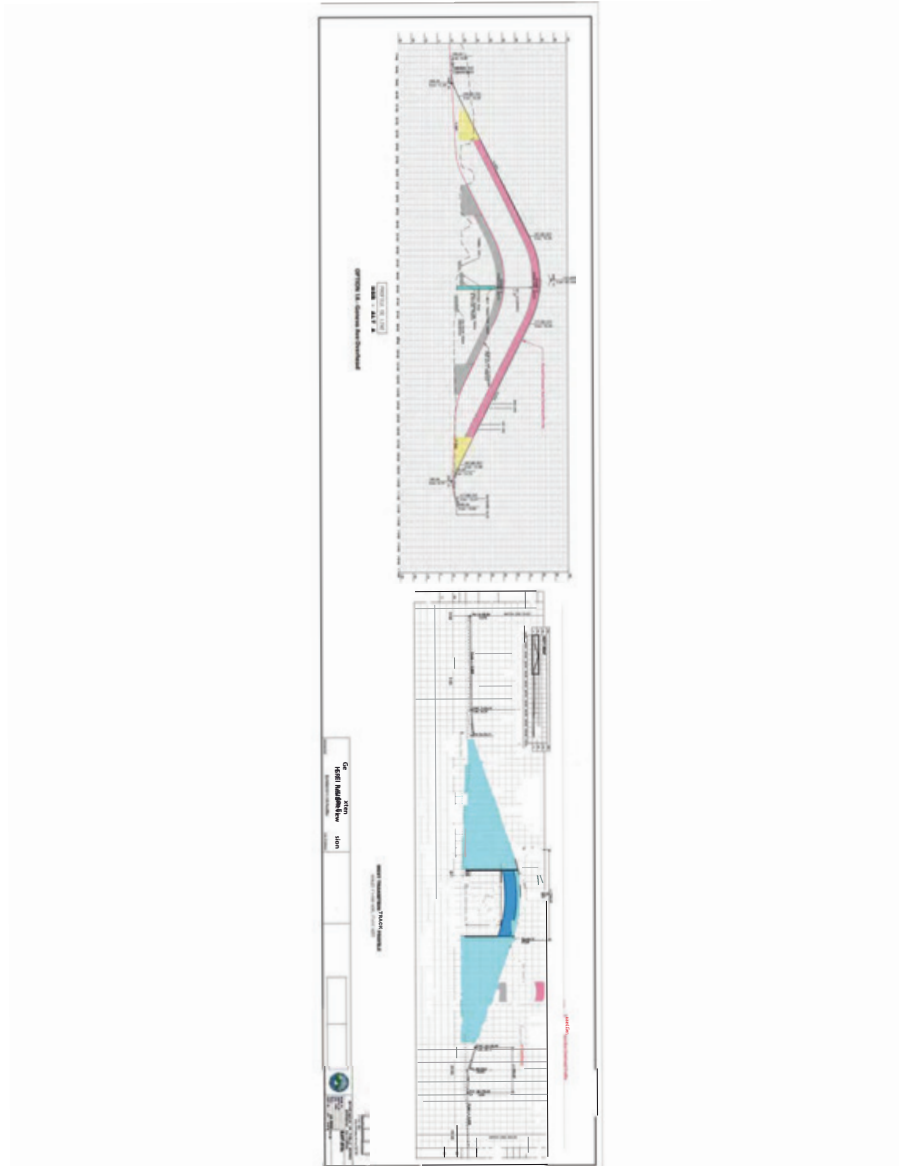


June 2022

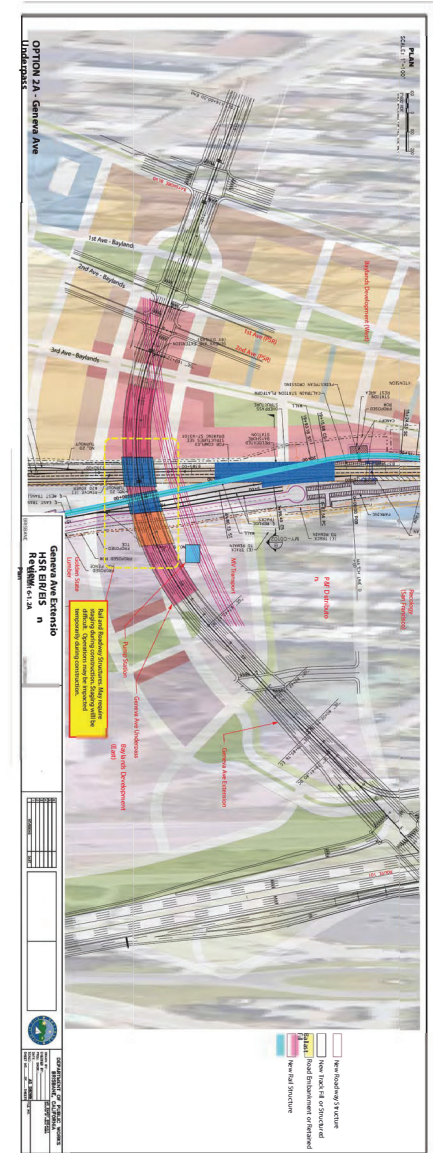
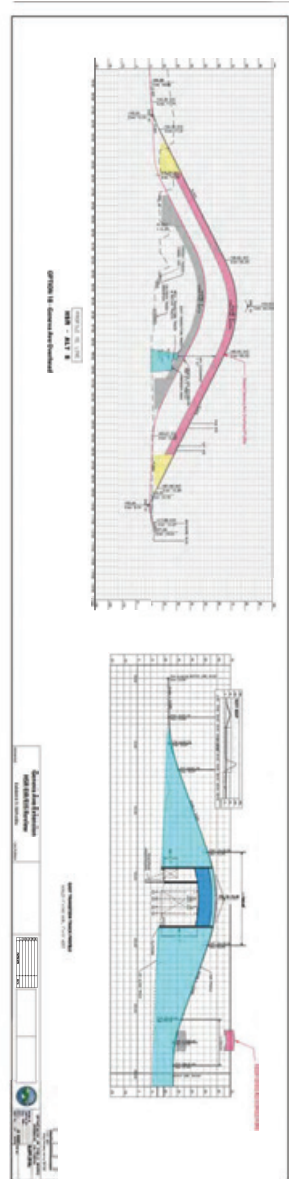


California High-Speed Rail Authority

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



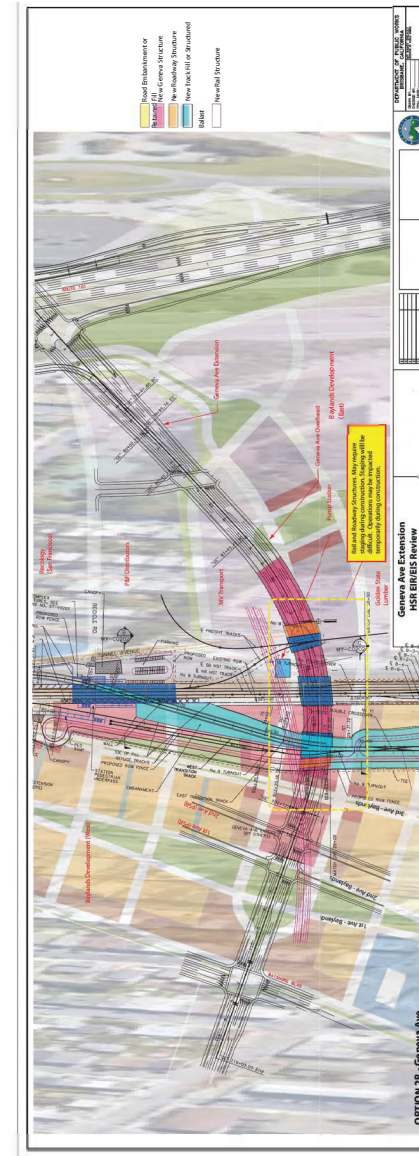
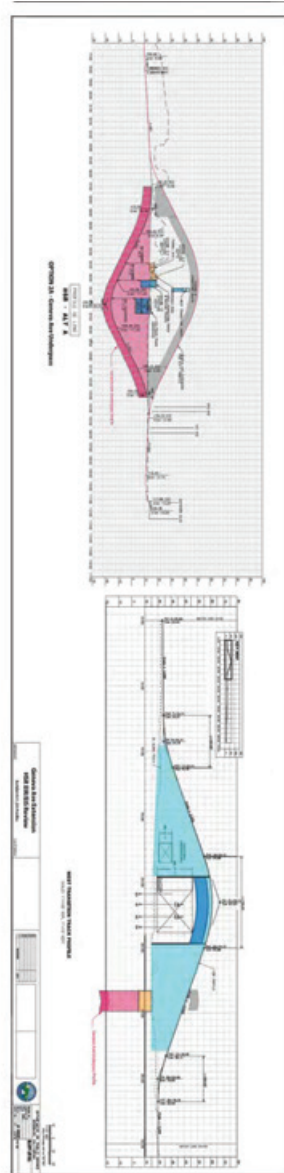
Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



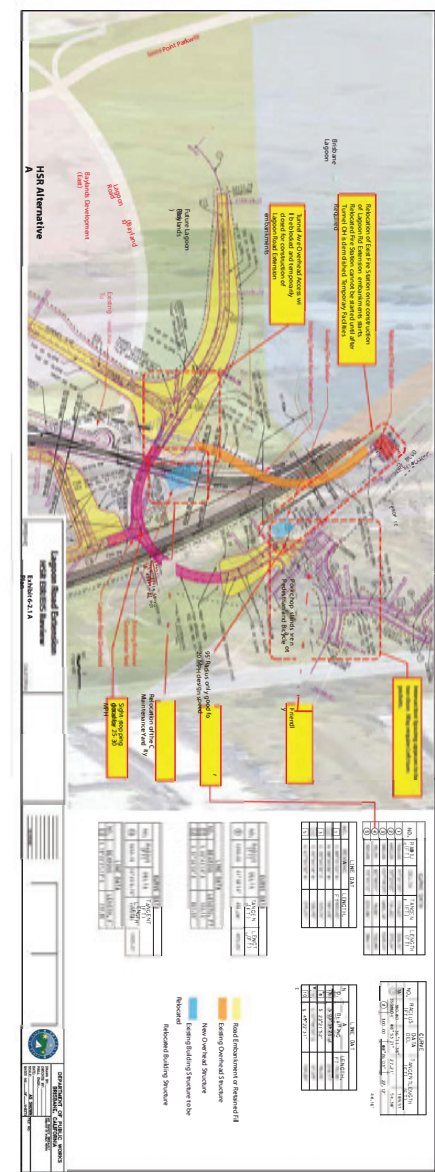
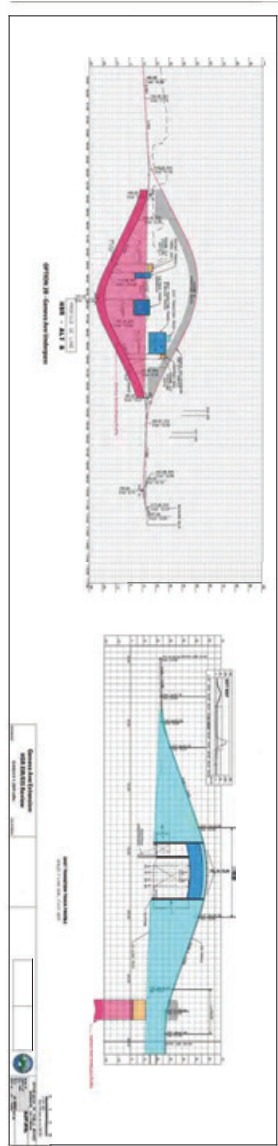
71



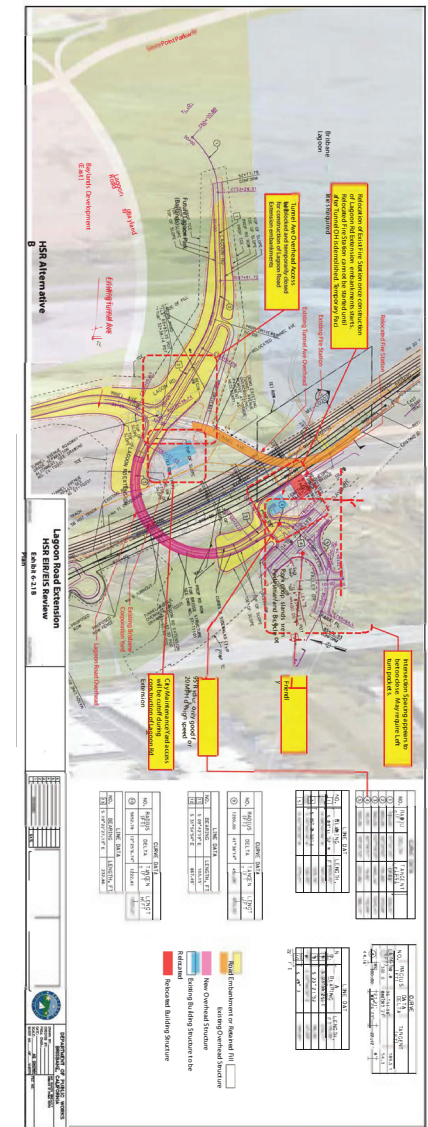
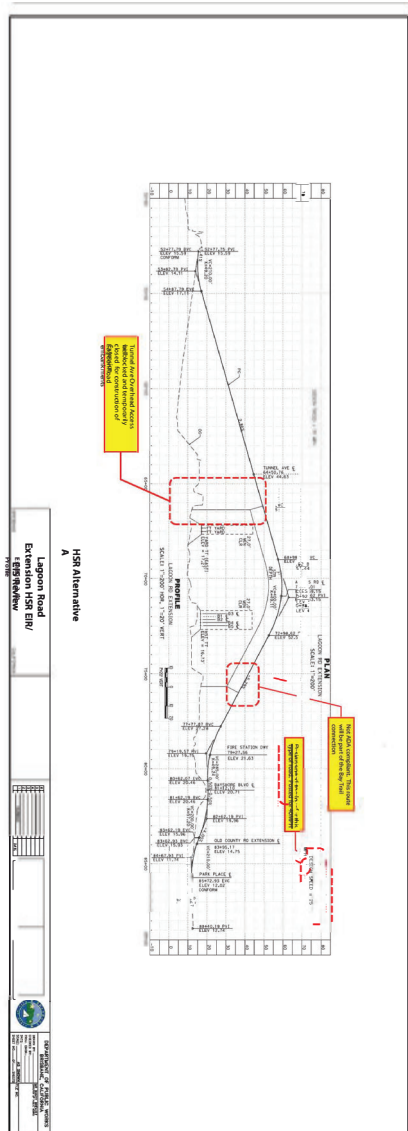
Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



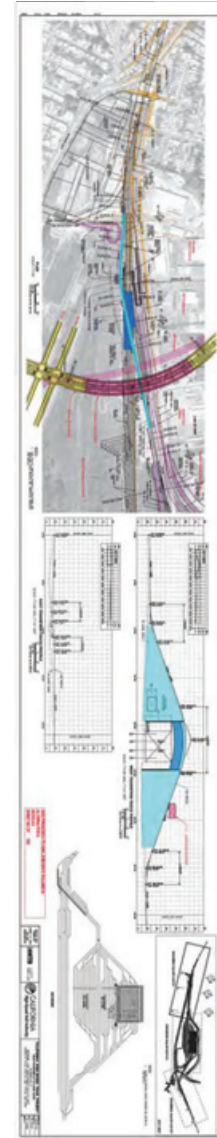
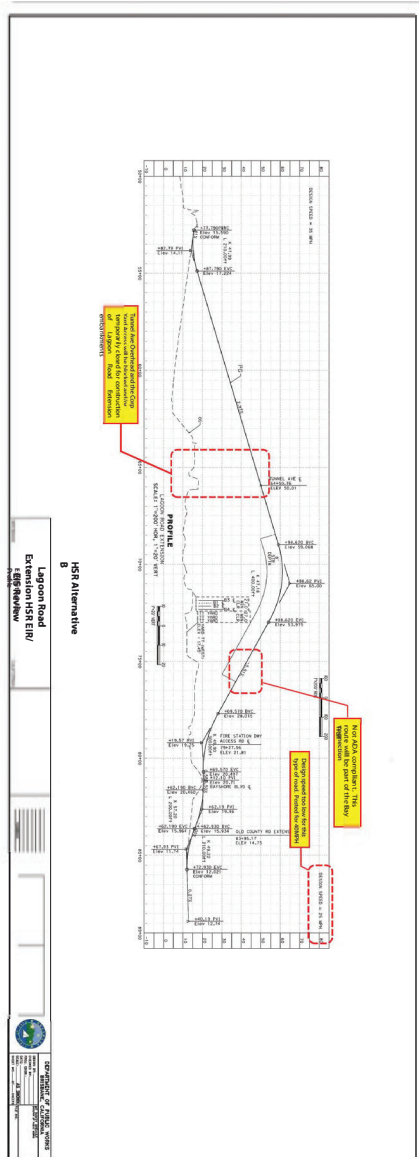
Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



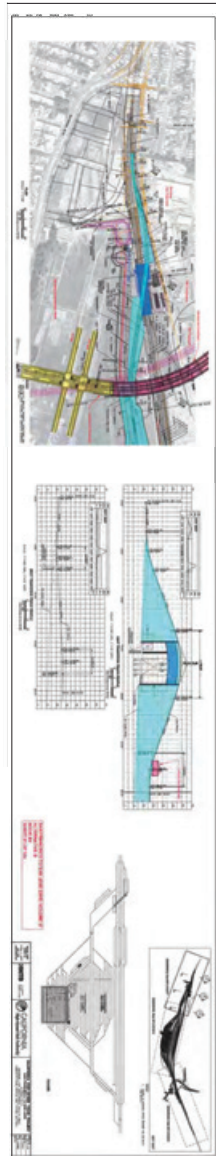
Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) -  
Continued

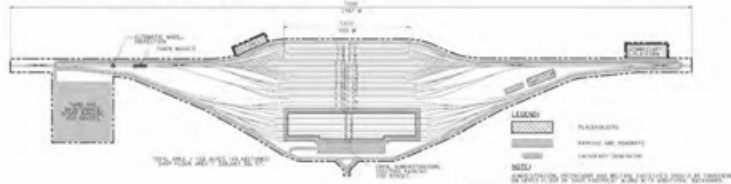


## Appendix B

### Draft EIR/EIS References

Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Figure 3 – LMF Concept Plan



Less optimal configurations might include at-grade or "flat" interlockings, single 60 MPH crossovers at the main tracks (on both ends, immediately adjacent or within up to 3 miles of the main track turnouts), turnout speeds in interlockings of less than 60 MPH, shorter transition tracks, and single-ended facilities. Note that a single-ended LMF could be considered on a case-by-case basis depending on the proposed location of a site relative to the nearest station and on the operational details of the service plan. Work-arounds to these conditions could include additional deadhead miles or time in order to avoid delays to revenue trains by deadhead movements, additional operating crews in order to expedite reverse movements in the facility and/or on the main track, and alterations to maintenance scheduling to accommodate the arrival of deadhead trains at non-peak hours of operation. The operational and cost impacts of these less optimal configurations must be analyzed further in order to evaluate the trade-off of the additional yearly operating costs versus the increased capital construction costs and the potential increase in environmental impacts.

Other facilities that could be co-located with an LMF include an MOIF. Locating these facilities as an integral part of, or adjacent to, the LMF could facilitate better coordination and utilization of operations systems and assets, while also potentially reducing the overall footprint required for the facilities. Locating these facilities away from the LMF will not necessarily introduce negative impacts that could not be effectively managed/mitigated.

DRAFT



2.3 LOCATION ANALYSIS

2.3.1 Rolling Stock Maintenance Facilities

2.3.1.1 Northern California, Phase 1

It is envisioned that there will be only one location in the northern section of the route that will handle the activities associated with a Level III facility. The two potential locations identified in this report at Brisbane and Gilroy are however envisioned to work together. Whichever location is finally determined to be the best to handle the Level III activity then it is still a requirement for the other one be developed such that is equipped to handle lower level activity. As such at this stage it is recommended both locations be cleared as Level III capable LMF locations from an environmental perspective.

Several LMF site alternatives have been identified in the vicinity of Gilroy, with a likely alternative in the vicinity of Morgan Hill, approximately 10 miles north of Gilroy station and approximately 20 miles south of San Jose Diridon station. A LMF site alternative has been identified in Brisbane, approximately 10 miles south of San Francisco Transbay Station. For the purposes of the service planning done for this report the locations for the two northern LMFs have been assumed. These locations are consistent with the service planning done for the 2016 Business Plan.

2.3.1.2 HMF in the Central Valley

Several site alternatives for the HMF in the Central Valley are currently being considered from Fresno in the north to Shafter in the south. For the purposes of the service planning done for this report the HMF has been assumed to be located in Fresno, approximately 10 miles south of Fresno Station. Again this location is consistent with the service planning done for the 2016 Business Plan.

2.3.1.3 LMFs in Southern California for Phase 1

The southern LMFs are also envisioned to work in concert with each other. Preliminary guidance given in the memorandum, Summary of Requirements for O&M Facilities, 3/21/13, called for two LMFs with the larger facility being located in Los Angeles, either in the San Fernando Valley or the Los Angeles Basin, that would handle up to Level III maintenance and the smaller facility in the Antelope Valley near Palmdale that would handle up to Level I maintenance.

As it was determined for Northern California, although only one level III facility will be needed finally, it is recommended that two level III facilities will have to be cleared environmentally to ensure that the region will have adequate maintenance capability.

Five potential sites have been identified in Southern California as potential LMF locations: Antelope Valley, East Bank LA, West Bank LA, Montebello Yard and Anaheim.

The Antelope Valley site located in Lancaster provides the necessary acreage for activities up to Level III, but is more remote from Los Angeles than desirable thereby creating more deadhead miles than sites closer to Los Angeles. This site is therefore preferred as a Level I facility unless the Montebello site cannot be secured and developed.

The site at Montebello is also potentially a suitable Level III facility adjacent to the proposed mainline alignment 10 miles south of LAUS. This site would be ideally located and can provide sufficient space for storage and shop activities to serve both LAUS and Anaheim for the beginning and end of operational service. This is the preferred Level III site in Southern California.

The sites at East and West Bank identified as part of the Southern California Regional Interconnection Project (SCRIP) whilst closer to LAUS both present less than ideal solutions. The East bank alternative in particular is problematic owing to its inability to provide storage for Anaheim based trains and the fact that it is elevated. For these reasons the East Bank site is not recommended for progression.



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### Potential Light Maintenance Facility Sites

The SAA also evaluated potential LMF sites. Sites were identified in accordance with the Authority's preliminary siting criteria for maintenance facilities, which described the facility design and locational criteria to meet the functional requirements for an LMF between San Francisco and San Jose (Authority 2009), including:

- **Site size**—The site must be large enough (approximately 100 acres) to accommodate storage and maintenance operations.
- **Proximity to the mainline tracks**—It is important that the LMF be immediately adjacent to the mainline tracks, to minimize the length of the lead track. Long lead tracks have the potential to disrupt communities and have noise and visual impacts.
- **Double-ended lead tracks**—The LMF should be a double-ended facility (i.e., capable of dispatching and receiving trains from both ends of the facility). Double-ended facilities increase operational flexibility and allow for efficient dispatch of track maintenance equipment in the event there is an issue with one of the lead tracks. A stub-ended track is a high-risk design and should be avoided when a double-ended facility is feasible.

Identifying potentially suitable sites between San Francisco and San Jose proved challenging in light of the dense urban development throughout the Project Section. Sites that could potentially accommodate an LMF were subjected to an initial screening process, which focused on the capacity of the sites to meet engineering and design guidelines established through the Authority's Technical Memoranda. This assessment resulted in the identification of four sites that were analyzed in the 2010 SAA (Authority and FRA 2010b) (Figure 2-25):

- Port of San Francisco (Piers 90–94)
- SFO
- West Brisbane
- East Brisbane

### Light Maintenance Facility Alternatives Carried Forward as a Result of the Supplemental Alternatives Analysis

The SAA evaluation focused on operational features of the potential LMF sites. Based on that assessment, the Port of San Francisco and SFO sites were withdrawn and the West Brisbane and East Brisbane sites were advanced for further evaluation.

The Port of San Francisco site was found to be operationally deficient because of its size, distance from the mainline tracks, and need to be 'stub-ended' (i.e., single access and egress), which would constrict operations. Acquiring the right-of-way to build the necessary lead tracks from this site to the Caltrain mainline tracks would be costly and running trains along the lead tracks would be disruptive to the adjacent dense urban neighborhoods. This site was therefore not recommended for further study.

The SFO site was adequately sized (100 acres), but operationally deficient because of its distance from the mainline track and need to be 'stub-ended'. Providing the necessary lead tracks from the SFO site to the Caltrain mainline tracks would be costly and require modifications to the US 101 Interchange. Furthermore, the SFO site was determined to be not available because the lease to the site had been renewed with the current tenants. This site was therefore not recommended for further study.

The East and West Brisbane sites provided adequate space (100 acres) to provide operational flexibility desired for a double-ended LMF. They are adjacent to the Caltrain mainline track, providing convenient and close connections to the HSR mainline tracks for both southbound and northbound access. Providing northbound and southbound access would support timely provision of trainsets to the San Francisco terminal station, and would facilitate switching trainsets out during normal operations. For these reasons, the two options at the Brisbane Bayshore site were recommended to be carried forward for further study.



## NORTHERN CALIFORNIA LIGHT MAINTENANCE FACILITY

### PURPOSE AND PROPOSED LOCATION

A Light Maintenance Facility (LMF) is used for routine maintenance and operations for the California High-Speed Rail system. The LMF in Brisbane is one of three proposed train maintenance facilities in California that would support high-speed rail operations.<sup>1</sup>

The LMF would be designed, constructed, and operated with LEED® Gold Certification — it will be energy-efficient and environmentally sensitive. With three overlapping work shifts, activities would occur 24 hours a day. Most maintenance activities would take place overnight, between 10:00 pm and 6:00 am.

### SELECTING A SITE

Since 2009, the High-Speed Rail Authority ("Authority") has considered potential LMF sites between San Francisco and San Jose. After screening out options that did not meet engineering and design criteria, the Authority further evaluated four sites for the LMF in the San Francisco to San Jose Supplemental Alternatives Analysis Report based on the Authority's feasibility criteria for siting maintenance facilities.

### Feasibility Criteria for Siting Maintenance Facilities

Criteria	Port of San Francisco Piers 90-94	SFO Airport	<b>M</b> Brisbane Bayshore East of Caltrain Corridor	<b>M</b> Brisbane Bayshore West of Caltrain Corridor
<b>Proximity to San Francisco Terminal Station</b>	✓	✓	✓	✓
<b>Site Size</b> Approximately 100 acres	✗	✓	✓	✓
<b>Proximity to Mainline Tracks</b>	✗	✗	✓	✓
<b>Double-ended Lead Tracks</b> Trains can enter and depart from both ends	✗	✗	✓	✓
<b>Site Availability</b> Avoid conflicts with Built Improvements	✗	✗	✓	✓



Example of a modern rail maintenance facility: Stockton's LEED® Silver ACE train maintenance facility opened in 2015. (Photos: San Joaquin Regional Rail Commission)

<sup>1</sup> Other train maintenance facilities include (1) a heavy maintenance facility in the Central Valley and (2) a light maintenance facility in the Los Angeles area.



@cahsra



facebook.com/CaliforniaHighSpeedRail



@cahsra



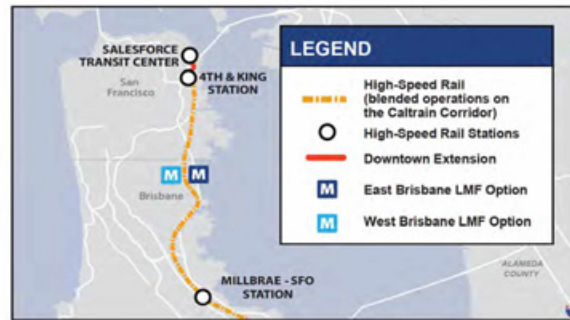
youtube.com/CAHighSpeedRail

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



## FOCUS ON BRISBANE

The Brisbane Bayshore East and West sites met all siting criteria. As a result, the Authority moved both sites forward for environmental review in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/S).



**M EAST** The East Brisbane LMF would minimize the impact to the planned mixed-use development (including housing) on the west side of the Caltrain tracks, as envisioned in the Brisbane General Plan. Tunnel Avenue and Lagoon Road would be relocated to be adjacent to the LMF. The East site would have fewer permanent impacts on wetlands than the West site and would avoid impacting eight acres of habitat for threatened and endangered butterfly species on Icehouse Hill.



**M WEST** The West Brisbane LMF would have the greatest impact to mixed-use development, where up to 2,200 residential units (including affordable housing units) are planned. The West site would have more permanent impacts on wetlands than the East site and would impact butterfly species on Icehouse Hill.

In 2019, the Authority identified the East Brisbane LMF as the preferred location. The East site would be more compatible with planned land uses and have fewer environmental impacts. Both options will be studied in full in the Draft EIR/EIS planned for release in the summer of 2020.



Figure 2-25 Light Maintenance Facility Sites—San Francisco to San Jose Project Section

The Authority conducted additional assessment of these four sites as part of the *San Francisco to San Jose Project Section Checkpoint B Summary Report* (Authority 2019c), to consider the environmental impacts that would likely result from the development of each site and to identify



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

## 3.2 LIGHT MAINTENANCE FACILITY

Terminal station locations will be supported by a Light Maintenance Facility (LMF) for the purpose of supplying freshly-inspected and serviced trainsets at the start of revenue service. The LMFs will be sized accordingly.

LMF locations will additionally be sized to support either Level I, Level II or Level III maintenance activities. These activities include cleaning and servicing activities between runs, pre-departure inspections and testing, and monthly inspection and maintenance activities. Level III functionality includes train wash and wheel defect detection facilities. For Level II and Level III facilities, daily servicing, and monthly and quarterly inspections and maintenance will be made utilizing inside shop tracks with interior access and inspection pits for underside and bogie inspections.

Table 3 summarizes shop track requirements at each facility based on the maintenance level. It should be noted however, number of shop tracks actually required at each facility could potentially change from the numbers in Table 3 and needs to be determined based on the actual train operating plans and associated fleet manipulation plans.

**Table 3 – Summary of Shop Tracks at Each Maintenance Level**

Facility Type	Maintenance Level	Number of Maintenance Shop Tracks
LMF	Up to I	0
	Up to II	2
	Up to III	8
HMF	Up to V	10

The LMFs will require yard tracks, each capable of holding two complete trainsets, plus two runaround/transfer tracks to move from one end of the facility to the other. In the case of Level III LMFs, speed through the train wash will be limited, so one dedicated train wash track should be added so as to not create a bottleneck at the facility. The location of this track can vary based on the configuration of the facility, but it should be placed where the majority of trainsets will enter the facility from the main tracks and must be long enough for trainsets to stop in advance of the train wash without fouling the main tracks. If this train-wash track is combined with one of the lead tracks entering the facility, special track work must be added to allow trainsets to bypass the train wash track when occupied. Wheel defect detection equipment should be placed on the incoming lead track(s) to ensure that all vehicles are inspected. This equipment should be placed before the train wash.

The layout of the LMF in relation to the main tracks will have a significant effect on LMF functionality and the flow of trains on the main tracks. The recommended LMF configuration includes direct main track access achieved through double-ended yard leads to facilitate movements both north and south without changing direction, grade separated flyovers to access the main track opposite the LMF without affecting main track traffic, 60 MPH interlockings with universal crossovers at the main tracks (on both ends, immediately adjacent to the main track turnouts), and 1,700-foot transition tracks to reduce/increase speed to/from stop and to transition the automatic train control system. The result is a total estimated length of about 7,500 feet (not including transition tracks) with a width dependent on the number of tracks required at each facility, and an overall estimated minimum footprint of ranging from about 40 to about 110 acres. Figure 4 shows a conceptual layout for the LMF (See Appendix C for the plan in larger size). It should be noted that this conceptual layout depicts a facility with the maintenance shop tracks arranged parallel to and alongside the storage tracks, but that in-line facilities with the maintenance shop tracks arranged parallel to and in series with the storage tracks may also be acceptable, and in some cases even preferred, and may be considered on a case-by-case basis to accommodate site constraints.



## 2.3 LOCATION ANALYSIS

### 2.3.1 Rolling Stock Maintenance Facilities

#### 2.3.1.1 Northern California, Phase 1

It is envisioned that there will be only one location in the northern section of the route that will handle the activities associated with a Level III facility. The two potential locations identified in this report at Brisbane and Gilroy are however envisioned to work together. Whichever location is finally determined to be the best to handle the Level III activity then it is still a requirement for the other one be developed such that is equipped to handle lower level activity. As such at this stage it is recommended both locations be cleared as Level III capable LMF locations from an environmental perspective.

Several LMF site alternatives have been identified in the vicinity of Gilroy, with a likely alternative in the vicinity of Morgan Hill, approximately 10 miles north of Gilroy station and approximately 20 miles south of San Jose Diridon station. A LMF site alternative has been identified in Brisbane, approximately 10 miles south of San Francisco Transbay Station. For the purposes of the service planning done for this report the locations for the two northern LMFs have been assumed. These locations are consistent with the service planning done for the 2016 Business Plan.

#### 2.3.1.2 HMF in the Central Valley

Several site alternatives for the HMF in the Central Valley are currently being considered from Fresno in the north to Shafter in the south. For the purposes of the service planning done for this report the HMF has been assumed to be located in Fresno, approximately 10 miles south of Fresno Station. Again this location is consistent with the service planning done for the 2016 Business Plan.

#### 2.3.1.3 LMFs in Southern California for Phase 1

The southern LMFs are also envisioned to work in concert with each other. Preliminary guidance given in the memorandum, Summary of Requirements for O&M Facilities, 3/21/13, called for two LMFs with the larger facility being located in Los Angeles, either in the San Fernando Valley or the Los Angeles Basin, that would handle up to Level III maintenance and the smaller facility in the Antelope Valley near Palmdale that would handle up to Level I maintenance.

As it was determined for Northern California, although only one level III facility will be needed finally, it is recommended that two level III facilities will have to be cleared environmentally to ensure that the region will have adequate maintenance capability.

Five potential sites have been identified in Southern California as potential LMF locations: Antelope Valley, East Bank LA, West Bank LA, Montebello Yard and Anaheim.

The Antelope Valley site located in Lancaster provides the necessary acreage for activities up to Level III, but is more remote from Los Angeles than desirable thereby creating more deadhead miles than sites closer to Los Angeles. This site is therefore preferred as a Level I facility unless the Montebello site cannot be secured and developed.

The site at Montebello is also potentially a suitable Level III facility adjacent to the proposed mainline alignment 10 miles south of LAUS. This site would be ideally located and can provide sufficient space for storage and shop activities to serve both LAUS and Anaheim for the beginning and end of operational service. This is the preferred Level III site in Southern California.

The sites at East and West Bank identified as part of the Southern California Regional Interconnection Project (SCRIP) whilst closer to LAUS both present less than ideal solutions. The East bank alternative in particular is problematic owing to its inability to provide storage for Anaheim based trains and the fact that it is elevated. For these reasons the East Bank site is not recommended for progression.



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

The West bank site is much better located and can serve as level I storage to support morning operations from LAUS station as a run-through facility. If the Montebello site is not possible and the Antelope Valley site becomes the Southern California Level III LMF then the West Bank site must be built to support operations at LAUS.

To accommodate a service of up to 4 TPH to Anaheim, an additional, small two track LMFs has been proposed in Anaheim, mainly for trainset layup purposes. Maintenance at the Anaheim LMF will be limited to Level I activities due to limited available land in the area.

Before a final decision on the location of the Southern California LMFs can be made further comparative studies, design and review activities must be undertaken.

**Table 1 – Summary of HMF/LMFs**

Facility Location	Facility Type	Number of Tracks	Maximum Maintenance Level (Rolling Stock Facilities Only)	Year 2025 (Projected Fleet Size of 19 Trainsets)		Year 2034 (Projected Fleet Size of 90 Trainsets)		Year 2059 (Projected Fleet Size of 110 Trainsets)	
				Trainsets at Each Facility <sup>1</sup>	Morning Train Starts from Each Facility <sup>2</sup>	Trainsets at Each Facility <sup>1</sup>	Morning Train Starts from Each Facility <sup>2</sup>	Trainsets at Each Facility <sup>1</sup>	Morning Train Starts from Each Facility <sup>2</sup>
Brisbane	LMF	13 yard 2 or 8 shop	III (or I) <sup>3</sup>	8 to 10	6 to 8	14 to 17	10 to 13	16 to 21	12 to 17
Gilroy	LMF	10 yard 8 or 2 shop	I (or III) <sup>3</sup>	8 to 10 (See Note)	6 to 8 (See Note)	13 to 15	12 to 14	13 to 17	12 to 16
Central Valley	HMF	14 yard 10 shop	V	9 to 12	6 to 8	20 to 22	11 to 13	22 to 24	13 to 15
Antelope Valley	LMF	21 yard 8 shop	I (or III) <sup>4</sup>	N/A	N/A	9 to 29	8 to 25	13 to 37	12 to 32
Los Angeles (West Bank) <sup>5</sup>	LMF	7 yard	I or II	N/A	N/A	9 to 14	8 to 13	13 to 19	12 to 18
Montebello	LMF	21 yard 8 shop	III (or I) <sup>4</sup>	N/A	N/A	9 to 29	8 to 25	13 to 37	12 to 32
Anaheim	LMF	2 yard	I	N/A	N/A	1 to 3	1 to 3	2 to 5	2 to 5

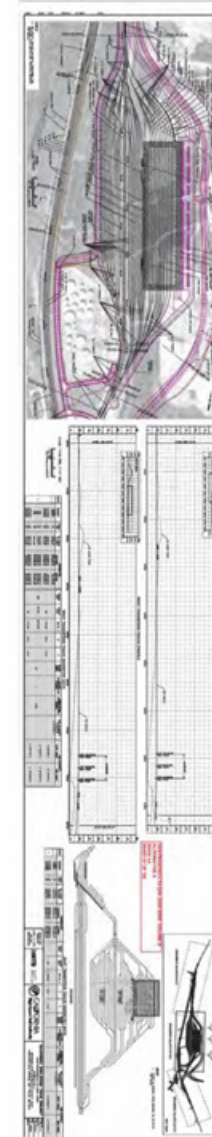
<sup>1</sup> Number of trainsets (as single consists) at each facility is given as a range to allow for unknown availability of station tracks for overnight layup and for storage of consists that have been outfitted with autonomous inspection and measurement equipment.

<sup>2</sup> Number of morning starts (as single consists) from each facility differs from the number of trainsets stored at each facility due to allowances for hot standby trainsets, high-demand spares, and maintenance downtime.

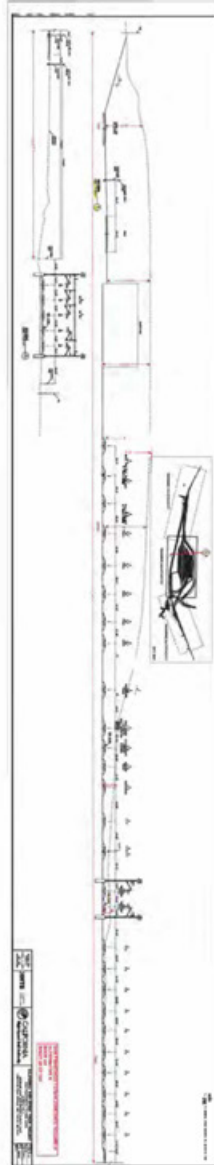
<sup>3</sup> Maximum maintenance level at Brisbane could be lowered to Level I if the facility in Gilroy is built with the Level III capability.

<sup>4</sup> Maximum maintenance level at Antelope Valley facility could be potentially lowered to Level I if the facility at Montebello is built with the Level III capability.

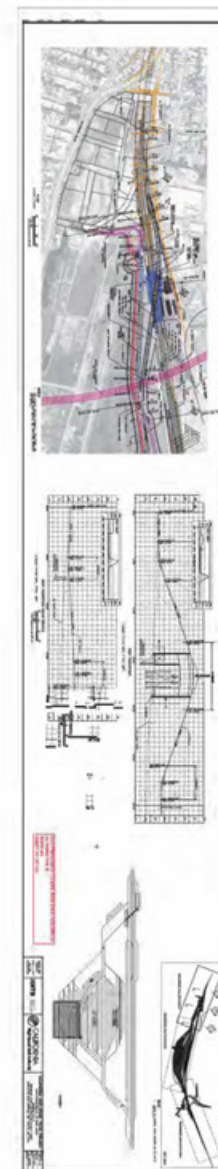
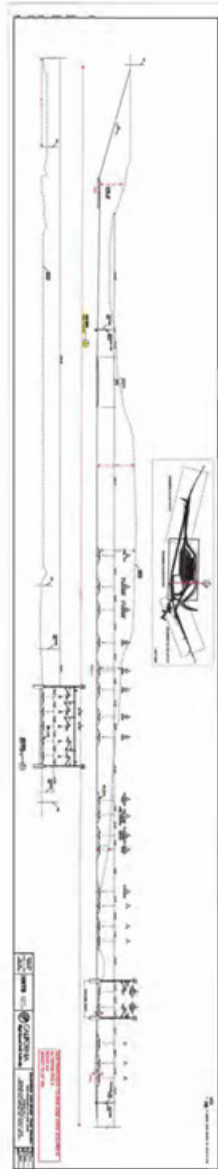
<sup>5</sup> If the facility in Montebello is not built, West Bank facility would be necessary to support operations at LA Union Station.



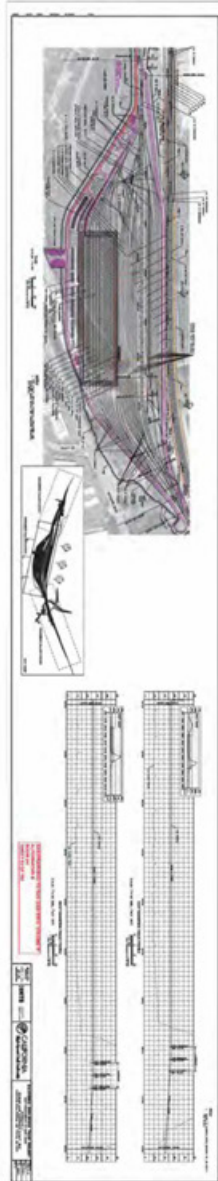
Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



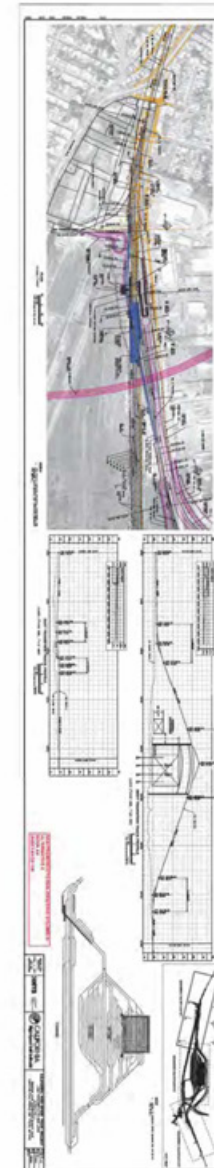
Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



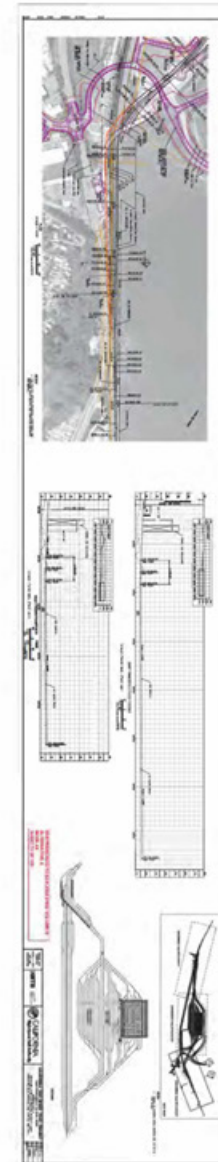
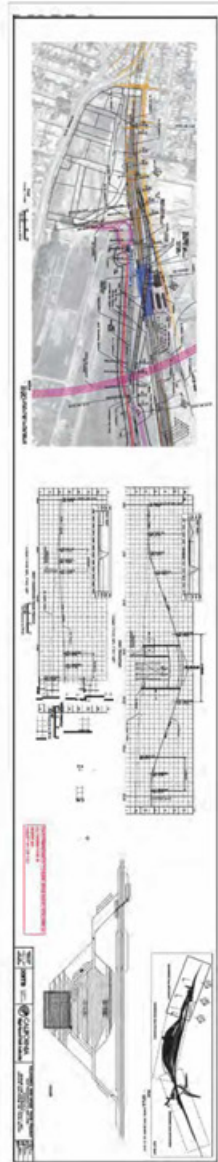
Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



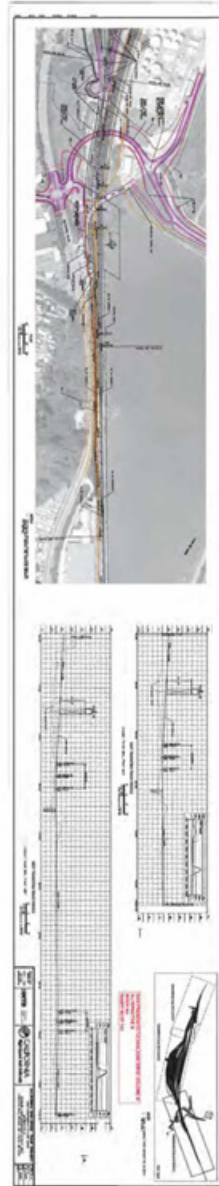
Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued



Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) -  
Continued



**Attachment Metis-H**  
**Page & Turnbull Cultural**  
**Resources Memorandum**



# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

## PAGE & TURNBULL

Imagining change in historic environments through design, research, and technology

### MEMORANDUM

DATE	August 19, 2020	PROJECT NO.	19406
TO	Michelle Lin	PROJECT	Baylands Specific Plan HRTR
OF	Universal Paragon Corporation 150 Executive Park Blvd., Suite 4000 San Francisco, CA 94134	FROM	Stacy Kozakavich, Page & Turnbull
CC	Christina Dikas, Page & Turnbull Peter Birkholz, Page & Turnbull		

REGARDING: Results of Archaeological Monitoring of Soil Characterization Studies, Baylands Specific Plan Area (Revised Summary)

### INTRODUCTION

In August 2018, PaleoWest conducted archaeological monitoring of geotechnical coring at 146 locations within the San Mateo County portion of the Universal Paragon Corporation, Inc. Operable Unit (UPC OU-SM) area, performed by Geosyntec Consultants, Inc. (Geosyntec). Between November 2019 and February 2019, PaleoWest monitored excavation by Geosyntec of 566 geotechnical cores within the Universal Paragon Corporation, Inc. Operable Unit 2 (UPC OU-2) area. All cores were 2" in diameter, and spaced 100' apart.<sup>1</sup> Both of the testing areas are within the Baylands Specific Plan (Specific Plan) Area, a 684-acre subarea of the Brisbane General Plan Area (Error! Reference source not found.). As noted in the draft Baylands Specific Plan, the surveys "serve as a preliminary phase of cultural resource identification efforts that would be required under the California Environmental Quality Act (CEQA) and Section 106 of the National Historic Preservation Act (NHPA) as part of any future development of the property."<sup>2</sup> Page & Turnbull has prepared this memorandum at the request of Universal Paragon Corporation to assist with identifying locations within the Specific Plan Area which may require additional archaeological testing in response to developments proposed by the Specific Plan.

<sup>1</sup> PaleoWest, "Memo Re: Results of Archaeological Monitoring of the Data Gap Investigation of the San Mateo County portion of the Universal Paragon Corporation, Inc. Operable Unit, Brisbane (Walnut Creek): Prepared for Universal Paragon, April 24, 2019); "Memo Re: Results of Archaeological Coring Plan, in conjunction, with the Data Gap Investigation of the Universal Paragon Corporation, Inc. Operable Unit 20Brisbane, California," (Walnut Creek: Prepared for Universal Paragon, August 19, 2019).

<sup>2</sup> HDR, *The Baylands Specific Plan (Draft)* (Prepared for the City of Brisbane, 2020), Chapter 7, n.p.

ARCHITECTURE  
PLANNING & RESEARCH  
PRESERVATION TECHNOLOGY

170 Maiden Lane, 5<sup>th</sup> Floor, San Francisco, CA 94108 | T 415.362.5154 | F 415.362.5560 | www.page-turnbull.com

Baylands Specific Plan Area: Results of Archaeological Monitoring of Soil Characterization Studies  
Page 2 of 5



Figure 1. Diagram showing the boundary of the Brisbane Baylands Specific Plan site, with notations indicating current ownership. Source: Universal Paragon Corporation.

## PAGE & TURNBULL

170 Maiden Lane, 5<sup>th</sup> Floor, San Francisco, CA 94108 | T 415.362.5154 | F 415.362.5560 | www.page-turnbull.com

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Baylands Specific Plan Area: Results of Archaeological Monitoring of Soil Characterization Studies  
Page 3 of 5

### METHODOLOGY

To identify areas which may require additional testing, Page & Turnbull reviewed the results of monitoring as described in PaleoWest's April 2019 and August 2019 monitoring reports. PaleoWest's findings were then compared to planned land use as described in the May 2019 draft Baylands Specific Plan, prepared by HDR for the City of Brisbane and provided to Page & Turnbull by HDR on May 14, 2020.

The purpose of this memorandum is to identify those development locations which intersect with monitored core locations that contained prehistoric archaeological materials, or those locations requiring further evaluation.

### FINDINGS

Of the 712 core locations monitored by PaleoWest archaeological field staff, a total of 23 core locations yielded evidence of prehistoric archaeological deposits. Three included intact shell midden between depths of 1'10" below ground surface (BGS) and 6'8" BGS. Fifteen cores included deposits that appeared to be redeposited or displaced shell midden material between the ground surface and a depth of 5'6". Both intact and displaced shell midden deposits are considered to be highly sensitive for the discovery of Native American human remains. An additional five cores produced what is described as shell fragments or burned shell fragments between 1'0" and 10'6" below ground surface. These intact and redeposited shell middens and fragments were generally located in the northern and western portions of the site.

A peaty, organic-rich layer was encountered between 5' and 19' in depth in an additional twelve cores. This layer is interpreted by PaleoWest as "likely deposits of native soils that may contain intact Native American archaeological deposits from the prehistoric era."<sup>3</sup>

Forty-nine cores in the OU-SM area and 127 cores in the OU-2 area yielded historic-period artifacts, ranging from ceramic and glass fragments to industrial and structural debris. As noted above, the focus of this memorandum is on archaeological sensitivity for prehistoric materials.

Archaeological monitoring of Geosyntec's cores, spaced 100' apart and dug to between 5' and 20' below surface, provides only a preliminary glance into the nature of buried archaeological deposits that may be present. Based on their previous experience working in the immediate vicinity, PaleoWest's April 2019 report states that portions of the site have "high archaeological sensitivity from ground surface to approximately 15' below ground surface (BGS), or the top of the underlying Bay Mud geological stratum."<sup>4</sup>

<sup>3</sup> PaleoWest, Results of Archeological Coring, OU-2, 11  
<sup>4</sup> PaleoWest, Results of Archaeological Coring, OU-SM, 1.

Baylands Specific Plan Area: Results of Archaeological Monitoring of Soil Characterization Studies  
Page 4 of 5

Table 1. Monitored Cores Containing Archaeological Deposits

Core #	Material Type	Material Depth (feet and inches)	Core Depth (feet)
A5	Shell/Charcoal	10'3"-10'6"	20'
A8	Intact Midden	6'4"-6'8"	20'
B10	Intact Midden	1'10"	5'
C8	Displaced Midden	2'2"-2'4"	5'
D9	Burned Shell Scatter	1'0" - 2'2"	10'
E5	Displaced Midden	2'7"-5'6"	10'
E6	Intact Midden	1'11"-2'3"	5'
F.5/9.5	Displaced Midden	1'2"-1'8"	10'
G3	Displaced Midden	0'0"-3'0"	15'
G6	Shell Fragments	3'2"-3'5"	5'
I12	Shell Fragments	1'0" and 1'8"	5'
M11	Shell Fragment Scatter	8'0"-10'0"	10'
M12	Displaced Midden	2'10"-3'1"	5'
N13	Displaced Midden	3'1"-3'9"	10'
P10	Displaced Midden	0'8"-0'11"	5'
Q10	Displaced Midden	0'9"-1'9"	5'
R14	Displaced Midden	1'4"	10'
S11	Displaced Midden	1'1"-1'9"	10'
S12	Displaced Midden	0'9"-1'9"	5'
S13	Displaced Midden	0'10"-2'1"	5'
T13	Displaced Midden	1'7"-2'0"	10'
U11	Displaced Midden	0'5"-0'10"	10'
X19	Displaced Midden	3'0"-3'3"	5'

### CONCLUSION

It is clear from review of PaleoWest's April and August 2019 reports on archaeological monitoring of geotechnical coring and comparison to HDR's draft Specific Plan that additional archaeological testing will be necessary. The purpose of this testing should be to more clearly identify the horizontal extent and character of the deposits identified during monitoring of Geosyntec's cores, as well as to provide more reliable negative findings in potentially sensitive areas where few cores were dug to greater depths than 5' BGS. A program of intensive subsurface testing with more closely spaced cores dug consistently to the top of the Bay Mud within the northern and western portions of the site would provide greater clarity on the nature and extent of subsurface archaeological remains within the Specific Plan Areas to be subject to soil remediation and grading in preparation for development.

# Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

Baylands Specific Plan Area: Results of Archaeological Monitoring of Soil Characterization Studies  
Page 5 of 5

The results of this testing would guide subsequent decisions regarding the necessity for archaeological data recovery in advance of further ground disturbance and/or monitoring during soil remediation or other activities.

### PREPARER'S QUALIFICATIONS

This memorandum was prepared by Stacy Kozakavich, Ph.D. of Page & Turnbull. Ms. Kozakavich is an Archaeologist and Cultural Resources Planner who has worked in the cultural resources field in California for 18 years. She meets the Secretary of the Interior's Professional Qualifications Standards in History and Archaeology, with a focus on historical archaeology.

**STACY KOZAKAVICH, PHD, RPA**  
Cultural Resources Planner / Architectural Historian

**PAGE & TURNBULL**



Stacy is a historian and archaeologist with over twenty years of experience, including more than ten years of experience working in California. She is experienced in the cultural resources review process for Section 106 of the National Historic Preservation Act and the California Environmental Quality Act, and has conducted records searches and archival research at numerous repositories, undertaken oral history interviews, and completed map and aerial photograph analyses, in addition to field recording of architectural and archaeological resources.

Stacy meets the Secretary of the Interior's Professional Qualification Standards for archaeology, history, and architectural history and the requirements for the California Council for the Promotion of History Register of Professional Historians.

### EDUCATION

Ph. D, Anthropology, 2007  
University of California, Berkeley  
Berkeley, California

M.A., Anthropology and Archaeology,  
1998, B.A., Anthropology and  
Archaeology, 1994 University  
of Saskatchewan, Saskatoon,  
Saskatchewan

### AFFILIATIONS

Register of Professional Archaeologists  
Society for Historical Archaeology  
California Preservation Foundation  
Oakland Heritage Alliance

### Select Project Experience

#### HISTORIC RESOURCE EVALUATIONS (HRE)

- 1020 North 4th Street, San Jose
- 37433-37447 Fremont Boulevard, Fremont
- 37463-37477 Fremont Boulevard, Fremont
- 3735 Eggers Drive, Fremont
- 4170 Central Avenue, Fremont
- 35858 Mission Boulevard, Fremont
- 3411 Capitol Avenue, Fremont
- 43442 Bryant Street, Fremont
- 43341-43353 Mission Boulevard, Fremont
- 3793 Woodside Road, Woodside
- 1548 Howard Avenue, Burlingame
- 160 Pepper Avenue, Burlingame
- Mid Valley Shopping Center, Carmel Valley
- 952 Carolina Street, San Francisco
- 1049 Golden Gate Avenue, San Francisco
- 1525 Pine Street Oral History Project, San Francisco
- 788-796 San Antonio Road, Palo Alto
- Webb Schools Hooper Student Center Renovation, Claremont

#### PROJECT DESIGN CONSULTATION AND IMPACTS ANALYSIS

- 37737 Fremont Boulevard Project Analysis, Fremont
- 43536 Ellsworth Street Project Analysis, Fremont
- 601 Townsend Street Design Consultation, San Francisco
- Treasure Island Buildings 2 and 3 Landscaping Standards Analysis, San Francisco

**PAGE & TURNBULL**

170 Maiden Lane, 5th Floor, San Francisco, CA 94108 | T 415.362.5154 F 415.362.5560 | www.page-turnbull.com

## Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### PAGE & TURNBULL

#### CEQA CONSULTATION AND EVALUATION

- California College of the Arts Campus CEQA Technical Report, Oakland
- 719-725 Bridgeway, CEQA Technical Report, Sausalito
- Head-Royce South Campus CEQA Technical Report, Oakland

#### SECTION 106 CONSULTATION AND EVALUATION

- San Francisco VA Medical Center Section 106 Consultation, San Francisco
- 900 Innes Avenue Section 106 Consultation, San Francisco
- Planetary Ventures NAVAIDS Section 106 Consultation, Santa Clara County
- Moffett Federal Airfield Section 106 Programmatic Agreement, Santa Clara County
- Access Parks Broadband Installation Section 106 Consultation, Park County, Wyoming

#### PEER REVIEWS

- 1110 Old County Road Historic Resource Evaluation Peer Review, Belmont
- 1211 Broadway Historic Resource Evaluation Peer Review, Sonoma
- 880 Westridge Drive Historic Resource Evaluation Peer Reviews, Portola Valley
- 1450 Hawthorne Terrace Peer Review and Character-Defining Features Memorandum, Berkeley
- 770 Woolsey Street Historic Resource Evaluation Peer Review, San Francisco

#### OTHER HISTORIC RESOURCE CONSULTATION

- University of California, Berkeley LRDP Historical Resources Assessment
- Hotel Whitcomb Historic Resource Consultation, San Francisco
- 659 Union Street / 1656 Powell Street Historic Resource Memorandum, San Francisco
- 779 Bush Street Historic Research Memorandum, San Francisco
- 1100 Valencia Street Historic Use Memorandum, San Francisco

#### COMMEMORATION PLANNING

- East Campus, Agnews Developmental Center CEQA Mitigation Commemoration Plan, Santa Clara County

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020)

### 1165-1876

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

Please also refer to the responses to submission FJ-1164, comments 1398 and 1456, which address the adequacy of the Draft EIR/EIS with respect to level of detail. Analysis of the project's construction and operation impacts, including those associated with the Brisbane LMF, are presented at the appropriate project level and with sufficient detail for this project within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures; Chapter 4, Section 4(f)/6(f) Evaluation; and Chapter 5, Environmental Justice, of the Draft EIR/EIS. For example, Impact GEO#6 in Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources, addresses geotechnical hazards relevant to construction on a landfill; Impact HMW#10 in Section 3.10, Hazardous Materials and Wastes, addresses the hazards to the public or environment associated with the handling or release of hazardous materials due to project construction on and within a landfill; and Impact AVQ#4 in Section 3.15, Aesthetics and Visual Quality, analyzes impacts on aesthetics and visual quality within the Brisbane Landscape Unit, and provides visual simulations of both LMF sites from two different key viewpoints in Brisbane. The EIR/EIS also discusses mitigation measures consistent with NEPA and CEQA requirements. If an impact was identified as being significant under CEQA, the Draft EIR/EIS discusses feasible mitigation measures and the level of significance after mitigation.

In subsequent comments, the commenter provided more detailed comments on the impact analysis of various resource topics in the Draft EIR/EIS. Each of these specific comments is addressed below.

### 1165-1877

The proposed Brisbane LMF would not substantially add to the pollution burden of Brisbane residents. As discussed in Section 2.4.8, Maintenance Facilities, an LMF is a light industrial facility where trains are cleaned, serviced, and stored so they can be dispatched to HSR terminal stations at the start of the day. Maintenance operations would include exterior and interior cleaning, wheel truing, testing, and inspections. The LMF would also function as a service point for any HSR trains in need of emergency repairs and would supply trains and crew to the San Francisco terminal station.

The Authority has determined that operations-related effects from noise, air quality, and the transport, use, storage, and disposal of hazardous materials and wastes at the Brisbane LMF would all be less than significant based on the impact analysis and evidence provided. Train maintenance activities would take place inside the maintenance building with minimal noise spillover into surrounding areas. Noise generated from the electric trains moving in and out of the LMF would be modest and less than noise generated by diesel trains currently operating on the corridor. High-speed trains run on electricity and therefore do not generate exhaust emissions. During operations, LMF train maintenance would not negatively affect air quality: train cleaning, wheel truing, testing, and parts replacement do not produce air pollution. Regular train maintenance activities would use chemicals, lubricants, fuels, metal filings, hydraulic fluids, and cleaning products. These materials and chemicals would be used and stored inside a designated building where most train maintenance would be performed. The LMF's operators would comply with applicable state and federal regulations to avoid and prevent the accidental release of hazardous materials or wastes during transport, use, or disposal. In addition, all project impacts on biological resources were mitigated to a less-than-significant level (Table 3.7-22).

During the development of the LMF, the Authority coordinated with the City of Brisbane, Baylands Development Inc., SFCTA, and SFMTA, Caltrain, Kinder Morgan, and Recology for the purpose of avoiding or mitigating potential planned land use conflicts. The Authority will continue ongoing coordination with agencies, property owners, and proponents of other nearby projects to minimize potential incompatibilities between the Brisbane LMF and future planned development.

Please refer to the response to submission FJ-1163, comment 1135 regarding the need

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1877

for site remediation and final landfill closure prior to construction of the Brisbane LMF.

### 1165-1878

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the Draft EIR/EIS fails to recognize the burdens the LMF places on the community by eliminating adequate emergency access to portions of the city of Brisbane due to closure of Tunnel Avenue during construction. As explained in detail in the standard response, the Authority has identified a feasible approach to phased construction that would maintain emergency vehicle access to Tunnel Avenue and Lagoon Road throughout construction. Revisions have been made to the impact analysis throughout the Final EIR/EIS to reflect this change.

### 1165-1879

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the Draft EIR/EIS proposes two infeasible locations for the City's existing fire station. As explained in detail in the standard response referenced above, the Final EIR/EIS includes revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and clarifies the access design (for Alternative B). These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff. In addition, the Authority has identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass required for the Brisbane LMFs, such that emergency vehicle access to Tunnel Avenue from Bayshore Boulevard would be retained throughout the construction activities. Refer to Impact S&S#1 in Section 3.11, Safety and Security, of the Final EIR/EIS for detailed descriptions and illustrations of the proposed construction phasing.

### 1165-1880

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment states that the Draft EIR/EIS does not recognize the burden that the LMF would place on the Brisbane community by displacing the city of Brisbane's corporation yard and precluding the Geneva Avenue Extension.

Regarding relocation of the Brisbane Corporation Yard, this impact is included in Section 3.12, Socioeconomics and Communities, as an industrial property to be relocated. Section 3.12 has been revised in the Final EIR/EIS to clarify that a governmental facility, the Brisbane Corporation Yard, would require relocation. This impact has been removed from Impact SOCIO#8 and added to Impact SOCIO#9. The impacts associated with the relocation of the Brisbane Corporation Yard are included in Section 3.12 of the Final EIR/EIS.

With respect to the planned Geneva Avenue extension, please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, and the response to submission FJ-1165, comment 2189, which address this topic.

### 1165-1881

This comment states that the Draft EIR/EIS fails to recognize the burdens the LMF would place on the community by removing Icehouse Hill. The Authority disagrees. Analysis of project construction and operations impacts, including those associated with the grading of Icehouse Hill under Alternative B, are presented throughout the applicable resource topics within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Draft EIR/EIS. Specifically, please refer to Section 3.7, Biological and Aquatic Resources, and Section 3.15, Aesthetics and Visual Quality, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1882

This comment states that the Draft EIR/EIS fails to recognize the burdens the LMF would place on the community by filling Visitacion Creek for construction of the East LMF. The Authority disagrees. Analysis of project construction and operations impacts, including those associated with placing Visitacion Creek into an underground culvert under Alternative A, are presented throughout the applicable resource topics within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Draft EIR/EIS. Specifically, please refer to both Section 3.7, Biological and Aquatic Resources, and Section 3.8, Hydrology and Water Resources, in the Draft EIR/EIS, which evaluate the project's impacts to Visitacion Creek. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1883

In subsequent individual comments, the commenter raised specific concerns of inadequacy of the Draft EIR/EIS based on lack of project- and site-specific details and the analysis of impacts within Brisbane. Each of these specific comments is addressed below. The Authority disagrees with the claim of inadequacy of the Draft EIR/EIS and does not believe the EIR/EIS needs to be recirculated based on these concerns.

### 1165-1884

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

### 1165-1885

Please refer to the response to submission FJ-1165, comment 1876, which addresses this topic.

### 1165-1886

The comment asserts that the Draft EIR/EIS has an incomplete and disjointed project description. The Authority disagrees with this assertion and does not believe the document needs to be rewritten or recirculated based on these concerns. The Draft EIR/EIS was developed in compliance with CEQA and NEPA and provides sufficient information to serve as an informational tool for the public and decision makers. Please also refer to the response to submission FJ-1164, comment 1418, which further addresses this topic.

The comment also states that the Draft EIR/EIS does not acknowledge existing land uses. Existing land uses are described in detail under the Brisbane Light Maintenance Facility Area subheading in Section 3.13.5.1, Existing Land Uses, of the Draft EIR/EIS, which identifies each of the land uses referenced by the commenter.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1887

The Draft EIR/EIS does evaluate impacts associated with constructing the East Brisbane LMF on the site of the former Brisbane Landfill (refer to Impact HMW#10 in Section 3.10, Hazardous Materials and Wastes). As described in Section 3.10.6.2, Hazardous Material and Waste Sources, of the Draft EIR/EIS, construction of the East or West Brisbane LMF would require remediation or other corrective action (e.g., removal of contamination, in-situ treatment, soil capping) to address hazardous materials present on the Brisbane Baylands. These actions would be conducted with appropriate regulatory agency oversight (e.g., RWQCB, DTSC) and in full compliance with applicable state and federal laws and regulations.

The Draft EIR/EIS also assesses impacts of the East or West Brisbane LMF on water supply (refer to Impact PUE#8 in Section 3.6, Public Utilities and Energy) and the analysis of water supply has been updated in the Final EIR/EIS in Section 3.6.5.1, Impacts PUE#5 and PUE#8. As shown in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, Alternative A would place Visitacion Creek into an underground culvert on the existing alignment below the East Brisbane LMF, while construction of Alternative B proposes no changes to Visitacion Creek because the creek is in an underground culvert within the project footprint.

The Draft EIR/EIS evaluates the project's construction and operational impacts on Visitacion Creek (refer to Impacts HYD#1 through HYD#7 and Impact HYD#13 in Section 3.8, Hydrology and Water Resources, as well as Impacts BIO#3 and BIO#19 in Section 3.7, Biological and Aquatic Resources).

The commenter raised detailed comments on these impact analyses in subsequent comments. Each of these specific comments is addressed below.

### 1165-1888

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

As explained in Section 2.5.2.3, Tier 2 Planning for Predominantly Two-Track Blended System (2013-2019), of the Draft EIR/EIS, the blended system framework (which defined the system as a predominately two-track blended system that would remain substantially within the existing Caltrain right-of-way) combined with the spatial constraints of integrating with existing passenger and freight rail in an existing right-of-way limited the range of alignment alternatives for the Project Section. Consequently, the alternatives development process for the blended system focused largely on blended system operations. The passing track alternatives, LMF alternatives, and configuration through San Jose Diridon Station were key considerations in the project-level evaluation of alternatives within the Project Section. As described in Standard Response FJ-Response-ALT-1, Alternatives A and B constitute a reasonable range of feasible alternatives. Additionally, the Authority has identified all feasible mitigation measures which would substantially lessen the significant environmental effects of the project.

Please refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, for additional information about the LMF alternatives evaluation.

Please also refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, which describes the Millbrae Station alternatives evaluation and describes the Millbrae Station Reduced Site Plan Design Variant that was developed to reduce impacts on planned development, evaluated in the Revised/Supplemental Draft EIR/EIS, and incorporated into this Final EIR/EIS.

The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1889

The comment states that relocation of Visitacion Creek is mentioned, but neither described nor analyzed in Impact BIO#19. Please refer to the response to submission FJ-1164, comment 1638, which explains that impacts associated with the culverting of Visitacion Creek were evaluated throughout the Draft EIR/EIS, including under Impact BIO#19. Impact BIO#19 was revised in the Final EIR/EIS to clarify that the project would culvert a portion of Visitacion Creek.

### 1165-1890

Please refer to the response to submission FJ-1164, comment 1711, which discusses this topic.

### 1165-1891

The Authority disagrees with the commenter's claims that the severity of impacts is understated and that significance conclusions are not substantiated. Please refer to the responses to submission FJ-1164, comments 1398 and 1456, which address the adequacy of the Draft EIR/EIS with respect to level of detail. Regarding the commenter's claim that the analysis is improperly segmented, please refer to the responses to submission FJ-1164, comment 1455.

The commenter provided more detail about what they considered to be unsubstantiated conclusions in the Draft EIR/EIS in subsequent individual comments. Each of these specific comments has been addressed.

### 1165-1892

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Please refer to the response to submission FJ-1164, comment 1456, which addresses assertions that the analysis in the Draft EIR/EIS is overgeneralized. Please also refer to the response to submission FJ-1164, comment 1459, which addresses adequacy of IAMFs and mitigation measures.

### 1165-1893

The Authority conducted the cumulative impacts analysis at level of detail appropriate to inform decision makers. The Authority identified and considered relevant projects, plans, and actions over three counties and 19 jurisdictions along the 49-mile-long project, and potential contributions to cumulative impacts from those projects, plans, and actions. In each resource section, the Authority considered the contribution of project impacts to cumulative impacts and included examples or types of projects that could also contribute to cumulative impacts. The commenter does not identify specific inadequacies. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1894

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment states that the Draft EIR/EIS understates the impacts associated with the Brisbane LMF's inconsistencies with the Brisbane General Plan and the City of Brisbane's ability to provide housing. Please refer to Volume 2, Appendix 2-J, Policy Consistency Analysis, which provides a policy consistency analysis for the project alternatives and identifies that the project alternatives would be inconsistent with several policies in the Brisbane General Plan. Please also refer to the response to submissions FJ-1165, comments 2226 through 2261, which addresses the commenter's specific concerns regarding potential inconsistencies with the Brisbane General Plan.

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which identifies how the Draft EIR/EIS considers the Brisbane Baylands development in the environmental analysis. The Draft EIR/EIS acknowledges under Impact LU#5 that the project's acquisition of lands in Brisbane, where residential development is planned and permitted, could affect the City of Brisbane's ability to meet its required Housing Element and Regional Housing Need Allocation. However, as explained in the response to submission FJ-1164, comment 1469, the Brisbane LMF would not preclude future development in the area; development has and will continue to occur near train tracks and facilities due to the limited supply of land in the Bay Area.

### 1165-1895

The comment asserts that the design of the Brisbane LMF ignores the physical setting and would be incompatible with adjacent land uses. Please refer to Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS, which identifies the physical setting, including the existing land uses and planned land uses located adjacent to the Brisbane LMF, and discloses the potential inconsistencies with existing and planned land uses.

Impacts LU#5 and LU#6 in Section 3.13 also identifies the potential impacts associated with the Brisbane LMF being incompatible with adjacent land uses, both existing and planned. The design of both alternatives locates the LMF at the site's most contaminated areas—the existing landfill and former rail yard—to minimize impacts to existing land uses (see Table 3.13-11) and to minimize impacts to planned residential and commercial development (see Table 3.13-12). The East Brisbane LMF under Alternative A would be constructed primarily on a Class II landfill, converting existing industrial uses to transportation use. The West Brisbane LMF under Alternative B would be constructed on a former railyard and on Icehouse Hill, converting industrial, vacant, and open space lands to transportation use. Transportation uses are compatible with the existing heavy commercial/industrial uses for Alternative A. However, Alternative B is expected to introduce an incompatible industrial use to the area, due to its conversion of Icehouse Hill, an open space area, into a transportation use. This incompatibility has adequately been disclosed in the EIR/EIS.

The Brisbane LMF would impact a portion of planned development. However, the LMF is designed to minimize impacts on planned residential and commercial development. Given the large size of the Baylands at 587.5 acres, Alternative A would impact approximately 19.1 percent of planned development, and only 3.6 percent of planned development where residential is permitted. Alternative B would impact approximately 19.7 percent of planned development, and only 21.7 percent of planned development where residential is permitted (see Table 3.13-14 in the Final EIR/EIS). Alternative A does not inhibit development from reaching potential allowable residential buildout levels for the planned development for the area west of the Caltrain tracks. Alternative B does reduce the amount of land available for residential development to reach potential buildout levels. The EIR/EIS identified significant and unavoidable impacts for both alternatives due to the impacts on these planned land uses (see Impact LU#5).

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1895

In addition, for other specific comments related to the design of the LMF site, please refer to submission FJ-1165, comments 2262 through 2271, which addresses this topic. For other specific comments related to the physical setting of the project, please refer to submission FJ-1165, comments 2122 through 2139.

Overall, the EIR/EIS has adequately disclosed the potential incompatibilities with adjacent existing and planned land uses due to the LMF in Impacts LU#5 and LU#6.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1896

In subsequent individual comments, the commenter provided more detail about what they considered to be factual errors in the Draft EIR/EIS. Each of these specific comments is addressed below.

### 1165-1897

The comment raises concerns about the level of detail of the project description, impact analysis, and mitigation. Please refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation, and the responses to submission FJ-1164, comments 1399 and 1401, which address this topic.

### 1165-1898

The comment asserts that the Draft EIR/EIS has an incomplete and disjointed project description. The Authority disagrees with this assertion and does not believe the document needs to be rewritten or recirculated based on these concerns. The Draft EIR/EIS was developed in compliance with CEQA and NEPA and provides sufficient information to serve as an informational tool for the public and decision makers. Please also refer to the response to submission FJ-1164, comment 1418, which further addresses this topic.

In subsequent comments, the commenter raises specific examples of information they assert is incomplete or inaccurate. Each of these specific comments is addressed in the responses to submission FJ-1165, comments 1899 through 1980.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1899

The comment asserts that the project description is disjointed. The Draft EIR/EIS includes a thorough description of the project alternatives that describes all project components and other information at a level of detail needed to disclose the environmental impacts, consistent with CEQA and NEPA requirements. Detailed descriptions and figures illustrating the project elements of the two project alternatives are provided in Section 2.6.2.4, Alternative A, and Section 2.6.2.5, Alternative B, of the Draft EIR/EIS. The project description in Chapter 2, Alternatives, is supported by the engineering drawings in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, which include plans, profiles, cross-sections and other design information for the track alignment, stations, structures, roadways, and LMF. The Draft EIR/EIS was developed in compliance with both CEQA and NEPA. While the commenter may prefer a different organization or headers, that preference does not indicate an inadequacy for the purposes of disclosure. The Summary of the Draft EIR/EIS is intended to help the reader by providing an overview of the substantive chapters of the main report. It includes a table listing the potential environmental impacts for each environmental resource topic and directs the reader to where additional information can be found elsewhere in the document.

The comment also asserts that Section 2.11, Permits, of the Draft EIR/EIS does not list all approvals necessary to implement the project. In response to comments on the Draft EIR/EIS, the Authority has updated Table 2-26 in the Final EIR/EIS to reflect several additional approvals required for project implementation.

### 1165-1900

The comment is noted but does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS. Please refer to the response to submission FJ-1164, comment 1415, which addresses the naming convention and approach to addressing all alternatives to an equivalent level of detail in the Draft EIR/EIS.

### 1165-1901

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

As explained in Section 2.5.2.3, Tier 2 Planning for Predominantly Two-Track Blended System (2013–2019), of the Draft EIR/EIS, the blended system framework (which defined the system as a predominantly two-track blended system that would remain substantially within the existing Caltrain right-of-way) combined with the spatial constraints of integrating with existing passenger and freight rail in an existing right-of-way limited the range of potential alignment alternatives for the Project Section. Consequently, the alternatives development process for the blended system focused largely on blended system operations. The passing track alternatives, LMF alternatives, and configuration through San Jose Diridon Station were key considerations in the project-level evaluation of alternatives within the Project Section. As described in Standard Response FJ-Response-ALT-1, Alternatives A and B constitute a reasonable range of feasible alternatives. Additionally, the Authority has identified all feasible mitigation measures that would substantially lessen the significant environmental effects of the project. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1902

Please refer to the response to submission FJ-1164, comment 1420, which addresses this topic.

### 1165-1903

The commenter asserts that the Draft EIR/EIS fails to disclose that the Brisbane LMF is proposed to function in conjunction with an LMF in Gilroy. Please refer to the response to submission FJ-1164, comment 1409, which addresses this topic in regards to earlier planning potentially for two LMF facilities between Gilroy and San Francisco, and the shift to consideration of only one LMF facility. Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration describes further why LMF options between San Jose and Gilroy and why alternatives with two LMFs were dismissed from further consideration due to operational, cost, and environmental impact considerations.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1904

The comment asserts that Section 3.10, Hazardous Materials and Wastes, provides no information on excavation of soils that would require disposal as hazardous materials and waste. Impact HMW#1 provides information about the excavation quantities and depth required to build the Brisbane LMF and addresses the impacts associated with transport, storage, and disposal of hazardous materials and wastes during construction. While the specific quantities of excavated materials to be disposed of as hazardous materials were not identified in this section, the impacts of transport were disclosed. Impact HMW#1 in the Final EIR/EIS has been updated to provide additional information about the quantities of excavated material requiring disposal as hazardous materials.

Assumptions regarding the quantities of hazardous material to be disposed of under the East Brisbane LMF have been refined for the Final EIR/EIS. Refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS, including those related to the quantity of materials, transport of materials, and disposal locations. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1165-1905

The comment notes that a footnote in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS informs the public that the HSR stations would be LEED platinum. That is correct. Section 2.10.1, General Approach, states that consistent with the Authority's Sustainability Policy, the Authority is committed to "net-zero energy, LEED platinum facilities." However, the energy analysis in Impact PUE#13 is conservative and includes energy use at the stations and the Brisbane LMF (Table 3.6-17), and did not assume net-zero energy use at the stations and Brisbane LMF. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1906

The comment asserts that the Draft EIR/EIS does not evaluate the impacts of the project on Visitacion Creek. Please refer to the response to submission FJ-1164, comment 1638, which addresses this comment. Impact BIO#19 was revised in the Final EIR/EIS to clarify that the project would culvert a portion of Visitacion Creek.

The commenter also references a compensatory mitigation concept the Authority considered in the pCMP (Authority 2020e), which would involve rerouting Visitacion Creek into an open channel to connect to Brisbane Lagoon. As explained in the response to submission FJ-1164, comment 1638, this concept was not evaluated in the Draft EIR/EIS because it was one of several potential compensatory mitigation measures. However, after further consideration of this concept, the Authority has withdrawn this concept in favor of off-site mitigation.

### 1165-1907

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

This comment is part of a broader comment by commenter regarding the project description in the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 1899 which addresses this issue.

Regarding the specific issues related to Safety and Security, the Final EIR/EIS reflects several relevant revisions. Refer to Section 3.11, Safety and Security, Impact S&S#1, which notes that the new Tunnel Avenue overpass would be constructed and opened prior to closing the existing Tunnel Avenue overpass and provides updated information regarding related emergency access implications. Please also refer to the standard response referenced above regarding construction sequencing and access to the fire station.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1908

Additional details about the hours of operation and lighting design for the Brisbane LMF have been added to the project description in Chapter 2, Alternatives, in the Final EIR/EIS.

### 1165-1909

Chapter 2, Section 2.6.2.4 of the Draft EIR/EIS identified the Diridon Design Variant in the description of Alternative A within the San Jose Diridon Approach Subsection. The comment accurately quotes text from Chapter 2. A more detailed description of the DDV, including a graphic, was included in the Draft EIR/EIS at Section 3.19, entitled Design Variant to Optimize Speed. Chapter 3.19 also included analysis describing how impacts of Alternative A with the DDV compared to Alternative A without the DDV. The Final EIR/EIS incorporates the Chapter 3.19 detailed description of the DDV into Chapter 2 and the Chapter 3.19 impacts analysis of the DDV into the relevant sections of Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures.

### 1165-1910

The comment is correct. Section 3.1.4, Chapter 3 Organization, of the Draft EIR/EIS identified the chapters that were supported by technical reports and explained that they were available on request by contacting the Authority. Please refer to the response to submission FJ-1164, comment 1385.

### 1165-1911

The comment notes that Chapter 2, Alternatives, of the Draft EIR/EIS does not provide information regarding the duration of the temporary road closure of Tunnel Avenue overpass. Please refer to the response to submission FJ-1164, comment 1424, which addresses this topic.

### 1165-1912

The comment notes that Chapter 2, Alternatives, of the Draft EIR/EIS does not provide information regarding the duration of the temporary road closure of Tunnel Avenue. Please refer to the response to submission FJ-1164, comment 1424, which addresses this topic.

### 1165-1913

The comment asserts that the Draft EIR/EIS fails to provide a complete description of the project and summarizes several examples of gaps in the project description, which are commented on in greater detail in subsequent comments. Accordingly, please refer to the responses to submission FJ-1165, comments 1914, 1919, and 1972, which address these topics.

### 1165-1914

The comment asserts that Chapter 2, Alternatives, of the Draft EIR/EIS does not provide information regarding the duration of the temporary road closure of Tunnel Avenue or Tunnel Avenue overpass. Please refer to the response to submission FJ-1164, comment 1424, which addresses this topic.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1915

The comment notes that the Draft EIR/EIS refers to a temporary street closure to reconnect both ends of the realigned segment of Tunnel Avenue and asks for the precise segment that would be closed. The comment incorrectly assumes that Beatty Avenue would be a cul-de-sac and that Tunnel Avenue would be temporarily closed from its current intersection at Bayshore Boulevard to approximately the south property line of Golden State Lumber Company at 601 Tunnel Avenue, Brisbane.

Engineering plans showing where Tunnel Avenue would be affected are included in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. Impact TR#2 describes that construction of the East Brisbane LMF under Alternative A would require realignment of Tunnel Avenue to the east to allow for construction of the LMF; this would result in a temporary road closure to reconnect both ends of the realigned segment. Based on construction staging plans developed for the Tunnel Avenue overcrossing and realigned Lagoon Road after publication of the Draft EIR/EIS, construction of the new Tunnel Avenue overpass would occur prior to removing the existing Tunnel Avenue roadway and overpass from operation, so that emergency vehicle access to Tunnel Avenue from Bayshore Boulevard would be retained throughout the construction process. During construction of the realigned Tunnel Avenue and the relocated Tunnel Avenue overcrossing, access to the Sierra Point area and businesses along Tunnel Avenue, including the Kinder Morgan tank farm, would be maintained. Refer to Impact TR#2 of the Final EIR/EIS for detailed descriptions of the proposed construction phasing.

Any roadway closures due to project construction would be limited in duration and alternative access routes would be provided.

### 1165-1916

The comment is noted, but the Draft EIR/EIS adequately describes the project, notwithstanding minor terminology differences. The engineering plans provided in Volume 3, Preliminary Engineering Plans (Book A1, sheet 4 and Book B1, sheet 4), provide detailed drawings identifying the demolition of the existing Tunnel Avenue overpass and the new relocated Tunnel Avenue overpass. To address the comment and provide additional clarity, the text describing changes to the Tunnel Avenue overpass under the East Brisbane Light Maintenance Facility subheading in Section 2.6.2.4, Alternative A, and the West Brisbane Light Maintenance Facility subheading in Section 2.6.2.5, Alternative B, has been revised in the Final EIR/EIS to clarify that track modifications associated with the Brisbane LMF would require “demolishing and relocating the Tunnel Avenue overpass.”

### 1165-1917

Please refer to the responses to submission FJ-1165, comments 1915 and 1924, which address the temporary road closures of Tunnel Avenue and the Tunnel Avenue overpass. Engineering plans showing where Tunnel Avenue and the Tunnel Avenue overpass would be affected are included in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1918

The comment asserts that the Draft EIR/EIS fails to disclose impacts on the Brisbane Corporation Yard. Please refer to the response to submission FJ-1165, comment 1929, which addresses this topic. The comment also raises concerns regarding impacts on businesses and emergency response times due to the modifications to Tunnel Avenue and relocation of the Tunnel Avenue overpass. Please refer to the response to submission FJ-1164, comment 1424, which addresses this topic.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1919

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment raises concerns about construction impact on emergency access and questions the efficacy of an IAMF.

As described in the standard response referenced above, since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the Tunnel Avenue overcrossing and realigned Lagoon Road that would maintain emergency vehicle access to Tunnel Avenue and Lagoon Road throughout construction.

Refer to Impact S&S#1 in Section 3.11, Safety and Security, of the Final EIR/EIS for detailed descriptions and illustrations of the proposed construction phasing.

Regarding the efficacy of IAMF-TR#2, please refer to the response to submission FJ-1164, submission 1590.

### 1165-1920

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

This is part of a larger comment that asserts that the Draft EIR/EIS's description of temporary road closures is inadequate (refer to submission FJ-1165, comments 1914 through 1928).

The Draft EIR/EIS disclosed a temporary road closure of Tunnel Avenue overpass and Tunnel Avenue for between 1 and 3 months under Impact S&S#1 in Section 3.11, Safety and Security and Impact SOCIO#1 in Section 3.12, Socioeconomics and Communities. Since publication of the Draft EIR/EIS, the Authority identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass which would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process. Revisions have been made throughout the Final EIR/EIS to clarify the construction phasing for the Tunnel Avenue overpass and this clarification has also been added to Section 2.10.3.7, Roadway Modifications. Revisions have also been made to the impact analysis throughout the Final EIR/EIS to reflect this change. Please refer to the standard response referenced above for additional detail regarding the construction phasing. This change is responsive to concerns raised in the public comments and would reduce the environmental impacts of the project; accordingly, recirculation of the Draft EIR/EIS based on these revisions is not warranted.

### 1165-1921

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the closure of the Tunnel Avenue overpass during construction would be a serious hazard due to the impacts on emergency access. As described in the standard response referenced above, since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the Tunnel Avenue overcrossing and realigned Lagoon Road that would maintain emergency vehicle access to Tunnel Avenue and Lagoon Road throughout construction. Refer to Impact S&S#1 in Section 3.11, Safety and Security, of the Final EIR/EIS for detailed descriptions and illustrations of the proposed construction phasing.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1922

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the Draft EIR/EIS should delineate emergency access routes to Sierra Point throughout construction. As described in the standard response referenced above, since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the Tunnel Avenue overcrossing and realigned Lagoon Road that would maintain emergency vehicle access to Tunnel Avenue and Lagoon Road throughout construction. Refer to Impact S&S#1 in Section 3.11, Safety and Security, of the Final EIR/EIS for detailed descriptions and illustrations of the proposed construction phasing.

### 1165-1923

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the Draft EIR/EIS must delineate emergency response routes and provide the public with an opportunity to review and comment. As described in the standard response referenced above, since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the Tunnel Avenue overcrossing and realigned Lagoon Road that would maintain emergency vehicle access to Tunnel Avenue and Lagoon Road throughout construction. Refer to Impact S&S#1 in Section 3.11, Safety and Security, of the Final EIR/EIS for detailed descriptions and illustrations of the proposed construction phasing.

Consistent with the requirements of TR-IAMF#2, emergency response routes will be identified prior to the start of construction as detailed construction staging plans are developed and those routes would be coordinated with the City of Brisbane.

### 1165-1924

The comment states that the Draft EIR/EIS does not describe proposed temporary or permanent access to the Kinder Morgan tank farm during construction of the new Tunnel Avenue overcrossing. Section 3.2, Transportation, of the Draft EIR/EIS describes temporary street closures and relocations that would occur during the construction phase. For Alternative A, an access road to Kinder Morgan would be constructed from the Tunnel Avenue overcrossing (refer to drawings MY-C0103 and MY-C0107 in Book 4A of Volume 3, Preliminary Engineering Plans). This access road would be constructed and opened prior to closing the existing access from Tunnel Avenue, such that access would be maintained during construction. For Alternative B, the existing access to Kinder Morgan via Tunnel Avenue would be maintained. As a result of comments on the Draft EIR/EIS, the Authority identified a feasible approach to phase construction of the realigned Tunnel Avenue overpass that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process. Construction of the new Tunnel Avenue overpass under both project alternatives would occur prior to removing the existing Tunnel Avenue overpass from operation, eliminating the need for a temporary road closure during the construction process. Revisions have been made throughout the Final EIR/EIS to clarify the construction phasing for the Tunnel Avenue overpass.

### 1165-1925

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that temporary construction easements and roadway modifications would hinder access and potentially also operations at the Kinder Morgan facility.

Regarding emergency response access during construction of the Tunnel Avenue overpass, please refer to the responses to submission FJ-1165, comment 1920 and the standard response referenced above.

Regarding the extent of temporary construction easements at and construction period access to the Kinder Morgan facility, please refer to the response to submission FJ-1165, comment 1929.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1926

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts potential hazards associated with proposed roadway modifications and the Kinder Morgan facility.

Regarding the emergency response access during construction of the Tunnel Avenue overpass, please refer to the responses to submission FJ-1165, comment 1920 the standard response referenced above.

Regarding the extent of temporary construction easements at and construction period access to the Kinder Morgan facility, please refer to the response to submission FJ-1165, comment 1929.

### 1165-1927

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the Draft EIR/EIS must delineate emergency response routes for construction and operations, and provide an opportunity for the public and key stakeholders (local jurisdictions, emergency responders, Kinder Morgan) to review and provide comment. Please refer to the standard response referenced above, which addresses emergency response access during construction and operations.

With respect to the request for the opportunity for review and comment on operation and emergency access to the tank farm, TR-IAMF#2 calls for the preparation of a detailed CTP by the contractor for the project. The purpose of the CTP is to minimize the impact of construction and construction traffic on adjoining and nearby roadways. The development of the CTP will occur with close consultation with the local jurisdiction having authority over the affected area. The City of Brisbane would be a responsible local jurisdiction that would review the CTP. One of the required elements of the CTP is provisions for 24-hour access by emergency vehicles. SS-IAMF#1 requires the contractor to prepare a construction transportation plan that describes the contractor's coordination efforts with local jurisdictions for maintaining emergency vehicle access during construction.

### 1165-1928

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that modifications to roadway and bridge designs as well as construction staging should be considered to avoid closure of Tunnel Avenue during construction. As described in the standard response referenced above, since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the Tunnel Avenue overcrossing and realigned Lagoon Road that would maintain emergency vehicle access to Tunnel Avenue and Lagoon Road throughout construction. Refer to Impact S&S#1 in Section 3.11, Safety and Security, of the Final EIR/EIS for detailed descriptions and illustrations of the proposed construction phasing.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1929

The comment asserts that TCEs are not clearly described generally and in particular with regard to the Kinder Morgan tank farm.

As discussed in Section 3.1.5.4, Methods for Evaluating Impacts, TCEs are included in the project footprint. Accordingly, impacts from TCEs are included and analyzed in every section of the Draft EIR/EIS.

Please refer to Final EIR/EIS Volume 2, Appendix 3.1-A, Parcels within the HSR Project Footprint, and Volume 3, Preliminary Engineering Plans, for locations of proposed TCEs generally. The website referred to by the commenter (<https://mapsmorcal.org/sanfrancisco-sanjose/>) includes a disclaimer. The disclaimer states in part: "This webmap presents the temporary or permanent footprints for each of the different proposed build alternatives, and about which the Draft EIR/EIS describes potential community or environmental impacts. These draft footprints are based on preliminary engineering and subject to change during subsequent stages of project design. The draft footprints do not represent any commitment by the Authority to disturb or acquire any property contained within the areas, because the project design and associated land use areas are preliminary, the project is not yet formally approved, and final design has yet to be completed."

Please refer to Section 3.13, Station Planning, Land Use, and Development, which addresses the project's impacts on existing and planned land uses. Specifically, Impact LU#1 in Section 3.13 describes and illustrates the locations of TCEs associated with the Brisbane LMF (refer to Figures 3.13-11 and 3.13-12). The text explains that the East Brisbane LMF (Alternative A) and the realignment of Tunnel Avenue east of the LMF would require temporary use of 74.3 acres of land, while the West Brisbane LMF (Alternative B) would require temporary use of 18.5 acres of land. The text also clarifies that the TCE for the East Brisbane LMF is a conservative estimate of the area required to build the East Brisbane LMF, and that the entire area would not likely be used. For example, the entire parcel containing the Kinder Morgan facility is included as a part of the TCE. However, the project would not actually require the use of the Kinder Morgan facility. Alternative A would modify the access road to the Kinder Morgan facility, but access would be maintained throughout project construction and operation. This conservative approach (including the entirety of the site in the TCE) ensures adequate

### 1165-1929

environmental analysis.

Coordination between the Authority and Kinder Morgan has taken place and will continue to occur during final design of the project.

The Authority's process regarding TCEs is similar in many regards to its process for the permanent acquisition of right-of-way insofar as during final design, the Authority will determine the specific area of the TCE and will coordinate with Kinder Morgan to ensure their operations are able to continue during construction of HSR. A full description of the Authority's private property-related processes can be found on the Authority's website here: [hsr.ca.gov/programs/private-property/](http://hsr.ca.gov/programs/private-property/).

Regarding the City of Brisbane's Corporation Yard, the City leases property for the corporation from the company that operates the Kinder Morgan tank farm (SFPP). The corporation yard consists of a building along with outside storage and parking areas. The East Brisbane LMF (Alternative A, the Authority's Preferred Alternative) includes southerly entrance/exit tracks from the LMF to the main alignment that would traverse the site of the Corporation Yard building. The Final EIR/EIS reflects revisions to engineering plans for Alternative A showing the proposed relocation of the Corporation Yard building to a location approximately 100 feet north of the current location in the same parcel. The Authority would implement this relocation prior to construction. The relocated corporation yard building would be accessible from the proposed Kinder Morgan access road in the northeast corner of the parcel. Refer to Final EIR/EIS Volume 3, Book A1, sheet 4 (Alternative A) and Book B1, sheet 4 (Alternative B). These drawings also show TCEs for this property under both alternatives.

Although Alternative A would relocate the corporation yard building on the same property, the analysis underlying impacts in Section 3.12, Socioeconomics and Communities, conservatively considered this a displacement. Displacement and relocation of this facility were accounted for under Impact SOCIO#8 in the Draft EIR/EIS, although it was categorized as an industrial business.

The Final EIR/EIS also reflects revisions to engineering plans for Alternative B. With Alternative B, construction of the West Brisbane LMF would still require TCEs and some

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1929

property acquisition on the Kinder Morgan/Corporation Yard property to construct a westerly extension of Lagoon Road. However, the corporation yard building would not need to be relocated. The Corporation Yard would continue to have access from Tunnel Avenue and Kinder Morgan operations would be uninterrupted. Refer to Final EIR/EIS Volume 3, Book B1, sheet 4.d from Tunnel Avenue.

### 1165-1930

Please refer to the response to submission FJ-1164, comment 1727, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1931

The comment indicates that the Draft EIR/EIS does not sufficiently address site remediation and Title 27 requirements, or the handling of hazardous waste. While the commenter is correct that Chapter 2, Alternatives, of the Draft EIR/EIS did not explicitly state that construction of the East Brisbane LMF would require removal of a large portion of the landfill, it did identify significant earthwork required for construction of the East Brisbane LMF and identified the need for disposal of 2,082,800 cubic yards of material. Excavation and site remediation were evaluated in the construction impact assessment in the Draft EIR/EIS and a more detailed description of these activities has been added to Section 2.10.3.4, Brisbane Light Maintenance Facility, of the Final EIR/EIS. Refer to Section 2.10, Construction Plan, of the Final EIR/EIS which includes a discussion of the construction assumptions used for the purposes of the Final EIR/EIS, including timing of various construction activities. As shown in Table 2-22, environmental remediation would occur following right-of-way acquisition and before mobilization of construction activities. Site remediation and landfill closure approvals were added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

With respect to Section 3.10, Hazardous Materials and Wastes, please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements. In response to this comment, Impact HMW#10 in Final EIR/EIS has been clarified as it relates to the requirements of Title 27. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1932

The comment indicates that the Draft EIR/EIS does not address the ongoing site remediation and Title 27 requirements. Please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements. As described in Section 3.10.6.2, Hazardous Material and Waste Sources, of the Draft EIR/EIS, ESA procedures would be conducted, including a Phase III ESA that would conduct remediation and mitigation as required. These activities would be performed in accordance with the agency providing oversight. In response to this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1165-1933

The comment provides background information about regulatory oversight of the Brisbane Baylands as context for comments but does not raise any specific concerns about the adequacy or conclusions of the Draft EIR/EIS.

These sites were identified as PEC sites in the Draft EIR/EIS, although they were identified by different nomenclature. Additional publicly available information about on-site remediation of the Brisbane Baylands site, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1165-1934

The comment states that the site remediation, planning, approval and implementation effects are not included in the project description of the impact evaluation. The Draft EIR/EIS evaluated the impacts of earthwork excavation and environmental remediation under regulatory oversight required to construct the Brisbane LMF. A more detailed description of these activities has been added to Section 2.10.3.4, Brisbane Light Maintenance Facility, and Section 3.10, Hazardous Materials and Wastes, of the Final EIR/EIS. Site remediation and landfill closure approvals have been added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

The comment also asserts that the impacts of site remediation have not been evaluated in the impacts analysis. While the approach to site remediation has not been fully determined, construction-related analysis throughout various sections of the EIR/EIS take into account the need for remediation prior to the start of construction. Moreover, several sections of the Final EIR/EIS have been revised to provide clarifications in this regard. Construction analyses in Final EIR/EIS Sections 3.2, Transportation, Section 3.3, Air Quality and Greenhouse Gases, and Section 3.4, Noise and Vibration, each take into account the remediation activity concerning either Brisbane LMF option in terms of construction-period truck traffic, as well as air pollutant emissions and noise associated with such activities. Section 3.6, Public Utilities and Energy, discloses that both Alternative A and B would entail the disposal of substantial volumes of hazardous waste. Additional description of contamination risks associated with construction was added to Final EIR/EIS Section 3.8, Hydrology and Water Quality. Section 3.18, Cumulative Impacts, has been updated in the Final EIR/EIS to acknowledge that planned development consistent with the 2018 Brisbane General Plan Amendment analysis outside the project footprint for the Brisbane LMF would require remediation of the site prior to implementation. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1935

Please refer to the response to submission FJ-1165, comment 1904, which addresses the evaluation of the excavation and disposal of hazardous materials required to construct the Brisbane LMF in Section 3.10, Hazardous Materials and Wastes. Please also refer to response to submission FJ-1164, comment 1392, which addresses the evaluation of material disposal during construction of the Brisbane LMFs in the air quality analysis.

Section 3.18, Cumulative Impacts, has been updated in the Final EIR/EIS to acknowledge that planned development consistent with the 2018 Brisbane General Plan Amendment analysis outside the project footprint for the Brisbane LMF would require remediation of the site prior to implementation.

### 1165-1936

The comment is noted. The project description and impact analysis presented in the Draft EIR/EIS accounts for the need for environmental remediation. The Authority would work with the appropriate regulatory agencies to achieve remediation objectives for commercial/industrial land uses within the limits of the project footprint. Refer to Section 2.10, Construction Plan, of the Final EIR/EIS which includes a discussion of the construction assumptions used for the purposes of the Final EIR/EIS, including timing of various construction activities. As shown in Table 2-22, environmental remediation would occur following right-of-way acquisition and before mobilization of construction activities. Site remediation and landfill closure approvals were added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

With respect to the commenter's question regarding the availability of cost estimates for the Brisbane LMFs, the Authority conducted an additional review of the capital cost estimates for the Brisbane LMFs, which resulted in revisions to the capital cost estimates in Chapter 6, Project Costs and Operations, and Appendix 6-A, San Francisco to San Jose Project Section: PEPD Record Set Capital Cost Estimate Report, of the Final EIR/EIS.

### 1165-1937

The Brisbane Landfill is considered a Class II landfill based on the RWQCB's WDRs and is subject to the post-closure requirements as a Class II landfill, which would include the preparation of a removal action plan. The comment indicates that the Draft EIR/EIS does not provide sufficient analysis of the Brisbane LMF. To address this comment, additional analysis based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. The removal action plan, which is described in Impact HMW#10, would provide measures and handling procedures for potential hazardous waste encountered.

Additionally, Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources, of the Draft EIR/EIS acknowledges the artificial fill in the Brisbane area and the solid waste disposed of at the former Brisbane Landfill.

### 1165-1938

The comment raises concerns that the project description does not identify that the East Brisbane LMF would require removal of a large portion of the former landfill and completion of the Title 27 landfill closure process. While the commenter is correct that Chapter 2, Alternatives, of the Draft EIR/EIS did not explicitly state that construction of the East Brisbane LMF would require removal of a large portion of the landfill, it did identify significant earthwork required for construction of the East Brisbane LMF and identified the need for disposal of 2,082,800 cubic yards of material. These activities were evaluated in the construction impact assessment in the Draft EIR/EIS and a description of these activities has been added to Section 2.10.3.4, Brisbane Light Maintenance Facility, of the Final EIR/EIS. As described in Section 3.10, Hazardous Materials and Wastes, of the Final EIR/EIS, a landfill cap design report would be required consistent with Title 27, which would identify the final cover requirements, and cover maintenance plan, grading and drainage requirements.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1939

The comment indicates that the Draft EIR/EIS does not describe potential materials that could be encountered within the landfill. Please refer to Section 3.10.5.10, Leaching or Off-Gas from Landfills, and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Draft EIR/EIS, which include information regarding previous monitoring and potential contaminants that may be encountered due to the type or waste received. Additionally, Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources, of the Draft EIR/EIS acknowledges the artificial fill in the Brisbane area and the solid waste disposed of at the former Brisbane Landfill. To further support and address this comment, additional analysis based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Sections 3.10.5.10 and 3.10.6.2 of the Final EIR/EIS. The remedial action plan will prescribe procedures for handling such material as well as unanticipated affected materials in accordance with the health and safety measures of HMW-IAMF#7 and HMW-IAMF#8.

### 1165-1940

The comment indicates that the Draft EIR/EIS does not address Title 27 closure requirements or local oversight. Please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements. In response to this comment, Impact HMW#10, of the Final EIR/EIS has been clarified as it relates to the requirements of Title 27. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1165-1941

The comment indicates that the Draft EIR/EIS does not clarify whether the Authority could conduct partial closure for the former landfill or would be required to complete Title 27 closure for the entire former landfill. Please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements. Partial closure is acceptable by Title 27 requirements. The project description and impact analysis presented in the Draft EIR/EIS accounts for need for partial closure under Title 27 for the portions of the landfill within the project footprint.

The Authority would acquire land from property owners whose land is directly affected by the project in accordance with the Uniform Relocation Act (42 U.S.C. Chapter 61). Parcel-specific analysis will take place during the appraisal process before property acquisition, consistent with the Uniform Relocation Act, which establishes minimum standards for the treatment of and compensation to individuals whose real property is acquired for a federally funded project. The specific details about ownership and responsibility for portions of the landfill not required for construction of the Brisbane LMF would be negotiated through the appraisal and acquisition process.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1942

The comment indicates that the Draft EIR/EIS does not address current proposals for Title 27 closure of the former landfill. To address comments received on the Draft EIR/EIS, additional information regarding the former Brisbane landfill has been incorporated into Section 3.10.5.2, Sites with Potential Environmental Concerns, of the Final EIR/EIS. As noted in the revised text, a landfill closure plan has not yet been publicly released for the former landfill, but may be in development as part of the planning for the Brisbane Baylands Specific Plan.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1943

The project description and impact analysis presented in the Draft EIR/EIS accounts for need for partial closure under Title 27 for the portions of the landfill within the project footprint. Please refer to the response to submission FJ-1165, comment 1934, which describes how construction-related analysis throughout various sections of the EIR/EIS take into consideration the need for remediation prior to the start of construction.

The comment raises questions about Title 27 closure and remediation outside the project footprint for the Brisbane LMF. Title 27 closure and remediation outside of the project footprint and requirements related to grading for the Brisbane Baylands site are separate actions are not part of the HSR project and would be evaluated through separate environmental review as part of the Brisbane Baylands Specific Plan. Accordingly, these topics are not addressed in the San Francisco to San Jose Project Section Draft EIR/EIS, nor are they required to be.

### 1165-1944

Please refer to the responses to submission FJ-1165, comments 1934 and 1940, which address this topic.

### 1165-1945

The comment is noted. The project description and impact analysis presented in the Draft EIR/EIS accounts for the need for partial closure under Title 27 for the portions of the landfill within the project footprint. As described in Section 3.10, Hazardous Materials and Wastes, of the Final EIR/EIS, a landfill cap design report would be required consistent with Title 27, which would identify the final cover requirements, and cover maintenance plan, grading and drainage requirements. Capital cost estimates for the Brisbane LMFs are provided in Chapter 6, Project Costs and Operations, and Appendix 6-A, San Francisco to San Jose Project Section: PEPD Record Set Capital Cost Estimate Report, of the Final EIR/EIS.

### 1165-1946

The comment indicates that the Draft EIR/EIS does not address site remediation for UPC-OU-SM and UPC-OU-2. To address this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1165-1947

The comment indicates that the Draft EIR/EIS does not address existing contamination and ongoing site remediation for the site of the West Brisbane LMF. Please refer to the response to submission FJ-1165, comment 1946, which addresses this topic.

### 1165-1948

As clarified under Impact HWM#2 in the Final EIR/EIS, the Authority would work with the appropriate regulatory agencies to achieve remediation objectives for commercial/industrial land uses within the limits of the project footprint. The standards for remediation and the specific technologies to be employed would be established by RWQCB and DTSC as part of the plans for site remediation and Title 27 landfill closure. Under both alternatives, release of hazardous materials and exposure would be reduced through implementation of HMW-IAMF#2, HMW-IAMF#7, HMW-IAMF#8, and GEO-IAMF#3, and by the removal action plan for Alternative A that prescribes requirements for removal, transportation, and disposal of excavated materials within the landfill footprint. The removal action plan would be executed in accordance with Title 27 requirements.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1949

Please refer to Impact HMW#1, HMW#2, Impact HMW#10, and HMW#11, which provide this information. As indicated in Section 3.10.6.1, Overview, construction activities in the vicinity of sites with potential environmental concerns would be conducted with the proper due diligence, including Phase I, Phase II, and Phase III Environmental Site Assessments (ESA) as necessary, and coordination with site remediation activities, to minimize impacts on human health and safety or the environment from the disturbance of in-situ hazardous materials. Additionally, the Authority has incorporated project features (HMW-IAMF#1, HMW-IAMF#2, HMW-IAMF#6, HMW-IAMF#7, HMW-IAMF#8, and GEO-IAMF#3) that would minimize potential safety impacts on workers and the general population from the transport, use, storage, and disposal of hazardous materials and wastes and from the disturbance of in-situ hazardous materials.

Additional analysis based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns, and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. With BMPS and project features, impacts would be less than significant for Impact HMW#1, Impact HMW#2, HMW#10, and HMW#11.

### 1165-1950

Although the specific approach to site remediation has not yet been determined, the Draft EIR/EIS evaluated the impacts of earthwork excavation and environmental remediation required to construct the Brisbane LMF. A more detailed description of these activities has been added to Section 2.10.3.4, Brisbane Light Maintenance Facility, and Section 3.10, Hazardous Materials and Wastes, of the Final EIR/EIS. Additional information would be collected, and analysis would be performed as a part of the contractor's design process, which would inform the approach to site remediation with oversight from regulatory agencies; this approach is consistent with standard practices for design-build projects, where the environmental analysis process occurs before completion of final engineering design.

### 1165-1951

Please refer to the response to submission FJ-1165, comment 1904, which addresses the evaluation of the excavation and disposal of hazardous materials required to construct the Brisbane LMF in Section 3.10, Hazardous Materials and Wastes.

As described under Impact HMW#2 in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS Phase I and II ESAs, would be conducted during the right-of-way acquisition phase, and appropriate remediation, including removal of contamination, in-situ treatment, or soil capping, would be conducted prior to acquisition (HMW-IAMF#1) with appropriate regulatory agency oversight (e.g., Regional Water Quality Board, Department of Toxic Substances Control). Under both alternatives, release and exposure of hazardous materials and exposure would be reduced through HMW-IAMF#2, HMW-IAMF#7, HMW-IAMF#8, and GEO-IAMF#3, and by the removal action plan for Alternative A that prescribes requirements for removal, transportation, and disposal of excavated materials within the landfill footprint. The removal action plan would be executed in accordance with Title 27 requirements.

Site remediation and landfill closure approvals have been added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

### 1165-1952

The information in the Draft EIR/EIS is based on preliminary engineering design and is at a sufficient level of detail to disclose the environmental impacts of the project, consistent with CEQA and NEPA requirements. Section 3.6.10.2, Hazardous Materials and Waste Sources, describes the temporary and intermittent direct and indirect impacts to environmental and public health from hazardous materials and wastes. Additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns, and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1953

The Draft EIR/EIS includes a description of the Brisbane LMFs at a level of detail needed to disclose the environmental impacts, consistent with CEQA and NEPA requirements. Descriptions and figures illustrating the LMF components are provided under the East Brisbane Light Maintenance Facility subheading in Section 2.6.2.4, Alternative A, and the West Brisbane Light Maintenance Facility subheading in Section 2.6.2.5, Alternative B, of the Draft EIR/EIS. Detailed engineering drawings of the East and West Brisbane LMFs are provided in Book A4 and Book B4 of Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS.

Excavation, site remediation, and partial closure under Title 27 were evaluated in the construction impact assessment in the Draft EIR/EIS and a more detailed description of these activities has been added to Section 2.10.3.4, Brisbane Light Maintenance Facility, of the Final EIR/EIS.

Additional analysis based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.10, Leaching or Off-Gas from Landfills, and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS.

### 1165-1954

Figure 2-32 illustrates the East Brisbane LMF layout atop aerial imagery; the relationship between the former Brisbane landfill and the East Brisbane LMF is visible in this figure. Additionally, Book A4, sheets 67 and 68 of Volume 3, Preliminary Engineering Plans, show the LMF configuration and profiles indicating the original ground surface in the vicinity of the East Brisbane LMF in relation to the proposed track elevations. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1955

Please refer to the response to submission FJ-1165, comment 1939, which addresses this topic.

### 1165-1956

The comment indicates that the Draft EIR/EIS did not adequately characterize the excavated material from the landfill, which is necessary to determine the approach to material disposal at hazardous and non-hazardous waste disposal facilities. Impact PUE#7 in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS, provided an estimate of the amount of solid waste and hazardous waste generated by project construction. Assumptions regarding the quantities of hazardous material to be disposed of under the East Brisbane LMF have been refined for the Final EIR/EIS. Refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS, including those related to the quantity of materials, transport of materials, and disposal locations. Revisions or additional clarifying information have been added to Section 3.2, Transportation; Section 3.3, Air Quality and Greenhouse Gases; Section 3.6, Public Utilities and Energy; and Section 3.10, Hazardous Materials and Wastes, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1165-1957

Please refer to response to submission FJ-1164, comment 1392, which addresses the evaluation of material disposal due to construction of the Brisbane LMFs.

### 1165-1958

Please refer to response to submission FJ-1164, comment 1392, which addresses the evaluation of material disposal due to construction of the Brisbane LMFs, including the assumptions regarding truck trips.

### 1165-1959

Additional discussion of potential impacts on landfill redevelopment has been added to Impact HMW#10 of the Final EIR/EIS. In accordance with Title 27 requirements, the final post-closure landfill cap and maintenance plan would address these items, which would include erosion control systems and gas monitoring systems.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1960

The comment asserts that the Draft EIR/EIS does not address the interface between the landfill within the East Brisbane LMF and the remaining portions of the landfill that the Authority would not acquire. In subsequent comments, the commenter raises more specific concerns regarding this topic. Accordingly, please refer to the responses to submission FJ-1165, comments 1961 through 1964.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1961

The comment notes that a west-facing slope would be required adjacent to the former landfill under Alternative A. Refer to Book A4, sheet 68 of Volume 3, Preliminary Engineering Plans, for a cross section of the East Brisbane LMF, which shows the profile of the proposed project features in relation to the original ground surface elevation. A 1:3.5 slope gradient (28.6 percent) is proposed east of the relocated Tunnel Avenue and is within an area of the project footprint identified as TCE. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1962

Please refer to the response to submission FJ-1165, comment 1961, which describes that the west-facing slope east of the relocated Tunnel Avenue under Alternative A is located within the project footprint in an area designated as TCE. Accordingly, while construction activities are planned within this location, the Authority does not intend to permanently acquire this property. However, as noted in the response to submission FJ-1165, comment 2145, the specific details about ownership and responsibility for the western landfill slope and other portions of the landfill not required for construction of the Brisbane LMF would be negotiated through the appraisal and acquisition process. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1963

The comment asserts that the Draft EIR/EIS does not address slope stability of the new west-facing slope at the interface of the East Brisbane LMF and the remaining portions of the former landfill. Refer to Book A4, sheet 68 of Volume 3, Preliminary Engineering Plans, for a cross section of the East Brisbane LMF, which shows the profile of the proposed project features in relation to the original ground surface elevation. A 1:3.5 slope gradient (28.6 percent) is proposed east of the relocated Tunnel Avenue. Consistent with Title 27 requirements, the integrity of the slope would be designed and maintained to protect public health and safety. To address this comment, additional information about Title 27 requirements for slope stability has been added to Section 3.9.2.1, Geology, Soils, and Seismicity, and Impact GEO#6 in the Final EIR/EIS.

With respect to maintaining slope stability during excavations, as noted under Impact GEO#1 in the Draft EIR/EIS, excavation or cut slopes through soft soil or other unconsolidated material, including that encountered at the former Brisbane Landfill, would be benched or braced to keep the excavation stable in accordance with relevant geotechnical design guidelines and standards such as those developed by AREMA, FHWA, and Caltrans (GEO-IAMF#10). Additional geotechnical information would be collected and analysis would be performed as a part of the contractor's geotechnical design; this would inform the CMP, which would document the engineering design and construction methods that would be used to address slope stability during excavation into the landfill.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1964

The comment asserts that the Draft EIR/EIS does not disclose whether additional remedial work might be required in the context of the interface between the landfill within the East Brisbane LMF and the remaining portions of the landfill that the Authority would not acquire.

Impact HMW#10 in the Final EIR/EIS has been clarified as it relates to the requirements of Title 27. Title 27 requires preparation of a landfill cap design report that would address final cover requirements, cover maintenance plan and an annual cost estimate, grading and drainage requirements, and final cover survey requirements, in addition to methane collection and monitoring. The landfill cap design report would address requirements for areas within the project footprint, including areas within the permanent HSR right-of-way and within areas designated as TCE, such as the west-facing slope at the interface between the relocated Tunnel Avenue and the landfill.

### 1165-1965

The comment states that the Draft EIR/EIS does not disclose that construction of the East LMF would be required to comply with Title 27 and that final closure would be subject to oversight by regulatory agencies. Please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements. In response to this comment, Impact HMW#10 in the Final EIR/EIS has also been clarified as it relates to the requirements of Title 27. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1165-1966

The information in the Draft EIR/EIS is based on preliminary engineering design and is at a sufficient level of detail to disclose the environmental impacts of the project, consistent with CEQA and NEPA requirements. Please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements. Additional information would be collected, and analysis would be performed as a part of the Title 27 process and contractor's design process; this approach is consistent with standard practices for design-build projects, where the environmental analysis process occurs before completion of final engineering design. As noted in the comment, site remediation and landfill closure would be subject to strict oversight by several regulatory agencies.

Section 3.6.10.2, Hazardous Materials and Waste Sources, describes the temporary and intermittent direct and indirect impacts to environmental and public health from hazardous materials and wastes. As described in Section 3.10.6.2, ESA procedures would be conducted, including a Phase III ESA that would involve remediation and mitigation as required. This would be performed in accordance with the agency providing oversight. To further address this comment, additional analysis based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. These revisions to the analysis did not change the impact conclusions in the Final EIR/EIS. Refer to Section 2.10.3, Major Construction Activities, of the Final EIR/EIR for a description of the construction assumptions, including those related to the quantity of materials, transport of materials, and disposal locations. Site remediation and landfill closure approvals have been added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1967

The comment indicates that the air quality and hazardous materials and wastes analyses do not sufficiently address health risks and public health and safety impacts associated with grading, excavation, and offsite hauling of hazardous materials and solid waste. The Authority disagrees with this assertion. The Draft EIR/EIS disclosed the health risks and public health and safety impacts associated with construction of the Brisbane LMF. Please refer to the response to submission FJ-1164, comment 1522, which addresses the air quality health risk analysis of the LMF. Refer to Impacts HMW#1, HMW#2, HMW#3, HMW#10, and HMW#11 which address impacts to human health from transport of materials, construction near PECs, disturbance of railways during construction, construction near landfills, and inadvertent disturbance of undocumented hazardous materials and wastes. All impacts would be less than significant with project features designed to govern the disturbance, use, storage, disposal, and transport of hazardous materials encountered at the East or West Brisbane LMF site and minimize impacts to human health and safety or the environment. While certain construction assumptions regarding the characteristics and quantities of excavated materials, as well as the disposal of materials, at the site of the East and West Brisbane LMF have been refined for the Final EIR/EIS, as discussed in the response to submission FJ-1164, comment 1392, these revisions have not resulted in any changes to the impact conclusions presented in the Draft EIR/EIS.

### 1165-1968

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which addresses the consideration of the Geneva Avenue Extension and Geneva-Harney Bus Rapid Transit Project in the EIR/EIS. Please also refer to the response to submission FJ-1165, comment 2189, which addresses the feasibility of the proposed Geneva Avenue overcrossing with implementation of either project alternative.

### 1165-1969

Assumptions regarding truck trips required for disposal of materials excavated at the site of the East or West Brisbane LMF have been refined for the Final EIR/EIS. Refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS. As shown in Table 2-25 of the Final EIR/EIS, the Authority estimated that construction of the East Brisbane LMF under Alternative A would require disposal of approximately 1,875,000 cubic yards as solid waste and approximately 208,300 cubic yards as hazardous waste. For the West Brisbane LMF under Alternative B, the Authority estimated that construction would require disposal of 206,000 cubic yards as solid waste and approximately 432,000 cubic yards as hazardous waste. For the East Brisbane LMF under Alternative A, transport of this waste is anticipated to generate 690 daily truck trips to the off-site waste facilities. For the West Brisbane LMF under Alternative B, transport of this waste is anticipated to generate 450 daily truck trips to the off-site waste facilities. Accordingly, revisions have been implemented in Section 3.2, Transportation, and Section 3.3, Air Quality and Greenhouse Gases, of the Final EIR/EIS to account for the estimated truck volumes associated with off-site material disposal. None of the revisions to the analysis resulted in changes to the impact determinations under CEQA or resulted in new adverse effects under NEPA. No revisions were required in Section 3.4, Noise and Vibration, which previously evaluated trucks as part of the construction noise impact analysis and concluded that there would be significant and unavoidable construction noise impacts.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1970

Please refer to the response to submission FJ-1164, comment 1574, which addresses the methods for estimating the excavation quantities for the Draft EIR/EIS. The locations and depths of excavations were considered in the estimated earthwork quantities for the Brisbane LMF presented in Table 2-25 in Section 2.10.3, Major Construction Activities, of the Draft EIR/EIS. The nature of the excavated materials, although not explicitly described in the Draft EIR/EIS, was considered in the estimates of solid waste and hazardous waste generated by project construction presented in Impact PUE#7 in Section 3.6, Public Utilities and Energy.

As discussed in the response to submission FJ-1164, comment 1392, certain construction assumptions regarding the characteristics and quantities of excavated materials, as well as the disposal of materials, have been revised for the Final EIR/EIS.

Please refer to Section 2.10.3, Major Construction Activities, for an updated description of the construction assumptions, including those related to the quantity of excavated materials, characterization of those materials, transport of materials, and disposal locations. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1165-1971

The commenter asserts that the Draft EIR/EIS does not describe site remediation and Title 27 landfill closure requirements at the site of the Brisbane LMFs. However, Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS, describes the former landfill, discloses that it is a PEC site, and describes the annual monitoring required by Title 27. A description of the ongoing site remediation and monitoring required under Title 27 has been added to Section 2.10.3.4, Brisbane Light Maintenance Facility, of the Final EIR/EIS. Where applicable to the impact analysis, the ongoing site remediation and Title 27 requirements for the Brisbane LMF sites is discussed in the resource sections in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Final EIR/EIS. In addition, the site remediation and landfill closure approvals were added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

### 1165-1972

The commenter asserts that additional information about site remediation at the site of the Brisbane LMFs should be incorporated into the project description in the Draft EIR/EIS.

Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS, disclosed PEC sites and the former landfill at the site of the Brisbane LMF and referenced various regulatory requirements that would be imposed for construction on the site of a former landfill. Construction-related analyses throughout the Draft EIR/EIS assessed the impacts of construction on contaminated soils or the former Brisbane landfill as described in greater detail in the response to submission FJ-1164, comment 1406. A description of the ongoing site remediation and monitoring required under Title 27 has been added to Section 2.10.3.4, Brisbane Light Maintenance Facility, of the Final EIR/EIS. Where applicable to the impact analysis, the ongoing site remediation and Title 27 requirements for the Brisbane LMF sites is discussed in the resource sections in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Final EIR/EIS. Specifically, discussion of ongoing remediation activities was added to Section 3.8, Hydrology and Water Resources and Section 3.10, Hazardous Materials and Wastes. Additionally, site remediation and landfill closure were added to the list of cumulative projects and to relevant environmental analyses in Section 3.18, Cumulative Impacts, of the Final EIR/EIS and to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1973

The comment correctly notes that the Draft EIR/EIS did not disclose State Lands Commission jurisdiction within the project area or identify the need for approvals from the State Lands Commission in Section 2.11, Permits, of the Draft EIR/EIS. The comment provides additional information about State Lands Commission jurisdiction based on a comment letter received on the NOP for the Baylands Specific Plan EIR. To address this comment, Table 2-26 has been updated in the Final EIR/EIS to include State Lands Commission as an agency from which the Authority may require approvals.

Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS includes a discussion of impacts to lands under BCDC jurisdiction, as it relates to inconsistencies with a land use plan adopted for the purpose of avoiding or mitigating an environmental impact (in the case of BCDC, the Bay Plan). The California State Lands Commission does not have a land use plan. As such, there is no California State Lands Commission land use plan, with which to analyze the project's consistency. Furthermore, the Draft EIR/EIS fully analyzed the physical impacts on areas that may be under State Lands Commission jurisdiction (e.g., Guadalupe Valley Creek). As such, no revisions are required to Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS on the basis of this comment.

### 1165-1974

The comment provides additional information about State Lands Commission jurisdiction based on a comment letter received on the NOP for the Baylands Specific Plan EIR. Please refer to the response to submission FJ-1165, comment 1973, which addresses this topic.

### 1165-1975

The comment states that the Draft EIR/EIS must consider whether the project would be located on State Lands Commission jurisdiction, determine if a lease from the State Lands Commission would be required, and evaluate the project's impacts on resources subject to State Land Commission's jurisdiction.

Some of the proposed project improvements are within lands subject to State Lands Commission jurisdiction (e.g., extension of culvert within Guadalupe Valley Creek). Accordingly, Table 2-26 has been updated in the Final EIR/EIS to include State Lands Commission as an agency from which the Authority may require approvals.

With respect to the request for additional analysis, the Draft EIR/EIS fully analyzed the physical impacts on areas that may be under State Lands Commission jurisdiction (e.g., Guadalupe Valley Creek). Accordingly, no additional impact analysis is required.

### 1165-1976

Please refer to the response to submission FJ-1164, comment 1415, which addresses the naming convention and approach to addressing all alternatives to an equivalent level of detail in the Draft EIR/EIS. Please also refer to the response to submission FJ-1165, comment 1899. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1977

Please refer to the response to submission FJ-1165, comment 1916, which addresses this topic.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1978

Modifications to roadways in Brisbane, including the roadway extension connecting Old County Road to Valley Drive, were described within Chapter 2, Alternatives, of the Draft EIR/EIS within the East Brisbane Light Maintenance Facility Subsection in Section 2.6.2.4, Alternative A, and within the West Brisbane Light Maintenance Facility Subsection in Section 2.6.2.5, Alternative B. However, based on feedback provided by the City of Brisbane, the extension of Visitacion Avenue from Old County Road to Valley Drive has been removed from the project alternatives. Revisions have been made to the project description in Chapter 2 and to the impact analysis throughout the Final EIR/EIS to reflect the removal of this roadway extension.

### 1165-1979

The commenter recommends a reorganization of the description of the project alternatives in Chapter 2, Alternatives, of the Draft EIR/EIS. The description of project alternatives in Section 2.6.2.4, Alternative A, and Section 2.6.2.5, Alternative B, of the Draft EIR/EIS provides a full description of Alternative A by subsection, followed by a description of Alternative B by subsection. Where the project design is the same in a particular subsection, the Alternative B discussion refers readers back to the Alternative A description of that subsection. The commenter may prefer a different organization, but that preference does not indicate any inadequacy in the project description in the Draft EIR/EIS. The Summary provides an overview of the Draft EIR/EIS, including a side-by-side summary of design features for each alternative in Table S-1. The project description in Chapter 2 is supported by the engineering drawings in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, which include plans, profiles, cross-sections and other design information for the track alignment, stations, structures, roadways, and LMF. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1980

The commenter recommends a reorganization of the description of the project alternatives in Chapter 2, Alternatives, of the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 1979, which addresses this topic.

### 1165-1981

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

### 1165-1982

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

As described in Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, Alternatives A and B constitute a reasonable range of feasible alternatives. Additionally, the Authority has identified all feasible mitigation measures that would substantially lessen the significant environmental effects of the project. The Authority has considered a range of LMF site locations as part of the project-level environmental analysis, as discussed in detail in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Considered.

### 1165-1983

The comment summarizes information from Volume 2, Appendix 2-F, Summary of Requirements for Operations and Maintenance Facilities, of the Draft EIR/EIS. Please refer to submission FJ-1165, comment 1409, which provides additional context regarding the purpose and development of Appendix 2-F. The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are required.

### 1165-1984

Section 2.1, Introduction, of the Draft EIR/EIS informs the reader that alternatives analyses that preceded preparation of the Draft EIR/EIS are available on request by contacting the Authority. Please refer to the response to submission FJ-1164, comment 1385. The Authority's approach to availability of materials is consistent with NEPA and CEQA regulations, which do not require the posting of technical reports or other documents referenced in the EIR/EIS to a lead agency's website. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1985

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The Authority has considered a range of LMF site locations as part of the project-level environmental analysis, as discussed in detail in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

### 1165-1986

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The commenter asserts that the Draft EIR/EIS fails to disclose that the Brisbane LMF is proposed to function in conjunction with an LMF in Gilroy. While a multiple LMF approach was envisioned as part of the Authority's 2016 Business Plan, the HSR delivery approach has further evolved through successive updates to the business plan and because an LMF south of San Jose is no longer needed to support the Valley-to-Valley approach. Please refer to the response to submission FJ-1164, comment 1409, which discusses this evolution in greater detail and the new Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, in the Final EIR/EIS.

Please also refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, which addresses why the Authority does not consider LMF options between San Jose and Gilroy a feasible location of the LMF. The standard response also provides evaluation of potential "2 LMF" options with a potentially smaller LMF at Brisbane providing certain maintenance activities and another LMF between San Jose and Gilroy providing other maintenance activities and described the operational, cost, and environmental impacts such options were dismissed from further analysis. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-1987

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

Please refer to the response to submission FJ-1164, comment 1427, which addresses the commenter's concerns regarding the introduction of new siting criteria. As explained in that response, the Authority has conducted further analysis of potential LMF sites since the 2010 Supplemental Alternatives Analysis. As described on pages 2-44 to 2-45 of the Draft EIR/EIS, the Authority conducted additional analysis of four potential LMF sites between 2016 and 2019 as part of the San Francisco to San Jose Project Section Checkpoint B Summary Report. Table 2-4 in the Draft EIR/EIS discloses the performance of the different LMF sites relative to siting criteria (including site availability) and environmental considerations. The Authority also reviewed and reassessed 11 potential LMF sites considered during the initial screening process in 2010. As part of that process, the Authority evaluated these sites with respect to their capacity to meet key design, engineering, and operational criteria and to their feasibility in light of roadway circulation impacts, site availability, cost, and other factors. This assessment confirmed, consistent with the conclusions of the 2010 Supplemental Alternatives Analysis Report, that only the two Brisbane sites met both the design and engineering criteria for the LMF and would be feasible sites for development of this facility. Please refer to Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, for additional information about this LMF site assessment.

As explained in Appendix 2-K, one of the factors regarding the feasibility of a potential site was whether its development would conflict with a regionally important use or facility that cannot be feasibly relocated. For the purposes of the Authority's outreach fact sheet on the Brisbane LMF, this criterion was simplified to "Site Availability (Avoid conflicts with built improvements)."

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1988

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

Please refer to the response to submission FJ-1165, comment 1987, which addresses the Authority's LMF site criteria and explains that the Authority conducted additional analysis of 11 potential LMF sites. This assessment confirmed, consistent with the conclusions of the 2010 Supplemental Alternatives Analysis Report, that only the two Brisbane sites met both the design and engineering criteria for the LMF and would be feasible sites for development of this facility. Please refer to Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, for additional information about this LMF site assessment.

As explained in Appendix 2-K, one of the factors regarding the feasibility of a potential site was whether its development would conflict with a regionally important use or facility that cannot be feasibly relocated. For the purposes of brevity in the Authority's outreach fact sheet on the Brisbane LMF, this criterion was simplified to "Site Availability (Avoid conflicts with built improvements)." While construction of the East or West Brisbane LMF would require certain modifications to built improvements, neither site would conflict with a regionally important use or facility that cannot be feasibly relocated.

Based on the City of Brisbane's comments on the Draft EIR/EIS, the Authority has updated the Final EIR/EIS to: 1) reflect a phased construction approach to the relocated Tunnel Avenue overpass that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process, 2) remove the extension of Visitacion Avenue from Old County Road to Valley Drive from the project alternatives, 3) further relocate the Brisbane Fire station under Alternative A to improve emergency vehicle access, and 4) relocate the City of Brisbane's Corporation Yard on the current property prior to construction of the relocated Tunnel Avenue and provide access from the proposed Kinder Morgan access road in the northeast corner of the parcel. These modifications further reduce conflicts of the East or West Brisbane LMF with built improvements.

### 1165-1989

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

### 1165-1990

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The Authority's evaluation of LMF site locations focused on their capacity to meet key design, engineering, and operational criteria and to their feasibility in light of roadway circulation impacts, availability, cost, and other factors. One of the design criteria considered was site size. As described in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, the LMF sizing criterion is based on ridership projections and fleet size estimates sufficient to handle projected system growth to the year 2040, as identified in the Authority's 2018 Business Plan. Because the LMF is one of three maintenance facilities on the HSR system, the capacity of the yard needs to be of sufficient size to accommodate approximately one third of the total fleet size. An area of approximately 100 acres is required to accommodate all necessary components of an LMF.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1991

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

Appendix 2-F, Summary of Requirements for Operations and Maintenance Facilities, in Volume 2 of the Draft EIR/EIS, which is dated from 2016, is a set of technical recommendations about how the Authority might optimize the configuration of various maintenance and support facilities, and states on page 1, "[t]he purpose of this report is to define the Rail Delivery Partner's (RDP) analysis of the optimal siting of facilities . . ." However, as explained in the standard response, the Authority's evaluation of LMF site locations focused on their capacity to meet key design, engineering, and operational criteria and to their feasibility in light of roadway circulation impacts, availability, cost, and other factors. These criteria are not related to "optimal" siting but are related to the functional requirements and feasibility of the LMF.

One of the design criteria considered was site size. As described in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, the LMF sizing criterion is based on ridership projections and fleet size estimates sufficient to handle projected system growth to the year 2040, as identified in the Authority's 2018 Business Plan. Because the LMF is one of three maintenance facilities on the HSR system, the capacity of the yard needs to be of sufficient size to accommodate approximately one third of the total fleet size. An area of approximately 100 acres is required to accommodate all necessary components of an LMF.

### 1165-1992

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

Please refer to the response to submission FJ-1165, comment 1991, which provides additional context regarding Appendix 2-F and explains that the Authority's evaluation of LMF site locations focused on their capacity to meet key design, engineering, and operational criteria and to their feasibility in light of roadway circulation impacts, availability, cost, and other factors. These criteria are not related to "optimal" siting but are related to the functional requirements and feasibility of the LMF. There is no requirement under NEPA or CEQA to evaluate infeasible alternatives.

As explained in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, the relative distance to the terminal station and mainline tracks is a determinant in the selection of potentially suitable LMF sites. Minimizing the distance between the LMF and the main track is important to reducing costs associated with track infrastructure, minimizing travel time between the mainline track and the LMF, and avoiding or reducing potential effects on existing land uses and environmental resources. The longer the lead track required to access the mainline (> 0.25 mile), the greater the operational inefficiencies caused by deadhead miles.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1993

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

Please refer to the response to submission FJ-1165, comment 1991, which provides additional context regarding Appendix 2-F and explains that the Authority's evaluation of LMF site locations focused on their capacity to meet key design, engineering, and operational criteria and to their feasibility in light of roadway circulation impacts, availability, cost, and other factors. These criteria are not related to "optimal" siting but are related to the functional requirements and feasibility of the LMF. There is no requirement under NEPA or CEQA to evaluate infeasible alternatives.

One of the design criteria considered was double-ended track leads. As explained in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, double-ended lead tracks are necessary to ensure efficiency and resiliency in the system by eliminating a risk of a single point of a failure at the LMF lead tracks. Double-ended lead tracks protect against this risk and provide for business continuity that is dependent upon reliable train service.

### 1165-1994

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

As explained in the standard response referenced above, the Authority has evaluated a range of LMF site locations. In a recent assessment, the Authority reviewed and reassessed 11 potential LMF site options that were considered during the initial screening process in 2010. The Authority evaluated these sites with respect to their capacity to meet key design, engineering, and operational criteria and to their feasibility in light of roadway circulation impacts, availability, cost, and other factors. These screening criteria are not related to "optimal" siting but are related to the functional requirements and feasibility of the LMF. This assessment confirmed, consistent with the conclusions of the 2010 Supplemental Alternatives Analysis Report, that only the two Brisbane sites met both the design and engineering criteria for the LMF and would be feasible sites for development of this facility. Additional information regarding the site evaluation process has been added to the Final EIR/EIS in Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation.

### 1165-1995

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The Authority has evaluated a range of LMF site locations with respect to their capacity to meet key design, engineering, and operational criteria and to their feasibility in light of roadway circulation impacts, availability, cost, and other factors. These screening criteria are not related to "optimal" siting but are related to the functional requirements and feasibility of the LMF. Ultimately, as explained in the standard response, the Port of San Francisco site was determined to be an infeasible location for the LMF based on potential impacts on the Port of San Francisco (a regionally important use), circulation impacts in South San Francisco, and cost. The San Francisco International Airport site was determined to be infeasible based on its conflicts with airport use and operations, circulation impacts, and cost. Refer to the Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, for additional information. There is no requirement under NEPA or CEQA to evaluate infeasible alternatives. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-1996

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The Authority disagrees with the commenter's characterizations of the evolution of the Authority's planning and decision-making. Further, the Authority maintains that the Draft EIR/EIS evaluated a reasonable range of potentially feasible alternatives. Please refer to the response to submission FJ-1164, comment 1409 which addresses the evolution of planning for a LMF between San Jose and Gilroy.

Please also refer to Standard Response FJ-Response-ALT-3, which explains the operational, cost, and environmental impact considerations that led the Authority to dismiss LMF options between San Jose and Gilroy as well as any "2-LMF" options including a potential smaller LMF in Brisbane with certain maintenance activities and a second LMF between San Jose and Gilroy with certain other maintenance activities. Please also refer to Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS.

### 1165-1997

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The Authority disagrees with the commenter's assertion about the adequacy of the range of alternatives analyzed in the Draft EIR/EIS. Further, the Authority maintains that the Draft EIR/EIS evaluated a reasonable range of potentially feasible alternatives.

Please refer to Standard Response FJ-Response-Alt-3: Light Maintenance Facility Alternatives Consideration, which explains the operational, cost, and environmental impact considerations that led the Authority to dismiss other LMF options. Please also refer to the response to submission FJ-1164, comment 1409 which addresses the evolution of planning for an LMF between San Jose and Gilroy. Finally, please refer to Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, which provides additional information regarding the consideration of a Gilroy LMF option.

### 1165-1998

Please refer to the response to submission FJ-1165, comment 1891. The comment did not result in any revisions to the Draft EIR/EIS.

The commenter provided more detail about what they considered to be unsubstantiated conclusions in the Draft EIR/EIS in subsequent individual comments. Each of these specific comments has been addressed.

### 1165-1999

Refer to Standard Response FJ-Response-GEN-7: Effects of COVID-19 on HSR Ridership.

As described in detail in the standard response, the Authority does not anticipate that COVID-19 will significantly affect the need for, or travel demand associated with, the HSR system. Therefore, the Authority has not revised the ridership projections disclosed in the Draft EIR/EIS.

### 1165-2000

Refer to Standard Response FJ-Response-GEN-7: Effects of COVID-19 on HSR Ridership.

As described in detail in the standard response, the Authority does not anticipate that COVID-19 will significantly affect the need for, or travel demand associated with, the HSR system. Therefore, the Authority has not revised the ridership projections disclosed in the Draft EIR/EIS.

### 1165-2001

Please refer to the response to submission FJ-1164, comment 1509, which addresses the methodology for the trip generation for the Brisbane LMF. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2002

The comment states that basing trip generation for the Brisbane LMF on a light industrial plant use may underestimate the noise impacts of the LMF. Please refer to Section 3.4, Noise and Vibration, and its Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.1.5.2, Maintenance Facility Noise and Vehicle Traffic Noise, for detailed discussion of the methodology used to assess noise impact from the LMF and traffic. The traffic noise analysis is based on average daily traffic volumes, not peak hour traffic. These traffic volumes were compared to existing traffic volumes to determine which roadway segments would have the potential for noise level increases greater than 3 dB compared to existing noise conditions. The noise assessment for the LMF also accounts for the 24-hour operations and a comparison of future noise conditions with the project compared to existing noise conditions. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2003

This comment raises concerns with use of the VTA traffic model for assessing impacts in Brisbane, while subsequent comments request clarification and justification for the travel demand forecasting models used within the transportation assessment. Please refer to Section 3.2.4.3, Methods for Impact Analysis (subsection Travel Demand Forecasts and Calculations of Vehicle Miles Traveled), of the Draft EIR/EIS for a discussion of travel demand models employed within the evaluation. Information from two different travel demand forecast models was used in the Draft EIR/EIS. Ridership on the HSR system was forecast using the latest version of the statewide California High-Speed Rail Ridership and Revenue Model in California High-Speed Rail Ridership and Revenue Model, Business Plan Model Version 3 (Authority 2016b). As this model is not capable of forecasting peak hour traffic volumes on individual roadways in the local jurisdictions along the rail corridor, a different forecasting model was employed for that purpose. Analysts developed forecasts of vehicles that would travel on local roads using the model developed by VTA staff for the C/CAG. The VTA model encompasses the counties of Santa Clara, San Mateo, and San Francisco. This forecasting tool was identified as the most appropriate for the project because it was designed and calibrated for that purpose. The VTA model reflects land use, travel demand, and infrastructure changes within the RSA for the Draft EIR/EIS horizon years. The land use forecasts were based on the most recent ABAG land use forecasts available at the time of NOP/NOI release in May 2016. VTA staff and analysts modified the travel demand model to include and reflect the HSR ridership forecasts generated by the California High-Speed Rail Ridership and Revenue Model. A detailed description of enhancements to the C/CAG model incorporated by VTA staff for both the Caltrain PCEP EIR and the version of the model used for the Draft EIR/EIS is provided in Appendix 2-I, Ridership Technical Memorandum, of the PCEP EIR (PCJPB 2015b). This material is included as a cited reference in Draft EIR/EIS Chapter 12, References, and is also available on Caltrain's website: <https://www.caltrain.com/Assets/Caltrain+Modernization+Program/FEIR/App+I+Ridership.pdf>. Analysts applied a multistep process to develop intersection turn movement forecasts for the 2040 HSR No Project scenario from volumes generated by the VTA travel model. The first step was to run a post processor after the completion of the model runs, for both the base year and 2040 No Project scenarios, in which the node numbers of all study intersections are assigned turn movement volumes based on volumes on all road

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2003

segments adjacent to the intersection. The intersection volumes derived from the above process are essentially raw model outputs and need to be processed. Generally, the process would assess the growth from the model base year to the model future year volumes and apply the growth to observed counts. Specifically, the three most common industry-standard procedures for applying model traffic forecast growth are the difference method, the ratio method, and the blended method. Analysts applied Transportation Research Board–published guidelines (National Cooperative Highway Research Program 2014) to adjust the raw mode outputs based on the difference between base year field counts and base year model volumes. The reasonableness of each individual intersection turn movement forecast was then checked and adjusted based on a number of factors including, where available, forecasts developed in the past few years for major studies conducted for other major projects. Evidence that the models were used in the development of conclusions of the Draft EIR/EIS is provided in summaries of the model assumptions, inputs, scenarios, means/methods, and detailed reporting of the results provided throughout Section 3.2, Transportation. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2004

Please refer to the response to submission FJ-1165, comment 2003. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2005

The comment notes that the forecasts prepared for the Draft EIR/EIS are outdated and do not include the Brisbane Baylands development.

Please refer to the response to submission FJ-1164, comment 1507, which addresses the land use forecasts used for the Draft EIR/EIS and explains the consideration of the Brisbane Baylands project in the Draft EIR/EIS. The Brisbane Baylands project was not included in the environmental baseline for the Draft EIR/EIS because it is not yet an approved project and environmental review of the project is still pending. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2006

The comment suggests that the Draft EIR/EIS methodology for Existing Plus Project conditions is inappropriate. For assessing traffic effects due to project operations, the Authority evaluated the project's LOS traffic effects against existing and background (No Project) conditions forecast for 2029 (4th and King Street Station only) and 2040. The Existing Plus Project analysis in Section 3.2, Transportation, of the Draft EIR/EIS is provided for informational purposes only to inform the public how the permanent changes to the transportation network (e.g., the realigned Tunnel Avenue overpass) would affect operations of the transportation network prior to the commencement of HSR service. This analysis is only relevant to locations where permanent roadway closures or modifications would occur. Please also refer to the responses to submission FJ-1164, comment 1511, which addresses the extension of Visitation Avenue from Old County Road to Valley Drive. As explained under the Baseline Operational Analysis subheading in Section 3.2.4.3, Methods for Impact Analysis, of the Draft EIR/EIS, the Existing Plus Project conditions do not reflect ridership at stations because HSR service would not be implemented prior to 2029, so evaluation of scenarios reflecting HSR service prior to that time do not represent a reasonable baseline condition. An evaluation of intersections in Brisbane was conducted for the 2040 No Project and 2040 Plus Project conditions to present a worst case evaluation of operating conditions. This analysis, presented in Impact TR#5 in Section 3.2, reflects all transportation network modifications necessary to build the project along with HSR service and ridership at the Millbrae and San Jose Diridon Stations.

### 1165-2007

The comment asserts that the Draft EIR/EIS should evaluate impacts of the entire project for Existing Plus Project conditions. Please refer to the response to submission FJ-1165, comment 2006. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2008

The comment states that the Draft EIR/EIS analysis of 2029 conditions should include analysis of projected land use and transportation changes adjacent to the Brisbane LMF.

As explained under the Baseline Operational Analysis in subsection Section 3.2.4.3, Methods for Impact Analysis, of the Draft EIR/EIS, the Draft EIR/EIS evaluated intersections with 2029 conditions only for around the 4th and King Street Station in San Francisco because it is an interim station that would be operable until the DTX extension is complete and rail service is provided to the SFTC in San Francisco by 2040. For the transportation network around the 4th and King Street Station, no roadway capacity enhancing projects are planned. The only road network modifications assumed in the 2029 analysis are those being implemented by the City of San Francisco as part of the Central Subway project along Fourth Street. The 2029 forecasts developed for intersections around the 4th and King Street Station were based on a linear interpolation of land use growth between the base year and year 2040 forecasts.

All of the other study intersections, including those around the LMF alternatives in Brisbane, were evaluated for 2040 conditions because that represents a worst-case condition for potential effects. Please refer to the response to submission FJ-1165, comment 1507, which addresses the 2040 forecasts used for the LOS analysis and treatment of the proposed Brisbane Baylands development for the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2009

The comment states that the Draft EIR/EIS discussion of project construction impacts in Section 3.2.4.3, Methods for Impact Analysis, is confusing. Temporary street closures and relocations that would occur during the construction phase are described qualitatively, as reflected in Impact TR#2 in Section 3.2, Transportation, of the Draft EIR/EIS. Additional information has been added to Impact TR#2 in the Final EIR/EIS to describe a feasible approach to phased construction of the realigned Tunnel Avenue overpass and approach embankments and the construction of the realigned Lagoon Road (that provides access to Sierra Point), which would maintain access throughout the construction process. Construction of the new Tunnel Avenue overpass under both project alternatives would occur prior to removing the existing Tunnel Avenue overpass from operation, eliminating the need for a temporary road closure. As such, access to Tunnel Avenue would be maintained throughout construction. Impact TR#3 addresses temporary congestion/delay consequences on major roadways and intersections from construction vehicles. A quantitative assessment of the effects of construction truck traffic around the LMF has been added to Impact TR#3 in the Final EIR/EIS. With respect to the commenter's question about how the "combined effects from construction and operations" can be described quantitatively, the LOS effects analysis, reflected in Impact TR#5, quantitatively assesses both the permanent construction effects (i.e., the physical alterations of the transportation network required to build the project) and the addition of HSR service due to project operations.

### 1165-2010

The comment asserts that the Draft EIR/EIS does not address impacts due to project construction. Please refer to the responses to submission FJ-1164, comment 1504. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2011

The comment suggests that the Draft EIR/EIS does not address impacts of project construction during relocation of Tunnel Avenue. Please refer to the response to submission FJ-1164, comment 1504, which describes the analysis and conclusions provided under Impact TR#2 in Draft EIR/EIS Section 3.2, Transportation, and why the Authority disagrees with the assertion that the Draft EIR/EIS deferred analysis and mitigation.

Since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process. Construction of the new Tunnel Avenue overpass under both project alternatives would occur prior to removing the existing Tunnel Avenue overpass from operation, eliminating the need for a temporary road closure. Revisions have been made throughout the Final EIR/EIS, including to Impact TR#2, to clarify the construction phasing for the Tunnel Avenue overpass.

### 1165-2012

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment states that Section 3.2, Transportation, of the Draft EIR/EIS does not address impacts of project construction and the effects on emergency access due to relocation of Tunnel Avenue. This analysis is included in Section 3.11, Safety and Security, of the Draft EIR/EIS. Impact S&S#1 concludes that temporary impacts on emergency access and response times from Tunnel Avenue realignment construction are significant and unavoidable. Impact S&S#1 describes SS-IAMF#1, which requires that the contractor prepare a construction safety transportation management plan that describes the contractor's coordination efforts with local jurisdictions for maintaining emergency vehicle access. The contractor would prepare and submit monthly reports to the Authority documenting CTP implementation activities for compliance monitoring.

Since publication of the Draft EIR/EIS, the Authority also has identified a phased approach to construction of the Tunnel Avenue overpass such that the relocated Tunnel Avenue would be constructed prior to closure of the existing tunnel Avenue to avoid impacts on emergency access and general access during construction. Please refer to the standard response referenced above for additional information. Accordingly, during construction of Tunnel Avenue and the relocated Tunnel Avenue overcrossing, access to the Sierra Point area and businesses along Tunnel Avenue, including the Kinder Morgan tank farm, would be maintained. Revisions have been made throughout the Final EIR/EIS to clarify the construction phasing for the Tunnel Avenue overpass and this clarification has also been added to Section 2.10.3.7, Roadway Modifications.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2013

The comment suggests that the Draft EIR/EIS does not address impacts of project construction and the effects on emergency access due to relocation of Tunnel Avenue. Please refer to the response to submission FJ-1164, comment 1504, which describes the analysis and conclusions provided under Impact TR#2 in Draft EIR/EIS Section 3.2, Transportation. The Draft EIR/EIS disclosed that the major roadway modifications, such as that proposed for the relocated Tunnel Avenue overpass could take up to 2 years (see Table 2-24), and that temporary road closures associated with this construction would last between 1 to 3 months.

However, since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process. Construction of the new Tunnel Avenue overpass under both project alternatives would occur prior to removing the existing Tunnel Avenue overpass from operation, eliminating the need for a temporary road closure. Accordingly, access to the Sierra Point area and businesses along Tunnel Avenue including the Kinder Morgan tank farm would be maintained during construction. Revisions have been made throughout the Final EIR/EIS, including to Impact TR#2, to clarify the construction phasing for the Tunnel Avenue overpass.

### 1165-2014

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment proposes a new mitigation measure related to Tunnel Road roadway modifications.

As stated in the responses to submission FJ-1165, comment 1920 and the standard response referenced above, the Final EIR/EIS reflects revisions to project plans that will eliminate the need for a temporary roadway closure. Tunnel Avenue will remain open in its current configuration and thus continue to provide access until the new overpass is completed. Therefore, additional mitigation recommended by commenter is not required.

### 1165-2015

The comment states the Draft EIR/EIS defers analysis and mitigation of temporary construction impacts as part of TR-IAMF#2. The Authority disagrees with this assertion, as explained in the responses to submission FJ- 1164, comments 1502 and 1504, which address these topics. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2016

The comment states that Impact TR#3 in the Draft EIR/EIS provides a generic description of impacts and reaches an incorrect CEQA conclusion related to construction impacts. Please refer to the response to submission FJ- 1164, comment 1504, which addresses the commenter's concerns regarding Impact TR#3 and describes additional information added to Impact TR#3 in the Final EIR/EIS to further address construction truck traffic at the LMF.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2017

The comment recites project construction details and asserts that the discussion of Impact TR#3 does not fully account for effects on emergency services associated with project construction.

With regard to the quantities of materials requiring offhaul, please refer to the Final EIR/EIS Table 2-25, which reflects updates specifying the materials that can be disposed of as solid waste and those that require disposal as hazardous waste.

Regarding details about LMF construction truck traffic and the Impact TR#3 conclusions, please refer to the response to submission FJ-1164, comment 1504.

SS-IAMF#1 requires that the contractor prepare a construction safety transportation management plan that describes the contractor's coordination efforts with local jurisdictions for minimizing community impacts from the truck traffic and maintaining emergency vehicle access. A key feature of the construction safety transportation management plan will be designation of truck haul routes. The contractor would prepare and submit monthly reports to the Authority documenting CTP implementation activities for compliance monitoring. Impact S&S#2 in Section 3.11, Safety and Security, of the Draft EIR/EIS concludes that temporary impacts on emergency access and response times from construction vehicles would be less than significant because temporary construction vehicle operations would generally not interfere with local vehicle circulation, cause delays or reductions in LOS, operations hazards, or loss of access to residences or community facilities that would result in inadequate emergency access.

### 1165-2018

The comment requests that the Draft EIR/EIS present an analysis that combines Impacts TR#2 and TR#3 in Section 3.2, Transportation. The Authority disagrees with the assertion that the organization of these impacts results in an inadequate analysis. The analysis and evidence presented under these impacts is sufficient to allow a full assessment of the environmental impacts of the project. Accordingly, no revisions have been implemented in the Final EIR/EIS in response to this comment.

The comment also states that the Draft EIR/EIS does not address the effect of construction truck traffic on the Bayshore Caltrain Station or the Millbrae Station. Please refer to the responses to submission FJ-1164, comments 1504 and 1506, and submission FJ-1165, comment 2009 for more details about LMF construction truck traffic effects. Construction of the Millbrae HSR station would have much more limited construction traffic than would be needed for the LMF and would be addressed by TR-IAMF#2. Access to the Bayshore Caltrain Station and the Millbrae Station would be maintained throughout construction. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2019

The comment suggests that the Draft EIR/EIS fails to address temporary construction congestion/delay and transit consequences of the whole of the project because of the organization of the analysis under Impacts TR#2 and TR#3. Please refer to the responses to submission FJ-1164, comments 1504 and 1506, and submission FJ-1165, comments 2009 and 2018, which address this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2020

The comment states that the Draft EIR/EIS defers analysis of the project's transportation impacts and mitigation by including certain transportation IAMFs in the analysis, while offering no assurance that any of the project's significant impacts would actually be avoided or reduced to less than significant. Please refer to the responses to submission FJ-1164, comments 1502 and 1504, which address these topics. Please also refer to Standard Response FJ-Response-TR-2: Construction Traffic and Parking Management. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2021

The comment suggests that the Draft EIR/EIS does not indicate whether traffic delays caused by construction would hinder emergency access or adversely affect the use of transit. With respect to emergency access, please refer to Impacts S&S#1 and S&S#2 in Section 3.11, Safety and Security, of the Final EIR/EIS, which contain this information. Impact TR#2 and Impact TR#3 in Section 3.2, Transportation, of the Draft EIR/EIS include discussion of construction-related effects on transportation, including transit. Please refer to the response to submission FJ-1165, comment 2009, which describes additional information provided in the Final EIR/EIS for Impact TR#2 and Impact TR#3. The effects described in Impact TR#2 and Impact TR#3 include transit services that would use affected streets. SamTrans, the agency that provides public transit service in San Mateo County, including Brisbane, does not currently operate a route on Tunnel Avenue, the street in Brisbane where construction efforts for the LMF would be focused. Additional information on the project's impacts on transit is provided in Section 3.2.6.4, Transit, of the Draft EIR/EIS. Specifically, please refer to Impact TR#8, which addresses temporary construction-related impacts on bus transit. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2022

The comment notes that the Draft EIR/EIS does not evaluate whether the project would affect access to Brisbane's downtown area. Downtown Brisbane is largely located along the Visitacion Avenue commercial corridor south of San Francisco Avenue. Access to Downtown Brisbane is primarily provided from Bayshore Boulevard via Old County Road. The current connection between Downtown Brisbane and Bayshore Boulevard, via Old County Road, would not be affected by the project. The relocation of Tunnel Avenue, from its present southern terminus at the east leg of the Bayshore Boulevard/Old County Road intersection to the east leg of the Bayshore Boulevard/Valley Drive intersection, a distance of 980 feet, means that vehicles traveling to Downtown Brisbane via Tunnel Avenue would travel the additional distance of 980 feet along Bayshore Boulevard and two additional turns in order to access Downtown Brisbane. During the PM peak hour, when traffic to and from Downtown Brisbane would be greater than the AM peak hour, a total of 177 vehicles travel along Tunnel Avenue to Old County Road including 56 outbound (toward Tunnel Avenue) and 121 inbound (toward downtown and surrounding area) vehicles. The project would not have a significant NEPA effect on intersection operations at either the Bayshore Boulevard/Old County Road or Bayshore Boulevard/Valley Drive intersections.

Please refer to the response to submission FJ-1164, comment 1511, which explains that the extension of Visitacion Avenue from Old County Road to Valley Road has been removed from the project description in the Final EIR/EIS based on feedback provided by the City of Brisbane.

### 1165-2023

The comment suggests that the Draft EIR/EIS does not analyze the effects of realigning Brisbane streets providing access to its downtown area, specifically the extension of Visitacion Avenue identified as part of the project in the Draft EIR/EIS. Based on comments by and meetings with the City of Brisbane and other public comments, the Authority removed the extension of Visitacion Avenue from the project alternatives in the Final EIR/EIS. Please refer to the response to submission FJ-1165, comment 1511, which addresses this topic.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2024

The comment suggests that the Draft EIR/EIS did not adequately evaluate transportation impacts associated with the proposed extension of Visitacion Avenue to Valley Drive. Please refer to the response to submission FJ-1164, comment 1511, which explains that the extension of Visitacion Avenue from Old County Road to Valley Road has been removed from the project description in the Final EIR/EIS based on feedback provided by the City of Brisbane.

### 1165-2025

The comment states that the Draft EIR/EIS did not adequately evaluate transportation impacts associated with the proposed extension of Visitacion Avenue to Valley Drive. Please refer to the response to submission FJ-1164, comment 1511, which explains that the extension of Visitacion Avenue from Old County Road to Valley Road has been removed from the project description in the Final EIR/EIS based on feedback provided by the City of Brisbane.

### 1165-2026

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment states that the Draft EIR/EIS does not commit to mitigating traffic impacts at intersections. In response to comments on the Draft EIR/EIS, the Authority conducted further analysis and developed site-specific mitigation measures for consideration that could reduce identified adverse traffic effects identified in the EIR/EIS. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation considered and proposed for the NEPA traffic delay effects.

### 1165-2027

Section 3.4, Noise and Vibration, in the Draft EIR/EIS summarizes the noise and vibration analysis results, which were based on an evaluation of impacts to all noise- and vibration-sensitive receptors affected by either project alternative. Additional details regarding the specific noise and vibration assessment methodology can be found in Appendix 3.4-A, Noise and Vibration Technical Report. Local conditions were taken into consideration in establishing the existing noise and vibration levels at sensitive receptors and in calculating future project noise and vibration impacts.

The noise and vibration existing conditions and future projections are presented in Section 3.4, Noise and Vibration, and Appendix 3.4-A, Noise and Vibration Technical Report, of the Draft EIR/EIS consistent with FRA guidelines. Additional detail regarding the specific noise impacts, existing and future levels, and locations of impacts before mitigation can be found in Tables 5-9 and 5-10 of Appendix 3.4-A. Additional detail regarding the specific vibration impacts, existing and future levels, and locations of impacts before mitigation can be found in Tables 5-19 and 5-20. Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, and includes new figures showing the location of noise impacts and proposed noise barriers in greater detail.

The presentation of all noise and vibration methodology, criteria, existing conditions, impacts, and mitigation has been done in accordance with FRA and FTA guidance. While it is not practical to provide tables of all interim calculations at all receptors, the Draft EIR/EIS includes summarized technical information sufficient to allow a full assessment of the environmental impacts of the project.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2028

Please refer to the response to submission FJ-1165, comment 2027, which addresses the commenter's concerns regarding consistency with FTA and FRA guidance and the level of detail of the impact analysis. Please also refer to the response to submission FJ-1165, comment 2029, which addresses the basis of the noise and vibration impact criteria.

The Authority disagrees with the commenter's assertion that the noise analysis relies on a series of unsubstantiated assumptions. The Authority used the best available methods and information, as well as the engineering design and planned rail operations, as the basis for the noise and vibration analysis. Please refer to Appendix 3.4-A, Noise and Vibration Technical Report, Chapter 4, Methods for Evaluating Effects, for detailed discussion and documentation of all noise and vibration analysis assumptions.

### 1165-2029

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

As stated in Section 3.4.2.3, Regional and Local, of the Draft EIR/EIS, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. The project is subject to the FRA noise and vibration impact criteria, and the noise and vibration impact assessments were conducted following FRA methodology and criteria.

However, the Authority did assess the project's consistency with local plans and regulations. Refer to Section 3.4.3, Consistency with Plans and Laws, for a description of the project's inconsistencies with local plans and noise ordinances. Refer to Volume 2, Appendix 2-J, Policy Consistency Analysis, for additional information about the project's inconsistencies and reconciliations with local plans and policies. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2030

Local conditions were taken into consideration in establishing the existing noise and vibration levels at sensitive receptors and in calculating future project noise and vibration impacts.

Please refer to the response to submission FJ-1164, comment 1482 for an explanation of how existing noise levels were calculated for all sensitive receptors in Brisbane based on ambient noise measurements and noise modeling. A detailed noise impact assessment was then conducted for all existing sensitive receptors in Brisbane. The future predicted noise levels with the project alternatives were compared to the existing noise levels and the FRA noise impact criteria were applied to determine the severity of each impact. Additional detail regarding the specific noise assessment methodology, criteria, impacts, levels, and locations before mitigation can be found in Appendix 3.4-A, Noise and Vibration Technical Report.

As explained in Section 4.1.5.2, Operations Noise, of Appendix 3.4-A: Noise and Vibration Technical Report, the noise impact assessment followed the FRA guidelines for a detailed noise analysis that accounts for ground propagation attenuation effects, cross-sectional geometry, and shielding. Appendix 3.4-A has been updated for the Final EIR/EIS to clarify that terrain and elevation of receptors was also considered in the noise analysis. Noise reflections off nearby hills would produce lower noise levels than the direct noise from the trains themselves to residences, due to the significantly longer path. Additionally, noise reflecting off nearby hills would not be reflected perfectly, and therefore would experience some reflection loss, further decreasing the noise levels from reflected noise. The terrain in the Brisbane area would not amplify noise from the project materially enough to affect the projected noise impact results. Direct noise from trains in the corridor would be the dominant noise sources at affected locations.

### 1165-2031

Please refer to the response to submission FJ-1165, comment 2030 which addresses this topic.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2032

Please refer to the response to submission FJ-1165, comment 2027 which addresses the commenter's concerns regarding consistency with FTA and FRA guidance and the level of detail of the impact analysis. Please refer to the responses to submission FJ-1165, comments 2033, 2034, and 2035 which address the commenter's concerns regarding unsupported assumptions. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2033

Please refer to Appendix 3.4-A, Noise and Vibration Technical Report, Chapter 4, Methods for Evaluating Effects, for detailed discussion of all noise and vibration analysis methodology and documented analysis assumptions. The assumptions about the noise and vibration characteristics of HSR trainsets are based on the vehicle type (EMUs) and FRA data on sound levels for high-speed EMU trains that are currently in operation in Europe. The assumptions about the noise and vibration characteristics of future Caltrain trains are based on the vehicle type (EMUs), vehicle weight, and characteristics of the existing Caltrain trains (e.g., horn height and location). Appendix 3.4-A provides additional discussion of this methodology, which is based on known information and conservative assumptions. In addition, NV-MM#7 in Section 3.4.7, Mitigation Measures requires that prior to construction the contractor would provide the Authority with an HSR operational noise technical report, which would incorporate any final design changes as well as final vehicle specifications that would potentially change the noise impact results and required mitigation. If necessary, the Authority would prepare revised environmental documentation at that time as required by CEQA and NEPA to reassess noise impacts and mitigation. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2034

The Authority disagrees with the commenter's assertion that the noise analysis relies on a series of unsubstantiated assumptions. Please refer to Appendix 3.4-A, Noise and Vibration Technical Report, Chapter 4, Methods for Evaluating Effects, for detailed discussion and documentation of all noise and vibration analysis assumptions, including those for trainsets, horn noise, stations, LMF, and traction power facilities. The Authority used the best available methods and information, as well as the engineering design and planned rail operations, as the basis for the noise and vibration analysis. Please also refer to the response to submission FJ-1165, comment 2033 which addresses how as part of NV-MM#7 the Authority would reassess noise and vibration impacts as part of the final design and, if necessary, would prepare revised environmental documentation to reassess noise impacts and mitigation consistent with CEQA and NEPA requirements. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2035

Please refer to Section 3.4 Noise and Vibration, Appendix 3.4-A, Noise and Vibration Technical Report, Chapter 4, Methods for Evaluating Effects, which documents the noise and vibration assessment methodology and includes details on all relevant project inputs and assumptions used in the impact assessments. Detailed noise and vibration analysis methods were used to assess impacts at all noise- and vibration-sensitive receptors in the project corridor.

The analysis considered local conditions and operating parameters. Please refer to the response to submission FJ-1165, comment 2030 which addresses how local conditions and topography are considered in the noise impact analysis. With respect to train speeds, Table 4-6 in Appendix 3.4-A, Noise and Vibration Technical Report, summarizes the range of actual HSR operating speeds by location throughout the project corridor, which were used in the projections of future noise and vibration levels.

The Authority used the best available methods and information, as well as the engineering design and planned rail operations, as the basis for the noise and vibration analysis. Rationales were provided where assumptions were required. For example, as stated in Section 4.1.5.2, Operations Noise, of Appendix 3.4-A, assumptions for freight horn sounds were based on an FRA field measurement data showing that a Lmax of 107 dBA at 100 feet from the track is the average horn noise level from freight trains (FRA 2020).

Please also refer to the response to submission FJ-1165, comment 2033 which addresses how as part of NV-MM#7 the Authority would reassess noise and vibration impacts as part of the final design and, if necessary, would prepare revised environmental documentation to reassess noise impacts and mitigation consistent with CEQA and NEPA requirements. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2036

Section 3.4.4.3, Methods for Impact Analysis, of the Draft EIR/EIS includes information summarizing the scenarios that were analyzed for noise and vibration conditions, including Existing Conditions, 2029 No Project condition, 2029 Plus Project condition, 2040 No Project condition, and 2040 Plus Project condition. Table 3.4-4 provides the key assumptions for the operational noise and vibration analysis, including all the trains that operate in the project corridor and the operations in 2017, 2029, and 2040.

The FRA noise impact criteria are based on comparing existing noise levels (Existing Conditions) to future projected noise levels (2029 and 2040 Plus Project conditions). This approach is consistent with FRA guidelines and has been implemented because comparison of a projection with an existing condition is more reflective of an impact than a comparison of two projections. Accordingly, the results reported for 2029 and 2040 No Project conditions are provided for informational purposes only.

Consistent with FRA guidelines, future noise levels were predicted by combining project train noise from all trains operating in the corridor (i.e., HSR, Caltrain, Amtrak, and freight), all trains sounding horns approaching at-grade crossings, noise from passenger station parking facilities, and noise from LMF operations. The future predicted noise levels with the project alternatives were then compared to the existing noise levels and the FRA noise impact criteria were applied to determine the severity of each impact. The results of this analysis are presented in the impact numbers in Impact NV#2.

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands and other planned land uses are not included in the environmental baseline for the Draft EIR/EIS. However, the potential impact of HSR project noise on future planned land uses, including the proposed development on Brisbane Baylands, is discussed in Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2037

The commenter incorrectly asserts that the noise and vibration impact analysis does not account for the conversion of Caltrain trains to 100 percent EMUs or the increased speed of Caltrain trains from 79 mph to 110 mph. As explained in Section 3.4.1, Introduction, of the Draft EIR/EIS, the HSR project would result in changes to rail operations within the Caltrain corridor, including increasing the number of passenger trains, changing passenger train technology (i.e., shifting of Caltrain operations to 100 percent EMUs), and changing passenger train speed (i.e., both Caltrain and HSR trains would operate at up to 110 mph). Refer to Table 3.4-4 in Section 3.4.4.3, Methods for Impact Analysis, for key assumptions for the noise and vibration impact analysis with respect to rail operations. Accordingly, the noise and vibration impact analysis included the conversion of Caltrain trains to 100 percent EMUs and increased speed of Caltrain trains of up to 110 mph to be part of the HSR project; these changes were included in the impact assessment for the 2029 and 2040 Plus Project conditions. The future noise levels with the project were predicted by combining project train noise from all trains operating in the Caltrain corridor (i.e., HSR, Caltrain, Amtrak, freight), all trains sounding horns approaching at-grade crossings, noise from passenger station parking facilities, and noise from LMF operations. The future predicted noise levels with the project alternatives were then compared to the existing noise levels and the FRA noise impact criteria were applied to determine the severity of each impact. The results of this analysis are presented in the impact numbers in Impact NV#2. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2038

Please refer to the response to submission FJ-1165, comment 2037. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2039

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

Please also refer to the response to submission FJ-1165, comment 2036, which explains that the FRA noise impact criteria are based on comparing future projected noise levels to existing noise levels consistent with FRA guidelines. This response also clarifies that while proposed development on Brisbane Baylands is not included in the environmental baseline, the potential impact of project noise on the proposed development is discussed in Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2040

Please refer to the response to submission FJ-1165, comment 2033. Please also refer to NV-MM#5 in Section 3.4.7, Mitigation Measures, which states that the Authority would require bidders to meet federal regulations for noise standards at the time of procurement of HSR vehicles. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2041

The commenter incorrectly asserts that the vibration analysis does not take into account geotechnical information and project impacts are understated.

The Draft EIR/EIS vibration analysis is based on FRA methodology, as described in Section 4.2.5.2, Operations Vibration, of Appendix 3.4-A, Noise and Vibration Technical Report. The FRA indicates that projections using the general assessment approach to vibration analysis are appropriate for a project in the environmental phase because the general assessment is conservative, yielding projections 5 VdB higher than the expected values. The Draft EIR/EIS vibration analysis goes beyond the general assessment approach by incorporating geotechnical information, through the use of site-specific vibration measurements and the geotechnical characteristics of these measurement locations, to refine the general assessment projection curves. Available information regarding existing geotechnical conditions has been used to apply these measured vibration propagation characteristics to different areas of the project.

Please refer to Appendix 3.4-A, Noise and Vibration Technical Report, Section 5.2.1.1, Vibration Measurement Results and Discussion, which includes detailed information regarding the site-specific vibration measurements that were conducted for the project. Existing vibration measurements of trains in the corridor are documented in Table 5-15 and Figure 5-13, and the existing vibration propagation measurement locations are documented in Table 5-16. The site-specific ground-borne vibration propagation measurements along with the existing train vibration measurements provided substantial evidence for the prediction of HSR train vibration levels with the project alternatives. Appendix C, Vibration Propagation Measurement Data, of the Noise and Vibration Technical Report (included in Appendix 3.4-A of the Draft EIR/EIS) includes the specific data collected for the project. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2042

While longer trainsets in the future are possible, the analysis in the Draft EIR/EIS is based on an assumption that HSR trains would have a length of 660 feet. If, in the future, the Authority decides to operate double trainsets then, consistent with NV-MM#7, the Authority would prepare additional noise and vibration analyses as required by CEQA and NEPA, to reassess noise and vibration impacts and mitigation.

The comment mentions that in Appendix 3.4-A, Noise and Vibration Technical Report, the measured transfer mobility point source responses were numerically integrated over an approximate train length of 600 feet. This approximation is valid, as evidenced by the following sentence in Appendix 3.4-A: "Because ground-borne noise and vibration are typically not substantial at distances of more than 250 feet from the tracks, a 600-foot train length provides a reasonable approximation to the length of train that would affect ground-borne vibration." This means that ground-borne noise and vibration are not typically of concern beyond approximately 250 feet from the tracks, regardless of train length. In addition, beyond a certain train length, the length of the train does not continue to increase the vibration levels. For example, the maximum vibration levels at a residence adjacent to the tracks would be the same from a 600-foot-long train or a 1-mile-long train. Therefore, this is not an inconsistent assumption but a reasonable approximation. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2043

Please refer to the response to submission FJ-1164, comment 1482 for an explanation of how existing noise levels were calculated for all sensitive receptors using existing noise measurements and why the measurements collected are still valid and reliable. Please refer to the response to submission FJ-1165, comment 2030 which addresses how local conditions and topography are considered in the noise impact analysis. Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. However, the potential impact of HSR project noise on future planned land uses, including the proposed development on Brisbane Baylands, is discussed in Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2044

Appendix 3.4-A, Noise and Vibration Technical Report, Table 5-1 in the Draft EIR/EIS includes information on the existing land use and the discussion states that rail operations constitute the dominant noise source at most of the measurement locations. Table 5-1 does not state the FTA category type where existing ambient noise measurements were conducted because it is not necessary or required to provide this information. Rather, the FRA category type information is assigned in the impact analysis to determine the appropriate criteria, and that information was used to summarize the impacted receptors in Section 5.1.2.2, Operations Noise Effects. The existing ambient noise measurements were used to calibrate the existing noise model, which was then used to calculate the existing noise level at all sensitive locations within the project corridor. The discussion of the existing ambient noise environment and dominant existing noise sources throughout the project corridor is described in the text that immediately follows Table 5-1 within Section 5.1.1.1, Noise Measurement Results, of Appendix 3.4-A. Additional detail regarding the specific noise and vibration impacts by location, including the land use category, are presented in Tables 5-9, 5-10, 5-19, 5-20, and 5-21 of Appendix 3.4-A. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2045

A new appendix, Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, with new figures showing the location of noise and vibration measurement sites, noise impacts and proposed noise barriers, and vibration impacts in greater detail.

The Draft EIR/EIS includes summarized technical information sufficient to allow a full assessment of the environmental impacts of the project. Figures 5-1 through 5-4 in Appendix 3.4-A, Noise and Vibration Technical Report, of the Draft EIR/EIS include the noise and vibration measurement site numbers, and details of each measurement site are included in Tables 5-1, 5-15, and 5-16. Additional information about noise measurement sites and noise and vibration measurement data is presented in Appendices A through C in the Noise and Vibration Technical Report. Additional detail regarding the specific noise and vibration impacts by location, including the land use category and distance to the nearest HSR track, are presented in Tables 5-9, 5-10, 5-19, 5-20, and 5-21 of Appendix 3.4-A.

### 1165-2046

Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.2.5.2, Operations Vibration, states that the Caltrain FDL was empirically derived from train passby measurement data and ground impact testing conducted throughout the project corridor. Section 4.2.5.2 discusses the details of the field transfer mobility testing throughout the corridor and calculation of the line source response. The site-specific ground-borne vibration propagation measurements along with the existing train vibration measurements provided substantial evidence for the prediction of HSR train vibration levels with the project alternatives. Appendix C, Vibration Propagation Measurement Data, in the Noise and Vibration Technical Report includes the specific data collected for the project. The LMF is not a significant source of ground-borne vibration due to the slow speeds of trains. Revenue service trains on the mainline tracks are greater sources of vibration due to higher speeds.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2047

Noise impacts are not based on audibility. Noise impacts are based on land use and a comparison of existing noise levels to future noise levels with the project. The project follows FRA guidelines and utilizes the Ldn and hourly Leq noise metrics to assess noise impacts. The Ldn is used at residential land uses, and represents the cumulative noise exposure over a 24-hour period with a 10-dB penalty for noise events that occur at night (i.e., between 10 p.m. and 7 a.m.).

Consistent with FRA guidelines, future noise levels were predicted by combining project train noise from all trains operating in the corridor (i.e., HSR, Caltrain, Amtrak, and freight), all trains sounding horns approaching at-grade crossings, noise from passenger station parking facilities, and noise from LMF operations. The future predicted noise levels with the project alternatives were then compared to the existing noise levels and the FRA noise impact criteria were applied to determine the severity of each impact. The results of this analysis are presented in the impact numbers in Impact NV#2. The information presented in Impact NV#4 is additional information stating the contribution of noise from the LMF compared to the passing train project noise.

With respect to the noise generated at the Brisbane LMF, train maintenance would take place inside the maintenance building with minimal noise spillover into surrounding areas. As discussed in Impact NV#4, noise generated from trains moving in and out of the LMF would provide a small contribution to the overall noise generated by project operations and would not result in the generation of noise levels in excess of standards for a severe impact established by the FRA. Accordingly, operations of the LMF would not cause significant noise impacts. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2048

Consistent with FRA guidelines, future noise levels were predicted by combining project train noise from all trains operating in the corridor (i.e., HSR, Caltrain, Amtrak, and freight), all trains sounding horns approaching at-grade crossings, noise from passenger station parking facilities, and noise from LMF operations. Appendix 3.4-A, Noise and Vibration Technical Report, Chapter 4, Methods for Evaluating Effects, describes the methodology used to analyze the noise and vibration impacts of the project. Section 4.1.5.2, Operations Noise, states that the assessment of noise from HSR trains follows FRA methodology, while the assessment of noise from stations, the LMF, traction power facilities, and conventional-speed (all non-high-speed) train operations follows FTA methodology. All relevant project noise sources are then combined for each receptor. The future predicted noise levels with the project alternatives were then compared to the existing noise levels and the FRA noise impact criteria were applied to determine the severity of each impact. The FRA and FTA noise impact criteria are identical. The results of this analysis are presented in the impact numbers in Impact NV#2. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2049

Please refer to the response to submission FJ-1165, comment 2048 which addresses how the operational noise impact analysis combines all project-related noise and presents the results of this analysis under Impact NV#2. The information presented in Impact NV#3 and Impact NV#4 is additional information stating the contribution of noise from passenger station parking and LMF, respectively, to the passing train project noise. Additional detail regarding the specific noise impacts, levels, and locations before mitigation can be found in Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report, in Tables 5-9 and 5-10, of the Draft EIR/EIS.

The noise and vibration analyses are not based on HSR trains operating at 110 mph for the entire alignment. The ranges of actual HSR operating speeds by location are summarized in Table 4-6 of Appendix 3.4-A and were used in the projections of future noise and vibration levels. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2050

The Draft EIR/EIS includes a sufficient characterization of the existing noise and vibration conditions to allow a full assessment of the environmental impacts of the project. Please refer to Section 3.4, Noise and Vibration, and Appendix 3.4-A, Noise and Vibration Technical Report, for detailed discussion regarding ambient existing noise measurements and the noise modeling approach, specifically Appendix 3.4-A, Section 5.1.1.2, Noise Measurement and Modeling Discussion. All noise-sensitive receptors affected by either project alternative were analyzed. The ambient noise monitoring results provided a baseline for establishing existing noise levels at sensitive receptors. Most measurement sites were adjacent to existing rail tracks, and some were adjacent to heavily traveled roadways. Analysts prepared detailed models of the existing conditions, which included existing rail operations and noise from major roadways. The existing noise model was calibrated with the noise measurement results. Through this method, accurate existing noise levels were calculated at all receptors, allowing for comparison with future predicted noise levels, which were then compared to the impact criteria.

Local conditions were taken into consideration in establishing the existing noise and vibration levels at sensitive receptors and in calculating future project noise and vibration impacts. As explained in Section 4.1.5.2, Operations Noise, of Appendix 3.4-A the noise impact assessment followed the FRA guidelines for a detailed noise analysis that accounts for ground propagation attenuation effects, cross-sectional geometry, shielding. Appendix 3.4-A has been updated for the Final EIR/EIS to clarify that terrain and elevation of receptors was also considered in the noise analysis. The receptor elevations relative to the tracks in Brisbane were included in the noise prediction models. Elevated receptors have less ground attenuation.

A new appendix, Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, with new figures showing the location of noise and vibration measurement sites, noise impacts and proposed noise barriers, and vibration impacts in greater detail.

### 1165-2051

Please refer to the response to submission FJ-1165, comment 2030, which addresses how local conditions and topography are considered in the noise impact analysis. Refer to the response to submission FJ-1165, comment 2049, which addresses train speeds used for the noise and vibration impact analysis.

A detailed noise and vibration analysis following FRA and FTA guidelines was conducted for all noise- and vibration-sensitive receptors in the project corridor. Please refer to the response to submission FJ-1165, comments 2041 and 2046, which address the methods for the vibration analysis. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2052

Please refer to the response to submission FJ-1165, comment 2027, which addresses the commenter's concerns regarding consistency with FTA and FRA guidance and the level of detail of the impact analysis.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2053

The Draft EIR/EIS includes a sufficient characterization of the existing noise and vibration conditions and sensitive receptors to allow a full assessment of the environmental impacts of the project. Appendix 3.4-A, Noise and Vibration Technical Report, includes details regarding the specific noise impacts, existing and future noise levels, and impact locations before mitigation in Tables 5-9 and 5-10. Additional detail regarding the specific vibration impacts, existing and future vibration levels, and impact locations before mitigation can be found in Tables 5-19 and 5-20. A detailed noise and vibration analysis following FRA and FTA guidelines was conducted for all noise- and vibration-sensitive receptors in the project corridor to ensure that all significant noise and vibration impacts would be identified. Most of the noise impacts do not occur beyond a distance of 500 feet, even though the Authority evaluated a much larger area for potential impacts.

Section 3.4, Noise and Vibration, of the Draft EIR/EIS included numerous figures showing the locations of noise and vibration measurement sites and the project's noise and vibration impacts. A new appendix, Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, with new figures showing the location of noise and vibration measurement sites, noise impacts and proposed noise barriers, and vibration impacts in greater detail.

### 1165-2054

The Draft EIR/EIS includes summarized technical information sufficient to allow a full assessment of the environmental impacts of the project. The presentation of all noise and vibration methodology, criteria, existing conditions, impacts, and mitigation has been done in accordance with FRA and FTA guidance. It is not required by FRA or FTA, nor is it practical, to include tables listing specific noise results for all of the thousands of individual locations assessed for potential noise impact within the project corridor. The noise and vibration existing conditions and future projections are presented in Appendix 3.4-A, Noise and Vibration Technical Report, consistent with FRA guidelines. Additional detail regarding the specific noise impacts, existing and future levels, and locations before mitigation can be found in Appendix 3.4-A, Tables 5-9 and 5-10. Additional detail regarding the specific vibration impacts, existing and future levels, and locations before mitigation can be found in Tables 5-19 and 5-20. Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, and includes new figures showing the location of noise impacts and proposed noise barriers in greater detail.

### 1165-2055

Section 3.4, Noise and Vibration, of the Draft EIR/EIS included numerous figures showing the locations of noise and vibration measurement sites and the project's noise and vibration impacts. A new appendix, Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, with new figures showing the location of noise and vibration measurement sites, noise impacts and proposed noise barriers, and vibration impacts in even greater detail. GIS tools were used to identify and analyze noise and vibration at all noise- and vibration-sensitive receptors for both project alternatives.

### 1165-2056

Regarding water supply, please refer to the response to submission FJ-1164, comment 1711, which discusses this topic. Regarding electrical infrastructure, please refer to the response to submission FJ-1164, comment 1714.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2057

Please refer to the response to submission FJ-1164, comment 1715. Impact PUE#4 in Section 3.6, Public Utilities and Energy, has been revised in the Final EIR/EIS to include additional text related to construction of water, wastewater, and other utility infrastructure. These revisions did not result in any change to the impact determinations under CEQA or NEPA for Impact PUE#4.

### 1165-2058

Please refer to the response to submission FJ-1164, comment 1716, which addresses this topic.

### 1165-2059

Please refer to the response to submission FJ-1164, comment 1716.

### 1165-2060

Water tanker truck trips were accounted for in the construction air quality analysis and the construction transportation analysis presented in the Draft EIR/EIS. Please refer to Volume 2, Appendix 3.3-A, Appendix C: Construction Emissions Assumptions, for additional information about construction assumptions used for the air quality analysis.

### 1165-2061

Please refer to the response to submission FJ-1164, comment 1717. Impact PUE#7 in Section 3.6, Public Utilities and Energy, of the Final EIR/EIS has been revised to include refined assumptions regarding the amount of solid waste, including the amount of hazardous solid waste that would be generated from construction of the East Brisbane LMF.

### 1165-2062

Please refer to the response to submission FJ-1164, comment 1717. Impact PUE#7 in Section 3.6, Public Utilities and Energy, of the Final EIR/EIS has been revised to include refined assumptions regarding the amount of solid waste, including the amount of hazardous solid waste that would be generated from construction of the East Brisbane LMF.

### 1165-2063

Please refer to the response to submission FJ-1164, comment 1717 regarding Impact PUE#7.

Certain assumptions regarding the characteristics and quantities of excavated materials, including the disposal of materials, for the East and West Brisbane LMF have been refined for the Final EIR/EIS. Refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS. Accordingly, revisions have been implemented in Section 3.2, Transportation; Section 3.3, Air Quality and Greenhouse Gases; and Section 3.6, Public Utilities and Energy, of the Final EIR/EIS. None of the revisions to the analysis resulted in changes to the impact determinations under CEQA or resulted in new adverse effects under NEPA.

### 1165-2064

Please refer to the response to submission FJ-1164, comment 1711.

### 1165-2065

As explained in Volume 2, Appendix 3.6-C, Water Use Assessment, of the Draft EIR/EIS, the operational water use estimates were calculated based on known rates of water use at the San Jose Diridon Station (89 gallons per square foot per year) and the square footage of the proposed facilities. With respect to the adequacy of water supply for project operations, please refer to the response to submission FJ-1164, comment 1711.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2066

Please refer to the responses to submission FJ-1165, comment 2065, and submission FJ-1164, comment 1711.

### 1165-2067

Please refer to the response to submission FJ-1164, comment 1711.

### 1165-2068

Please refer to the response to submission FJ-1164, comment 1711.

### 1165-2069

Please refer to the response to submission FJ-1164, comment 1711. The proposed Brisbane Baylands development is a separate project from the HSR project and analysis of its impacts is to the responsibility of the City of Brisbane as the CEQA lead agency for that project.

### 1165-2070

Please refer to the response to submission FJ-1164, comment 1711.

### 1165-2071

The comment states that the Draft EIR/EIS underestimates the volume of hazardous solid waste to be excavated, as well as the volume that would need to be hauled to a Class I landfill. Please refer to the response to submission FJ-1164, comment 1717. Impact PUE#7 in Section 3.6, Public Utilities and Energy, of the Final EIR/EIS has been revised to include refined assumptions regarding the amount of solid waste, including the amount of hazardous solid waste that would be generated from construction of the East Brisbane LMF and the amount of hazardous solid waste that would be hauled off to a Class I landfill. These revisions did not result in any change to the impact determinations under CEQA or NEPA for Impact PUE#7.

The comment also states that conclusions regarding construction-related energy consumption do not take into account either (1) the extent of grading and off-site disposal required to construct the East Brisbane LMF or (2) the delivery of construction water by truck to project work sites. Impact PUE#12 in Section 3.6 of the Final EIR/EIS has been revised to update the energy demand during construction due to the refined assumptions regarding the number of truck trips needed to haul solid waste, including the revised amount of hazardous solid waste that would be generated from construction of the East Brisbane LMF. Please refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS. These revisions did not result in any change to the impact determinations under CEQA or NEPA for Impact PUE#12. Please refer to the response to submission FJ-1164, comment 1716, which identifies how construction water estimates were developed and which identifies that no revisions are required to the number of water trucks that were assumed in the Draft EIR/EIS.

In addition, during the right-of-way acquisition phase, the Authority would implement HMW-IAMF#1. As described under Impact HMW#10, the Authority's design-build contractor would be required to prepare a RAP that would determine the requirements for removal, transportation, and disposal of excavated materials; air monitoring; regulatory concerns; and worker health and safety. The RAP would detail air monitoring, methane controls, and requirements for the characterization and disposal of excavated materials. After the ROD, the Authority will evaluate subsequent changes to the project to confirm that it is within the scope of the project impacts assessed in the Final EIR/EIS. If subsequent modifications to the project are determined to require changes to the Final



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2071

EIR/EIS, additional environmental documentation will be prepared in compliance with CEQA and NEPA.

### 1165-2072

The comment states that the analysis in Section 3.7, Biological and Aquatic Resources, of the Draft EIR/EIS uses flawed methodologies that fail to identify significant resources at the West and East Brisbane LMF sites. The Authority disagrees. Please refer to the responses to submission FJ-1164, comments 1625 and 1626, which address the environmental baseline data used for the biological resource analysis.

As stated under Section 3.7.6.5, Delineation of Aquatic Resources, site-specific investigations have occurred within the LMF sites in recent years. The results of these investigations were incorporated into the Aquatic Resources Delineation Report (Authority 2020c) and the species habitat models. As shown in Appendix D of the Biological and Aquatic Resources Technical Report (Authority 2020d), there is limited modeled habitat for special-status species at the LMF site, most of which is concentrated on Icehouse Hill. The Authority agrees with the commenter that the project's impacts on the wetlands and habitat at Icehouse Hill would be significant and the Draft EIR/EIS concludes that impacts on wetlands, listed butterfly habitat, and white-tailed kite habitat in the Project Section would be significant without mitigation.

The comment states that the Draft EIR/EIS relies on deferred mitigation and future studies to determine the extent of the project impacts. The Authority disagrees. Please refer to the responses to submission FJ-1164, comments 1661 through 1671 which addresses the adequacy of the mitigation measures for biological and aquatic resources. Additionally, the Authority has already prepared a pCMP, available upon request, which assesses the feasibility of implementing compensatory mitigation for the project.

With respect to the comment's statement that the Draft EIR/EIS does not adequately describe what the project proposes along Visitacion Creek, please refer to the response to submission FJ-1164, comment 1638, which addresses this topic.

Lastly, with respect to the comment's concern for impacts to the community due to the construction and operations of the LMF, please refer to response to submission FJ-1164, comment 1726.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2073

The comment states that the high-level analytical methods used in the Draft EIR/EIS may be not appropriate for the smaller impact areas within and immediately adjacent to the Caltrain right-of-way but not the LMF sites. The Authority disagrees but notes that additional site-specific investigations occurred for the LMF sites. As stated in Section 3.7.6.4, Special-Status Species and Habitat Modeling, of the Draft EIR/EIS, “the Authority prepared GIS-based species habitat models for the project. These models bring together information about environmental attributes, species life history, and environmental requirements to create a spatially explicit representation of areas that are potentially suitable as habitat. The models are created and displayed using GIS software (ArcGIS 10.3). Once in GIS, the habitat models can be intersected with the project footprint and resource layers to determine impacts and assess mitigation opportunities of species.” As such, these models are spatially explicit, GIS-based “expert opinion models” that identify important habitat for these species. In addition, aAs described in Section 3.7.6.5, “In November 2018, delineators conducted a field investigation to assess the Brisbane wetlands at the proposed LMF sites, which constitute most of the wetland impacts in the RSA.” This data was included in the land cover mapping for the Project Section and used to further inform the species models in the RSA. Although it is true that most of the project footprint is located within the Caltrain right-of-way, which is heavily disturbed and developed, the analysis acknowledged that the LMF sites contain most of the biological resources in the Project Section, and therefore conducted site-specific studies at this location. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2074

The comment states that the survey efforts within the LMF sites, including Icehouse Hill, were insufficient and did not identify all the biological and aquatic resources that would be affected by the project. Please refer to the responses to submission FJ-1164, comments 1635 and 1641, which respond to this comment. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2075

This comment states that the Draft EIR/EIS understates the potential for significant LMF wetland impacts and is inconsistent with wetlands identified by Metis Environmental Group. Please refer to the response to submission FJ-1164, comment 1635, regarding use of the Metis Environmental Group data in the Final EIR/EIS, and the fact that data from 2011, 2015, and 2018 was used to define wetland boundaries in the Draft EIR/EIS. The comment states that it is unreasonable for a 100-acre impact [the Brisbane LMF] to base wetland mapping on such a small number of data points that includes data dating back to 2011. As stated in Section 3.7.6.5, Delineation of Aquatic Resources, in the Draft EIR/EIS, the USACE reviewed the Aquatic Resources Delineation Report (Authority 2020c) for the project in January 2020, and visited the East and West Brisbane LMF sites on January 30, 2020 to verify the delineation features. The USACE requested changes to three mapped features, including expansion of two features and changing the type of wetland for the third. Following these changes, the USACE issued a PJD on April 14, 2020. Given that the aquatic features in the LMF site were evaluated in 2018 and verified in 2020, they are not considered to be out of date or inaccurate. Please also refer to the response to submission FJ-1164, comment 1625, which address the Authority’s incorporation of new aquatic resources data into the Final EIR/EIS.

### 1165-2076

The comment states that there are a number of significant wetland impacts in the project corridor that are not addressed in the Draft EIR/EIS. Please refer to the response to submission FJ-1164, comment 1635, regarding the data sources used for the Draft EIR/EIS and the Metis Environmental Group survey data. Please also refer to the response to submission FJ-1165, comment 2075. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2077

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The Authority disagrees that the approach used did not accurately depict the biological setting for the Baylands site. Species presence was assumed in suitable habitat areas, and the impacts on these potentially occurring species are evaluated and mitigation is included in the Draft EIR/EIS to reduce those potential impacts to a less-than-significant level. This approach was taken because the Authority did not have private property access to many parcels in the Project Section. Please refer to Section 3.7.9, Mitigation Measures, of the Draft EIR/EIS, which requires pre-construction special-status plant and wildlife surveys for species assumed in suitable habitat areas.

Please also refer to the response to submission FJ-1164, comment 1664, which addresses the commenter's assertion that special-status plant surveys should have been completed for the Draft EIR/EIS.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2078

Please also refer to the response to submission FJ-1164, comment 1670, which addresses the commenter's assertion of deferred mitigation. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2079

The comment states BIO-MM#6 does not represent the pre-construction surveys typically undertaken to determine whether conditions have changed after the initial site surveys undertaken for and disclosed to the public in a CEQA or NEPA environmental document. Please refer to the response to submission FJ-1164, comment 1664, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2080

This comment summarizes information presented in the Draft EIR/EIS in a footnote, and is related to submission FJ-1165, comment 2077. Please refer the response to submission FJ-1165, comment 2077. No further response is required.

### 1165-2081

Please refer to the response to submission FJ-1164, comment 1670, which addresses the commenter's assertion of deferred mitigation. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2082

The comment states that the Draft EIR/EIS lacks appropriate mapping of biological resources at the Brisbane LMF sites (including Visitation Creek), Tunnel Avenue bridge and roadway relocation, and within the footprint of the proposed relocation of the Brisbane fire station. As explained in Section 3.7.7.2, Biological Conditions, of the Draft EIR/EIS, detailed information and mapping of land cover types and aquatic resources is included in the Aquatic Resources Delineation Report (Authority 2020c) and the Biological and Aquatic Resources Technical Report (Authority 2020d), which were available upon request during the public comment period for the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2083

Please refer to the response to submission FJ-1165, comment 2082, which addresses the mapping of biological and aquatic resources. Please also refer to Section 3.7.6, Methods for Evaluating Impacts, of the Draft EIR/EIS, which describes the methods used to support the biological resources impact analysis and significance conclusions. All impacts on special-status species in the project footprint are identified in Table 3.7-12. While the impacts for the LMF are not broken out separately from the rest of the project footprint, they are included in the impacts presented for each alternative. The LMF is also identified specifically in subsections of Section 3.7.8, Environmental Consequences, where relevant. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2084

The comment asserts that the Draft EIR/EIS does not evaluate the impacts of the project on Visitation Creek. Please refer to the response to submission FJ-1164, comment 1638, which addresses this comment.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2085

As explained in the NOA for the Draft EIR/EIS and on the Authority's website, all technical reports supporting the Draft EIR/EIS, including the pCMP, were available to the public for review upon request from the Authority during the Draft EIR/EIS public comment period. The Authority responded to requests for information as quickly as possible; most requests for documents and information during the public comment period were responded to within two business days. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2086

The commenter references a compensatory mitigation concept the Authority considered in the pCMP, which would involve rerouting Visitacion Creek into an open channel to connect to Brisbane Lagoon. As explained in the response to submission FJ-1164, comment 1638, this concept is not part of either project alternative evaluated in the Draft EIR/EIS; rather, it was one of several potential compensatory mitigation measures that the Authority was considering, which was subsequently withdrawn from consideration in favor of off-site mitigation.

The comment also states that the Draft EIR/EIS does not adequately describe what the project proposes along Visitacion Creek. Please refer to the response to submission FJ-1164, comment 1638, which explains that the design of Alternative A would place Visitacion Creek into an underground culvert along its current alignment. The impacts associated with culverting of Visitacion Creek were included as permanent impacts in the species and aquatic resource impact tables in Section 3.7.8, Environmental Consequences, of the Draft EIR/EIS.

The comment also states that because Table 3.7-16 identifies permanent and temporary impacts in columns labeled impacts to the "Bay" and the Shoreline Band," the specific location of project-related impacts and the total acreage of impacts to Visitacion Creek cannot be verified. The Authority disagrees. Bay and shoreline are specific terms used by BCDC to define their jurisdictional limits and identify specific areas subject to their jurisdiction. BCDC defines the "Bay" as all areas that are subject to tidal action, including sloughs, from the south end of the Bay to the Golden Gate to the Sacramento River, as more specifically defined by the Act. BCDC defines the shoreline band as land extending inland 100 feet from the shoreline of the Bay, and Table 3.7-16 specifically calls out the impacts on special-status species habitat at Visitacion Creek within these defined areas. In response to this comment, the BCDC definitions of the Bay and shoreline band have been added to Table 3.7-16 in the Final EIR/EIS, as footnotes.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2087

The comment asserts that the Draft EIR/EIS does not evaluate the impacts of the project on Visitacion Creek. Please refer to the response to submission FJ-1164, comment 1638, which explains that the design of Alternative A would place Visitacion Creek into an underground culvert along its current alignment. The impacts associated with culverting of Visitacion Creek have been evaluated throughout the Draft EIR/EIS. Specifically, the impacts associated with culverting of Visitacion Creek have been included as permanent impacts in the species and aquatic resource impact tables in Section 3.7.8, Environmental Consequences, of the Draft EIR/EIS.

Because the Authority is not proposing to reroute Visitacion Creek into Brisbane Lagoon as part of the project, the impact mechanisms listed in the comment will not occur as a result of the project and accordingly, do not need to be evaluated in the EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2088

The comment asserts that the Draft EIR/EIS does not adequately describe or evaluate the impacts of the project on Visitacion Creek. Please refer to the response to submission FJ-1164, comment 1638, which explains that the design of Alternative A would place Visitacion Creek into an underground culvert along its current alignment. The impacts associated with culverting of Visitacion Creek have been evaluated throughout the Draft EIR/EIS. Specifically, the impacts associated with culverting (i.e., filling) Visitacion Creek have been included as permanent impacts in the species and aquatic resource impact tables in Section 3.7.8, Environmental Consequences, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2089

The comment asserts that the Draft EIR/EIS does not adequately describe or evaluate the impacts of the project on Visitacion Creek. Please refer to the response to submission FJ-1164, comment 1638, which addresses this comment. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2090

The comment asserts that the Draft EIR/EIS does not adequately describe or evaluate the impacts of the project on Visitacion Creek and accordingly defers mitigation for impacts to Visitacion Creek. Please refer to the response to submission FJ-1164, comment 1638, which explains that the design of Alternative A would place Visitacion Creek into an underground culvert along its current alignment. The impacts associated with culverting of Visitacion Creek have been evaluated throughout the Draft EIR/EIS. Specifically, the impacts associated with culverting of Visitacion Creek have been included as permanent impacts in the species and aquatic resource impact tables in Section 3.7.8, Environmental Consequences, of the Draft EIR/EIS.

Regarding the commenter's assertion that BIO-MM#8 constitutes deferred mitigation with no performance standards, please refer to the responses to submission FJ-1164, comments 1665 through 1669.

### 1165-2091

The comment states that the existences of the pCMP was not disclosed in the Draft EIR/EIS. The pCMP was available upon request during the public review for the Draft EIR/EIS and was included in the list of technical reports prepared for the San Francisco to San Jose Project Section on the Authority's website. As stated on the Authority's website, printed and/or electronic copies of the Draft EIR/EIS and electronic copies of associated technical reports were available for review during business hours at the Authority's Northern California Regional Office, or by calling the Authority office. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2092

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

Please also refer to response to submission FJ-1164, comments 1667 and 1668 regarding the adequacy of BIO-MM#8. The Compensatory Mitigation Plan compiles the specific requirements, including mitigation ratios, that are set forth in the species-specific compensatory mitigation measures. In addition, for species and habitat subject to regulatory agency jurisdiction, the final mitigation ratios will be determined by the regulatory agencies. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2093

The comment states that the Draft EIR/EIS fails to disclose off-site mitigation actions being considered by the Authority that could be “potentially incorporated into the mitigation measure.” Please refer to the response to submission FJ-1164, comment 1668, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2094

The comment states that the Draft EIR/EIS fails to adequately address impacts on Icehouse Hill. Please refer to the responses to submission FJ-1164, comments 1640 through 1644, which address this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2095

The comment states that the project would affect coast iris, a CRPR 4.2 species, and locally rare native ferns on Icehouse Hill, and that these are significant impacts not addressed in the Draft EIR/EIS. Please refer to the response to submission FJ-1164, comment 1643, which addresses this comment. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2096

The comment states that habitats on and adjacent to Icehouse Hill, that were not addressed in the Draft EIR/EIS, will be impacted by the project. Please refer to the responses to submission FJ-1164, comments 1635 and 1641, which address this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2097

The comment states that the feasibility of the mitigation for the loss of Icehouse Hill cannot be determined due to a lack of detail about offsite properties. BIO-MM#11 includes multiple options beyond purchasing habitat, including purchasing credits from a mitigation bank, payment to an existing in-lieu fee program, and restoration or enhancement of preserved habitat. Although, as noted by commenter, one or more of these options may turn out to not be feasible, the suite of options is sufficient for the Authority to be able to compensate for the loss of listed butterfly habitat. Although mitigation for listed butterflies would prioritize acquisition of suitable habitat near San Bruno Mountain, mitigation could also include protection and management of other current or historic localities or suitable habitat areas larger than 2.5 acres within the historic range of the butterfly. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2098

The comment states that the Draft EIR/EIS fails to identify a significant impact associated with destruction of the native grass and flower fields that are sensitive plant communities found on Icehouse Hill. The comment states that the habitat can be classified as best matching *Lasthenia californica* – *Plantago erecta* – *Vulpia microstachys* Herbaceous Alliance, California Goldfields-Dwarf Plantain-6 Weeks Fescue Flower Fields. Please refer to the response to submission FJ-1164, comment 1641, which addresses this comment. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2099

The comment states that the Draft EIR/EIS impacts associated with electrification, lighting, and noise associated with 24-hour operations of the Brisbane LMF on adjacent habitats are not analyzed in the Draft EIR/EIS, and the significance determination for LMF biological resources impacts on wildlife movement or impacts of LMF night lighting and noise generation on nocturnal species cannot be substantiated. Please refer to the response to FJ-1164, comment 1652, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2100

This comment provides references for information included in submission FJ-1165, comment 2099. Please refer to the response to submission FJ-1165, comment 2099 for additional information. No further response is required.

### 1165-2101

The comment states that the Draft EIR/EIS fails to recognize the State Lands Commission as a Responsible Agency and fails to address impacts on biological resources subject to their jurisdiction. To address this comment, Table 2-26 has been updated in the Final EIR/EIS to include State Lands Commission as an agency from which the Authority may require approvals.

The Draft EIR/EIS fully analyzed the physical impacts on areas that may be under State Lands Commission jurisdiction (e.g., Guadalupe Valley Creek). Accordingly, no additional impact analysis is required.

### 1165-2102

The comment states that project impacts on Visitacion Creek and Brisbane Lagoon are not addressed in relation to State Lands Commission jurisdiction. Please refer to the response to submission FJ-1165, comment 2101, which addresses this topic.

The comment also asserts that the Draft EIR/EIS omits an analysis of project-related impacts on Visitacion Creek and Brisbane Lagoon and how natural stormwater flow would be interrupted into Visitacion Creek, resulting in an impact on green sturgeon habitat. As stated in Impact BIO#3, there would be a permanent impact on green sturgeon habitat due to direct loss of Visitacion Creek's channel. BIO-MM#17 would be implemented to protect and restore or protect and enhance aquatic fish habitat, which includes green sturgeon habitat. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2103

The comment states that the Draft EIR/EIS omits an analysis of project-related impacts on such lands that would result from the proposed relocation of Tunnel Road in the vicinity of the Rancho Canada de Guadalupe Visitacion y Rodeo Canal; and ungranted sovereign lands within the Guadalupe Canal (referred to in the Draft EIR/EIS as Guadalupe Valley Creek) as well as from relocation of the Brisbane fire station. The Authority disagrees with this assertion, as these areas were included in the project footprint that was the basis for the impact analysis.

The project footprint includes the relocated Tunnel Avenue overpass and the relocation of the fire station. Please refer to page 9 (Alternative A) and pages 76 and 77 (Alternative B) of Draft EIR/EIS Appendix 3.1-A, Parcels within the HSR Project Footprint, for additional information regarding the types of project footprint (e.g., permanent right-of-way, temporary construction easement) in these locations. As the project footprint includes these areas, and the evaluation of direct impacts for biological and aquatic resources was based on the project footprint (see Table 3.7-1), the impact analysis in Section 3.7.8, Environmental Consequences, consequently reflects the impacts on biological and aquatic resources within the portions of the project footprint associated with relocation of the Tunnel Avenue overpass near Guadalupe Valley Creek and relocation of the Brisbane fire station. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2104

The comment states that the acres of impacts in the Draft EIR/EIS are different than the technical study for the same resource topics. This discrepancy is due to different project area limits between the documents. The San Francisco to San Jose Project Section Draft EIR/EIS evaluates the impacts along the entire Project Section between the 4th and King Street Station in San Francisco to West Alma Avenue south of the San Jose Diridon Station. As explained in Section 2.1, Introduction, of the Draft EIR/EIS, the San Jose Diridon Station Approach Subsection was fully analyzed as part of the San Jose to Merced Project Section Draft EIR/EIS and corresponding technical reports. The analysis of this subsection has been incorporated into the San Francisco to San Jose Project Section Draft EIR/EIS to support a station-to-station analysis with logical termini for the San Francisco to San Jose Project Section. Accordingly, the Draft EIR/EIS evaluates project impacts between 4th and King Street Station in San Francisco and West Alma Avenue in San Jose, whereas the technical reports evaluate the portions of the Project Section between 4th and King Street Station in San Francisco and Scott Boulevard in Santa Clara. For these reasons, there are differences in the acreage of impacts reported for the project alternatives in the Draft EIR/EIS and technical report. The impacts reported in the San Jose to Merced technical report for the San Jose Diridon Station Approach Subsection, when combined with impacts reported in the San Jose to San Francisco technical report, are the same as was disclosed in the Draft EIR/EIS and as such there is no inconsistency. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2105

Impacts on the species noted by commenter are discussed are provided in the San Jose to Merced Project Section Biological and Aquatic Resources Technical Report (Authority 2020f), because all of these species are located in the San Jose Diridon Station Approach Subsection; this includes the San Francisco dusky-footed woodrat (see p. 6-42), least Bell's vireo, yellow warbler, and tricolored blackbird see (p. 6-37. Please also refer to the response to submission FJ-1164, comment 2104, which addresses the different project limits between the documents. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2106

Please refer to the response to submission FJ-1164, comment 2104, which addresses this topic. The impact totals in Table 1 of the pCMP are consistent with the impact totals for Alternative A, CWA Section 404 Aquatic Resources, in Table 3.7-14 of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2107

The comment states that the Draft EIR/EIS does not disclose impacts of relocating 2,300 linear feet of Visitation Creek. The comment appears to refer to a potential compensatory mitigation concept that the Authority considered in the pCMP, which would involve rerouting Visitation Creek into an open channel to connect to Brisbane Lagoon. As explained in the response to submission FJ-1164, comment 1638, this concept is not part of the either project alternative evaluated in the Draft EIR/EIS; rather, it was one of several potential compensatory mitigation measures that the Authority was considering, which has subsequently been withdrawn from consideration in favor of off-site mitigation.

The comment also states that the summary information in the Draft EIR/EIS Table 3.7-20 is flawed. As stated under BIO-MM#8, Table 3.7-20 identifies the secondary impacts associated with off-site restoration activities that would be implemented as mitigation for the project's impacts on biological resources. The commenter appears to have conflated the impacts identified in Table 3.7-20 with that would be required to reroute Visitation Creek into an open channel to connect to Brisbane Lagoon. As previously explained, this concept was not evaluated in the Draft EIR/EIS as part of the project or as mitigation, and has been withdrawn from consideration in favor of off-site mitigation. Off-site restoration activities would not occur on the site of the former Brisbane Landfill. In subsequent individual comments, the commenter provided specific suggestions regarding Table 3.7-20. Each of these specific comments is addressed below in responses to submission FJ-1165, comments 2109 through 2115.

### 1165-2108

Please refer to the response to submission FJ-1165, comment 1970, which addresses this topic.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2109

The comment states that the Transportation column in Table 3.7-20 in the Draft EIR/EIS ignores the tens of thousands of truck trips that would be required to haul more than 1–2 million cubic yards of materials off-site from LMF construction. As stated under BIO-MM#8, Table 3.7-20 identifies the secondary impacts associated with off-site restoration activities that would be implemented as mitigation for the project's impacts on biological resources. The commenter appears to have conflated this assessment with the impacts of off-site hauling of materials that would be required to construct the Brisbane LMF. These are distinct analyses that have been evaluated separately in the EIR/EIS.

### 1165-2110

The comment asks where off-site mitigation sites in rural areas would be available within the Peninsula region containing similar habitat types to those that would be affected by the project. Please refer to the pCMP, available upon request, which includes this information. As stated in Section 1.1, Purpose of the Preliminary Compensatory Mitigation Plan, the primary purpose of this pCMP is to illustrate the availability of lands to meet compensatory mitigation needs for offsetting the project's impacts on waters of the U.S. regulated under Section 404 of the federal CWA. The secondary purpose of the pCMP is to identify initial approaches to meet compensatory mitigation needs for offsetting impacts on species listed under FESA. For waters of the U.S. and for species habitat, the pCMP indicated that sufficient sites or other compensatory mitigation approaches were available in the affected watersheds to meet mitigation needs. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2111

The comment asks where off-site mitigation sites in rural areas would be available within the Peninsula region containing similar habitat types to those that would be affected by the project. Please refer to the response to submission FJ-1165, comment 21101, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2112

The comment states that the Hazardous Materials and Wastes column in Table 3.7-20 in the Draft EIR/EIS fails to address potential for encountering trash in the former Brisbane Landfill. As stated under BIO-MM#8, Table 3.7-20 identifies the secondary impacts associated with off-site restoration activities that would be implemented as mitigation for the project's impacts on biological resources. Off-site restoration activities would not occur on the site of the former Brisbane Landfill. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2113

The comment states that the Safety and Security column in Table 3.7-20 in the Draft EIR/EIS fails to address the City of Brisbane's open space plan for the Baylands that proposes a passive park and trails adjacent to Visitacion Creek. As stated under BIO-MM#8, Table 3.7-20 identifies the secondary impacts associated with off-site restoration activities that would be implemented as mitigation for the project's impacts on biological resources. Off-site restoration activities would not occur within the project area and therefore the City of Brisbane's open space plan for the Baylands did not need to be included in Table 3.7-20. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2114

The comment asks where off-site mitigation sites in rural areas would be available within the Peninsula region containing similar habitat types to those that would be affected by the project. Please refer to the response to submission FJ-1165, comment 2111, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2115

The comment states that the Parks, Recreation, and Open Space column in Table 3.7-20 in the Draft EIR/EIS fails to address the City of Brisbane's open space plan for the Baylands that proposes a passive park and trails adjacent to Visitacion Creek. As stated under BIO-MM#8, Table 3.7-20 identifies the secondary impacts associated with off-site restoration activities that would be implemented as mitigation for the project's impacts on biological resources. Off-site restoration activities would not occur within the project area and therefore the City of Brisbane's open space plan for the Baylands did not need to be included in Table 3.7-20. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2116

Section 3.8, Hydrology and Water Resources, of the Draft EIR/EIS quantifies the total amount of earthwork required to construct the LMF, including both excavation of existing material at the site as well as import fill quantities, based on the preliminary level of design. Furthermore, Section 3.10, Hazardous Materials and Wastes, describes the expected character of material that may be encountered during excavations at the proposed LMF site as well as what may be done to remediate/control contamination in those excavations. The actions that would be taken to remediate and control contamination encountered at the LMF site would be coordinated with applicable oversight agencies. When these remedial/control actions are coupled with measures that would be prescribed in the SWPPP to minimize the transport of sediment off-site by wind and water erosion, the Authority believes adequate safeguards would be incorporated into the LMF construction process such that it would avoid substantial impacts on water quality. The details of temporary stream diversions required for the project have not been determined at this time, including those required for Visitacion Creek and Guadalupe Valley Creek. However, these diversions are expected to be required for the project to modify existing culverts/bridges at these waterways. It is typical of most construction projects to determine the details of temporary stream diversions during final design rather than during the environmental review phase. Furthermore, the details of these temporary stream diversions would be subject to regulatory authorizations under state and federal laws, including the Porter-Cologne Act and the Sections 404 and 401 of the Clean Water Act, the approval of the SWRCB as part of the CWA Section 401 permitting process, and potentially other agencies including CDFW. Additionally, SWPPPs are typically prepared by a construction contractor during the construction phase, but the performance requirements of the Construction General Permit (CGP) would ensure that the project would not substantially affect water quality. Please refer to the response to submission FJ-1164, comment 1683, which provides additional discussion on this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2117

Please refer to the response to submission FJ-1164, comments 1677 and 1684. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2118

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

As with other project sections of the HSR system that are currently in the final design phase, final drainage design would include close coordination with local jurisdictions. During the more detailed final design phase, the design-build contractor would prepare drainage plans and drainage reports describing modifications to and impacts on existing drainage systems, entirely new drainage systems, calculations used to develop the drainage design, and applicable local design criteria. Drainage plans and drainage reports would be prepared and submitted to local agencies for review and comment. Where proposed drainage systems would connect with local drainage systems or modifications to local drainage systems are required, the design would comply with local design standards. Otherwise, drainage systems would be designed according to the Authority's Hydraulic and Hydrology Guidelines (TM 2.6.5), which is available at the Authority's website: [https://hsr.ca.gov/programs/environmental/guidelines\\_reports.aspx](https://hsr.ca.gov/programs/environmental/guidelines_reports.aspx) (Authority 2011b). It is expected that local agencies would be responsible for maintaining drainage systems within local rights-of-way. Because the design of these drainage systems would be coordinated with the local agency, they would meet local design and performance requirements. The Authority would be responsible for maintaining drainage systems within dedicated HSR right-of-way, while Caltrain would be responsible for maintaining drainage systems within the existing Caltrain right-of-way. The comment did not result in any revisions to the Draft EIR/EIS.

Please also refer to the response to submission FJ-1164, comment 1676, which addresses the commenter's assertion that HYD-IAMF#1 does not include performance standards.

### 1165-2119

Please refer to the response to submission FJ-1164, comment 1683, which addresses this topic in detail. As noted in that response, additional information about hazardous materials and soils that may be encountered during construction of the LMF and associated project features was added to Impact HYD#4 of the Final EIR/EIS.

### 1165-2120

Impact HYD#4 discusses temporary water quality impacts, which do not include relocation of aquatic resources; information on the relocation of Visitacion Creek and other permanent water quality impacts can be found in Impact HYD#5. As described in Table 2-21 in Chapter 2, Alternatives, and shown in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, Alternative A would place Visitacion Creek into an underground culvert on the existing alignment below the East Brisbane LMF. The description under Impact BIO#19 of "relocating a portion of Visitacion Creek" referred to relocating the creek into a culvert; this text has been further clarified in the Final EIR/EIS. The project does not include realigning Visitacion Creek into Brisbane Lagoon, and for that reason, the temporary and permanent impacts associated with this concept have not been evaluated.

### 1165-2121

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

Based on the current design and projections of sea level rise, the ground surface of the East or West Brisbane LMF would not be susceptible to flooding during the 100-year high tide in either 2050 or 2100. Clarifying text about the vulnerability of the LMF to sea level rise was added to Section 3.8.10, Vulnerability and Adaptation to Sea Level Rise, of the Final EIR/EIS.

Contrary to the commenter's assertions, the Authority did prepare a preliminary drainage study to support the environmental analysis—the *San Francisco to San Jose Project Section Hydrology and Hydraulics Report –RECORD PEPD* (Authority 2019g). A final drainage study would be prepared during final design, and would include survey information, detailed calculations, and additional information about watersheds in relation to impervious surfaces.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2122

As described in Section 3.9.4.2, Geology, Soils, and Seismicity, of the Draft EIR/EIS, the methods used for performing impact analysis included an extensive review of information from published maps, professional publications, and reports pertaining to the geology, soils, and seismicity in the vicinity of the project. Chapter 4, Methods for Evaluating Effects, of the San Francisco to San Jose Project Section Geology, Soils, and Seismicity Technical Report (Authority 2019e) further describes the sources used for the analysis. These methods are appropriate for understanding the geotechnical hazards along the approximately 49-mile project corridor at a level of detail needed to disclose the project's environmental impacts, consistent with CEQA and NEPA requirements.

The HSR project would be constructed as a design-build project—an approach common for large transportation infrastructure projects. Preliminary engineering design was the basis for the analysis in the Draft EIR/EIS, whereas the final engineering design would be completed by the contractor chosen to build the project. Additional geotechnical information would be collected, and analysis would be performed, as a part of the contractor's geotechnical design; this approach is consistent with standard practices for design-build projects, where the environmental analysis process occurs before completion of final engineering design. The additional geotechnical information would inform the final engineering design. If project changes are proposed during the final engineering design, the Authority has established a process for conducting environmental reexaminations to evaluate the impacts of these project changes during the post-approval project implementation phase. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2123

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

Please refer to the response to submission FJ-1164, comment 1556, which addresses how the Draft EIR/EIS adequately evaluates impacts associated with project construction on unstable soils. Please also refer to the response to submission FJ-1164, comment 2122, which addresses the commenter's concern with deferred site-specific geotechnical studies.

With respect to the commenter's concern that there should be clear performance standards for potential design solutions, inherent in GEO-IAMF#10 are performance standards embedded within applicable engineering standards with which the project must comply. For example, the codes and standards established in the IBC and ASCE-7 would be used for the design of maintenance facilities and structures; these establish minimum requirements for geotechnical investigations, levels of earthquake ground shaking, minimum standards for structural design, and inspection and testing requirements. These engineering standards have been proven effective at safeguarding public health, safety, and general welfare from hazards associated with the built environment. Refer to the Final EIR/EIS Appendix 2-E, Project Impact Avoidance and Minimization Features, for additional information regarding the specific performance standards that will be incorporated into facility design and construction.

With respect to the commenter's concern whether feasible design solutions are available to address soil settlement in the vicinity of the Brisbane LMF, the history and experience of building structures and infrastructure on landfills indicates the proposed HSR improvements are feasible considering the project features. Many projects have been successfully constructed on closed landfills in the Bay Area. A few specific examples include the Home Depot in Colma, which was constructed on the former Junipero Serra Landfill on up to 135 feet of refuse over Colma Sand; the Sierra Point Office Buildings in Brisbane, which were constructed on up to 20 feet of refuse associated with the Sierra Point Solid Waste Disposal Site over 90 feet of Bay Mud; and the Shoreline Amphitheatre in Mountain View, which was constructed on up to 30 feet of refuse associated with the former Shoreline Regional Park Landfill. The Draft EIR/EIS identifies a range of potential solutions that include ground improvement such soil replacement or

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2123

preloading to reduce future ground settlement or using deep foundation systems such as piles to transfer the weight of a building to soil/rock below the refuse. These engineering solutions would be effective in addressing soil settlement. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2124

The impact analysis of the Draft EIR/EIS provides summarized technical information sufficient to assess the environmental impacts of the project. Section 3.9.5.1, Physiography and Regional Geologic Setting, Geologic Conditions, and Soils, of the Draft EIR/EIS provides information about the presence of expansive soils. Specifically, Figure 3.9-6 maps the soil associations in the RSA and Table 3.9-5 summarizes the soil hazards for each soil association, providing the context for the impact analysis. Impact GEO#2 addresses the impacts of building the project alternatives on expansive soil and identifies the project features in each subsection that may be affected by construction on expansive soils.

The analysis explains that the design-build contractor would assess soil conditions and then undertake activities, such as treatment with soil additives to reduce shrink-swell potential or excavation and replacement of soils, in accordance with relevant guidelines and standards such as those developed by AREMA, FHWA, and Caltrans (GEO-IAMF#1, GEO-IAMF#10). A CMP would be developed to address how and where these techniques would be used to minimize or avoid exposure of people or structures to impacts from expansive soils (GEO-IAMF#1). As a result, construction activities would not increase exposure of people to injury or loss of life or property to damage or destruction from expansive soils. Accordingly, the impact would be less than significant under CEQA, and no mitigation measures would be required.

With respect to the commenter's concern that there should be clear performance standards for potential design solutions, GEO-IAMF#10 includes performance standards reflecting the applicable engineering standards the project must comply with. For example, the codes and standards established in the IBC and ASCE-7 would be used for the design of maintenance facilities and structures; these establish minimum requirements for geotechnical investigations, minimum standards for structural design, and inspection and testing requirements. These engineering standards have been proven effective at safeguarding public health, safety, and general welfare from hazards associated with the built environment. Refer to the Final EIR/EIS Appendix 2-E, Project Impact Avoidance and Minimization Features, for additional information regarding the specific performance standards that will be incorporated into facility design and construction.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2124

The Draft EIR/EIS identifies a range of feasible engineering solutions, which would be available to address geotechnical constraints. As described in Impact GEO#2, these engineering solutions include treating expansive soils with additives, such as cement or lime, to reduce the shrink-swell potential or excavating and replacing expansive soil with nonexpansive soil. These methods of construction in expansive soils are typical and effective for other projects in the region.

With regard to the commenter's concern with the lack of site-specific geotechnical studies, please refer to the response to submission FJ-1164, comment 2122, which addresses this topic.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2125

Please refer to the responses to submission FJ-1164, comments 1552, 1553, and 1555, which address the commenter's assertion that IAMFs are deferred mitigation measures.

Please refer to the response to submission FJ-1164, comment 2122, which addresses the commenter's concern with deferred site-specific geotechnical studies.

Please refer to the responses to submission FJ-1165, comments 2123 and 2124, which address how the Draft EIR/EIS adequately evaluates impacts associated with project construction on unstable soils (Impact GEO#1) and expansive soils (Impact GEO#2). Similarly, the discussion of the affected environment and the impact analysis presented under Impacts GEO#3, GEO#4, GEO#5, and GEO#8 provide summarized technical information sufficient to assess the environmental impacts of the project. Additional geotechnical information would be collected and analysis would be performed as a part of the contractor's geotechnical design; this information would inform the final design and engineering solutions that would address geotechnical constraints during construction and operation.

Performance standards are included in GEO-IAMF#10 reflecting applicable engineering standards with which the project must comply. This includes site-specific design-level geotechnical studies by a licensed engineer. These engineering standards have been proven effective at safeguarding public health, safety, and general welfare from hazards associated with the built environment. Refer to the Final EIR/EIS Appendix 2-E, Project Impact Avoidance and Minimization Features, for additional information regarding the specific performance standards that will be incorporated into facility design and construction.

The Draft EIR/EIS identifies a range of feasible engineering solutions for addressing geotechnical constraints; these engineering and construction measures are standard in the construction industry because they are considered effective.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2126

Please refer to the response to submission FJ-1164, comment 1548, which addresses how the Draft EIR/EIS adequately addressed geotechnical hazards relevant to construction on a landfill. Please refer to Impact HMW#10 in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS, which addresses the hazards to the public or environment associated with handling or release of hazardous due to project construction within a landfill. Project engineers estimated the amount of excavation based on the preliminary engineering design, which reflects the proposed elevations of the East Brisbane LMF (20 feet) and West Brisbane LMF (27 feet), digital elevation models developed by Caltrain for PCEP, and available information characterizing the former Brisbane Landfill. This information is at a sufficient level of detail to disclose the environmental impacts of the project, consistent with CEQA and NEPA requirements. Detailed site surveys and grading plans would be developed as part of final design.

With respect to volumes of excavated material, please refer to the response to submission FJ-1165, comment 1904, which addresses the evaluation of the excavation and disposal of hazardous materials required to construct the Brisbane LMF in Section 3.10. As discussed in the response to submission FJ-1164, comment 1392, certain construction assumptions regarding the characteristics and quantities of excavated materials, as well as the disposal of materials, have been revised for the Final EIR/EIS. Please refer to Section 2.10.3, Major Construction Activities, for an updated description of the construction assumptions, including those related to the quantity of excavated materials, characterization of those materials, transport of materials, and disposal locations. These revisions have resulted in some revisions to the analysis in the Final EIR/EIS but have not resulted in any changes to the impact conclusions presented in the Draft EIR/EIS.

### 1165-2127

Please refer to the response to submission FJ-1165, comment 1970, which addresses this topic.

### 1165-2128

Please refer to the response to submission FJ-1165, comment 1551.

### 1165-2129

The comment indicates that the Draft EIR/EIS does not address Title 27 requirements for the East Brisbane LMF within the Brisbane Landfill. Please refer to the Draft EIR/EIS Section 3.10.2.2, State, subsection Closure and Post-Closure Maintenance of Landfills, and Impact HMW#2, which include information pertaining to Title 27 requirements that specify a post-closure cap and maintenance plan be prepared for redevelopment over existing landfills. While the initial impact would be temporary during construction, the intent of the remedial action plan is to address long-term protection of human health and the environment in the post-closure condition. Additional discussion about the requirements under Title 27 has been added to Impact HMW#10 of the Final EIR/EIS.

### 1165-2130

Please refer to Impact GEO#6 in the Draft EIR/EIS, which addresses geotechnical hazards relevant to construction on a landfill. Construction techniques such as ground improvement or soil replacement may apply to track alignments as well as buildings. Additional geotechnical information would be collected and analysis would be performed as a part of the contractor's geotechnical design, which would inform the specific measures. In addition, the Authority would develop a stringent track monitoring program to monitor the effects of ongoing subsidence and a maintenance program to restore any track tolerances that are not meeting specifications (GEO-IAMF#9) to address hazards associated with long-term subsidence during project operations. Please refer to Impact HMW#10 in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS, which addresses the hazards to the public or environment associated with the handling or release of hazardous materials due to project construction within a landfill. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2131

Please refer to the responses to submission FJ-1164, comments 1548 and 1559, which address the topic raised by this comment related to materials removed from the former landfill, the geotechnical analysis related to the impacts of constructing the East Brisbane LMF on a former landfill, remedial measures, and Title 27 compliance.

### 1165-2132

As described under Impact HMW#2 in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS Phase I and II ESAs, would be conducted during the right-of-way acquisition phase, and appropriate remediation, including removal of contamination, in-situ treatment, or soil capping, would be conducted prior to acquisition (HMW-IAMF#1) with appropriate regulatory agency oversight (e.g., Regional Water Quality Board, Department of Toxic Substances Control). Additionally, as described under Impact HMW#10, for construction of the East Brisbane LMF under Alternative A, the Authority's contractor would be required to prepare a removal action plan for excavating into the former Brisbane landfill that would determine the requirements for removal, transportation and disposal of excavated materials, air monitoring, regulatory concerns, and worker health and safety. Any on-site management, transport, and disposal of hazardous materials associated with construction on the former landfill would comply with applicable state and federal regulations, such as RCRA, CERCLA, the Hazardous Materials Release Response Plans and Inventory Law, and the Hazardous Waste Control Act, as well as permit conditions (HMW-IAMF#7, HMW-IAMF#8).

As discussed in Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features, IAMFs reflect project features that the Authority has committed to as part of the project design. IAMFs were developed at a statewide level to ensure consistency across all HSR project sections and to reflect uniformity in the commitment of the Authority to ensure environmental effects can be avoided or minimized throughout project design and planning. The impact analysis for each resource section describe the IAMFs and explain how they will be effective. Please refer to the responses to submission FJ-1164, comments 1561 through 1567, which addresses the commenter's more detailed assertions that the IAMFs are deferred, incomplete and ineffective.

### 1165-2133

The comment indicates that the Draft EIR/EIS does not address site remediation for UPC-OU-SM and UPC-OU-2. In response to this comment, additional analysis based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns, and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1165-2134

Please refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS, including those related to the quantity of excavated materials, characterization of those materials, transport of materials, and disposal locations. Table 2-25 identifies that the West Brisbane LMF would require the disposal of an estimated 1,463,700 cubic yards of material, of which 432,000 cubic yards would require special disposal as hazardous waste; the remainder would be disposed of as solid waste.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2135

The comment indicates that the Draft EIR/EIS does not address site remediation for the West Brisbane LMF. Excavation and site remediation were evaluated in the construction impact assessment in the Draft EIR/EIS. A more detailed description of these activities has been added to Section 2.10.3.4, Brisbane Light Maintenance Facility, of the Final EIR/EIS and the need for site remediation and landfill closure approvals have been added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

Additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. Additionally, Section 3.18, Cumulative Impacts has been updated to include planned development consistent with the 2018 Brisbane General Plan Amendment analysis, which requires remediation of the site prior to implementation. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA.

### 1165-2136

The comment states that the Draft EIR/EIS likely understates the material excavation and hauling required for the East Brisbane LMF. Please refer to the response to submission FJ-1164, comment 1574, which addresses the methods for estimating the excavation quantities for the Draft EIR/EIS. Please also refer to response to submission FJ-1165, comment 1970, which addresses the evaluation of material disposal due to construction of the Brisbane LMFs in the Draft EIR/EIS and revisions to these assumptions for the Final EIR/EIS.

The comment also indicates that the Draft EIR/EIS does not address local oversight and consideration of remediation and handling of hazardous waste. Please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements. In response to this comment, Impact HMW#10 in Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS has been clarified as it relates to the requirements of Title 27.

### 1165-2137

The comment indicates that the Draft EIR/EIS does not address Title 27 requirements for the East Brisbane LMF within the Brisbane Landfill. As described under Impact HMW#2 in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS Phase I and II ESAs, would be conducted during the right-of-way acquisition phase, and appropriate remediation, including removal of contamination, in-situ treatment, or soil capping, would be conducted prior to acquisition (HMW-IAMF#1) with appropriate regulatory agency oversight (e.g., Regional Water Quality Board, Department of Toxic Substances Control). Additionally, as described under Impact HMW#10, for construction of the East Brisbane LMF under Alternative A, the Authority's contractor would be required to prepare a removal action plan for excavating into the former Brisbane landfill that would determine the requirements for removal, transportation and disposal of excavated materials, air monitoring, regulatory concerns, and worker health and safety. Any on-site management, transport, and disposal of hazardous materials associated with construction on the former landfill would comply with applicable state and federal regulations, such as RCRA, CERCLA, the Hazardous Materials Release Response Plans and Inventory Law, and the Hazardous Waste Control Act, as well as permit conditions (HMW-IAMF#7, HMW-IAMF#8).

To address this comment, additional discussion of potential impacts on landfill redevelopment has been added to HMW#10 of the Final EIR/EIS. In accordance with Title 27 requirements, the final post-closure landfill cap and maintenance would include any post-construction, monitoring, sampling, or other actions that are required to conform with Title 27 requirements.

The project description and impact analysis presented in the Draft EIR/EIS accounts for need for partial closure under Title 27 for the portions of the landfill within the project footprint. Please refer to the response to submission FJ-1165, comment 1934, which describes how construction-related analysis throughout various sections of the EIR/EIS take into consideration the need for remediation prior to the start of construction.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2138

Please refer to the response to submission FJ-1164, comment 1574, which addresses the methods for estimating the excavation quantities for the Draft EIR/EIS.

The nature of the excavated materials was considered in the estimates of solid waste and hazardous waste generated by project construction presented under Impact PUE#7 in Section 3.6, Public Utilities and Energy. Additional clarification about the quantities of hazardous materials that would be transported has been added to Impact HMW#1 in Section 3.10, Hazardous Materials and Wastes, of the Final EIR/EIS. Additionally, please refer to Section 2.10.3, Major Construction Activities, of the Final EIR/EIS for additional information about construction assumptions for the project alternatives, including the Brisbane LMF.

### 1165-2139

The comment asserts that the Draft EIR/EIS cannot substantiate the conclusion for HMW#1 or the validity of the construction-related air quality analysis without determining the amount of solid waste that would be excavated from the landfill and characterizing those wastes. Please refer to the response to submission FJ-1165, comment 1904, which addresses the evaluation of the excavation and disposal of hazardous materials required to construct the Brisbane LMF in Section 3.10, Hazardous Materials and Wastes. Please also refer to response to submission FJ-1164, comment 1392, which addresses the evaluation of material disposal during construction of the Brisbane LMFs in the air quality analysis.

### 1165-2140

This comment provides a conclusion based on the concerns raised in other comments, each of which have been separately addressed. While revisions and clarifications have been made to Impact HMW#1, HMW#2, and HMW#10 in the Final EIR/EIS to address some of the specific concerns raised by the commenter, the revisions did not result in any changes to the impact conclusions. Please refer to the responses to submission FJ-1164, comments 1561 through 1567, which addresses the commenter's more specific assertions that the IAMFs are deferred, incomplete and ineffective.

### 1165-2141

The information provided in the Draft EIR/EIS is based on the preliminary engineering and provides a sufficient level of detail to disclose the environmental impacts of the project, consistent with CEQA and NEPA requirements. Based on the preliminary engineering in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, the Authority anticipates the removal of all refuse within the East Brisbane LMF footprint prior to construction. However, detailed site surveys, geotechnical investigations and design, and grading plans, would be developed as part of final design. This approach is consistent with standard practices for design-build projects, where the environmental analysis process occurs before completion of final engineering design.

### 1165-2142

Settlement due to refuse and compressible soil is influenced by the material properties, proposed loads, and foundation elements. Previous analyses documented in the Brisbane Baylands Draft EIR estimated that 6 to 30 inches of settlement may occur in the former landfill area, with additional potential settlement from new fill, new buildings, and liquefaction (City of Brisbane 2013b). Additional geotechnical information would be collected and analysis would be performed as a part of the contractor's geotechnical design, which would inform the ground improvements and foundation design to address subsidence. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2143

As noted under Impact GEO#6, the potential for settlement would be minimized by project features that require the use of ground improvement methods such as preloading or the use of deep foundations systems such as driven piles to transfer the weight of structures to soil or rock. These methods are commonly used for structures constructed on landfills and the specific method selected would be informed by additional site-specific geotechnical analysis prepared by a licensed geotechnical engineer. Additionally, as explained under Impact GEO#6, structures would be built using the latest California Building Code, which sets performance standards for building design in areas undergoing compaction, requiring the contractor to account for ground settlement resulting from the compression or decomposition of landfill refuse (GEO-IAMF#10). In this manner, the project design would address ground settlement (including subsidence) and prevent potential risks of injury, loss of life, or destruction of property; accordingly, no mitigation would be required. Please refer to Section 3.4, Noise and Vibration, of the Draft EIR/EIS for the evaluation of noise and vibration impacts; the analysis under Impacts NV#1 and NV#8 includes an evaluation of construction noise and vibration impacts associated with pile driving. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2144

Please refer to the response to submission FJ-1165, comment 1963, which addresses this topic.

### 1165-2145

The Authority would acquire land from property owners whose land is directly affected by the project in accordance with the Uniform Relocation Act (42 U.S.C. Chapter 61). Parcel-specific analysis will take place during the appraisal process before property acquisition, consistent with the Uniform Relocation Act, which establishes minimum standards for the treatment of and compensation to individuals whose real property is acquired for a federally funded project. The specific details about ownership and responsibility for the western landfill slope and other portions of the landfill not required for construction of the Brisbane LMF would be negotiated through the appraisal and acquisition process. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2146

The comment relates to Title 27 requirements for the East Brisbane LMF within the Brisbane Landfill, which would include closure and post-closure maintenance requirements. Please refer to the Title 27 document for a complete list of requirements; the final post-closure landfill cap and maintenance plan will address these issues in accordance with Title 27 requirements. A summary of applicable Title 27 requirements for capping and closure design for the landfill has been added to Impact HMW#10 of the Final EIR/EIS.

### 1165-2147

The project description and impact analysis presented in the Draft EIR/EIS accounts for need for partial closure under Title 27 for the portions of the landfill within the project footprint. Please refer to the response to submission FJ-1165, comment 1934, which describes how construction-related analysis throughout various sections of the EIR/EIS take into consideration the need for remediation prior to the start of construction.

Please refer to the response to submission FJ-1165, comment 2146, which addresses Title 27 related requirements and revision implemented to the Final EIR/EIS to further clarify these requirements.

### 1165-2148

Partial closure is acceptable by Title 27 requirements for the area of the landfill within the footprint of the Brisbane LMF. In accordance with Title 27 requirements, the final post-closure landfill cap and maintenance plan would address the portion of the landfill that is redeveloped. This would be handled with methods similar to redevelopment across the entire footprint. Necessary monitoring controls would be in place in accordance with the landfill cap and maintenance plan to ensure long-term health impacts are mitigated. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2149

Impact PUE#7 in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS provided an estimate of the amount of solid waste and hazardous waste generated by project construction. Assumptions regarding the quantities of hazardous material to be disposed of under the East Brisbane LMF have been refined for the Final EIR/EIS. Please refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS, including those related to the quantity of excavated materials, characterization of those materials, transport of materials, and disposal locations. Table 2-25 has been updated for the Final EIR/EIS to specifically identify the quantities of material that would be disposed of as solid waste and hazardous waste.

### 1165-2150

Please refer to the response to submission FJ-1165, comment 1967, which addresses this topic.

### 1165-2151

Refer to Section 3.10.7, Mitigation Measures, of the Draft EIR/EIS which includes a description of HMW-MM#1. The Authority identified mitigation measures where impacts were determined to be significant under CEQA or if an adverse effect would occur under NEPA. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2152

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The information provided in the Draft EIR/EIS is at a sufficient level of detail to disclose the environmental impacts of the project, consistent with CEQA and NEPA requirements. While revisions and clarifications have been made to Impact HMW#1, HMW#2, and HMW#10 in the Final EIR/EIS to address some of the specific concerns raised by the commenter, the revisions did not result in any changes to the impact conclusions.

### 1165-2153

GEO-IAMF#3 would require the preparation of a CMP addressing how gas monitoring would be conducted during construction, how the project would comply with strict OSHA/Cal-OSHA regulatory requirements for excavation, and would identify construction BMPs including the use of safe and explosion-proof equipment during construction and regular testing for gases. In addition, installation of passive or active venting systems, as well as active monitoring systems and alarms would be required. These measures are proven methods of significantly reducing or eliminating hazards related to potential migration of hazardous gases due to presence of subsurface sources. In this way, GEO-IAMF#3 addresses both worker safety and the safety of the community during construction by reducing the potential for hazards and requiring consultation with regulatory agencies such as the consulting with other agencies as appropriate, such as the DTSC, regarding known areas of concern. Other project commitments and actions, such as adherence to landfill closure requirements (Cal. Code Regs., Title 27), discussed in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS would address the long-term requirements for landfill gas monitoring.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2154

The comment indicates that the Draft EIR/EIS does not analyze site-specific hazards associated with, or address oversight related to the LMF construction for both alternatives. Impact HMW#2 in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS addresses construction-related impacts associated with construction on PEC sites, including Tuntex Properties (OU-1), SPRR Brisbane (OU-2), and the former Brisbane Class II Landfill).

As explained under Impact HMW#2, testing and appropriate remediation, including removal of contamination, in-situ treatment, or soil capping, would be conducted prior to acquisition (HMW-IAMF#1) with appropriate regulatory agency oversight (e.g., Regional Water Quality Board, Department of Toxic Substances Control), which would minimize potential effects from construction on or near PEC sites. The Authority would implement other project features (HMW-IAMF#3, HMW-IAMF#4) to minimize potential exposure to contaminants from known and undocumented PEC sites. In addition, construction on the landfill would require additional project features (HMW-IAMF#2, GEO-IMAF#3, HMW-IAMF#7, HMW-IAMF#8) and Title 27 compliance, which would avoid or minimize risks associated with construction on or near a former landfill. Additional discussion of Title 27 requirements has been added to Impact HMW#10 in the Final EIR/EIS.

Additional analysis based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; Section 3.10.5.10, Leaching or Off-Gas from Landfills; and Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS. Specifically, Impact HMW#2 under Section 3.10.6.2 was revised to clarify the PEC sites that are currently under regulatory oversight. Because impacts associated with construction of the project at these locations would be less than significant, no mitigation measures were identified.

### 1165-2155

The comment indicates that HMW-IAMF#2 is inadequate to address impacts associated with construction the East Brisbane LMF on a former landfill. HMW-IAMF#2 would reduce potential impacts resulting from hazardous materials and waste by requiring additional methane protection construction procedures for work within 1,000 feet of a landfill including detection systems and personnel training. HMW-IAMF#2 also indicates that work will be undertaken pursuant to Title 27 requirements. In accordance with Title 27 requirements, the final post-closure landfill cap and maintenance plan will be required. This plan would include post-construction, monitoring, sampling, and other actions that are required to conform with Title 27 requirements. The intent of this plan is to address long-term protection of human health and the environment in the post-closure condition. Additional discussion of Title 27 requirements has been added to Impact HMW#10 in the Final EIR/EIS.

Title 27 closures and site remediation would occur subject to the regulatory authority of the Regional Water Quality Control Board and California Department of Toxic Substances Control. Site remediation and landfill closure approvals have been added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

Additionally, as described under Impact HMW#10, for construction of the East Brisbane LMF under Alternative A, the Authority's contractor would be required to prepare a removal action plan for excavating into the former Brisbane landfill that would determine the requirements for removal, transportation and disposal of excavated materials, air monitoring, regulatory concerns, and worker health and safety.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2156

Please refer to the response to submission FJ-1164, comment 1564, which addresses the commenter's concerns about the adequacy of HMW-IAMF#4. As noted in that response, Section 3.10, Hazardous Materials and Wastes, does not claim that HMW-IAMF#4 would address known contamination.

Impact HMW#2 in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS addresses construction-related impacts associated with construction on PEC sites, including Tuntex Properties (OU-1), SPRR Brisbane (OU-2), and the former Brisbane Class II Landfill). As explained under Impact HMW#2, testing and appropriate remediation, including removal of contamination, in-situ treatment, or soil capping, would be conducted prior to acquisition (HMW-IAMF#1) with appropriate regulatory agency oversight (e.g., Regional Water Quality Board, Department of Toxic Substances Control), which would minimize potential effects from construction on or near PEC sites.

Impact HMW#10 addresses the hazards to the public or environment associated with the handling or release of hazardous materials and waste due to project construction on and within a landfill. As described under Impact HMW#10, for construction of the East Brisbane LMF under Alternative A, the Authority's contractor would be required to prepare a removal action plan for excavating into the former Brisbane landfill that would determine the requirements for removal, transportation and disposal of excavated materials, air monitoring, regulatory concerns, and worker health and safety. Title 27 closures and site remediation would occur subject to the regulatory authority of the Regional Water Quality Control Board and California Department of Toxic Substances Control. The contractor would follow the OSHA, USEPA, and DTSC regulatory requirements for construction on landfills, thereby reducing risks associated with landfill gas. Methane protection measures would be implemented as part of the removal action plan and would include a continued gas control system, a gas monitoring system, proper ventilation and respiratory equipment, and the management of ignition sources. In addition, any on-site management, transport, and disposal of hazardous materials associated with construction on the former landfill would comply with applicable state and federal regulations, such as RCRA, CERCLA, the Hazardous Materials Release Response Plans and Inventory Law, and the Hazardous Waste Control Act, as well as permit conditions (HMW-IAMF#7, HMW-IAMF#8).

### 1165-2157

The comment provides an introductory statement prior to more detailed comments about impacts on emergency response. Each of the more detailed comments are addressed below.

### 1165-2158

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the project includes relocation of Brisbane's existing fire station and asserts that the proposed relocation in the Draft EIR/EIS is infeasible. As explained in the standard response referenced above, the Final EIR/EIS includes revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and clarifies the access design (for Alternative B). These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff.

### 1165-2159

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that construction of a new fire station must be completed prior to demolition of the existing Tunnel Avenue overpass as described in the Draft EIR/EIS. As explained in detail in the standard response, the Authority has identified a feasible approach to phased construction that would construct a new operational fire station prior to closure of the existing fire station and would maintain emergency vehicle access to Tunnel Avenue and Lagoon Road throughout construction. Revisions have been made to the impact analysis throughout the Final EIR/EIS to reflect this change.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2160

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the design of the Relocated Brisbane Fire Station under Alternative B is infeasible and should be redesigned. As explained in the standard response referenced above, the Final EIR/EIS reflects revisions that clarify the access design for Alternative B.

### 1165-2161

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the new fire station designs in the Draft EIR/EIS are infeasible and should be redesigned. As explained in the standard response referenced above, the Final EIR/EIS reflects revisions to clarify the access design for Alternative B.

### 1165-2162

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the new fire station designs in the Draft EIR/EIS are infeasible and should be relocated to a new offsite location. The comment also requests that the Draft EIR/EIS be recirculated. As explained in the standard response referenced above, the Final EIR/EIS includes revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and clarifies the access design for Alternative B. These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff. These revisions are responsive to concerns raised in the public comments and would reduce the environmental impacts of the project; accordingly, recirculation of the Draft EIR/EIS based on these revisions is not warranted.

### 1165-2163

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the project's proposed temporary construction closure of the Tunnel Avenue bridge in the Draft EIR/EIS would pose a safety risk by impacting emergency response times. As explained in detail in the standard response, the Authority has identified a feasible approach to phased construction that would construct a new operational fire station prior to closure of the existing fire station and would maintain emergency vehicle access to Tunnel Avenue and Lagoon Road throughout construction. Revisions have been made to the impact analysis throughout the Final EIR/EIS to reflect this change.

### 1165-2164

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that temporary construction closure of the Tunnel Avenue bridge would dramatically increase emergency response times. As explained in detail in the standard response, the Authority has identified a feasible approach to phased construction that would construct a new operational fire station prior to closure of the existing fire station and would maintain emergency vehicle access to Tunnel Avenue and Lagoon Road throughout construction. Revisions have been made to the impact analysis throughout the Final EIR/EIS to reflect this change.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2165

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the Draft EIR/EIS identifies potentially significant CEQA impacts to emergency vehicle response times during construction and refers to Mitigation Measures SS-MM#1, SS-MM#2, SS-MM#3, and SS-MM#4. The comment notes that none of these mitigation measures address the impact of temporary closure of Tunnel Avenue. Please refer to the standard response referenced above, which describes a phased construction staging approach that would maintain emergency vehicle access to Tunnel Avenue and Lagoon Road throughout construction. It should also be noted that Mitigation Measures SS-MM#1, SS-MM#3, and SS-MM#4 are not identified to address project effects in Brisbane. Mitigation Measure SS-MM#2 is related to the access for the relocated fire station in Brisbane under Alternative B.

### 1165-2166

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that SS-IAMF#1 is a deferred mitigation and that the Draft EIR/EIS has not adequately assessed construction impacts on emergency response times. As described in the standard response, the Authority has identified a feasible approach to phased construction that would maintain emergency vehicle access to Tunnel Avenue and Lagoon Road throughout construction. Revisions have been made to the impact analysis throughout the Final EIR/EIS to reflect this change.

### 1165-2167

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the Draft EIR/EIS should be modified to maintain emergency access along Tunnel Avenue from Beatty Avenue to Bayshore Boulevard as well as access along Lagoon Road between Tunnel Avenue and Sierra Point Parkway at all times throughout construction of the Brisbane LMF and related facilities. As described in the standard response referenced above, since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass which would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process. Construction of the new Tunnel Avenue overpass under both project alternatives would occur prior to removing the existing Tunnel Avenue overpass from operation, eliminating the need for a temporary road closure. Revisions have been made throughout the Final EIR/EIS to clarify the construction phasing for the Tunnel Avenue overpass. Refer to Impact S&S#1 in Section 3.11, Safety and Security, of the Final EIR/EIS for detailed descriptions and illustrations of the proposed construction phasing. This phased construction approach is responsive to concerns raised in the public comments and would reduce the environmental impacts of the project. Accordingly, no additional mitigation would be required.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2168

Please refer to the response to submission FJ-1164, comment 1725 regarding the definition of “displacements and relocations” in Section 3.12, Socioeconomics and Communities, of the Draft EIR/EIS. Regarding the Brisbane Corporation Yard, please also refer to the response to submission FJ-1165, comment 1929.

With regard to the assertion that the EIR/EIS needs to be revised such that the term “acquisition” would be construed not only to include fee title purchase but also TCEs, the Authority respectfully disagrees with the need for such a change because the environmental document already treats TCEs as a form of property acquisition. Refer to Draft EIR/EIS Chapter 2, Alternatives, where Table 2-20 includes both TCEs and permanent right-of-way acquisitions.

### 1165-2169

Please refer to the response to submission FJ-1164, comment 1725 regarding the displacement and relocation analysis and explanation that the TCE acquisition process is the same as the permanent right-of-way process. Refer to the response to submission FJ-1165, comment 1929 regarding the TCEs at Kinder Morgan Tank Farm and the Brisbane Corporation Yard. Finally, refer to the response to submission FJ-1165, comment 2168 regarding the meaning of the term “acquisition.”

### 1165-2170

Please refer to the response to submission FJ-1165, comment 1929 regarding the Brisbane Corporation Yard and Kinder Morgan Tank Farm and explaining how temporary construction easements are analyzed in the Draft EIR/EIS.

### 1165-2171

Please refer to the response to submission FJ-1164, comment 1727, which addresses impacts to Golden State Lumber. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2172

Refer to Standard Response FJ-Response-GEN-5: Impact Avoidance and Minimization Features.

With respect to Impact SOCIO#1, the Draft EIR/EIS finds that the impact would be less than significant under CEQA, which is the correct determination based on the effects analysis and evidence presented. The analysis provides a description of impacts by subsection, followed by a description of impacts of each project element (e.g., temporary road closures, LMF, temporary road realignments); the discussion explains how TR-IAMF#2 would be effective in avoiding impacts based on the various features of the traffic control plan, which has a requirement that traffic flow be maintained during peak travel periods. The analysis provides a narrative description and tabular summary of the specific temporary lane closures and road closures under each project alternative, discloses the approximate duration of the closures, and describes anticipated disruption to community circulation and access.

Additional information about the specific functions of roadways, the amount of traffic they carry, and existing congestion can be found in Section 3.2, Transportation. Impact SOCIO#1 focuses on the impacts on communities and neighborhoods, and while there would be a temporary disruption to the established community interaction patterns from the temporary circulation and access changes, these impacts would be temporary and access would be maintained. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2173

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that TR-IAMF#2 is inadequate in avoiding significant impacts relative to emergency access.

Regarding emergency response access during construction of the Tunnel Avenue overpass, please refer to the responses to submission FJ-1165, comment 1920 and the standard response referenced above.

Regarding the adequacy of TR-IAMF#2, please refer to the response to submission FJ-1164, comment 1590.

### 1165-2174

The reference to “temporary noise levels in exceedance of FRA noise impact criteria for up to 2 years at any given location” in Impact SOCIO#1 in Section 3.12, Socioeconomics and Communities, has been revised in the Final EIR/EIS for consistency with the more nuanced discussion in Impact NV#1 in Section 3.4, Noise and Vibration, which states that the duration and intensity of construction activities varies by location and type of construction. Impact SOCIO#1 did not conclude that the preparation of a CMP would avoid significant construction noise and vibration impacts, but instead concluded that construction activities would not physically divide established communities due to changes in transportation, noise and vibration, and visual quality.

Refer to the responses to submission FJ-1164, comments 1481, 1492, and 1493 which address the adequacy of NV-IAMF#1, NV-MM#1, and NV-MM#2, respectively.

Refer to the response to submission FJ-1165, comment 2030 which addresses how local conditions and topography are considered in the noise impact analysis.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2175

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. The San Francisco development referenced by the comment is the Schlage Lock project, which is currently under construction and was included in the environmental baseline for the construction noise analysis.

The text quoted by the commenter is located within the Noise and Vibration Subsection under Impact SOCIO#1 and accurately presents the distance from the LMF construction to the nearest residences based on the construction noise methodology. The construction noise assessment is based on the noisiest pieces of equipment using the distance to the center of the construction zone. Based on this methodology, future receptors as the Schlage Lock project would not be the nearest residences to construction associated with the Brisbane LMF. In response to this comment, a footnote has been added to this text in the Final EIR/EIS to clarify the construction noise methodology.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2176

The comment asserts that the Draft EIR/EIS understates the complexity of constructing either of the Brisbane LMF options on contaminated land.

The Authority respectfully disagrees with this assertion. Construction-related analysis throughout various sections of the EIR/EIS take into account the need for remediation prior to the start of construction. Moreover, several sections of the Final EIR/EIS have been revised to provide clarifications in this regard. Please refer to Final EIR/EIS Section 3.6, Public Utilities and Energy. Impact PUE#7 notes that both Alternative A and B would entail the disposal of substantial volumes of hazardous waste. Similarly, the construction analyses in Final EIR/EIS Sections 3.2, Transportation, Section 3.3, Air Quality and Greenhouse Gases, and Section 3.4, Noise and Vibration, each take into account the remediation activity concerning either Brisbane LMF option in terms of construction-period truck traffic, as well as air pollutant emissions and noise associated with such activities. Please also refer to Final EIR/EIS Section 3.10, Hazardous Materials and Wastes, which acknowledges the need for appropriate remediation, including removal of contamination, in-situ treatment, or soil capping, conducted with appropriate regulatory agency oversight. Therefore, the statements and conclusions in Section 3.12, Socioeconomics and Communities, regarding temporary construction effects on communities and neighborhoods are accurate.

### 1165-2177

Refer to Section 2.10, Construction Plan, of the Final EIR/EIS which includes a discussion of the construction assumptions used for the purposes of the Final EIR/EIS, including timing of various construction activities. While there is uncertainty with respect to the extent of the required landfill closure activities and the time it would take to close the landfill, estimated durations were assumed for the purposes of the environmental analysis in the EIR/EIS.

### 1165-2178

The comment asserts that the estimated construction timeframes for Tunnel Avenue-related roadway modifications are overly optimistic. The comment further asserts uncertainty regarding remediation of the former landfill site in Brisbane for the East Brisbane LMF. Based on these assertions, the comment calls into question the conclusions of Impact SOCIO#1 regarding temporary community disruption from construction activities.

Regarding roadway modifications for Tunnel Avenue, please refer to the response to submission FJ-1164, comment 1726, which clarifies that engineering plans have been revised in the Final EIR/EIS to avoid all temporary road closures in Brisbane. As the comment challenged the community impact conclusions related to road closure duration, with the absence of such road closures, conclusions regarding community effects associated with closures do not warrant any change.

Regarding remediation associated with the proposed LMF site, please refer to the response to submission FJ-1164, comment 2176, which affirms that the construction-period analysis in the Final EIR/EIS accounts for such activities.

The analysis in Impact SOCIO#1 considers the potential for construction-related impacts stemming from transportation, noise, and visual quality to physically divide or disrupt the community. The Final EIR/EIS's analysis in each of these areas includes consideration of all construction-related activities, inclusive of issues cited by the commenter (roadway modifications and site remediation).

Therefore, the conclusions of Impact SOCIO#1 are accurate. The comment did not result in revisions to any conclusions in the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2179

The comment asserts the need for revisions to the conclusions of Impact SOCIO#2 with regard to the relocation of the Brisbane Fire Station. The comment also asserts that the characterization of Tunnel Avenue being “realigned” is inaccurate.

Regarding Tunnel Avenue, the comment appears to suggest that the characterization of the road being “realigned” understates its impacts (such as demolition of the existing roadway). Please refer to Draft EIR/EIS Section 2.6.2.4, Alternative A, which affirms that Alternative A would require relocation of the existing Tunnel Avenue overpass, including demolition of the existing overpass. Similarly, Section 2.6.2.5, Alternative B, notes that Alternative B would also require relocation of the overpass. Construction-related analysis throughout the analytical sections of the Draft EIR/EIS fully account for the construction of a new Tunnel Avenue overpass and demolition of the existing overpass.

Please refer to the response to submission FJ-1164, comment 1730, which reflects revisions to engineering plans concerning the relocation of the Brisbane Fire Station for both Alternatives A and B. The configuration of the relocated Brisbane Fire Station under both project alternatives ensures that the fire station will retain means of roadway access similar to those at its current location. The Final EIR/EIS analysis for Impact SOCIO#2 has been revised to reflect these changes. No change to the impact conclusion for Impact SOCIO#2 is warranted.

### 1165-2180

The comment makes a number of assertions regarding the analysis and conclusions of Impact SOCIO#2, including the nature of displacements and particular questions concerning the City of Brisbane Corporation Yard as well as the potential historic character of a building containing a displaced business.

Regarding the characterization of the Brisbane Corporation Yard and revised project plans, please refer to the response to submission FJ-1165, comment 1929, which identifies how Alternative A would relocate the Corporation Yard building within its current parcel and provide adequate access for its continued operation.

Regarding the Machinery & Equipment Building, please refer to the response to submission FJ-1164, comment 1733, which confirms that the building was examined and found not to be an eligible historic resource.

With regard to the assertions of deficiencies with Impact SOCIO#2 related to displacements, Section 3.12, Socioeconomics and Communities, Impact SOCIO#8 provides the analysis of displacement and relocation of commercial and industrial businesses in Brisbane. Additional detailed information on displacements and relocations can be found in the San Francisco to San Jose Project Section Draft Relocation Impact Report (Authority 2019d).

The third property in Brisbane mentioned by the comment is the Brisbane Corporation Yard. Regarding this property, please refer to the response to submission FJ-1164, comment 1725.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2181

The issues raised by the commenter concerning the properties associated with the Kinder Morgan Tank Farm and Golden State Lumber have been addressed in previous responses to comments.

Please refer to the response to submission FJ-1165, comment 1929 regarding the Kinder Morgan Tank Farm, including with respect to TCEs, and the response to submission FJ-1164, comment 1727 regarding Golden State Lumber.

With regard to property acquisitions, including both TCEs and permanent right-of-way acquisition, the comment appears to conflate different conclusions of the Draft EIR/EIS in its assertions regarding the Golden State Lumber and Kinder Morgan sites. As stated in the response to submission FJ-1164, comment 1727, the parcel across Tunnel Avenue from Golden State Lumber's retail operations is identified as a full acquisition. No temporary or permanent acquisition is contemplated for 601 Tunnel Avenue, where Golden State Lumber's retail operations are located. With regard to Kinder Morgan, the response to submission FJ-1165, comment 1929 clarifies that TCEs are needed on portions of this parcel but tank farm operations would not be impeded.

### 1165-2182

The comment asserts that the Draft EIR/EIS incorrectly identifies the land uses adjacent to the East Brisbane LMF and does not identify the location of the former Brisbane landfill within and adjacent to the East Brisbane LMF. Please refer to Section 3.13.5.1, Existing Land Uses, and Impact LU#5 in Section 3.13, Station Planning, Land Use, and Development, in the Draft EIR/EIS, which acknowledge that the vacant lands where the East Brisbane LMF would be located (under Alternative A) have a history of being used as the former Brisbane landfill.

The comment also asserts that the Draft EIR/EIS fails to address the impacts associated with excavating soil and solid waste from the former landfill, capping and closure of the formal landfill, the requirement for long-term leachate collection and landfill gas collection system, and the environmental effects and costs of remediation and landfill closure. The Authority disagrees with this assertion. Analysis of the project's construction and operation impacts, including those associated with constructing the Brisbane LMF, are presented within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures; Chapter 4, Section 4(f)/6(f) Evaluation; and Chapter 5, Environmental Justice, of the Draft EIR/EIS. While some refinements were made to the construction assumptions for the Final EIR/EIS with respect to disposal of excavated material, none of the revisions to the analysis resulted in changes to the impact conclusions under NEPA or CEQA. Refer to Section 3.10, Hazardous Materials and Wastes, of the Final EIR/EIS for a discussion of the requirements to cap and close the disturbed portion of the landfill and for a discussion of long-term leachate collection and landfill gas collection systems.

The comment also asserts that the Draft EIR/EIS does not address the costs of remediation and landfill closure. Please refer to the responses to submission FJ-1165, comments 2331 and 2332, which address this topic.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2183

Please refer to the response to submission FJ-1164, comment 1469, which addresses the commenter's assertion that the Draft EIR/EIS understates the land use conflicts with the proposed Brisbane Baylands development and explains why it is anticipated that development would still occur on Brisbane Baylands notwithstanding implementation of the HSR project.

The comment also asserts that the Draft EIR/EIS fails to address the LMF's impacts on the proposed development, including housing in Brisbane. Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which addresses the consideration of the Brisbane Baylands development in the Draft EIR/EIS. The Draft EIR/EIS includes mitigation measure LU-MM#1 to address operational train noise impacts on adjacent residential or commercial development in Brisbane. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2184

The comment provides an overview of the history of the Brisbane Baylands area. The comment is noted and will be presented to Authority decision makers as part of the Final EIR/EIS when they consider the project approvals.

The comment also states that the development of the Brisbane LMF would introduce an incompatible industrial use in close proximity to planned housing. Please refer to the response to submission FJ-1164, comment 1469, which addresses the commenter's assertion that the LMF would be incompatible with land uses designated for planned development and explains why it is anticipated that development would still occur on Brisbane Baylands with implementation of the HSR project. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2185

Please refer to the response to submission FJ-1165, comment 2047. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2186

The Draft EIR/EIS included a mitigation measure LU-MM#2 in Section 3.13.7, Mitigation Measures, which would relocate Lagoon Road further north from Brisbane Lagoon, aligning it with the US 101 southbound freeway on- and off-ramps. The Authority incorporated this mitigation measure into both project alternatives as part of the Final EIR/EIS; revisions have been made to the project description and impact analysis throughout the Final EIR/EIS to reflect this change. The Authority's proposed realignment of Lagoon Road further north of the alignment evaluated in the Draft EIR/EIS is similar to the alignment depicted in the Brisbane Public Space Master Plan and would increase the area available on the north shore of the Brisbane Lagoon for development of open space, recreational uses, or wetland restoration relative to existing conditions. The project would not preclude the dedication of land for open space, recreational uses, and wetlands restoration around Brisbane Lagoon. While parts of the Brisbane Baylands area would be subject inundation associated with sea level rise, and long-term adaptation strategies would be required to protect public and private assets, the realigned Lagoon Road would be better protected from sea level rise than the existing roadway.

### 1165-2187

The comment states that construction of the East Brisbane LMF under Alternative A would fill a portion of Visitacion Creek, precluding the opportunity for large-scale restoration of creek habitat. As shown in Table 2-21 of the Draft EIR/EIS, the comment correctly identifies that a portion of Visitacion Creek would be filled, in the form of placing the creek in an underground culvert.

Please refer to the response to submission FJ-1164, comment 1638, which addresses how the impacts to Visitacion Creek are addressed in the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2188

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment identifies concerns about Icehouse Hill and the West Brisbane LMF. The Draft EIR/EIS discloses that the West Brisbane LMF would require removal and grading of a portion of Icehouse Hill. The East Brisbane LMF under Alternative A would not affect Icehouse Hill. As described in Chapter 8, Preferred Alternative, of the Draft EIR/EIS, the Authority identified Alternative A as the Preferred Alternative because it minimizes impacts on communities and natural resources while maximizing the transportation and safety benefits of the HSR system at the lowest cost.

Although the East Brisbane LMF and West Brisbane LMF would reduce the area where this development could occur, development is likely to occur in the areas not affected by the project. Development has and will continue to occur near railways and rail facilities due to the limited supply of land in the Bay Area. It is reasonable to assume development would occur on the remainder of the Brisbane Baylands due to the adoption of General Plan Amendment GP-1-18 (which permits development of 1,800 to 2,200 dwelling units and up to 6.5 million square feet of non-residential use, with an additional 500,000 square feet of hotel use within the Baylands Subarea); due to the large size of the remaining site (approximately 470 acres of land designated as planned development would be unaffected by the HSR project); and due to the site's potential for TOD, which is reflected in its status as a priority development area. While the East or West Brisbane LMF is likely to reduce the net fiscal benefits of the Brisbane Baylands project, the net fiscal benefits to the City would remain positive with the reduced development potential of the site.

### 1165-2189

The comment states that the Brisbane LMFs would force the Geneva Avenue extension to tunnel under the Caltrain right-of-way. The Authority disagrees with this conclusion on the part of the commenter. Construction of the planned future Geneva Avenue extension on aerial structure would be feasible with either Brisbane LMF alternative, albeit with increased costs and some implications on circulation within the Brisbane Baylands development project. There is sufficient space available to place columns to support an overpass crossing at an elevation sufficient to provide vertical clearance to the LMF lead track. The Authority will coordinate with the appropriate agencies during final design to resolve design, construction, and operational issues between HSR and the Geneva Avenue extension.

While the HSR project would not contribute funding toward the bi-county transportation improvements, the HSR project would involve relocating the Bayshore Caltrain Station facilities closer to the planned future Geneva Avenue extension, consistent with the Draft Brisbane Baylands Specific Plan (City of Brisbane 2011). The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2190

The comment states that the Draft EIR/EIS fails to address the extent of the impact of the project on Baylands development. Please refer to the response to submission FJ-1164, comment 1469, which addresses the commenter's assertion that the Draft EIR/EIS understates the land use conflicts with the Brisbane General Plan and explains why it is anticipated that development would still occur on Brisbane Baylands notwithstanding implementation of the HSR project.

Please also refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which addresses the consideration of the Brisbane Baylands development in the Draft EIR/EIS. For the assessment of impacts on planned land uses under Impact LU#5, the Draft EIR/EIS used a map of the amended land use designations included in the City of Brisbane's Resolution No. 2018-63 as a basis for the impact analysis, because the revised Brisbane Baylands Specific Plan remains under development.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2191

The comment states that it is unclear what specific document was used to identify the acreages in Table 3.13-13 in Section 3.13.6.2, Alteration of Land Use Patterns, of the Draft EIR/EIS. The comment identifies that Table 3.13-13 includes a reference to City of Brisbane 2018. Please refer to Chapter 12, References, of the Draft EIR/EIS, which identifies the reference for City of Brisbane 2018. The citation refers to City of Brisbane's Resolution No. 2018-63, which includes a map of the amended land use designations in the Baylands. The acreages of planned land use designations were calculated using GIS based on the maps that were developed by the City of Brisbane. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2192

Section 3.15, Aesthetics and Visual Quality, of the Draft EIR/EIS correctly states that there are few viewers in the immediate area of the LMF, and members of those groups tend to have low to moderately low viewer sensitivity, such as industrial workers at the Recology facility and nearby lumberyard and Caltrain travelers accessing the Bayshore Station. Both LMF sites are located some distance from sensitive viewers such as residents—the East Brisbane LMF under Alternative A is more than 1,900 feet from the nearest Brisbane residential viewers and the West Brisbane LMF under Alternative B is approximately 1,000 feet from the nearest Brisbane residential viewers. The sensitivity of these residential viewers is limited by their distance from the construction activity; their view covers a wide area but with limited detail. Section 3.15 also notes that recreational viewers may be found at a distance up in McClaren Park and on San Bruno Mountain. Viewers in the hillside parks see the railway as a line running through the adjacent environment, clearly defined because of its continuous path, but overshadowed by the larger forms of the bay, mountains, US 101 causeway, and larger industrial buildings, making their exposure low.

Construction activities associated with the removal of Icehouse Hill would be visible to travelers along Bayshore Boulevard and Guadalupe Canyon Road as the hill is slowly graded down. Once grading activities progress to an elevation lower than Bayshore Boulevard, views of construction activities would recede from travelers' views, replaced with new views to middle and distant sights.

The Authority disagrees with the commenter's assertion that Impact AVQ#1 understates the project's impacts. The impact analysis summarizes technical information sufficient to assess the impacts of project construction on aesthetics and visual quality. Under Impact AVQ#1, the Draft EIR/EIS finds that construction activities associated with either Brisbane LMF would decrease the visual quality by one level for viewers with moderately low viewer sensitivity. For the purposes of this analysis, a substantial change in visual character or quality was defined "as a decrease of two or more levels of visual quality in a landscape viewed by viewers with moderate to high viewer sensitivity or as a decrease of one level in a landscape viewed by viewers with high viewer sensitivity" (please refer to Section 3.15.4.5, Method for Determining Significance under CEQA). Accordingly, construction of either Brisbane LMF would not substantially degrade the existing visual character or quality and the impact on visual quality would be



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2192

less than significant based on the effects analysis and evidence presented. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2193

The aesthetic analysis is focused on the physical landscape. While the psychological response of individual residents may vary based on their subjective preferences, the analysis is designed to place views on a scale between low and high using established practices to analyze aesthetic effects and compare the impacts between alternatives. KVP 4, used to determine the effects of each alternative on primarily residential viewers in Brisbane, provides a view that encompasses McLaren Park, the San Francisco skyline, Bayview Park, Candlestick Point, East Bay Hills, San Francisco Bay, Baylands, and central Brisbane. The Baylands fall in the middle ground of the view. It comprises only a portion of the extensive view from residential viewers in the hills south of central Brisbane. Either project alternative would change the view, reducing the visual quality in the Baylands area. Neither alternative would affect the majority of the view from KVP 4.

The rating of moderate for the views analyzed in Brisbane from an aesthetic standpoint is reasonable and the analysis is supported by substantial evidence. The viewer experiences changes in the view resulting from either alternative in the context of the surrounding landscape of distant views to many locations, including San Francisco and the East Bay Hills. The viewer does so with an intensity that is lower than if the changes to the view were happening in the immediate vicinity of the viewer, such as an addition to a residence that would block a portion of their existing view. In the analysis of KVP 4, the distance to the visual changes affects the viewers' sensitivity. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2194

Please refer to the response to submission FJ-1164, comment 1704, which addresses this topic.

### 1165-2195

As explained in Appendix A, Key Viewpoint Selection and Analysis, of the Aesthetics and Visual Quality Technical Report (Authority 2019a), the location at KVP 3 was researched and selected to provide views of the two Brisbane LMF sites and the Bayshore Caltrain Station from the north, to reflect existing views and to highlight the differences between the two project alternatives. The Authority is not required to simulate potential future situations where aesthetics could be affected by unconstructed projects proposed by other entities. The location suggested in the comment letter as a representative view would fail to show the larger context of either LMF site, the differences between the two project alternatives, and their relationship to the surrounding land uses. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2196

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. For this reason, the project's visual impacts on the proposed development are not evaluated. Development consistent with the 2018 Brisbane General Plan Amendment is included in the cumulative impacts analysis in Section 3.18, Cumulative Impacts, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2197

Please refer to the responses to submission FJ-1164, comment 1703 and submission FJ-1165, comment 2193, which address the viewer sensitivity of residential viewers on San Bruno Mountain.

Neither views to the Bay nor distant views to Alameda County hillsides from Central Brisbane would be substantially degraded by either LMF. The commercial district in Central Brisbane is at a low elevation and does not have views to the Bay. Residential areas at higher elevations surrounding the commercial district have distant views over the commercial district. Residential areas off Guadalupe Canyon Road have high views over either LMF site to the Bay and East Bay hills. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2198

Please refer to the response to submission FJ-1165, comment 1704, which addresses the commenter's concern that Impact AVQ#4 inadequately addresses the removal of Icehouse Hill. The impact assessment considers change within the entire Brisbane Landscape Unit and the overall visual quality within the landscape unit would remain the same with implementation of either project alternative.

Please refer to the response to submission FJ-1165, comment 1707, which addresses nighttime lighting.

Please refer to the response to submission FJ-1165, comment 2196, which addresses the consideration of the proposed development on Brisbane Baylands.

### 1165-2199

Please refer to the responses to submission FJ-1164, comments 1700 and 1701, which address the commenter's assertion that the aesthetic IAMFs are improperly deferred mitigation.

Consistent with the methods described in Section 3.15.4, Methods for Evaluating Impacts, the project's impact within the Brisbane Landscape Unit is based on an assessment of the existing physical characteristics of visual resources and on viewers' awareness of and exposure to those resources. As discussed under Impact AVQ#4, the East or West Brisbane LMF would decrease the visual quality by one level (from moderately high to moderate) for residential viewers on San Bruno Mountain with moderate sensitivity. For the purposes of this analysis, a substantial change in visual character or quality was defined "as a decrease of two or more levels of visual quality in a landscape viewed by viewers with moderate to high viewer sensitivity or as a decrease of one level in a landscape viewed by viewers with high viewer sensitivity" (please refer to Section 3.15.4.5, Method for Determining Significance under CEQA). Accordingly, neither project alternative would substantially degrade the existing visual character or quality within the Brisbane Landscape Unit and the impact on visual quality would be less than significant.

### 1165-2200

Regarding nighttime lighting, please refer to the response to submission FJ-1165, comment 1707.

Regarding the assertion that the aesthetic IAMFs are improperly deferred mitigation, please refer to the responses to submission FJ-1164, comments 1700 and 1701.

Regarding the assertion that AVQ-MM#3 contains no performance standards, please refer to the response to submission FJ-1164, comment 1705.

### 1165-2201

Please refer to the responses to submission FJ-1164, comments 1700 and 1701, which addresses the commenter's assertion that the aesthetic IAMFs are improperly deferred mitigation.

Please refer to the response to submission FJ-1164, comment 1705, which addresses the commenter's assertion that AVQ-MM#3 contains no performance standards.

The Authority responds to requests for information as quickly as possible and provided the requested report in electronic format to the commenter upon request. The Authority's approach to availability of materials is consistent with NEPA and CEQA regulations. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2202

Additional details about the lighting design for the Brisbane LMF have been added to the project description in Chapter 2, Alternatives, and to the analysis in Section 3.15, Aesthetics and Visual Quality, in the Final EIR/EIS. The lighting design and use would be consistent with industry best practices to minimize potential impacts on nighttime views. Specifically, all outdoor lighting would be designed using the Illuminating Engineering Society's design guidelines and would use International Dark Sky Association–approved fixtures. Lights would be installed at the lowest allowable height, would use downcast fixtures to direct light only towards objects requiring illumination, and would operate with the lowest allowable illumination level. As described under Impact AVQ#17, with the proposed visually sensitive lighting design at the Brisbane LMF, the facility would not be a new source of substantial light adversely affecting nighttime views. Aesthetic Options for Non-Station Structures is included in the description of AVQ-IAMF#1 to emphasize the broad range of all aesthetic options available for enhancing the visual appeal of the project through collaboration with local communities and jurisdictions.

### 1165-2203

Additional details about the lighting design for the Brisbane LMF have been added to the project description in Chapter 2, Alternatives, and to the analysis in Section 3.15, Aesthetics and Visual Quality, in the Final EIR/EIS. The lighting design and use would be consistent with industry best practices to minimize potential impacts on nighttime views. Specifically, all outdoor lighting would be designed using the Illuminating Engineering Society's design guidelines and would use International Dark Sky Association–approved fixtures. Lights would be installed at the lowest allowable height, would use downcast fixtures to direct light only towards objects requiring illumination, and would operate with the lowest allowable illumination level. This lighting design of the LMF, as described in the project description, was assumed when the analysis of the impacts was conducted. As described under Impact AVQ#17, with the proposed visually sensitive lighting design at the Brisbane LMF, the facility would not be a new source of substantial light adversely affecting nighttime views. Accordingly, the impact on light and glare would be less than significant under CEQA and no mitigation would be required.

### 1165-2204

This comment suggests the Draft EIR/EIS is inadequate because archaeological field testing was not conducted to inform archaeological sensitivity analysis and the analysis did not consider the results of a technical studies prepared in 2018, 2019, and 2020 for other projects. Please refer to the response to submission FJ-1164, comment 1535, which describes the process and baseline for identification of known archaeological resources in the ASR and Draft EIR/ES, and details the mitigation measures that would address potential impacts on both known and unknown archaeological resources. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2205

The 1924 Machinery and Equipment Building (also referred to as the Pacific Fruit Express Ice Manufacturing Plant) is included as 3401 Bayshore Boulevard (APN 005162260) in the HASR among the Previously Identified Ineligible Resources (Authority 2019f). Given the property's existing documentation records a CHRIS CODE 6Z, Found ineligible for NRHP, CRHR or Local Register designation through survey evaluation, it is not included among the properties analyzed for effects in the EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2206

Please refer to Volume 2, Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, and Appendix 3.18-B, Cumulative Transportation Plans and Projects Lists, in the Final EIR/EIS for comprehensive lists of both transportation and nontransportation projects. The Authority has updated the status of both transportation and nontransportation projects as applicable. The Authority's cumulative impacts analysis addresses the effects of the project in combination with the projects listed generally by type of project or action, or specifically as applicable. For each resource, the Authority discussed when cumulative impacts could result and when those impacts would be significant under CEQA. Please also refer to Appendices 3.18-A and 3.18-B, in which the Authority has updated the column heading to read "Potential Contributions to Cumulative Impacts" to align with the analysis method in Section 3.18, Cumulative Impacts. The cumulative analysis does consider the potential contributions of cumulative projects with less-than-significant impacts as part of the potentially significant cumulative impacts.

The commenter does not substantiate the allegation of exclusion of nontransportation projects and does not identify any specific inadequacies.

### 1165-2207

The Authority's cumulative impacts analysis addresses the effects of the project in combination with the projects listed generally by type of project or action, or specifically as applicable. For each resource the Authority discussed when cumulative impacts could result and when those impacts would be significant under CEQA. For example, the cumulative noise and vibration analysis included quantitative consideration of the combined impacts of blended system operations and other rail and transit projects. Please also refer to the response to submission FJ-1165, comment 2206.

The commenter does not substantiate any specific inadequacy in the analysis and does not identify any specific instance where the alleged improper "averaging" of impacts occurs and thus no specific responses can be provided. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2208

Please refer to Volume 2, Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, and Appendix 3.18-B, Cumulative Transportation Plans and Projects Lists, for comprehensive lists of both transportation and nontransportation projects. The Authority has updated the status of the nontransportation projects in the Final EIR/EIS as described below.

Regarding the Bi-County Study, recommended transportation improvements that are only included in a preliminary study are not "reasonably foreseeable" projects for the purposes of a cumulative impact analysis unless there is other evidence that they will occur within the project timeframe. As the comment cites, the City of Brisbane and the other partners are still working to update the study and determine what transportation improvements may (or may not) be appropriate.

That said, Appendix 3.18-A already includes the following transportation projects mentioned in this comment: US 101/Candlestick Point Interchange Project, Geneva Avenue Extension, and the Geneva Harney BRT.

Regarding the remediation of UPC-OU-SM and OU-2, Title 27 landfill closure, and Bay Mud Import, these have been added to the cumulative list of projects and the analysis in Section 3.18, Cumulative Impacts, of the Final EIR/EIS. Remediation and landfill closure activities would occur in relation to development of the Bayland pursuant to the 2018 General Plan Amendment, which was already included in the cumulative impact analysis. Some of the landfill closure activities within the footprint of the East Brisbane LMF would occur as part of construction of the East Brisbane LMF, if Alternative A is ultimately selected. Regarding Sierra Point, Appendix 3.18-A in the Draft EIR/EIS already includes the Sierra Point Biotech Project along Sierra Point Parkway. The Biotech Campus project at 3000–5500 Marina Boulevard has been added to Appendix 3.18-A and the analysis in Section 3.18 in the Final EIR/EIS based on review of the City's website on current projects.

As noted in footnote 107 in Appendix 3.18-A of the Draft EIR/EIS, the Authority reviewed the outline of potential development projects and sites during preparation of the cumulative impact analysis.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2209

The Recology Modernization and Expansion Project was previously included in Volume 2, Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, of the Draft EIR/EIS, but the description of the project has been updated in the Final EIR/EIS pursuant to this comment.

### 1165-2210

The comment asserts deficiencies in the analysis of cumulative impacts.

Please refer to the response to submission FJ-1164, comment 1753, which confirms, contrary to the commenter's assertion, that the Draft EIR/EIS cumulative analysis took into account less-than-significant impacts of the project. Please also refer to the responses to submission FJ-1164, comments 1473, 1480, 1533, 1672, and 1699, which address assertions regarding inadequate cumulative analysis in several resource topic areas.

For example, the assessment of traffic conditions with the project in future years of 2029 and 2040 includes the traffic associated with forecasted growth between now and the forecast years and is not based on only including projects with significant traffic effects. Another example is the assessment of cumulative rail noise in which the amount of passenger and freight rail operations was included in the noise analysis along the entire Project Section, without regard to whether the individual project (e.g., PCEP) would result in a significant noise effect at a certain location or not.

In addition, for some areas, like criteria air pollutants or GHG emissions, project effects are assessed in the resource sections in a cumulative context because the thresholds used are for cumulative contributions. For regional criteria pollutants, the Draft EIR/EIS followed the BAAQMD CEQA guidance, which specifies that the so-called "project" criteria pollutant thresholds are actually designed to assess contributions to cumulative air pollution (e.g., they are already assessing if a project's emission are cumulatively considerable and it would be inappropriate to sum up all cumulative project emissions and compare to the same threshold). The EIR/EIS also analyzed cumulative health risks of construction emissions by using a BAAQMD methodology that includes ambient TAC emissions combined with project emissions. Section 3.18, Cumulative Impacts, uses the term "less than significant" only twice—once when describing CEQA guideline requirements concerning cumulative impacts and once concerning cumulative impacts on passenger and freight rail capacity, service and operations.

The cumulative analysis does take into account where cumulative project impacts would be controlled or reduced by mandated mitigation during environmental review and compliance with existing applicable laws, regulations, and other legal requirements. This is appropriate because a cumulative analysis needs to focus on the residual impacts after application of all such impact avoidance, minimization, and mitigation measures. This comment is a general overview of the commenter's assertions that the cumulative

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2210

analysis understated the significance of cumulative impacts, but this comment on its own provides no description or evidence of any actual understatement. More specific comments are addressed in subsequent responses.

### 1165-2211

The comment states that the Draft EIR/EIS's cumulative analysis of construction-related transportation impacts includes only transportation projects and fails to address any land development projects that might also result in temporary construction impacts on regionally significant roadways. The comment speculates that future land use projects will result in closure of regionally significant roadways during construction.

Land use projects may not close regionally significant roadways without the approval of the responsible agency that manages the roadway. It is standard practice for agencies to require closures of major roads to occur in off-peak hours when commute periods are not affected, and for agencies to require that land use projects submit a construction traffic management plan that specifies construction traffic routes as well as any planned road or lane closures.

The cumulative analysis of construction takes into account the requirements for projects to obtain permits for encroachments and to coordinate their work within the publicly owned roadways with the responsible agencies. These agencies routinely mandate the minimization of disruption to traffic through scheduling of work in major roadways, closures of limited lanes at one times, temporary traffic controls, flaggers, and other methods. It is reasonable to presume that cumulative projects (as well as the HSR project) will, as a consequence, implement such measures to avoid and minimize construction traffic disruption.

Despite these reasonable assumptions of implementation of avoidance and minimization measures mandated by public transportation agencies responsible for public roadways, the EIR/EIS concludes that there would be a cumulative impact on traffic. This impact is noted as a NEPA adverse effect, since CEQA does not consider traffic delay to be a significant CEQA impact.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2212

The comment asserts that the Draft EIR/EIS does not evaluate the Brisbane Baylands development project in the cumulative traffic analysis. Please refer to the response to submission FJ-1164, comment 1517, which addresses this topic. The comment also asks where cumulative land use is considered in the traffic analysis. As explained in Section 3.2, Transportation, of the Draft EIR/EIS, the analysis of future 2029 and 2040 conditions includes traffic volumes associated with land use development as reflected in socioeconomic projections. As such, the disclosure of 2029 and 2040 traffic effects includes both cumulative land use growth and the traffic effects of the HSR project. These analyses were summarized in Section 3.18, Cumulative Impacts. Regarding the assertion that the ABAG projects are not an appropriate information source to use for the analysis, please refer to the response to submission FJ-1164, comment 1517. The comment also states that TR-MM#1 does not provide details on the mitigation measures that would be implemented to address traffic impacts on local communities. Please refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, which explains that the Authority has proposed certain site-specific mitigation measures for traffic impacts in the Final EIR/EIS. As noted in revisions to Section 3.2, these measures would reduce some but not all project contributions to cumulative traffic delays, so there would remain cumulative adverse NEPA traffic effects if the proposed mitigation is adopted. Under NEPA, a lead agency is required to consider mitigation to address adverse effects but is not required to implement that mitigation. Since traffic delay is not a CEQA significant impact, there is no CEQA requirement to mandate mitigation.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2213

The comment states that the Draft EIR/EIS does not consider cumulative transportation projects such as plans for BRT along Geneva Avenue and does not provide detailed analysis of cumulative bus impacts at all locations along the corridor. The Draft EIR/EIS does consider programmed transit projects as listed in Table 3.2-18. The Geneva-Harney BRT project was not programmed at the time of NOP release, and is thus not listed in Table 3.2-18. The BRT project in the Plan Bay Area 2040 project list is a “near-term alternative that does not rely on the full extension of Harney Way across US 101”. The Geneva Avenue Extension is funded only for planning and environmental analysis by 2040 in Plan Bay Area 2040. As such, funding is not currently programmed to construct either the Geneva Avenue Extension or the Geneva-Harney BRT project along the extension. Thus, there is no inadequacy in not including that project in the cumulative analysis.

As explained in Section 3.2, Transportation, of the Draft EIR/EIS, the analysis of future 2029 and 2040 conditions included traffic volumes associated with land use development and also includes the fully funded transportation improvements. As such, the disclosure of 2029 and 2040 traffic effects includes both cumulative land use growth, fully funded transportation investments, and the traffic effects of the HSR project in the profile of with project traffic conditions. While certain site-specific traffic mitigation measures have been added in the Final EIR/EIS (please refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts), there are other locations where traffic LOS for cumulative with project conditions would degrade to deficient levels and where the project would contribute to those deficient conditions. These traffic effects would affect bus operations like they would affect passenger vehicle operations. Regarding construction, the project could affect along the entire corridor as disclosed and where cumulative projects also contribute to bus delays, the project could contribute to cumulatively significant effects. This level of disclosure is adequate for decision makers to understand the character and extent of cumulative effects and the project’s contribution. These analyses are summarized in Section 3.18, Cumulative Impacts.

### 1165-2214

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

Because a decision on the Brisbane Baylands Specific Plan was still pending at the time the Project Section environmental analysis was initiated (and also still pending when the Draft EIR/EIS was circulated for public review), it was not included in the existing conditions environmental baseline and information was not available by which to complete a cumulative health risk assessment as requested by the comment. Although the Brisbane Baylands Specific Plan was not included in the environmental baseline, development consistent with the Brisbane 2018 General Plan Amendment was considered in the cumulative impact analysis. The focus of the cumulative analysis is the impact of cumulative projects on the environment, not the impact of one future project on the other, because the cumulative impact analysis uses an existing conditions baseline and future development is not part of that baseline.

Regarding a cumulative health risk assessment, please refer to the response to submission FJ-1164, comment 1530. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2215

The comment asserts that the EIR/EIS errs because it does not analyze the cumulative noise impacts on future receptors in future development areas. Please refer to the responses to submission FJ-1164, comments 1473 and 1498 through 1500.

### 1165-2216

Please refer to the responses to submission FJ-1164, comments 1473 and 1498 through 1500.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2217

The comment recommends that the Authority consider additional mitigation measures to address significant impacts associated with construction noise and Brisbane LMF operation noise.

With respect to construction noise, the commenter recommends that the Authority comply with the City of Brisbane Municipal Code regarding construction noise. The Authority assessed the project's consistency with local plans, policies, and ordinances. Refer to Section 3.4.3, Consistency with Plans and Laws, and Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS, which identify the project's inconsistencies with the general plans and codes of ordinances. However, as stated in Section 3.4.2.3, Regional and Local, of the Draft EIR/EIS, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. The project is subject to the FRA noise and vibration impact criteria, and the noise and vibration impact assessments were conducted following FRA methodology and criteria. Accordingly, NV-MM#1 in Section 3.4.7, Mitigation Measures, discusses construction noise mitigation measures and includes performance standards based on FRA construction noise limits. No additional mitigation is required to address construction noise impacts.

With respect to Brisbane LMF operational noise, the commenter recommends a mitigation measure that limits operational noise from the LMF to not exceed noise level standards for residential and commercial uses based on the City of Commerce Municipal Code. As previously stated, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. The project is subject to the FRA noise and vibration impact criteria, and the noise and vibration impact assessments were conducted following FRA methodology and criteria. As stated in Impact NV#4, the noise from operation of the LMF would not result in the generation of noise levels in excess of standards for a severe impact established by the FRA. Accordingly, operations of the LMF would not cause significant noise impacts for existing sensitive receptors requiring mitigation.

While the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS (see Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects), an assessment of the potential impact of HSR project noise on future planned land uses at the Brisbane Baylands site was prepared as part of Impact LU#6 in Section 3.13, Station Planning, Land Use. Based on

### 1165-2217

this analysis, the Authority has proposed mitigation measure LU-MM#1 to reduce noise levels associated with HSR train operations to meet the City of Brisbane's General Plan noise compatibility standards for future planned land uses. Refer to the response to submission FJ-1164, comment 1486 for additional information regarding that analysis. No additional mitigation is warranted.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2218

Please refer to the responses to submission FJ-1164, comments 1473 and 1498 through 1500.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2219

The comment asserts that the Draft EIR/EIS understates the potential for significant cumulative impacts because the Peninsula region is so urbanized that even minor losses of sensitive habitat could be cumulatively significant.

As described in Section 3.7.6, Methods for Evaluating Impacts, in the Draft EIR/EIS, qualified biologists conducted extensive literature reviews to support the characterization of the existing environmental setting, using widely recognized sources including but not limited to the CNDDDB, the National Agricultural Imagery Program, CNPS's online inventory of rare and endangered plants, and the California Protected Areas Database. Refer to Draft EIR/EIS Section 3.7.6.3, Pre-Field Investigation and Consultation, for a more complete discussion. The resultant mapping of habitat and aquatic resources recognizes areas that could still support species and ultimately assumes that all potential habitat for special-status species could be occupied. This broad landcover-based modeling approach is a conservative approach that likely overestimates the amount of occupied habitat for species in the project area because not all potentially suitable habitat is occupied. Not only is the amount of habitat that would actually be affected likely to be an overestimate but the project alignment is already heavily degraded and disturbed and any potential suitable habitat that is present is of low quality, due to the existing Caltrain right-of-way and the proposed site for the Brisbane LMF being a former landfill. Despite this, the Authority recognizes in the analysis that the project and other reasonably foreseeable projects, combined with present and past projects, would result in significant cumulative impacts across several subtopics under biological resources. However, due to the degree to which the project would avoid, minimize, and offset project-level impacts through compensatory mitigation, the Authority concludes that the project's contribution to these significant cumulative impacts is not considerable.

The comment generally asserts that there might be some residual cumulative effect on sensitive biological resources along the project corridor including in the Brisbane area, but provides no evidence as to what those effects would be and how they would result in substantial losses of wetlands, waters, or habitat for rare, threatened, and endangered species after consideration of the reasonably foreseeable mitigation included for the HSR project.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2220

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The commenter asserts that the HSR project would preclude the ability for other future projects to restore certain areas. However, the cumulative impact analysis is based on the combined effect of the project and other projects on the existing environment. As such, the ability or lack of ability to restore a particular area, as may be proposed by the future Baylands development (which is not an approved project and has not completed environmental review), is not an impact on the existing environment. There are other feasible means for mitigating the biological resources for the remaining part of the Baylands development at other off-site locations not affected by the HSR project and not proposed for development by the Baylands project. The HSR project would not affect all of Visitacion Creek and enhancement of the remaining portion would be available for potential restoration as mitigation for either the HSR project or the Baylands project. Similarly, the proposed Lagoon Road realignment included in the HSR project would not eliminate all potential for marsh restoration or park development around Brisbane Lagoon. The Brisbane Baylands project would have to change its mitigation plans due to the HSR project, but that is not an impact on the existing biological resources, and as such is not a significant environmental effect. Please also refer to the project lists in Volume 2, Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, and Appendix 3.18-B, Cumulative Transportation Plans and Projects Lists, updated with status as of the time of this Final EIR/EIS. Updates to the project lists do not result in any changes to the cumulative impacts analysis or conclusions.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2221

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The comment asserts that the cumulative impact analysis of hydrology and water resources is vague. However, each of the subtopics in Draft EIR/EIS Section 3.18.6.7, Hydrology and Water Resources, arrives at a conclusion regarding the presence of a significant cumulative impact. The Final EIR/EIS reflects minor clarifying revisions to give these conclusions greater prominence. The cited “if” statements are prefatory remarks intended to help inform readers what conditions might lead to a significant cumulative impact. Each of the subtopic discussions ultimately conclude that there are no significant cumulative impacts.

It is assumed all projects are required to adhere to regulatory laws, compliance standards, and state and local design guidelines. Adherence to these guidelines and standards would mean that these projects would avoid altering the drainage pattern in a manner that results in substantial erosion or sedimentation, or exceeds the capacity of planned or existing drainage systems. Because adherence to these guidelines and standards is required by other agencies for other projects, it is reasonable to assume the guidelines and standards would be applied and accordingly, that there would not be a significant cumulative impact. Please refer to the response to submission FJ-1164, comment 1698.

### 1165-2222

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

Please also refer to the responses to submission FJ-1164, comments 1698 and 1758 regarding the Authority’s assumptions of regulatory compliance by other cumulative projects. It is reasonable to assume that other cumulative projects will be required to follow pertinent federal and state laws concerning surface and groundwater. The cumulative hydrology analysis contemplates several particular instances in which the HSR project plus other cumulative projects has potential to combine to result in cumulative impacts. Moreover, the comment does not provide evidence of any specific cumulative hydrological impact.

Regarding the assertions of the cumulative biological resources analysis, please refer to the response to submission FJ-1165, comment 2219.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2223

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment states that the Draft EIR/EIS identifies that cumulative projects are proposing amendments to local general plans and that consistency with a general plan does not necessarily prevent land use conflicts between a project and adjacent uses. In response to this comment, additional text has been added to Section 3.18.6.12, Station Planning, Land Use, and Development, of the Final EIR/EIS to clarify the cumulative impacts from other cumulative projects.

The comment states that additional conflicts with the Brisbane General Plan are identified in Table Metis-1 and that such conflicts need to be addressed in the EIR/EIS. Each of the individual comments in Table Metis-1 is addressed individually further below.

The comment states that the Draft EIR/EIS understates the project's significant contribution to a land use conflict and ignores how the project might interact with cumulative projects, including the Baylands Specific Plan in Brisbane and the MSASP in Millbrae. Regarding the Baylands Specific Plan in Brisbane, please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which identifies how the EIR/EIS considers the Baylands development in the environmental analysis. In addition, the Draft EIR/EIS does not ignore how the project would interact with the planned development in Brisbane (per the Brisbane General Plan); this is disclosed and discussed in Impact LU#5 of the Draft EIR/EIS. Regarding the MSASP in Millbrae, please refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, which describes the Millbrae Station RSP Design Variant developed by the Authority to reduce land use conflicts with planned development. This design variant was evaluated in a Revised/Supplemental Draft EIR/EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS.

The potential interaction of the project and cumulative projects, related to land use conflicts, would be limited to the areas around the Millbrae Station and the Brisbane LMF. In Millbrae, as disclosed in the Draft EIR/EIS and the Revised/Supplemental Draft EIR/EIS, the project would still allow for TOD around the Millbrae Station, which would be consistent with the planned land use patterns of TOD around transit stations. In Brisbane, as disclosed in Impact LU#5 of the Draft EIR/EIS, while the project would permanently affect areas planned for development, only a portion of areas planned for

### 1165-2223

development would be affected and area would remain where planned development would occur. Please refer to Table 3.13-13 of the Draft EIR/EIS, which identifies the percentages of area planned for development in Brisbane that would remain available for development. Although the project would result in impacts on planned development in Millbrae and Brisbane (which have been disclosed in the Draft EIR/EIS), in the cumulative context, the overall land use pattern of planned development around transit would remain and the project would not contribute to a substantial change in land use patterns. In response to this comment, additional text has been added to Section 3.18.6.12, Station Planning, Land Use, and Development, of the Final EIR/EIS.

### 1165-2224

The cumulative analysis of aesthetic and visual impacts utilized the same RSA used in Section 3.15, Aesthetics and Visual Quality, of the Draft EIR/EIS. Text in Section 3.18.6.14, Aesthetics and Visual Quality, has been updated to reflect this. The cumulative analysis in Brisbane considers the same sensitive residential viewers as the project analysis, and these viewers are beyond the 0.5-mile limit previously used in the description of the cumulative RSA for the analysis.

The RSA is defined to capture what viewers can see of the project from both the immediate vicinity and over longer distances. It varies with the topography and landscape which the project traverses. There is no RSA when the railway is passing through tunnels, because the railway is not visible to any viewers. This is why it is stated that the RSA varies by location. The analysis included a determination of that part of the project is visible to viewers and this informed the boundaries of the RSA. What is identified in the comment as "backtracking" is a transition from the description of immediate views of the project to middleground and background views.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2225

The cumulative aesthetics impacts consider the impacts of the HSR alternatives and the development of the Brisbane Baylands to all viewers. It is not focused on the impacts to viewers in the Brisbane Baylands project, but to all viewers in the Brisbane Landscape Unit.

The commenter incorrectly asserts that the Draft EIR/EIS relies on IAMFs to reduce aesthetic impacts of the Brisbane LMF to less than significant. Please refer to the response to submission FJ-1164, comment 1700 which addresses the commenter's assertions regarding the AVQ-IAMF#1 and AVQ-IAMF#2.

Consistent with the methods described in Section 3.15.4, Methods for Evaluating Impacts, the project's impact within the Brisbane Landscape is based on an assessment of the existing physical characteristics of visual resources and on viewers' awareness of and exposure to those resources. As discussed under Impact AVQ#4, the East and West Brisbane LMFs would decrease the visual quality by one level (from moderately high to moderate) for residential viewers on San Bruno Mountain with moderate sensitivity. For the purposes of this analysis, a substantial change in visual character or quality was defined "as a decrease of two or more levels of visual quality in a landscape viewed by viewers with moderate to high viewer sensitivity or as a decrease of one level in a landscape viewed by viewers with high viewer sensitivity" (refer to Section 3.15.4.5, Method for Determining Significance under CEQA). Accordingly, neither project alternative would substantially degrade the existing visual character or quality within the Brisbane Landscape Unit and the impact on visual quality would be less than significant. Updates have been made to the discussion within Impact AVQ#4 in the Final EIR/EIS to describe the removal of Icehouse Hill under Alternative B. With respect to Impact AVQ#4, the Draft EIR/EIS found that the impact would be less than significant, which is the correct determination based on the effects analysis and evidence presented.

Recreational users at the Brisbane Lagoon would be mostly focused toward the water, not towards the LMF or Baylands development. Views to the north from the shoreline of Brisbane Lagoon would include a new Tunnel Road overcrossing, further from the shoreline than the existing overcrossing, and the Baylands development. Neither LMF would be clearly visible from the shoreline of Brisbane Lagoon, as the Kinder Morgan Energy Tank Farm is located between the Lagoon and the LMF sites.

Regarding the potential future restoration of Visitacion Creek or other park and open space areas that may be included in the future Baylands development, this is not part of the existing aesthetic baseline and potential effects on the ability to conduct that

### 1165-2225

restoration or provide those parks or open space areas is not an impact over baseline. Furthermore, restoration of Visitacion Creek, while it may be included in concepts for the future Baylands development is not part of an approved plan or project (e.g., it is not mentioned in the adopted Brisbane 2018 GP Amendment).

### 1165-2226

The comment asserts the Brisbane LMF is inconsistent with the Brisbane General Plan and would impair the City's ability to provide much needed housing, and the Draft EIR/EIS fails to address the extent to which the Brisbane LMF conflicts with the Brisbane General Plan and thereby fails to disclose the significant environmental impacts that would result from those conflicts. In subsequent individual comments, the commenter identified specific potential conflicts with the Brisbane General Plan which they believe should be addressed in the Draft EIR/EIS and identified as significant impacts. Please refer to the responses to submission FJ-1165, comments 2227 through 2261, which address the commenter's specific concerns regarding potential inconsistencies with the Brisbane General Plan.

Although the Community Impact Assessment includes a table of pertinent policies from local general plans in Table 3-1, the Community Impact Assessment does not assess the project's consistency with general plan policies. Contrary to the comment's assertions, the EIR/EIS does include an analysis of the project's consistency with local plans and policies. Refer to Volume 2, Appendix 2-J, Policy Consistency Analysis.

### 1165-2227

Please refer to the response to submission FJ-1165, comment 2226.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2228

The comment suggests that the Draft EIR/EIS should identify impacts based on policy conflicts with the Brisbane General Plan, fails to identify what intersections would not meet General Plan standards, fails to identify mitigation, and has methodological issues. As noted by the commenter, the Draft EIR/EIS identifies a conflict with Policy C.2 of the Brisbane General Plan. Although the Draft EIR/EIS describes the project's inconsistency with local plans, inconsistency with such plans is not by itself considered an environmental impact. As lead agency, the Authority developed the methodology and significance criteria applied for the Draft EIR/EIS assessment in accordance with CEQA and NEPA guidelines. Because CEQA was amended in 2018 to eliminate the use of LOS as a threshold to identify significant CEQA transportation impacts, the Draft EIR/EIS addresses LOS for NEPA purposes only. The Authority identified a single LOS criterion to identify adverse effects under NEPA that was applied for intersections in all jurisdictions along the corridor to provide a fair and consistent evaluation of project impacts. Please refer to Sections 3.2.4.4, Method for Evaluating Impacts under NEPA, and 3.2.4.5, Method for Determining Significance under CEQA, of the Draft EIR/EIS for a description of the methods and impact criteria incorporated within the transportation assessment. Refer to Table 5-16 of the San Francisco to San Jose Project Section Transportation Technical Report (Authority 2019h) for additional information on intersection LOS effects.

In the vicinity of the Brisbane LMF, adverse LOS effects under NEPA are identified at the intersections of Harney Way/Thomas Mellon Circle and Geneva Extension/US 101 Northbound Ramps for 2040 conditions. In response to comments on the Draft EIR/EIS, the Authority conducted further analysis and developed site-specific mitigation measures for consideration that could reduce some of the adverse LOS effects identified in the Draft EIR/EIS, including a mitigation measure at the Harney Way/Thomas Mellon Circle intersection. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects. Please refer also to FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, regarding how the Authority identified mitigation for LOS impacts. Prior individual comments in this letter raised specific concerns regarding perceived methodological issues in the Draft EIR/EIS. Each of these specific comments is addressed above.

### 1165-2229

Policy C.3 of the Brisbane General Plan requires that intersections be designed so as to avoid queueing of vehicles and adversely affecting operations at another intersection. The analysis in the Draft EIR/EIS identified adverse LOS effects under NEPA at two intersections in Brisbane (i.e., the intersections of Harney Way/Thomas Mellon Circle and Geneva Extension/US 101 Northbound Ramps) based on the Authority's LOS criterion for assessing effects under NEPA. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects at Harney Way/Thomas Mellon Circle (TR-MM#1c). While Plan Bay Area 2040, the Bay Area's regional transportation plan, includes funding for planning and environmental analysis of the reconstruction of the US101/Candlestick Point interchange, the project cannot guarantee that the ultimate interchange design developed by others would meet Policy C.3. As such, the Draft EIR/EIS has been revised to indicate that the project may conflict with Policy C.3 of the Brisbane General Plan.

### 1165-2230

The comment suggests that Tunnel Avenue should be upgraded to current codes and safety standards. The Authority would design and build any new public roadways in accordance with the design standards adopted by the relevant local jurisdictions. Accordingly, the project would not conflict with Program C.5.a of the Brisbane General Plan. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2231

The comment suggests that the project is not consistent with Policy C.6 of the Brisbane General Plan. Policy C.6 of the Brisbane General Plan requires the City of Brisbane to investigate and pursue alternative means of access to and egress from Sierra Point and to investigate additional emergency access alternatives. While the HSR project would not improve access to Sierra Point, it would not preclude the City from implementing Policy C.6. Additional information has been added to Impact TR#2 in the Final EIR/EIS indicating that a feasible approach to phased construction of the realigned Tunnel Avenue overpass and approach embankments and the construction of the realigned Lagoon Road (that provides access to Sierra Point) has been identified that would maintain access throughout the construction process. Accordingly, the project would not be inconsistent with Policy C.6 of the Brisbane General Plan. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2232

The comment suggests that the project, because it includes an extension of Visitacion Avenue, is not consistent with the Brisbane General Plan Policy C.7. The extension of Visitacion Avenue from Old County Road to Valley Drive has been removed from the project alternatives in the Final EIR/EIS based on feedback provided by the City of Brisbane and other public comments. Accordingly, no policy inconsistency is identified in the Final EIR/EIS.

### 1165-2233

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations, FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment states that the project is inconsistent with Brisbane General Plan Policy C.44 and this inconsistency should be acknowledged as a significant land use impact. Policy C.44 directs City of Brisbane decision-makers to "Consider potential effects on mobility and emergency evacuation in making land use decisions."

The cited policy appears to direct decision-making processes internal to the City of Brisbane. Accordingly, the policy is not applicable to the HSR project (refer also to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations).

Notwithstanding, the Draft EIR/EIS amply considers potential effects on mobility and emergency evacuation throughout Sections 3.2, Transportation, and 3.11, Safety and Safety. With respect to emergency response access during construction of the Tunnel Avenue overpass, please refer to the responses to submission FJ-1165, comment 1920 and the standard response referenced above. Based on construction staging plans developed for the Tunnel Avenue overcrossing and realigned Lagoon Road since publication of the Draft EIR/EIS, emergency vehicle access to Tunnel Avenue and Lagoon Road will be maintained throughout all construction activities. Refer to Impact S&S#1 in Section 3.11, Safety and Security, of the Final EIR/EIS for detailed descriptions and illustrations of the proposed construction phasing.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2234

Section 3.4, Noise and Vibration, and Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS disclose that the project would be inconsistent with Section 8.28.060 of the Brisbane Municipal Code. As stated in Section 3.4.2.3, Regional and Local, of the Draft EIR/EIS, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. The project is subject to the FRA noise and vibration impact criteria.

The potential impact of HSR project noise on future planned land uses, including the proposed development on Brisbane Baylands, is discussed in Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. Based on this analysis, the Authority has proposed mitigation measure LU-MM#1 to reduce noise levels associated with HSR train operations to meet the City of Brisbane's General Plan noise compatibility standards for future planned land uses. Please refer to the response to submission FJ-1164, comment 1486 for additional information.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2235

The Authority assessed the project's consistency with local plans, policies, and ordinances. Refer to Section 3.4.3, Consistency with Plans and Laws, and Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS, which identify the project's inconsistencies with the general plans and codes of ordinances. However, as stated in Section 3.4.2.3, Regional and Local, of the Draft EIR/EIS, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. The project is subject to the FRA noise and vibration impact criteria.

Impact NV#4 in Section 3.4, Noise and Vibration, of the Draft EIR/EIS concluded that operations of the Brisbane LMF would not result in the generation of noise levels in excess of standards for a severe impact established by the FRA.

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. The potential impact of HSR project noise on future planned land uses, including the proposed development on Brisbane Baylands, is discussed in Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. Based on this analysis, the Authority has proposed mitigation measure LU-MM#1 to reduce noise levels associated with HSR train operations to meet the City of Brisbane's General Plan noise compatibility standards for future planned land uses. Please refer to the response to submission FJ-1164, comment 1486 for additional information.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2236

As explained in Section 3.2.3, Consistency with Plans and Laws, the Authority is not required to comply with local transportation regulations; however, it has endeavored to design and build the HSR project so that it is consistent with local transportation goals. For example, as part of TR-IAMF#2, the contractor would prepare a CTP for the purpose of minimizing impacts of construction and construction traffic on roadways in close consultation with the local jurisdiction having authority over the site. This plan would address the routing and scheduling of material deliveries, materials staging and storage, and detour provisions for temporary road closures. Consistent with TR-IAMF#7, truck routes would be established away from sensitive receptors and truck traffic would use the designated truck routes in each city. The Authority's standard process to date for coordination with local jurisdictions on the specific construction logistics has involved third-party agreements, which would be arranged with the Authority prior to construction and would outline the relationship between the Authority, the selected contractor, and the local jurisdiction. The agreements with local jurisdictions detail the submittal and review process for the local jurisdiction. These agreements also include reviewing and approving actions by the local jurisdiction for design plans, including detour routes and construction staging. Similar third-party agreements with local jurisdictions would be expected for construction of the San Francisco to San Jose Project Section. As routes for construction traffic would be established prior to project construction in coordination with the City of Brisbane, the project would not be inconsistent with Policy 180 of the Brisbane General Plan. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2237

As stated in Section 3.4.2.3, Regional and Local, of the Draft EIR/EIS, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. The project is subject to the FRA noise and vibration impact criteria, and the noise and vibration impact assessments were conducted following FRA methodology and criteria.

While the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS (see Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects), an assessment of the potential impact of HSR project noise on future planned land uses at the Brisbane Baylands site was included as part of Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS to assess whether increased noise, light, and glare from project operations would result in permanent alteration of planned land use patterns. The Draft EIR/EIS concluded that with the implementation of Mitigation Measure LU-MM#1, operations of the Brisbane LMF would not affect planned land uses such that a substantial change in land use patterns would occur. Accordingly, operation of the Brisbane LMF would not result in a significant impact on planned land uses and any potential inconsistency with Program 184a would be reconciled with implementation of LU-MM#1. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2238

Please refer to the response to submission FJ-1164, comment 1711, which explains the EIR/EIS concludes the project's operational water demand would not result in any significant environmental impacts. Consequently, the project would not be inconsistent with the underlying intent of Policy BL.1.B.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2239

The comment states that the Draft EIR/EIS did not identify an inconsistency with Policy 82 of the Brisbane General Plan and should have identified a significant land use impact due to the removal of habitat areas on Icehouse Hill under Alternative B and the realignment of Lagoon Road under both project alternatives. To respond to this comment, Appendix 2-I and Appendix 2-J have been revised to address Policy 82.

Nonetheless, the Draft EIR/EIS disclosed a significant and unavoidable land use impact related to the removal of Icehouse Hill from Alternative B under Impact LU#5 in Section 3.13, Station Planning, Land Use, and Development. Furthermore, please refer to Impact BIO#2 of the Draft EIR/EIS, which addresses the potential impacts on biological resources due to the impacts of habitat on Icehouse Hill from Alternative B.

The Draft EIR/EIS also disclosed a significant impact under Impact LU#7 with respect to the realignment of Lagoon Road in a BCDC priority use area designated for park uses under both project alternatives, and identified mitigation measure LU-MM#2 to realign the road further north. The Authority incorporated this mitigation measure into the project as part of the Final EIR/EIS. With this change, the project's alignment of Lagoon Road would not preclude restoration of marsh habitat along the northern edge of Brisbane Lagoon.

### 1165-2240

The comment states that the Draft EIR/EIS did not identify an inconsistency with Policy BL.1 H of the Brisbane General Plan and should have identified a significant land use impact due to the removal of habitat areas on Icehouse Hill under Alternative B and the realignment of Lagoon Road under both project alternatives. To respond to this comment, Appendix 2-I and Appendix 2-J have been revised to address Policy BL.1 H.

Please refer to the response to submission FJ-1165, comment 2239, which describes the significant land use impacts identified in the Draft EIR/EIS related to Icehouse Hill under Alternative B and the realignment of Lagoon Road in a BCDC priority use area designated for park uses under both project alternatives. Furthermore, please refer to Impact BIO#2 of the Draft EIR/EIS, which addresses the potential impacts on biological resources due to the impacts of habitat on Icehouse Hill under Alternative B.

### 1165-2241

The comment states that the Draft EIR/EIS did not identify an inconsistency with Policy BL.16 of the Brisbane General Plan and should have identified a significant land use impact due to the removal of habitat areas on Icehouse Hill under Alternative B. To respond to this comment, Appendix 2-I and Appendix 2-J have been revised to address Policy BL.16.

Please refer to the response to submission FJ-1165, comment 2239, which describes the significant land use impact identified in the Draft EIR/EIS related to Icehouse Hill under Alternative B. Furthermore, please refer to Impact BIO#2 of the Draft EIR/EIS, which addresses the potential impacts on biological resources due to the impacts of habitat on Icehouse Hill under Alternative B.

### 1165-2242

The comment states that the Draft EIR/EIS did not identify an inconsistency with Policy BL.20 of the Brisbane General Plan and should have identified a significant land use impact due to the removal of habitat areas on Icehouse Hill under Alternative B and the realignment of Lagoon Road under both project alternatives. To respond to this comment, Appendix 2-I and Appendix 2-J have been revised to address Policy BL.20.

Please refer to the response to submission FJ-1165, comment 2239, which describes the significant land use impacts identified in the Draft EIR/EIS related to Icehouse Hill under Alternative B and the realignment of Lagoon Road in a BCDC priority use area designated for park uses under both project alternatives. Furthermore, please refer to Impact BIO#2 of the Draft EIR/EIS, which addresses the potential impacts on biological resources due to the impacts of habitat on Icehouse Hill under Alternative B.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2243

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

As a state agency, the Authority is not required to comply with local policies. However, the preliminary design of the LMF and Lagoon Road have considered the most up-to-date projections of sea level rise that the State of California requires projects to consider. Specifically, the Authority reviewed and considered the State of California's Sea-Level Rise Guidance, 2018 Update (California Natural Resources Agency and California Ocean Protection Council 2018). The current design specifies that the ground elevation of the West Brisbane LMF would be 22.5 feet NAVD 88 and the ground elevation of the East Brisbane LMF 18.5 feet NAVD 88. With 6.9 feet of sea level rise in 2100 (0.5 percent probability of occurring), the water surface elevation of San Francisco Bay would be 16.9 feet NAVD 88 during the 100-year high tide. Considering these projections and the design life of project components, the Authority believes that the proposed project is providing a level of protection for project facilities consistent with Brisbane's policy because the LMF and Lagoon Road realignment would be protected from sea level rise in 2100. The project is not inconsistent with this policy from a source-protection perspective. Policy BL.1 J has been added to Volume 2, Appendix 2-I, Regional and Local Plans and Policies, in the Final EIR/EIS.

### 1165-2244

The Authority conducted a review of relevant regional and local plans and policies, which are inventoried in Volume 2, Appendix 2-I, of the Draft EIR/EIS. No inconsistency with Policy 173 was identified in Appendix 2-J, Policy Consistency Analysis, because this policy is specific to requirements for a development project in an area designated for planned residential and commercial uses on Brisbane Baylands and would not apply to the HSR project. As explained under Impact HMW#2 in the Final EIR/EIS, the Authority would work with the appropriate regulatory agencies to achieve remediation objectives for commercial/industrial land uses within the limits of the project footprint.

The comment also indicates that the Draft EIR/EIS does not address Title 27 requirements for the East Brisbane LMF within the Brisbane Landfill or regulatory approvals. Please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements. In response to this comment, Impact HMW#10 in Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS has been clarified as it relates to the requirements of Title 27. Site remediation and landfill closure approvals have been added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

### 1165-2245

The Authority conducted a review of relevant regional and local plans and policies, which are inventoried in Volume 2, Appendix 2-I, of the Draft EIR/EIS. No inconsistency with Policy 174 was identified in Appendix 2-J, Policy Consistency Analysis, because the policy is specific to the City of Brisbane's decisions on land use designations and development application. As explained in Section 3.10.3, Consistency with Plans and Laws, of the Draft EIR/EIS, the Authority, as the lead agency proposing to construct and operate the HSR system, is required to comply with all federal and state laws and regulations and to secure all applicable federal and state permits prior to initiating construction on the selected alternative. Title 27 closures and site remediation would occur subject to the regulatory authority of the Regional Water Quality Control Board and California Department of Toxic Substances Control.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2246

The Authority conducted a review of relevant regional and local plans and policies, which are inventoried in Volume 2, Appendix 2-I, of the Draft EIR/EIS. No inconsistency with Policy 175 was identified in Appendix 2-J, Policy Consistency Analysis, because as described in Section 3.10, Hazardous Materials and Wastes, appropriate remediation, including removal of contamination, in-situ treatment, or soil capping, would be conducted prior to acquisition (HMW-IAMF#1). Title 27 closures and site remediation would occur subject to the regulatory authority of the Regional Water Quality Control Board and California Department of Toxic Substances Control.

### 1165-2247

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the Draft EIR/EIS should have indicated a project inconsistency with Brisbane General Plan Policy 163 to ensure a 3-minute emergency response average and a 10-minute average response to other calls for (police) service.

The Authority conducted a review of relevant regional and local plans and policies, which are inventoried in Volume 2, Appendix 2-I, Regional and Local Plans and Policies, of the Draft EIR/EIS. Inconsistency with Policy 163 was identified in Appendix 2-J, Policy Consistency Analysis, in the Draft EIR/EIS. Based on construction staging plans developed for the Tunnel Avenue overcrossing and realigned Lagoon Road subsequent to publication of the Draft EIR/EIS, emergency vehicle access to Tunnel Avenue and Lagoon Road would be maintained throughout all construction activities. As such, police and fire access to parcels accessible via Tunnel Avenue and Lagoon Road would not be affected. The Authority and its contractor will work with the City of Brisbane to minimize any delays to emergency vehicles through the preparation and implementation of a CTP. Accordingly, no inconsistency with Policy 163 was identified in the Final EIR/EIS Appendix 2-J and it was determined that there would be no significant land use impact related to emergency vehicle access.

### 1165-2248

Section 3.12.3, Consistency with Plans and Laws, of the Draft EIR/EIS accurately identified that the project would be inconsistent with Policy 8 of the Brisbane General Plan, due to the displacement of businesses in Brisbane, and that while the Authority would work with the City of Brisbane and the developer of the Brisbane Baylands site to enhance the public benefits of the HSR project to meet the needs of the local communities, the project would remain inconsistent with this policy. The Authority as a state agency is not required to comply with local land use policies and zoning regulations.

Regarding reductions in property tax revenue due to displacements and relocations, this analysis is included under Impact SOCIO#12 in Section 3.12, Socioeconomics and Communities. The analysis finds that the estimated lost property tax revenue accounts for less than 0.1 percent of the county general fund property tax revenues, as shown in Table 3.12-17.

Please refer to the response to submission FJ-1165, comment 1929 regarding the Brisbane Corporation Yard and the response to submission FJ-1164, comment 1727 regarding Golden State Lumber.

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS, but is evaluated in Section 3.13 as a planned land use. However, it is anticipated that while the East or West Brisbane LMF would reduce the net fiscal benefits of the Brisbane Baylands project, the net fiscal benefits to the City would remain positive with the reduced development potential of the site.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2249

The comment asserts that the Brisbane LMF is inconsistent with Brisbane General Plan Policy LU.3 and that the Draft EIR/EIS did not disclose this inconsistency. The Authority respectfully disagrees with this assertion.

Please refer to Draft EIR/EIS Section 3.13.3.3, Plan Bay Area and Local Plans and Laws, which identifies that the proposed project would be inconsistent with the cited policy. Refer also to Draft EIR/EIS Appendix 2-J, Policy Consistency Analysis, Table 7, which acknowledges that the project would reduce the amount of land available for TOD in the Brisbane PDA and that this would be inconsistent with the cited policy and program. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2250

The comment asserts that the Brisbane LMF is inconsistent with Brisbane General Plan Policy LU.5.

The Draft EIR/EIS identified inconsistencies with Brisbane General Plan Policy LU.5 in both Section 3.12, Socioeconomics and Communities, and Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. Section 3.12.3, Consistency with Plans and Laws, and Section 3.13.3.3, Plan Bay Area and Local Plans and Laws, accurately identified that the project would be inconsistent with Policy LU.5 of the Brisbane General Plan because the HSR project would reduce the development potential under both project alternatives, which would have the effect of reducing potential tax revenues to Brisbane in the future. Refer also to Draft EIR/EIS Appendix 2-J, Policy Consistency Analysis, Tables 6 and 7, which acknowledge that either Brisbane LMF option would be inconsistent with Brisbane General Plan designations for residential and commercial development in the Brisbane Baylands, thus reducing tax revenues to the City. Appendix 2-J further notes that the Authority is mandated to build and operate the HSR project, which would have benefits across multiple resource areas. Authority would work with the City of Brisbane and the developer of the Brisbane Baylands site to enhance the public benefits of the HSR project to meet the needs of the local communities. However, the Authority as a state agency is not required to comply with local land use policies and zoning regulations.

Regarding other assertions in the comment about financial impacts on the City of Brisbane, please refer to Section 3.12, Socioeconomics and Communities, where Impacts SOCIO#12 and SOCIO#13 identify temporary and permanent economic impacts.

For clarifications regarding the disposition of the laydown yard used by Golden State Lumber, please refer to the response to submission FJ-1164, comment 1727.

For further clarifications regarding the City of Brisbane's Corporation Yard, please refer to the response to submission FJ-1164, comment 1929.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2251

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. As disclosed in Impact LU#5 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS, construction of the East and West Brisbane LMF would reduce the amount of land available for development on the Brisbane Baylands site by approximately 16.2 percent for the East Brisbane LMF under Alternative A and by 18.9 percent for the West Brisbane LMF under Alternative B (see Table 3.13-13). However, the Brisbane LMF would not preclude future development in the area and development has and will continue to occur near train tracks and facilities due to the limited supply of land in the Bay Area. While the East or West Brisbane LMF would reduce the net fiscal benefits of the Brisbane Baylands project, the net fiscal benefits to the City would remain positive with the reduced development potential of the site. Accordingly, an inconsistency with Policy BL.1E was not identified in the Draft EIR/EIS.

With respect to the noise generated at the Brisbane LMF, train maintenance would take place inside the maintenance building with minimal noise spillover into surrounding areas. As discussed in Impact NV#4 in Section 3.4, Noise and Vibration, noise generated from trains moving in and out of the LMF would provide a small contribution to the overall noise generated by project operations and would not result in the generation of noise levels in excess of standards for a severe impact established by the FRA. The primary noise source would be trains operating on the mainline tracks.

An assessment of the potential impact of HSR project noise on future planned land uses at the Brisbane Baylands site was prepared as part of Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS to assess whether increased noise, light, and glare from project operations would result in permanent alteration of planned land use patterns. As part of Mitigation Measure LU-MM#1, the Authority would work with the City of Brisbane and the site developer to mitigate operational noise impacts to adjacent residential and commercial development in Brisbane through noise barriers, building insulation, or building location/configuration. As mitigated, noise impacts would not result in a substantial change in planned land use patterns. Noise mitigation costs would not be transferred to existing and future Brisbane taxpayers.

### 1165-2251

Regarding traffic impacts, all impacts and appropriate mitigation measures are fully addressed in Section 3.2, Transportation. All required roadway and bridge improvements would be constructed by the Authority, and the cost of these would not be passed onto existing or future Brisbane taxpayers.

### 1165-2252

Please refer to the response to submission FJ-1165, comment 2249.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2253

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The Draft EIR/EIS accurately identified that the project would be inconsistent with Policy LU.5 of the Brisbane General Plan, due to the displacement of businesses in Brisbane, and that while the Authority would work with the City of Brisbane and the developer of the Brisbane Baylands site to enhance the public benefits of the HSR project to meet the needs of the local communities, the project would remain inconsistent with this policy.

The comment states that the Draft EIR/EIS fails to address the economic effects from removing areas planned for development in Brisbane, and therefore from the City's property tax roll and fair share funding from the Baylands development for regional transportation improvements, impacts on sales tax revenue due to removing Golden State Lumber's laydown yard, and impacts from removing the City's corporation yard. Please refer to the response to submission FJ-1165, comment 2248 regarding reductions in property tax revenue due to displacements and relocations, the Brisbane Corporation Yard, Golden State Lumber, and the Brisbane Baylands development and the baseline used for the environmental analysis. With respect to the planned Geneva Avenue extension, please refer to the response to submission FJ-1165, comment 2189.

As stated in Section 3.13.3.3, Plan Bay Area and Local Plans and Laws, "as a state agency, the Authority is not required to comply with regional and local land use and zoning regulations." Nonetheless, as stated in the Draft EIR/EIS, the Authority will work with the City of Brisbane and the developer of Brisbane Baylands to help meet the needs of local communities.

### 1165-2254

The comment states that the project is inconsistent with Policy BL.4 of the Brisbane General Plan because construction of the LMF would preclude development of open space and recreational uses in the Baylands and realignment of Lagoon Road would preclude restoration of marsh habitat north of the Brisbane Lagoon. To address this comment, Brisbane's General Plan Policy BL.4 has been added to the list of relevant local policies in Appendix 2-I, Regional and Local Plans and Policies, of the Final EIR/EIS. A discussion of the project's inconsistency with this policy related to Icehouse Hill has been added to Section 3.14.3, Consistency with Plans and Laws, and Appendix 2-J, Policy Consistency Analysis, of the Final EIR/EIS. Only Alternative B (West Brisbane LMF) would affect Icehouse Hill, while Alternative A (East Brisbane LMF) would not. Both Alternatives A and B would relocate Lagoon Road to the north. As part of the Final EIR/EIS, the Authority realigned Lagoon Road further north of the alignment evaluated in the Draft EIR/EIS under both project alternatives, which would increase the area available on the north shore of the Brisbane Lagoon for development of open space, recreational uses, or wetland restoration relative to existing conditions. The project would not preclude the dedication of land for open space, recreational uses, and wetlands restoration around Brisbane Lagoon.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2255

The comment states that the project is inconsistent with Policy BL.20 of the Brisbane General Plan because the project does not dedicate land for development of open space and recreational uses or wetland restoration. To address this comment, Brisbane's General Plan Policy BL.20 has been added to the list of relevant local policies in Volume 2, Appendix 2-I, Regional and Local Plans and Policies, of the Final EIR/EIS. As part of the Final EIR/EIS, the Authority realigned Lagoon Road further north of the alignment evaluated in the Draft EIR/EIS under both project alternatives, which would increase the area available on the north shore of the Brisbane Lagoon for development of open space, recreational uses, or wetland restoration relative to existing conditions. The project would not preclude the dedication of land for open space, recreational uses, and wetlands restoration around Brisbane Lagoon; accordingly, no policy inconsistency was identified.

Refer to submission FJ-1165, comment 2254, which addresses the project's inconsistency with Policy BL.5 related to Icehouse Hill. Only Alternative B (West Brisbane LMF) would affect Icehouse Hill, while Alternative A (East Brisbane LMF) would not. In addition, please refer to submission FJ-1164, comment 1744 regarding how the Draft EIR/EIS addresses the removal of Icehouse Hill.

### 1165-2256

To address this comment, additional discussion has been added to Appendix 2-J, Policy Consistency Analysis, and Section 3.15.3, Consistency with Plans and Laws, of the Final EIR/EIS to clarify that the West Brisbane LMF would require removal of a portion of Icehouse Hill.

The removal of Icehouse Hill was identified as a significant impact on existing land uses under Impact LU#5 within Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. The comment did not result in any revisions to this land use impact.

Please refer to Section 3.7, Biological and Aquatic Resources, and Section 3.14, Parks, Recreation, and Open Space, of the Draft EIR/EIS for a discussion of policy inconsistencies relevant to those resource topics and any related environmental impacts.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2257

To address this comment, Brisbane's General Plan Policy BL.11 has been added to the list of relevant local policies in Appendix 2-I, Regional and Local Plans and Policies, of the Final EIR/EIS.

Icehouse Hill presents a steep graded slope along the east side of Bayshore Boulevard. While some trees at the top of this high slope would be removed as part of the removal of the hill, new views across the Baylands to the Bay and East Bay would be created, or landscaping could be planted along the east side of Bayshore Boulevard that is consistent with the existing landscaping.

The extension of Tunnel Avenue to Bayshore Boulevard at Valley Drive would require removal of trees immediately adjacent to the intersection on the east side of Bayshore Boulevard, but the relocation of the fire station and existing Tunnel Avenue overcrossing would open new views to the lagoon.

AVQ-IAMF#1 and AVQ-IAMF#2 explain the process whereby the Authority and local jurisdictions would develop aesthetic treatments, including landscaping, to visually integrate the HSR infrastructure with the local aesthetic. This process would provide an opportunity for input on the landscaping along Bayshore Boulevard during the final design phase of the project. Additionally, AVQ-MM#1 would require replacement of trees based on local jurisdictional requirements. Accordingly, the project would not be inconsistent with this policy.

### 1165-2258

To address this comment, Brisbane's General Plan Policy BL.16 has been added to the list of relevant local policies in Appendix 2-I, Regional and Local Plans and Policies, in the Final EIR/EIS. A discussion of the inconsistency of Alternative B with this policy has been added to Appendix 2-J, Policy Consistency Analysis, as well as Section 3.15.3, Consistency with Plans and Laws, in the Final EIR/EIS.

The removal of Icehouse Hill was identified as a significant impact on existing land uses under Impact LU#5 within Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. The comment did not result in any revisions to this land use impact.

### 1165-2259

The comment asserts that the Draft EIR/EIS defers cultural resource testing through CUL-MM#2, and therefore has not determined whether the project would affect known resources. The Authority disagrees with this assertion, as explained in the responses to submission FJ-1164, comments 1534, 1535, 1536, 1543, and 2204, which address this topic.

CUL-MM#2 does not improperly defer identification, analysis, or assessment of effects. Rather, it is a mitigation measure that specifies procedures and protocols to be followed in the event of unanticipated discoveries during construction, including stopping work, preservation of the discovery until evaluated by a qualified archaeologist, and treatment of human remains as required by law. CUL-MM#2 specifies the performance standard of compliance with the stipulations of the PA, MOA, and ATP. It also specifies the activities required by the measure must be performed consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, as well as all state and federal laws. To support CUL-MM#2, the Authority has prepared an ATP that summarizes archaeological sensitivity, outlines a process for phased identification, provides for treatment of archaeological resources, and establishes procedures for unanticipated discoveries during construction, among other critical information and protocols.

For these reasons, the Authority believes that the Draft EIR/EIS conclusion that the project would be consistent with Policy 137 of the Brisbane General Plan with the implementation of cultural resource mitigation measures (CUL-MM#1 through CUL-MM#3) is appropriate.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2260

Please refer to the response to submission FJ-1165, comment 2248.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2261

The comment is associated with submission FJ-1165, comment 2227, which includes a table of policies of the Brisbane General Plan and asserts that the Draft EIR/EIS did not disclose inconsistencies with such policies. The list of such policies comprises comments 2228 through 2261 associated with submission FJ-1165.

Comment 2261 asserts that the Draft EIR/EIS did not disclose an inconsistency of the proposed Brisbane LMF with Policy LU.5 of the Brisbane General Plan and also did not address economic effects associated with: (1) reductions in property tax revenue, (2) impacts on the prospective Brisbane Baylands development, (3) the Golden State Lumber laydown yard, and (4) the City of Brisbane's corporation yard.

Per Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS, the Authority did disclose that the proposed project would be inconsistent with Brisbane General Plan Policy LU.5 and acknowledged that this conflict would not be fully reconciled.

Additionally, the economic impacts associated with displacements are addressed in Section 3.12.6.5, Economic Impacts, of the Draft EIR/EIS.

Please refer to the response to submission FJ-1165, comment 2248 regarding the assertions concerning property tax revenue effects.

Regarding the prospective effects of the HSR project on the development potential in the Brisbane Baylands, please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, as well as Impact LU#5 in Section 3.13, Station Planning, Land Use, and Development, of the Final EIR/EIS.

Regarding prospective effects on the Golden State Lumber Yard, please refer to the response to submission FJ-1164, comment 1727.

Finally, regarding the relocation of the City of Brisbane Corporation Yard, please refer to the response to submission FJ-1165, comment 1929.

### 1165-2262

The comment asserts that the design of the Brisbane East or West LMF ignores the site's physical setting, resulting in an inadequate analysis of the project's impacts. The Authority disagrees with this assertion. Please refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation. The project description provided in the EIR/EIS is of a sufficient level of detail to adequately analyze the environmental impacts of the project. In addition, Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS includes detailed engineering drawings sufficient for analyzing environmental impacts. Analysis of the project's construction and operation impacts, including those associated with the Brisbane LMF, are presented in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures; Chapter 4, Section 4(f)/6(f) Evaluation; and Chapter 5, Environmental Justice, of the Draft EIR/EIS. Consistent with the requirements under NEPA and CEQA, the Draft EIR/EIS identifies feasible mitigation measures to avoid, minimize, rectify, reduce, eliminate, or compensate for an adverse physical change in the environment. Please refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, for additional information about the LMF site evaluation conducted by the Authority, and explanation why the Brisbane LMF sites were carried forward for further evaluation in the Draft EIR/EIS. Based on comments from the City of Brisbane on the Draft EIR/EIS, the Authority has updated the Final EIR/EIS to: (1) reflect a phased construction approach to the relocated Tunnel Avenue overpass that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process, (2) remove the extension of Visitacion Avenue from Old County Road to Valley Drive from the project description, (3) further relocate the Brisbane Fire Station under Alternative A to improve emergency vehicle access, and (4) relocate the City of Brisbane's Corporation Yard on the current property prior to construction of the relocated Tunnel Avenue and provide access from the proposed Kinder Morgan access road in the northeast corner of the parcel.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2263

Please refer to the response to submission FJ-1165, comment 2149, which addresses the evaluation of the excavation and disposal of hazardous materials required to construct the Brisbane LMF in Section 3.10, Hazardous Materials and Wastes. Please also refer to response to submission FJ-1164, comment 1392, which addresses the evaluation of material disposal during construction of the Brisbane LMFs.

The comment also indicates that the Draft EIR/EIS does not address Title 27 requirements for the East Brisbane LMF within the Brisbane Landfill or regulatory approvals. Please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements. In response to this comment, Impact HMW#10 in Section 3.10.6.2, Hazardous Material and Waste Sources, of the Final EIR/EIS has been clarified as it relates to the requirements of Title 27. Site remediation and landfill closure approvals have been added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

### 1165-2264

This comment states that the likelihood of gaining regulatory approval for impacts to Visitacion Creek is questionable, considering that (1) less impactful alternatives are available in the form of LMF sites other than the Baylands that should have been investigated, but were not, as part of the Draft EIR/EIS and (2) relocating the creek would cut off natural stormwater runoff to the remaining 1,100 linear feet of Visitacion Creek east of the realigned Tunnel Avenue, adversely affecting remaining habitats in that location and requiring additional mitigation.

With respect to the consideration of other LMF sites, please refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, which documents the Authority's evaluation of numerous potential LMF alternatives and identification of the East and West Brisbane LMF for detailed study. In July and August of 2019, USEPA and USACE concurred with the range of alternatives evaluated in the Draft EIR/EIS through the Checkpoint B process. In June 2020, USEPA and USACE concurred with the identification of Alternative A as the least environmentally damaging practicable alternative as part of the Checkpoint B process. With respect to the potential mitigation concept evaluated in the pCMP that involves rerouting Visitacion Creek into an open channel to connect to Brisbane Lagoon, please refer to the response to submission FJ-1164, comment 1638.

### 1165-2265

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which addresses the consideration of the Geneva Avenue Extension and Geneva-Harney Bus Rapid Transit Project in the EIR/EIS. Please also refer to the response to submission FJ-1165, comment 2189, which addresses the feasibility of the proposed Geneva Avenue overcrossing with implementation of either project alternative.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2266

The comment indicates that the Draft EIR/EIS does not address Title 27 requirements for the East Brisbane LMF within the Brisbane Landfill or regulatory approvals. Please refer to Section 3.10.4, Methods for Evaluating Impacts, of the Draft EIR/EIS, which addresses Title 27 requirements. Additional discussion of Title 27 requirements has been added to Impact HMW#10 in the Final EIR/EIS. In accordance with Title 27 requirements, a final post-closure landfill cap and maintenance plan would be required, which would address post-construction, monitoring, sampling, and other actions that are required to conform with Title 27 requirements. Title 27 closures and site remediation would occur subject to the regulatory authority of the Regional Water Quality Control Board and California Department of Toxic Substances Control. Site remediation and landfill closure approvals have been added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS.

### 1165-2267

Please refer to the response to submission FJ-1164, comment 1711.

### 1165-2268

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS, and is addressed in Section 3.13 as a planned land use. Please also refer to the response to submission SFSJ-1165, comment FJ-2251, which addresses the assertion that the Draft EIR/EIS proposes no noise or traffic mitigation due to impacts of the Brisbane LMF.

Although construction of the Brisbane LMF would reduce the area where future development could occur, it would not preclude future development in the area. Development has and will continue to occur near train tracks and facilities due to the limited supply of land in the Bay Area. As detailed under Impact LU#5 in Section 3.13, Station Planning, Land Use, and Development, Alternative A (the Authority's Preferred Alternative) would have less impact on land designated for planned development (residential permitted) than Alternative B. The Authority will continue ongoing coordination with the City of Brisbane and the developers for the Brisbane Baylands site in order to minimize potential incompatibilities between the Brisbane LMF and future planned development on the site.

### 1165-2269

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The standard response referenced above addresses the consideration of the Geneva Avenue Extension and Geneva-Harney Bus Rapid Transit Project in the EIR/EIS. The Geneva Avenue extension is not included in the environmental baseline, but it was included in the list of cumulative transportation projects in Appendix 3.18-B, Cumulative Transportation Plans and Projects Lists, in the Final EIR/EIS.

Refer to the response to submission FJ-1165, comment 2189 regarding the feasibility of the proposed Geneva Avenue overcrossing with implementation of either project alternative.

Attachment Metis-C did not include an illustration of the Geneva Avenue extension, but instead contained EKI Hazardous Materials and Wastes comments and resumes. As such, the PSR alignment of the proposed extension could not be evaluated. The Geneva Avenue Extension PSR was not made available to the Authority; the horizontal alignment of the Geneva Avenue extension shown in the Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS was interpolated from diagrammatic information received, and is not significantly different from that shown in Attachment Metis-F. The Authority disagrees that the increased height of the Geneva Avenue Extension profile would result in loss of access to local streets in the Baylands development. As clearly shown in Attachment Metis-F (Exhibits 6.-1.1A and 6.1.1B), there is access from Geneva Avenue via parallel streets to the north and south of the Geneva Ave Extension. Additional cross street connections could be implemented on retained fill. The Authority will coordinate with the appropriate agencies during final design to resolve design, construction, and operational issues between HSR and the Geneva Avenue extension.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2270

The Draft EIR/EIS disclosed a temporary road closure of Tunnel Avenue overpass and Tunnel Avenue for between 1 and 3 months under Impact S&S#1 in Section 3.11, Safety and Security and Impact SOCIO#1 in Section 3.12, Socioeconomics and Communities. Since publication of the Draft EIR/EIS, the Authority identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass which would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process. Revisions have been made throughout the Final EIR/EIS to clarify the construction phasing for the Tunnel Avenue overpass and this clarification has also been added to Section 2.10.3.7, Roadway Modifications. Revisions have also been made to the impact analysis throughout the Final EIR/EIS to reflect this change.

The risks associated with potential for ground settlement would be addressed through ground improvement such as preloading to reduce future ground settlement or using deep foundations systems (GEO-IAMF#1). Additional geotechnical information would be collected, and analysis would be performed, as a part of the contractor's geotechnical design; this approach is consistent with standard practices for design-build projects, where the environmental analysis process occurs before completion of final engineering design. This additional information would inform the final engineering design and address settling and other geotechnical concerns.

### 1165-2271

The comment raises concerns about the design for the Tunnel Avenue overpass and the Lagoon Road realignment. To address this comment, the design of the Tunnel Avenue overpass and Lagoon Road alignment has been revised in the Final EIR/EIS. The relocated Tunnel Avenue intersection with Bayshore Boulevard at Valley Drive has been shifted north to enable the fire station to be kept in service during construction of the realigned overpass and relocated fire station building. The Tunnel Avenue overpass structure has been extended to pass over the existing Tunnel Avenue adjacent to the intersection with Lagoon Road, allowing these roads to remain in service during construction of the new overpass. With respect to the other concerns raised by the commenter, the 95-foot radius curve is similar to the existing alignment approaching the intersection with Bayshore Boulevard and is a function of the site constraints. The design of the Bayshore Boulevard/Valley Drive intersection would be refined during final design to better accommodate bicycle and pedestrian traffic through the intersection. In addition, the profile grade of the relocated Tunnel Avenue overpass has been improved to a maximum of 5 percent. Lagoon Road, which has been realigned further north as part of the Final EIR/EIS, has a 35-mph design speed. The commenter's reference to closely spaced intersections west of Bayshore Boulevard likely refers to the extension of Visitacion Avenue from Old County Road to Valley Drive. Based on feedback provided by the City of Brisbane, the extension of Visitacion Avenue from Old County Road to Valley Drive has been removed from the project alternatives. Revisions have been made to the project description in Chapter 2, Alternatives, and to the impact analysis throughout the Final EIR/EIS to reflect the removal of this roadway extension. With this change, there would be no changes to existing intersection spacing west of Bayshore Boulevard.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2272

In subsequent individual comments, the commenter provided more detail about what they considered to be factual errors in the Draft EIR/EIS. Each of these specific comments is addressed below.

With respect to the commenter's concern about references to the Brisbane General Plan, the text on Page 3.2-6 of the Draft EIR/EIS correctly refers to "City of Brisbane General Plan (City of Brisbane 2020)". As described in the transportation policies in Appendix 2-I, Regional and Local Plans and Policies, of the Draft EIR/EIS, "The City of Brisbane General Plan Circulation Element, last updated in 2020, defines policies and programs to shape land use and transportation in the City of Brisbane." The Authority recognizes that the Brisbane General Plan was originally adopted in 1994 and aspects of the plan were more recently amended. Revisions to these references are not necessary in the Final EIR/EIS.

### 1165-2273

The comment asserts that the Draft EIR/EIS's description of land uses within the Brisbane Baylands area is incorrect. To address this comment, the description of existing land uses within Brisbane Baylands has been updated in Section 3.12.5.1, Communities and Neighborhoods, of the Final EIR/EIS to reflect the closure of one lumber yard and a soil processing facility. These updates to reflect current business operations do not affect any of the impact conclusions in the Draft EIR/EIS. Business operations at particular sites are dynamic and subject to change. For the purposes of the existing land use characterization, ceasing operations is noted but no different use has replaced the noted businesses and neither site has been rezoned or had a change in general plan designation.

Impacts SOCIO#1 and SOCIO#3 discuss the potential for project construction and operation to disrupt communities through a variety of means, including through increased project-related traffic. These impacts identified the potential for less-than-significant disruptions and called out the potential for business disruptions in Brisbane. The closure of such businesses would further reduce the already less-than-significant impacts identified in Impacts SOCIO#1 and SOCIO#3.

### 1165-2274

The comment notes that traffic volumes and LMF projections in the Draft EIR/EIS were derived from various sources. The comment notes that traffic counts for the intersection of Bayshore Boulevard and Industrial Way are not included in Appendix A, Intersection Traffic Count Data Sheets, of the San Francisco to San Jose Project Section Transportation Technical Report (Authority 2019h). While traffic counts were conducted for this intersection, they were inadvertently omitted from Appendix A of the Technical Report. To address this comment, the traffic counts for this intersection have been added to Volume 2, Appendix 3.2-A, Transportation Data on Intersections, of the Final EIR/EIS. The omission of the traffic count sheet from the appendix does not affect the analysis of effects at the intersection, which was conducted based on the count volumes. The LOS analysis concluded that the project alternatives would have no LOS effects at the Bayshore Boulevard/Industrial Way intersection.

### 1165-2275

The comment notes that the LMF trip generation in the Draft EIR/EIS is based on general light industrial land use and requests information on the LMF shift schedule. Please refer to the response to submission FJ-1164, comment 1509, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2276

The comment notes that the Draft EIR/EIS includes VMT forecasts and 2040 traffic volumes for study intersections and asks for information on the methodology for developing forecasts for intersection volumes. Please refer to the response to submission FJ-1165, comment 2003. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2277

The comment states that the Draft EIR/EIS includes 2040 traffic volumes for study intersections and asks for information on the methodology for developing forecasts for intersection volumes. Please refer to the response to submission FJ-1165, comment 2003. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2278

The comment notes that the San Francisco to San Jose Project Section Transportation Technical Report (Authority 2019h) states that the socioeconomic data set used to prepare the intersection forecasts for the Draft EIR/EIS was ABAG Projections 2013. The comment indicates that the Draft EIR/EIS does not mention if the land use projections were revised, with a specific reference to land use growth in Brisbane. Analysts developed forecasts of vehicles that would travel on the freeways and roads for the Draft EIR/EIS using the model developed by VTA staff for the C/CAG. This forecasting tool was identified as the most appropriate for the project because it was designed and calibrated for that purpose. The VTA model accurately reflects land use, travel demand, and infrastructure changes within the RSA for the Draft EIR/EIS horizon years. The land use forecasts were based on the most recent ABAG land use forecasts available at the time of NOP/NOI release in May 2016. The Brisbane Baylands project is not yet an approved project and environmental review of the project is still pending. Forecasts developed for virtually all major transit projects in the United States are prepared based on socioeconomic forecasts as developed by the relevant metropolitan planning organization without adjustments. The Draft EIR/EIS followed this best practice by using the most current ABAG forecasts as of May 2016, which are based on an economic assessment of the reasonable level of growth forecast in the Bay Area by 2040. The ABAG land use forecasts are reviewed by local agencies as they are developed. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2279

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment suggests that the Draft EIR/EIS should include the Baylands development in the traffic forecasts and reanalyze future traffic conditions in and around Brisbane. As noted in response to submission FJ-1165, comment 2278, the land use forecasts were based on the most recent ABAG land use forecasts available at the time of NOP/NOI release in May 2016. The Brisbane Baylands project is not yet an approved project and environmental review of the project is still pending. Forecasts developed for virtually all major transit projects in the United States are prepared based on using socioeconomic forecasts as developed by the relevant metropolitan planning organization without adjustments. The Draft EIR/EIS followed this best practice by using the most current ABAG forecasts as of May 2016, which are based on an economic assessment of the reasonable level of growth forecast in the Bay Area by 2040.

The LMF is forecast to generate about 70 peak hour trips, which results in a small number of project trips to individual intersections when assigned throughout the roadway network and no significant LOS effect at the major study intersections in Brisbane along Bayshore Boulevard as about 60 percent of project peak hour trips are destined for US 101. For the East LMF, most of the trips generated by the LMF would travel from the site to and from the adjacent US 101/Candlestick Point interchange via Tunnel Avenue and Beatty Avenue, thus contributing very few trips to Bayshore Boulevard and Brisbane intersections to the west. Trips generated by the West LMF would access Bayshore Boulevard at Industrial Way, and about 80 percent of the West LMF trips would travel to the north via Bayshore Boulevard to access US 101 and/or Geneva Avenue.

### 1165-2280

The comment notes that the LOS criterion to identify adverse LOS effects under NEPA applied in the Draft EIR/EIS is different than the Brisbane General Plan LOS standard. Please refer to the response to submission FJ-1165, comment 2228, which addresses the Authority's LOS criterion for assessing effects under NEPA and the project's inconsistency with Brisbane's LOS standard. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2281

The comment notes that the Draft EIR/EIS recommends that the Bayshore Boulevard/San Bruno Avenue intersection be included in the study. Please refer to the response to submission FJ-1164, comment 1510. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2282

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The comment suggests that the Authority should provide physical improvements or pay a traffic impact fee pursuant to General Plan Program C.1.c. The HSR project, including the LMF, is not subject to paying local traffic impact fees. The East LMF (Alternative A) would not add 50 peak hour trips to any study intersection in Brisbane along Bayshore Boulevard, Geneva Avenue, or US 101. The West LMF (Alternative B) is forecast to add approximately 66 vehicle trips to the Bayshore Boulevard/Industrial Way intersection and 52 vehicle trips to the Bayshore Boulevard/Geneva Avenue intersection. As such, the West LMF (Alternative B) would be inconsistent with General Plan Policy C.1.c because the Authority would not pay a local traffic impact fee or provide physical improvements and the facility would generate more than 50 peak hour trips at two intersections along Bayshore Boulevard. The Authority has revised Section 3.2.3, Consistency with Plans and Laws, and Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Final EIR/EIS to clarify Alternative B's inconsistency with Brisbane General Plan Policy C.1.c.

However, as described in Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations, the Authority is not subject to local government general plan policies or zoning regulations. While Alternative B (West LMF) would add 50 or more peak hour trips to the intersection of Bayshore Boulevard/Industrial Way and Bayshore Boulevard/Geneva Avenue, the LOS evaluation concluded that Alternative B would not result in significant NEPA LOS effects at these intersections.

### 1165-2283

The comment suggests that it would be more informative to present the VMT effect of the project in the Draft EIR/EIS based on efficiency metrics such as daily VMT per job or VMT per population. Although the request is noted, the presentation of this information does not relate to the adequacy of the analysis in the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS.

### 1165-2284

The comment states that the Draft EIR/EIS shows an overall countywide reduction in VMT, but should acknowledge that the VMT in areas around the stations and the LMF would increase, causing the air quality around those stations to deteriorate. The countywide VMT forecasts prepared for the Draft EIR/EIS account for changes in VMT that include a reduction in long-distance vehicle travel (for those who would shift from driving to HSR) as well as the use of multiple modes to access the HSR stations and LMF, which would result in a localized increase in VMT for the share of trips accessing the stations and LMF via auto. Impact AQ#10 in Section 3.3, Air Quality and Greenhouse Gases, of the Draft EIR/EIS describes the localized emission increases near the HSR stations and LMF. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2285

The comment notes that the 2040 No Project forecasts in the Draft EIR/EIS differ from the forecasts presented in the 2013 Brisbane Baylands Draft EIR for 2030 conditions. The Authority assumes that the reference to the 2013 Brisbane Baylands Draft EIR in the comment is to a document prepared for a previous version of the Baylands development. It is the Authority's understanding that a revised Brisbane Baylands Specific Plan and EIR is currently under preparation. The forecasts performed for the Draft EIR/EIS were developed using VTA's travel demand model and the ABAG land use dataset available at the time of the NOP/NOI publication in May 2016. As the horizon years and land use forecasts in the 2013 Brisbane Baylands Draft EIR are different than the ABAG forecasts, differences in the results of the intersection volume forecasts are expected. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2286

The comment states that the intersection LOS analysis in the Draft EIR/EIS does not evaluate intersections along Visitacion Avenue. Please refer to the response to submission FJ-1164, comment 1511, which explains that the extension of Visitacion Avenue from Old County Road to Valley Drive has been removed from the project alternatives in the Final EIR/EIS based on feedback provided by the City of Brisbane and other public comments.

### 1165-2287

The comment requests that the Draft EIR/EIS provide intersection geometry assumptions for the intersections evaluated with VISSIM or SimTraffic. No changes in intersection geometry were assumed except at the intersections of Bayshore Boulevard/Valley Drive and the two ramp intersections at the US 101/Geneva Extension (currently Candlestick Point) interchange. At the intersection of Bayshore Boulevard/Valley Drive, under 2040 Plus Project conditions, an east leg is added to the intersection. The new east leg of the Bayshore Boulevard/Valley Drive intersection would have a westbound left-turn lane and a westbound through lane as well as a single eastbound through lane. The geometry for the ramp intersections at the planned US 101/Geneva Avenue Extension (currently Candlestick Point) interchange are consistent with the approved Caltrans Project Study Report (2013 PSR) for the interchange. At the northbound off-ramp, where a NEPA effect is identified, the intersection would include five eastbound lanes (three left turn and two through), seven westbound lanes (three left turn, three through, and one right turn), and two northbound lanes (one left/through, one right turn). The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2288

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

In response to comments on the Draft EIR/EIS, the Authority conducted further analysis and developed site-specific mitigation measures for consideration that could reduce some of the adverse LOS effects identified in the Draft EIR/EIS. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects. Mitigation Measure TR-MM#1c identifies improvements to the intersection of Harney Way/Thomas Mellon Circle/Alana Way, which would involve realignment of Thomas Mellon Circle to intersect Harney Way at a new intersection approximately 100 feet northeast of Alana Way, installation of a traffic signal at the newly configured Harney Way/Thomas Mellon Circle intersection, and provision of four lanes on Harney Way. Mitigation Measure TR-MM#1c is consistent with improvement concepts developed for the Geneva-Harney BRT Project –Executive Park/Harney Way Circulation and Design Study, also referred to as the Southeast Transit Study, conducted for SFMTA to identify feasible improvements to streets such as Alana Way and Harney Way in the area adjacent to the impacted intersections in Brisbane. The Near-Term Harney Way Improvements described in Mitigation Measure TR-MM#1c include widening Alana Way to three lanes and providing separate left and right turn lanes at Harney Way.

### 1165-2289

The comment notes that the San Francisco to San Jose Project Section Transportation Technical Report (Authority 2019H) indicates that the existing US 101 Northbound Ramp/Harney Way intersection would be removed and asks that this be explained and analyzed. The existing US 101 Northbound Ramp/Harney Way intersection would be removed with construction of the new US 101/Geneva Avenue Extension (currently Candlestick Point) interchange, consistent with the approved Caltrans Project Study Report (2013 PSR) for the interchange. Traffic at the existing northbound ramps to US 101 that currently connect to Harney Way would connect in the future to the planned Geneva Avenue Extension. The Draft EIR/EIS correctly assigns traffic from the northbound ramps to US 101 to the US 101/Geneva Avenue Extension interchange, so no new analysis is required. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2290

The comment suggests that the Draft EIR/EIS assumes trips using the relocated Tunnel Avenue overpass that are traveling to and from Downtown Brisbane are assigned to use Bayshore Boulevard and Old County Road rather than Valley Drive and the extension of Visitacion Avenue. Please refer to the response to submission FJ-1164, comment 1511, which explains that the extension of Visitacion Avenue from Old County Road to Valley Drive has been removed from the project alternatives in the Final EIR/EIS based on feedback provided by the City of Brisbane and other public comments.

### 1165-2291

The comment suggests that the extension of Visitacion Avenue would result in new intersections at Visitacion Avenue/Valley Drive and Visitacion Avenue/Old County Road, and requests additional analysis at these two intersections. Please refer to the response to submission FJ-1164, comment 1511, which explains that the extension of Visitacion Avenue from Old County Road to Valley Road has been removed from the project description in the Final EIR/EIS based on feedback provided by the City of Brisbane.

### 1165-2292

The comment suggests that the Authority should study the feasibility of the planned Geneva Avenue extension with the East Brisbane LMF. Please refer to Standard Response FJ-Response-GEN-3, which addresses the consideration of the Geneva Avenue extension and Geneva-Harney Bus Transit Project in the Draft EIR/EIS. As noted in the standard response, the Geneva Avenue extension is not included in the environmental baseline because it is not an approved project and does not have dedicated funding. Construction of the Geneva Avenue extension would remain feasible under both project alternatives, albeit with increased costs and some implications on circulation within the proposed Brisbane Baylands development. Because the Geneva Avenue Extension remains feasible, the HSR project would not pose a conflict with Plan Bay Area 2040 with respect to planned transit. Additional information has been added to Impact TR#11 of the Final EIR/EIS to address the project's consistency with Plan Bay Area 2040 with respect to the Geneva Avenue extension and the related Geneva-Harney BRT project.

### 1165-2293

The comment states that the Draft EIR/EIS should include an analysis of the East Brisbane LMF construction truck traffic effects and identify the duration of construction activity. Please refer to the response to submission FJ-1164, comment 1506, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2294

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment states that the closure of Tunnel Avenue during construction of the East Brisbane LMF would eliminate emergency access to the Kinder Morgan tank farm and to other businesses along Tunnel Avenue. The comment also asserts the need for further study to evaluate the effects of the HSR alignment on fire department service areas and response times during construction.

These issues have been addressed in previous responses to comments. Regarding emergency response access during construction of the Tunnel Avenue overpass, please refer to the responses to submission FJ-1165, comment 1920 and the standard response referenced above.

Regarding access to the Kinder Morgan facility, please refer to the response to submission FJ-1165, comment 1929.

As explained in the standard response referenced above, the Final EIR/EIS reflects revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and to clarify the access design for Alternative B. These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2295

The comment states that the Draft EIR/EIS indicates potential impacts on bus routes in Brisbane and that the Authority should coordinate with San Mateo County and SamTrans to address project impacts. Please refer to Section 3.2, Transportation, of the Draft EIR/EIS, which does not identify any bus transit, pedestrian, or bicycle impacts in Brisbane. TR-MM#2 identifies the coordination process for working with local agencies to install transit priority treatments to address bus transit effects identified in the Draft EIR/EIS in other jurisdictions. Please also refer to the response to submission FJ-1164, comment 1512.

As noted by the commenter, the HSR project would be consistent with the Brisbane General Plan Policies C.27, C.30, and C.35. General Plan Policy C.27 calls for the City to “Work with the County Congestion Management Agency, C/CAG, and local schools to develop priorities and implement Safe Routes to School projects consistent with state and federal legislation” (City of Brisbane 2020). The CTP that would be prepared for the East LMF or West LMF would maintain existing pedestrian and bicycle access routes. General Plan Policy C.30 calls for the City to “Require new development and redevelopment to plan for and construct bikeways and/or bicycle parking facilities, as determined reasonable and practicable by the City” (City of Brisbane 2020). General Plan Policy C.35 calls for the City to “Require pedestrian amenities with new development and expansion of existing uses, as appropriate” (City of Brisbane 2020). The Brisbane Bicycle and Pedestrian Master Plan calls for a Class II bike lane on the Tunnel Avenue overcrossing (City of Brisbane 2017). A Class II bike lane would be constructed on the relocated Tunnel Avenue overcrossing with the East LMF or West LMF. Construction of the East LMF or West LMF would include appropriate pedestrian amenities for internal circulation and access to pedestrian facilities on adjacent streets. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2296

The comment notes that Brisbane General Plan describes the proposed expansion of the Bayshore Caltrain Station and suggests that the Draft EIR/EIS should consider any HSR project impacts on the station. The Draft EIR/EIS described that the Bayshore Caltrain Station and associated surface parking lot, southbound platform, and a new pedestrian overpass would be reconstructed approximately 0.2 mile south of the existing station (see inset of Figures 2-32 [Alternative A] and 2-43 [Alternative B] in Chapter 2, Alternatives, of the Draft EIR/EIS). The Draft EIR/EIS overstated the extent of the southbound platform shift, which would be approximately 575 feet south under Alternative A and 530 feet south under Alternative B.

Since publication of the Draft EIR/EIS, the Authority has revised the proposed modifications to the Caltrain Bayshore Station under Alternative A in response to concerns raised by the City and County of San Francisco. For Alternative A, the southbound platform would be extended further south, rather than relocated, such that the northern portion of the extended platform would serve as a walkway to access trains stopped on the southern portion of the platform. Revisions have been made throughout the Final EIR/EIS to reflect this design change. For Alternative B, the design would remain the same as disclosed in the Draft EIR/EIS, although the location of the relocated southbound platform (approximately 530 feet south of the existing location, rather than 0.2 miles) has been corrected.

The modifications to the Bayshore Caltrain Station under both project alternatives would locate the active portion of the southbound platform and pedestrian overpass closer to the planned Geneva Avenue extension, which would extend from Bayshore Boulevard to US 101. The HSR project modifications of the Bayshore Caltrain Station would not preclude future expansion of the station into a multi-modal station nor would it be inconsistent with the Brisbane General Plan.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2297

The comment notes that TR-IAMF#6 limits construction material deliveries and construction employee trips during peak hours, and states that this limit should be expanded to include all construction-related traffic. TR-IAMF#2 calls for the preparation of a detailed CTP by the contractor for the project, for the purpose of minimizing the impact of construction and construction traffic on adjoining and nearby roadways, in close consultation with the local jurisdiction having authority over the site. Any limits on construction traffic beyond those noted in TR-IAMF#6 will be addressed during the coordinated preparation of the CTP. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2298

The comment notes that prior comments from the City of Brisbane on the relocated Tunnel Avenue Overpass, and changes to the transportation system, also apply to the West Brisbane LMF. Please refer to the response to submission FJ-1164, comment 1511, which explains that the extension of Visitacion Avenue from Old County Road to Valley Road has been removed from the project description in the Final EIR/EIS based on feedback provided by the City of Brisbane.

### 1165-2299

The comment notes that prior comments from the City of Brisbane related to the two intersections affected by the Tunnel Avenue overpass relocation also apply to the West Brisbane LMF. Please refer to the responses to submission FJ-1165, comments 2287 through 2291.

### 1165-2300

The comment suggests that the Authority needs to study the feasibility of the planned Geneva Avenue extension with the West Brisbane LMF. Please refer to the response to submission FJ-1165, comment 2292.

### 1165-2301

The comment states that the Draft EIR/EIS should include an analysis of the West Brisbane LMF construction truck traffic effects and identify the duration of construction activity. Please refer to the response to submission FJ-1164, comment 1506, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2302

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment states that the closure of Tunnel Avenue during construction of the East Brisbane LMF would eliminate emergency access to the Kinder Morgan tank farm and to other businesses along Tunnel Avenue. The comment also asserts the need for further study to evaluate the effects of the HSR alignment on fire department service areas and response times during construction.

These issues have been addressed in previous responses to comments. Regarding emergency response access during construction of the Tunnel Avenue overpass, please refer to the responses to submission FJ-1165, comment 1920 and the standard response referenced above.

Regarding access to the Kinder Morgan facility, please refer to the response to submission FJ-1165, comment 1929.

As explained in the standard response referenced above, the Final EIR/EIS reflects revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and to clarify the access design for Alternative B. These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff.

### 1165-2303

The comment notes that prior comments from the City of Brisbane about potential impacts on bicycles, pedestrians, and transit also apply to the West Brisbane LMF. Please refer to the responses to submission FJ-1165, comments 2295 and 2296, which address this topic. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2304

The comment summarizes a prior comment that the San Francisco to San Jose Project Section Transportation Technical Report (Authority 2019h) does not include traffic counts for the intersection of Bayshore Boulevard and Industrial Way. Please refer to the response to submission FJ-1165, comment 2274.

### 1165-2305

The comment summarizes a prior comment regarding the LMF trip generation in the Draft EIR/EIS. Please refer to the response to submission FJ-1164, comment 1509, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2306

The comment summarizes a prior comment on intersection traffic forecasts prepared for the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 2003. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2307

The comment summarizes a prior comment on intersection traffic forecasts prepared for the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 2003. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2308

The comment summarizes a prior comment on the land use forecasts used to prepare traffic forecasts for the Draft EIR/EIS. Please refer to the responses to submission FJ-1165, comments 2278 and 2279. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2309

The comment summarizes a prior comment regarding the LOS criteria to identify adverse effects under NEPA applied in the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 2228, which addresses the Authority's LOS criterion for assessing effects under NEPA and the project's inconsistency with Brisbane's LOS standard. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2310

The comment summarizes a prior comment regarding adding the intersection of Bayshore Boulevard/San Bruno Avenue to the LOS analysis for the Draft EIR/EIS. Please refer to the response to submission FJ-1164, comment 1510. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2311

The comment summarizes a prior comment regarding the payment of a traffic impact fee for the LMF. Please refer to the response to submission FJ-1165, comment 2282, which addresses this topic.

### 1165-2312

The comment summarizes a prior comment regarding the presentation of VMT effects provided in the Draft EIR/EIS. Please refer to response to FJ-submission 1165, comment 2283. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2313

The comment summarizes a prior comment regarding air quality impacts resulting from added vehicle trips around HSR stations and the LMF in the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 2284. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2314

The comment summarizes a prior comment regarding a comparison of forecasts from a prior EIR to the forecasts prepared for the Draft EIR/EIS. Please refer to response to submission FJ-1165, comment 2285.

It should also be noted that as CEQA was amended in 2018 to eliminate the use of LOS as a threshold to identify significant CEQA transportation impacts, the Draft EIR/EIS addresses LOS for NEPA purposes only. The Authority identified a single LOS criterion to identify adverse effects under NEPA that is applied for intersections in all jurisdictions along the corridor, and for other corridors throughout the state, to provide a fair and consistent evaluation of project impacts. Please refer to Sections 3.2.4.4, Method for Evaluating Impacts under NEPA, and 3.2.4.5, Method for Determining Significance under CEQA, of the Draft EIR/EIS for a description of the methods and impact criteria incorporated within the transportation assessment. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2315

The comment summarizes a prior comment regarding adding the intersections of Visitacion Avenue/Valley Drive and Visitacion Avenue/Old County Road to the LOS analysis for the Draft EIR/EIS. Please refer to the response to submission FJ-1164, comment 1511, which explains that the extension of Visitacion Avenue from Old County Road to Valley Road has been removed from the project description in the Final EIR/EIS based on feedback provided by the City of Brisbane.

### 1165-2316

The comment summarizes a prior comment regarding geometric assumptions for intersections evaluated in Brisbane in the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 2287. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2317

The comment summarizes a prior comment regarding the description of specific mitigation measure for each affected intersection in the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 2288.

### 1165-2318

The comment summarizes a prior comment regarding assumptions for the southern leg of the existing US 101 Northbound Ramp/Harney Way intersection in the 2040 analysis for the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 2289.

### 1165-2319

The comment summarizes a prior comment regarding trip assignment for the Tunnel Avenue overcrossing in the Draft EIR/EIS. Please refer to the response to submission FJ-1164, comment 1511, which explains that the extension of Visitacion Avenue from Old County Road to Valley Road has been removed from the project description in the Final EIR/EIS based on feedback provided by the City of Brisbane.

### 1165-2320

The comment summarizes a prior comment regarding effects of the extension of Visitacion Avenue. Please refer to the response to submission FJ-1164, comment 1511, which explains that the extension of Visitacion Avenue from Old County Road to Valley Road has been removed from the project description in the Final EIR/EIS based on feedback provided by the City of Brisbane.

### 1165-2321

The comment summarizes a prior comment regarding the feasibility of the planned Geneva Avenue extension with the East Brisbane LMF and West Brisbane LMF. Please refer to the response to submission FJ-1165, comment 2292.

### 1165-2322

The comment summarizes a prior comment regarding LMF construction truck traffic effects. Please refer to the response to submission FJ-1164, comment 1506, which addresses this topic.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2323

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment states that the closure of Tunnel Avenue during construction of the East Brisbane LMF would eliminate emergency access to the Kinder Morgan tank farm and to other businesses along Tunnel Avenue. The comment also asserts the need for further study to evaluate the effects of the HSR alignment on fire department service areas and response times during construction.

These issues have been addressed in previous responses to comments. Regarding emergency response access during construction of the Tunnel Avenue overpass, please refer to the responses to submission FJ-1165, comment 1920 and the standard response referenced above.

Regarding access to the Kinder Morgan facility, please refer to the response to submission FJ-1165, comment 1929.

As explained in the standard response referenced above, the Final EIR/EIS includes revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and clarifies the access design for Alternative B. These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff.

### 1165-2324

The comment summarizes a prior comment regarding bicycle, pedestrian, and transit findings in the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 2295. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2325

The comment summarizes a prior comment regarding impacts of the project on transit service in Brisbane. Please refer to the response to submission FJ-1165, comment 2295. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2326

The comment summarizes a prior comment regarding proposed improvements to the Bayshore Caltrain Station. Please refer to the response to submission FJ-1165, comment 2296, which addresses this topic.

### 1165-2327

The comment summarizes a prior comment regarding requested changes to TR-IAMF#6. Please refer to the response to submission FJ-1165, comment 2297. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2328

A description of the ongoing site remediation and monitoring required under Title 27 has been added to Section 2.10.3.4, Brisbane Light Maintenance Facility, of the Final EIR/EIS. In addition, the site remediation and landfill closure approvals were added to Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS. The project description in the Draft EIR/EIS did identify the need for substantial excavation for the Brisbane LMF, which is disclosed in the estimated earthwork volumes by alternative and project feature in Table 2-25.

Please refer to the response to submission FJ-1165, comment 2266, which addresses the Title 27 requirements for the East Brisbane LMF.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2329

The comment indicates that the Draft EIR/EIS fails to recognize that development of the West Brisbane LMF would require development of Removal Action Plans subject to regulatory agency approval.

The Authority acknowledges that site remediation would be required with appropriate regulatory agency oversight (i.e., DTSC, RWQCB, and San Mateo County Health Systems) and in full compliance with applicable state and federal laws and regulations. As explained under Impact HMW#2 in Draft Section 3.10.6.2, Hazardous Material and Waste Sources, ESA procedures would be conducted which would include identification, characterization, and remediation of potential contaminants of concern. Regulatory approval for construction at contaminated sites (including those undergoing active remediation) would be sought and planned for. To address this comment, additional information based on the most recent publicly available information, as well as additional discussion of potential impacts for the proposed LMF, has been added to Section 3.10.5.2, Sites with Potential Environmental Concerns; and Section 3.10.6.2 of the Final EIR/EIS. In addition, site remediation has been added to the list of approvals in Table 2-26 in Section 2.11, Permits, of the Final EIR/EIS. None of the revisions resulted in changes to the impact determinations under CEQA or new adverse effects under NEPA

### 1165-2330

The comment asserts that the earthwork volumes are likely underestimated. The locations and depths of excavations were considered in the earthwork quantities for the Brisbane LMFs presented in Table 2-25 of the Draft EIR/EIS. Project engineers estimated the amount of excavation based on the preliminary engineering design which reflects the proposed elevations of the East Brisbane LMF (20') and West Brisbane LMF (27'), digital elevation models developed by Caltrain for PCEP, and available information characterizing the former Brisbane Landfill.

Impact PUE#7 in Section 3.6, Public Utilities, and Energy, of the Final EIR/EIS has been revised to refine the assumptions regarding the amount of solid waste, including the amount of hazardous solid waste that would be generated from construction of the East Brisbane LMF.

Assumptions regarding truck trips required for disposal of materials excavated at the site of the East or West Brisbane LMF have been refined for the Final EIR/EIS. Refer to Section 2.10.3, Major Construction Activities, for a description of the construction assumptions used for the purposes of the Final EIR/EIS. Corresponding revisions have been implemented in Section 3.2, Transportation, and Section 3.3, Air Quality and Greenhouse Gases, of the Final EIR/EIS. None of the revisions to the analysis resulted in changes to the impact determinations under CEQA or resulted in new adverse effects under NEPA.

Finally, the Authority conducted additional review of the capital cost estimates for the Brisbane LMFs, which resulted in revisions to the capital cost estimates in Chapter 6, Project Costs and Operations, and Appendix 6-A, San Francisco to San Jose Project Section: PEPD Record Set Capital Cost Estimate Report, of the Final EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2331

The commenter questions the accuracy of the cost estimates for the East Brisbane LMF, particularly with respect to costs for excavation and disposal of soil and landfill material. The Authority conducted additional review of the capital cost estimates for the East Brisbane LMF to reflect revisions to the construction assumptions for the Final EIR/EIS. This resulted in revisions to the capital cost estimates presented in Chapter 6, Project Costs and Operations, and Appendix 6-A, San Francisco to San Jose Project Section: PEPD Record Set Capital Cost Estimate Report, of the Final EIR/EIS. As shown in Final EIR/EIS Appendix 6-A, the revised capital cost estimate for construction of the East Brisbane LMF (Item 30.02.01 on page 26) would be approximately \$886,000,000, compared to the approximately \$394,500,000 reported in the Draft EIR/EIS Appendix 6-A. In addition, the total cost of sitework, right-of-way, land, and existing improvements for the Project Section (Item 40 in Final EIR/EIS Table 6-1) increased by approximately \$773,000,000 to a total of \$2,802,000,000. The revised capital cost estimates in Chapter 6 and Appendix 6-A of the Final EIR/EIS account for the environmental site remediation activities required to construct the East Brisbane LMF.

### 1165-2332

The commenter questions the accuracy of the cost estimates for the West Brisbane LMF, particularly with respect to the costs for disposal of excavated material. The Authority conducted additional review of the capital cost estimates for the West Brisbane LMF to reflect revisions to the construction assumptions for the Final EIR/EIS. This resulted in revisions to the capital cost estimates presented in Chapter 6, Project Costs and Operations, and Appendix 6-A, San Francisco to San Jose Project Section: PEPD Record Set Capital Cost Estimate Report, of the Final EIR/EIS. As shown in Final EIR/EIS Appendix 6-A, the revised capital cost estimate for construction of the West Brisbane LMF (Item 30.02.01b on page 33) would be approximately \$971,000,000, compared to the approximately \$421,000,000 reported in the Draft EIR/EIS Appendix 6-A. In addition, the total cost of sitework, right-of-way, land, and existing improvements for the Project Section (Item 40 in Final EIR/EIS Table 6-1) increased by approximately \$1,115,000,000 to a total of \$3,718,000,000 for Alternative B (Viaduct to I-880) and by approximately \$1,200,000,000 to a total of \$4,008,000,000 for Alternative B (Viaduct to Scott Boulevard). The revised capital cost estimates in Chapter 6 and Appendix 6-A of the Final EIR/EIS account for the environmental site remediation activities required to construct the West Brisbane LMF.

### 1165-2333

Please refer to the responses to submission FJ-1164, comment 1717 and submission FJ-1165, comment 1904.

### 1165-2334

Please refer to the response to submission FJ-1165, comment 1904, which addresses the evaluation of the excavation and disposal of hazardous materials required to construct the Brisbane LMF in Section 3.10, Hazardous Materials and Wastes. As noted in that comment response, Impact HMW#1 in the Final EIR/EIS has been updated to provide additional information about the quantities of excavated material requiring disposal as hazardous materials. However, this revision did not result in any changes to the impact conclusion for Impact HMW#1.

### 1165-2335

Please refer to the response to submission FJ-1165, comment 2154, which addresses this topic. Impact HMW#2 includes information pertaining to site remediation and Title 27 requirements. While the initial impacts described under Impact HMW#2 would be temporary during construction, the intent of the measures and project commitments, which would be conducted with agency oversight, is to address long-term protection of human health and the environment in the remediated and post-closure condition. Revisions have been implemented to Impact HMW#2 in the Final EIR/EIS to describe ongoing site remediation and clarify that the Authority would work with the appropriate regulatory agency to achieve remedial objectives for commercial/industrial land use. These revisions did not result in any changes to the impact conclusion for Impact HMW#2.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2336

Impact HMW#10 addresses the hazards to the public or environment associated with the handling or release of hazardous materials and waste due to project construction on and within a landfill and concludes that the impact would be less than significant. As described under Impact HMW#10, for construction of the East Brisbane LMF under Alternative A, the Authority's contractor would be required to prepare a removal action plan for excavating into the former Brisbane landfill that would determine the requirements for removal, transportation and disposal of excavated materials, air monitoring, regulatory concerns, and worker health and safety.

The contractor would follow the OSHA, USEPA, and DTSC regulatory requirements for construction on landfills, thereby reducing risks associated with landfill gas. Methane protection measures would be implemented as part of the removal action plan and would include a continued gas control system, a gas monitoring system, proper ventilation and respiratory equipment, and the management of ignition sources. In addition, any on-site management, transport, and disposal of hazardous materials associated with construction on the former landfill would comply with applicable state and federal regulations, such as RCRA, CERCLA, the Hazardous Materials Release Response Plans and Inventory Law, and the Hazardous Waste Control Act, as well as permit conditions (HMW-IAMF#7, HMW-IAMF#8).

Additional discussion of Title 27 requirements has been added to Impact HMW#10 in the Final EIR/EIS. In accordance with Title 27 requirements, a final post-closure landfill cap and maintenance plan would be required, which would address post-construction, monitoring, sampling, and other actions that are required to conform with Title 27 requirements. Title 27 closure would occur subject to appropriate oversight.

### 1165-2337

Please refer to the response to submission FJ-1165, comment 2336, which addresses this topic. The Authority would comply with all applicable laws and regulations, including Title 27.

### 1165-2338

Please refer to the response to submission FJ-1164, comment 1548, which addresses how the Draft EIR/EIS adequately addressed geotechnical hazards relevant to construction on a landfill.

Refer to the responses to submission FJ-1164, comments 1552, 1553, and 1555, which address the commenter's assertion that IAMFs are deferred mitigation measures.

Refer to the response to submission FJ-1164, comment 2122, which addresses the commenter's concern with deferred site-specific geotechnical studies.

Refer to the response to submission FJ-1165, comment 1963, which addresses slope stability during excavation into the landfill.

### 1165-2339

Please refer to the response to submission FJ-1165, comment 2153, which addresses GEO-IAMF#3 and other regulatory requirements that stipulate long-term landfill gas monitoring to protect public health and safety.

### 1165-2340

Please refer to the response to submission FJ-1165, comment 2154, which addresses this topic. Additional detail regarding the remediation efforts and regulatory oversight related to the development of the LMFs has been added to Section 3.10, Hazardous Materials and Wastes.

### 1165-2341

Please refer to the response to submission FJ-1165, comment 2155, which addresses this topic.

### 1165-2342

Please refer to the response to submission FJ-1165, comment 2156, which addresses this topic.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2343

This comment reiterates prior, more detailed comments about the impact analysis of hazardous materials and wastes. Each of these detailed comments has been previously addressed. Accordingly, no further response is required.

### 1165-2344

Chapter 2, San Francisco to San Jose Project Section, of Appendix 3.4-A, Noise and Vibration Technical Report, provides a thorough description of all project elements and alternatives. All assumptions with respect to changes in train operations, speeds, and technology are clearly documented in Chapter 4, Methods for Evaluating Effects, of Appendix 3.4-A. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2346

Trains within the San Francisco to San Jose Project Section would operate on a primarily two-track system within the Caltrain right-of-way. As explained in Section 2.1, Common Design Features, in Appendix 3.4-A, Noise and Vibration Technical Report, “[t]he blended system would accommodate operating speeds of up to 110 mph for up to four HSR trains and six Caltrain trains per hour per direction in the peak period.” The operating speed for the blended system is consistent with FRA regulations that establish maximum permissible speeds for each track classification. The number of train operations in 2029 and 2040 were based on the Authority’s 2018 Business Plan (Authority 2018). No revisions are warranted to the Draft EIR/EIS because the train operations and operating speeds for the blended system are clearly disclosed. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2345

Please refer to the response to submission FJ-1165, comment 2027, which addresses the commenter’s concerns regarding consistency with FTA and FRA guidance and the level of detail of the impact analysis.

### 1165-2347

Appendix 3.4-A, Noise and Vibration Technical Report, Chapter 4, Methods for Evaluating Effects, describes the methodology used to analyze the noise and vibration impacts of the project. As explained in detail in Section 4.1.5.2, Operations Noise, of Appendix 3.4-A, the assessment of noise from HSR trains follows FRA methodology, while the assessment of noise from stations, the LMF, traction power facilities, and conventional-speed (all non-high-speed) train operations follows FTA methodology. With respect to the commenter’s request for mapping of the project elements, please refer to Chapter 2, San Francisco to San Jose Project Section, of Appendix 3.4-A for a thorough description of all project elements and alternatives and detailed figures showing the project improvements by subsection. This information is also provided in Chapter 2, Alternatives, of the Draft EIR/EIS.

Section 3.4, Noise and Vibration, of the Draft EIR/EIS included numerous figures showing the locations of noise and vibration measurement sites and the project’s noise and vibration impacts. A new appendix, Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, with new figures showing the location of noise and vibration measurement sites, noise impacts and proposed noise barriers, and vibration impacts in greater detail.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2348

Appendix 3.4-A, Noise and Vibration Technical Report, does not state that the project is exempt from the USEPA standard. Section 3.1.3.2, Railroad Noise Emission Compliance Regulations (49 C.F.R. Part 210), of Appendix 3.4-A, states "[t]he analysis in this technical report assumes a trainset generating noise in compliance with the European TSI standard, because trainsets currently in manufacture and operation in Europe can meet this standard; the analysis does not assume a trainset that would meet the USEPA standard." NV-MM#7 states that prior to construction the contractor would provide the Authority with an HSR operational noise technical report, which would incorporate any final design changes as well as final vehicle specifications that would potentially change the noise impact results and required mitigation. If necessary, the Authority would prepare revised environmental documentation at that time as required by CEQA and NEPA to reassess noise impacts and mitigation. Additionally, NV-MM#5 states that the Authority would require bidders to meet federal regulations for noise standards at the time of procurement of HSR vehicles. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2350

The noise impact analysis in Section 3.4, Noise and Vibration, of the Draft EIR/EIS summarizes technical information at a sufficient level of detail to allow a full assessment of the environmental impacts of the project and identification of mitigation measures, consistent with NEPA and CEQA requirements. Refer to Section 3.4.7, Mitigation Measures, in the Draft EIR/EIS for a discussion of the measures identified to avoid or reduce significant noise and vibration impacts. Appendix 3.4-A, Noise and Vibration Technical Report, provides additional technical information supporting the noise and vibration analysis but does not duplicate the discussion of mitigation measures, nor is it required to do so.

As stated under NV-MM#4 in Section 3.4.7, the Authority would assist communities with the process of applying to establish quiet zones at the initiative of local jurisdictions. Establishing quiet zones can only be legally undertaken by local jurisdictions; the Authority cannot legally establish or require a quiet zone. NV-MM#4 has been revised for the Final EIR/EIS to clarify that the Authority would assist with the preparation of technical analysis and materials needed for the quiet zone application, which would then be provided to local communities for submittal to FRA. The noise mitigation analysis in Section 3.4.7.1, Noise Mitigation Analysis, includes discussion and analysis of noise barriers and a combination of both quiet zones and noise barriers as measures to mitigate noise impacts from project alternatives. Tables 3.4-23 and 3.4-24 summarize the number of sensitive receptors that would have moderate or severe noise impacts before mitigation, with the implementation of noise barriers, and with a combination of quiet zones and noise barriers.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2349

The FHWA regulations are presented for informational purposes. As explained in Section 3.4.4.5, Method for Determining Significance under CEQA, of the Draft EIR/EIS, "Although the FHWA regulations only apply to projects funded or approved by FHWA, the criteria in these regulations are regularly considered in assessing noise impacts associated with motor vehicles." Please refer to Section 3.4.4.5 for a description of how the noise analysis relies on FHWA criteria for assessing traffic noise impacts. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2351

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The Authority assessed the project's consistency with local plans, policies, and ordinances. Refer to Section 3.4.3, Consistency with Plans and Laws, and Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS, which identify the project's inconsistencies with the general plans and codes of ordinances. However, as stated in Section 3.4.2.3, Regional and Local, of the Draft EIR/EIS, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. The project is subject to the FRA noise and vibration impact criteria, and the noise and vibration impact assessments were conducted following FRA methodology and criteria. While the FRA guidance manual notes that the FRA does not have standardized criteria for assessing construction noise impacts, it also includes construction noise guidelines that can be considered for assessment purposes; these guidelines are summarized in Table 3.4-5 of the Draft EIR/EIS and were used to assess construction noise impacts. Please refer to Section 3.4.7, Mitigation Measures, for a discussion of the measures identified to avoid or reduce significant noise and vibration impacts. Performance standards are included in the mitigation measures (e.g., NV-MM#1) or are inherent in the FRA noise and vibration impact criteria presented in Section 3.4.4.3, Methods for Impact Analysis. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2352

Appendix 3.4-A, Noise and Vibration Technical Report, Table 4-1 includes the FRA-recommended screening distances for HSR noise impacts. Those screening distances vary by type of existing corridor, type of existing noise environment, and range of future HSR speeds. As stated in the text above Table 4-1, the Authority has extended the screening distances beyond those recommended by FRA to 2,500 feet from the alternatives' centerlines.

The reference to "quiet suburban areas" was taken out of context by the commenter; this reference is describing how the FRA-recommended screening distances would apply to a particular noise environment example. The document correctly notes in Section 5.1.1.1, Noise Measurement Results, of Appendix 3.4-A that the ambient noise setting in the San Francisco to South San Francisco Subsection corresponds to that of a typical dense urban land use setting. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2353

Non-revenue service trains include the operation of trains entering or leaving service at a terminal station to and from a maintenance facility, test runs, and operation of on-track maintenance equipment. Section 4.1.5.2, Operations Noise, of Appendix 3.4-A, Noise and Vibration Technical Report, states that the noise and vibration analysis includes both revenue service trains and non-revenue service trains. Table 4-4 in Appendix 3.4-A shows the number of daily HSR trains, including all revenue and non-revenue service trains. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2354

The total number of daily HSR trains (in both directions combined) are included in Appendix 3.4-A, Noise and Vibration Technical Report, Table 4-4. In 2040, between San Francisco and the Brisbane LMF, there would be a total of 144 daily HSR train passbys; this total includes all revenue and nonrevenue trains. In 2040, between the Brisbane LMF and San Jose Diridon Station, there would be a total of 134 daily HSR train passbys. Refer to Table 5-5 for the number of Caltrain and freight trains assumed for the 2029 and 2040 conditions. The number of train operations in 2029 and 2040 were based on the Authority's 2018 Business Plan (Authority 2018), which was the best available information at the time of the analysis. Consistent with NV-MM#7, if the final design results in changes to the assumptions underlying the noise technical report, the Authority would prepare necessary environmental documentation, as required by CEQA and NEPA, to reassess noise impacts and mitigation. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2355

Section 4.1.1, Descriptors, of the Draft EIR/EIS states that Ldn (24-hour day-night sound level) noise metric is used for land uses where people sleep, and the hourly Leq (hourly equivalent sound level) is used for nonresidential noise-sensitive land uses.

Consistent with FRA guidelines, future noise levels were predicted by combining project train noise from all trains operating in the corridor (i.e., HSR, Caltrain, Amtrak, and freight), all trains sounding horns approaching at-grade crossings, noise from passenger station parking facilities, and noise from LMF operations. The future predicted noise levels with the project alternatives were then compared to the existing noise levels and the FRA noise impact criteria were applied to determine the severity of each impact. The results of this analysis are presented in the impact numbers in Impact NV#2. The information presented in Impact NV#3 and Impact NV#4 are additional information stating the contribution of noise from passenger station parking and LMF, respectively, to the passing train project noise. As stated in Impact NV#3 and Impact NV#4, the noise from passenger station parking and LMF would be significantly less than from passing trains. The noise and vibration analyses follow standard FRA and FTA guidelines for detailed analyses. All assumptions are documented, and any project-specific modifications are clearly documented in Appendix 3.4-A, Noise and Vibration Technical Report, Chapter 4, Methods for Evaluating Effects. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2356

Section 3.4, Noise and Vibration, and Appendix 3.4-A, Noise and Vibration Technical Report, of the Draft EIR/EIS discuss the methodology and criteria used to assess project noise and vibration impacts from both construction and operations. The same criteria are applied to the evaluation of project impacts in 2029 and 2040.

Different types of trains, such as Caltrain and HSR, are not analyzed separately. All future noise sources are analyzed and noise levels from all project noise sources are combined. The total future project noise levels with the project alternatives were then compared to the existing noise levels for each receptor, and that is compared to the FRA impact criteria to determine if there is noise impact.

Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.1.5.2, Operations Noise, states that noise from conventional-speed railroad noise sources were analyzed using FTA methodology. The FRA methodology only applies to HSR trains themselves. Noise from existing Caltrain diesel locomotive trains is calculated using FTA methodology, and noise from future Caltrain EMU trains is calculated using FTA methodology. The Maintenance Facility Noise subsection in Section 4.1.5.2 discusses the details of how noise from the LMF was calculated following FTA methodology. FTA guidelines include standard reference noise levels for maintenance facilities, and these reference levels are then scaled for the project based on the size of the LMF, which is determined by train movements during peak hours. Noise levels were then calculated at all nearby noise-sensitive receptors using standard FTA noise propagation methodology to account for ground attenuation and acoustical spreading. FTA guidelines state that the Ldn be calculated from stationary rail facilities at residences. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2357

Please refer to the response to submission FJ-1165, comment 2027 which addresses the commenter's concerns regarding consistency with FTA and FRA guidance and the level of detail of the impact analysis. Please also refer to the response to submission FJ-1165, comment 2029, which addresses the basis of the noise and vibration impact criteria.

Consistent with FRA guidelines, future noise levels were predicted by combining project train noise from all trains operating in the corridor (i.e., HSR, Caltrain, Amtrak, and freight), all trains sounding horns approaching at-grade crossings, noise from passenger station parking facilities, and noise from LMF operations. The future predicted noise levels with the project alternatives were then compared to the existing noise levels and the FRA noise impact criteria were applied to determine the severity of each impact. The results of this analysis are presented in the impact numbers in Impact NV#2. The analysis also accounts for any changes to existing noise sources due to the project, including locations where the project shifts existing tracks closer/farther to some receptors.

Please refer to the response to submission FJ-1165, comment 2370, which addresses how the analysis considered maintenance activities during the nighttime. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2359

Section 3.4, Noise and Vibration, of the Draft EIR/EIS included numerous figures showing the locations of noise and vibration measurement sites and the project's noise and vibration impacts. A new appendix, Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, with new figures showing the location of noise and vibration measurement sites, noise impacts and proposed noise barriers, and vibration impacts in greater detail than the figures provided in the Section 3.4, Noise and Vibration, of the Draft EIR/EIS. Particular noise measurement sites do not directly correspond to particular clusters of receptors. Please refer to the response to submission FJ-1164, comment 1482 for an explanation of how existing noise levels were calculated for all sensitive receptors using existing noise measurements and why the measurements collected are still valid and reliable. Please also refer to the response to submission FJ-1165, comment 2053 which addresses how the Draft EIR/EIS sufficiently characterizes the existing noise and vibration conditions and sensitive receptors to allow for a full assessment of project impacts.

Please refer to the response to submission FJ-1165, comment 2036, which explains that the FRA noise impact criteria are based on comparing future projected noise levels to existing noise levels consistent with FRA guidelines.

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands and other planned land uses are not included in the environmental baseline for the Draft EIR/EIS. The potential impact of HSR project noise on future planned land uses is discussed in Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS.

### 1165-2358

Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.1.5.1, Construction Noise, discusses the prediction methods used to calculate noise during construction. The analysis was based on the most likely construction scenarios and noisiest pieces of equipment that would be used for each type of construction activity that would occur based on the current design. Section 5.1.2.1, Construction Noise Effects, includes detailed discussion and results of the construction noise analysis and impact results. Refer to NV-MM#1 in Section 3.4.7, Mitigation Measures, in the Draft EIR/EIS, which details the methods that would be used to reduce and mitigate noise during construction. Measures for minimizing construction noise would include prohibiting certain noise-generating activities during nighttime hours, but due to the constraints of working within an active rail corridor, some track realignments would require nighttime construction work that could exceed FRA construction noise limits at night. Accordingly, even with the implementation of NV-MM#1, the Draft EIR/EIS concludes that some construction noise impacts would remain after mitigation, and the impact would be significant and unavoidable under CEQA for both project alternatives. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2361

The Authority disagrees with the commenter's assertion that the noise analysis relies on assumptions that might not be representative of planned operating conditions. The Authority used the best available methods and information, as well as the engineering design and planned rail operations, as the basis for the noise and vibration analysis.

Please refer to Appendix 3.4-A, Noise and Vibration Technical Report, Chapter 4, Methods for Evaluating Effects, for detailed discussion and documentation of all noise and vibration analysis assumptions, including those for trainsets, horn noise, stations, the LMF, and traction power facilities. Table 5-5 provides the key assumptions for the operational noise and vibration analysis, including all the trains that operate in the project corridor and the operations in 2017, 2029, and 2040. Consistent with FRA guidelines, future noise levels were predicted by combining project train noise from all trains operating in the corridor (i.e., HSR, Caltrain, Amtrak, and freight), all trains sounding horns approaching at-grade crossings, noise from passenger station parking facilities, and noise from LMF operations. The future predicted noise levels with the project alternatives were then compared to the existing noise levels and the FRA noise impact criteria were applied to determine the severity of each impact. The results of this analysis are presented in the impact numbers in Impact NV#2. The FRA noise impact criteria are based on a comparison of existing to future noise levels.

The Authority disagrees with the commenter's assertion that Table 4-4 of Appendix 3.4-A shows inconsistent operational parameters for the HSR project. Table 4-4 clearly states the number of HSR train operations that will pass sensitive receptors throughout the project corridor and is consistent with the information presented in Table 5-5.

Please refer to the response to submission FJ-1165, comment 2037 which clarifies why the conversion of Caltrain trains to 100 percent EMUs and increased speed of Caltrain trains of up to 110 mph is considered part of the HSR project and evaluated as part of the impact assessment. As explained in the Executive Summary of Appendix 3.4-A, to operate a blended system efficiently, Caltrain operations would need to shift to 100 percent EMU compared to only 75 percent EMUs with the PCEP. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2360

Please refer to the response to submission FJ-1164, comment 2346 which addresses this topic.

### 1165-2364

Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.1.5.2, Operations Noise, states that the noise analysis is based on the reference parameters for VHS EMU trains and all specific input parameters for VHS EMU trains are included in Table 4-5. Section 4.1.5.2 states project-specific inputs, including length of the propulsion noise subsource, wheel-rail noise subsource, and aerodynamic train nose subsource. The car length of 84 feet was a typo that has been corrected to read 83 feet in the Final EIR/EIS.

Consistent with NV-MM#7, if the final design results in changes to the assumptions underlying the noise and vibration technical report, the Authority would prepare necessary environmental documentation, as required by CEQA and NEPA, to reassess noise impacts and mitigation.

### 1165-2362

Appendix 3.4-A, Noise and Vibration Technical Report, Table 4-6 summarizes the range of actual HSR operating speeds by location throughout the project corridor, which were used in the projections of future noise and vibration levels. Actual operating speeds were determined by the engineering team based on constraints of the track design throughout the corridor.

The commenter incorrectly states that there is no full citation for the in-text reference to "Authority 2019" in Chapter 6, References, of Appendix 3.4-A. The full citation is as follows: "California High-Speed Rail Authority (Authority). 2019. San Francisco to San Jose Project Section Record Preliminary Engineering for Project Definition. April 2019." The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2363

The noise analysis follows the FTA and FRA methodology for a detailed noise assessment. The FRA manual (FRA 2012), Section 5.2.3, Step 5: Propagation of Noise to Receivers details the equations used to calculate ground attenuation and noise barrier effects. It is not necessary or practical to provide all adjustments and formulas in the Draft EIR/EIS. The Draft EIR/EIS includes summarized technical information sufficient to allow a full assessment of the environmental impacts of the project. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2365

As stated in Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.2.3.2, Operations, airborne noise is not an issue as the trains travel through existing tunnels due to the intervening rock and soil. Ground-borne noise is assessed at tunnel sections inside buildings. Airborne noise at sections of elevated track is adjusted by +4 dB. The difference in noise levels at two-track versus four-track sections is due to the distance from the trains to the receptors. The noise and vibration analysis included the distance from all tracks/trains to the receptors based on the project engineering plans. Vibration levels from HSR on aerial structure is 10 VdB less than vibration from at-grade or embankment sections of track. The project engineering plans in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS indicate the track type for all sections of the alignment. Ballast and tie track was assumed for the entire alignment. No specific adjustments to the vibration predictions were made based on tunnel type. Vibration levels from trains in tunnels were predicted based on measurement LSR (transfer mobility) data, adjusting for train speed, and adjusting for distance from tracks to receptors. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2366

Appendix 3.4-A, Noise and Vibration Technical Report, Figure 4-6 is included for informational purposes only, so that the public can see the approximate magnitude of Ldn noise levels with the HSR project, and how those noise levels would decrease with distance. The text above the figure in Section 4.1.5.2, Operations Noise, states that the figure is representative and not directly used for assessing impacts at any particular location. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2367

As stated in Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.1.5.2, Operations Noise, the details of the noise analysis for Caltrain EMUs are contained in the Caltrain Peninsula Corridor Electrification Project Noise and Vibration Technical Report (PCJPB 2014). The increased speed of Caltrain trains was calculated following FTA guidelines using the following equation:  $+20 \cdot \log(\text{speed}/\text{speedref})$ . Consistent with NV-MM#7, if the final design results in changes to the assumptions underlying the noise and vibration technical report, the Authority would prepare necessary environmental documentation, as required by CEQA and NEPA, to reassess noise impacts and mitigation. The comment did not result in any revisions to the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 2037, which clarifies why the conversion of Caltrain trains to 100 percent EMUs and increased speed of Caltrain trains of up to 110 mph is considered part of the HSR project and evaluated as part of the impact assessment.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2370

Noise from all trains operating in the project corridor (HSR, Caltrain, Amtrak, and freight trains) were calculated at all sensitive receptors. Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.1.5.2, Operations Noise, states that the noise from the Brisbane LMF was calculated based on the guidelines in the FTA guidance manual (FTA 2018: page 45). This FTA method assumes fully loaded yards and shops with noise-generating activity with a reference SEL of 118 dBA at 50 feet corresponding to 20 train movements in a peak activity hour. This reference SEL was adjusted based on LMF scheduled train movements and project Ldn/Leq values were predicted at nearby noise-sensitive receptors based on standard FTA detailed analysis calculations.

Projected future noise levels from the LMF were then combined with other project noise sources to calculate the total future project noise levels at all receptors for comparison with impact criteria. The noise analysis does account for maintenance activities during the nighttime because the noise from the LMF is the Ldn (24-hour day-night noise level which includes a +10 dB penalty for noise that occurs during the nighttime hours).

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands and other planned land uses are not included in the environmental baseline for the Draft EIR/EIS. The potential impact of HSR project noise on future planned land uses is discussed in Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2368

Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.1.5.2, Operations Noise, states that the horn noise analysis follows FRA guidelines and utilizes the FRA horn noise model to predict train horn noise from all trains operating in the corridor. As stated, Caltrain horns were measured in the field for this project to consistently produce maximum noise levels of 96 dBA at 100 feet to the wayside. These data were then used to model Caltrain horn noise throughout the project corridor for all Caltrain trains approaching at-grade crossings and passenger stations. Refer to Table 4-10 which identifies the at-grade crossing locations where horns would sound. Train horn noise, along with noise from trains themselves, were calculated at all sensitive receptors and summed to calculate future noise levels with the project (Ldn for Category 2 receptors, hourly Leq for all Category 1 and 3 receptors). Train horn mounting heights for existing Caltrain diesel locomotives and freight trains at 16 feet ATOR were based on industry standards and field observations. Future Caltrain EMU horn mounting heights at 3 feet ATOR are based on vehicle procurement information provided by Caltrain. Future HSR train horn mounting heights of 7 feet ATOR were provided by the Authority and will be included in future vehicle procurement specifications.

NV-MM#7 in Section 3.4.7, Mitigation Measures requires that prior to construction the contractor would provide the Authority with an HSR operational noise technical report, which would incorporate any final design changes as well as final vehicle specifications that would potentially change the noise impact results and required mitigation. If necessary, the Authority would prepare revised environmental documentation at that time as required by CEQA and NEPA to reassess noise impacts and mitigation.

The presentation of all noise and vibration methodology, criteria, existing conditions, impacts, and mitigation has been done in accordance with FRA and FTA guidance. It is not practical to provide tables of all interim calculations at all receptors. The noise and vibration existing conditions and future projections are presented in Appendix 3.4-A consistent with FRA guidelines. Additional detail regarding the specific noise impacts, existing and future levels, and locations before mitigation can be found in Tables 5-9 and 5-10. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2369

The presentation of all noise and vibration methodology, criteria, existing conditions, impacts, and mitigation has been done in accordance with FRA and FTA guidance. It is not practical to provide tables of all interim calculations at all receptors. The noise and vibration existing conditions and future projections are presented in Appendix 3.4-A, Noise and Vibration Technical Report, consistent with FRA guidelines. Additional detail regarding the specific noise impacts, existing and future levels, and locations before mitigation can be found in Tables 5-9 and 5-10. Please refer to the response to submission FJ-1165, comments 2047 and 2048, which address how the operational noise impact analysis combines all project-related noise.

Appendix 3.4-A, Section 4.1.5.2, Operations Noise, states that the noise from the Brisbane LMF was calculated based on the guidelines in the FTA guidance manual (FTA 2018: page 45). This FTA method assumes fully loaded yards and shops with noise-generating activity with a reference SEL of 118 dBA at 50 feet corresponding to 20 train movements in a peak activity hour. This reference SEL was adjusted based on LMF scheduled train movements and project Ldn/Leq values were predicted at nearby noise-sensitive receptors based on standard FTA detailed analysis calculations. Projected future noise levels from the LMF were then combined with other project noise sources to calculate the total future project noise levels at all receptors for comparison with impact criteria. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2373

Appendix 3.4-A, Noise and Vibration Technical Report, Section 5.1.2.2, Operations Noise Effects, lists the TPF locations that were analyzed. The distances to receptors are included in this section text and in Table 5-14. The presentation of all noise and vibration methodology, criteria, existing conditions, impacts, and mitigation has been done in accordance with FRA and FTA guidance. It is not practical to provide tables of all interim calculations at all receptors. Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS. The potential impact of HSR project noise on future planned land uses, including the proposed development on Brisbane Baylands, is discussed in Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS.

### 1165-2371

Noise screening distances of 2,500 feet were used, as stated in Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.1.2, Resource Study Area. FTA/FRA detailed assessment methodology and criteria were used for all calculations and impact assessments. As explained in detail in the response to submission FJ-1165, comment 2036, the FRA noise impact criteria are based on a comparison of existing to future noise levels.

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why planned land uses are not included in the environmental baseline for the Draft EIR/EIS. The potential impact of HSR project noise on future planned land uses is discussed in Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS.

Please refer to the response to submission FJ-1165, comment 2037, which clarifies why the conversion of Caltrain trains to 100 percent EMUs and increased speed of Caltrain trains of up to 110 mph is considered part of the HSR project and evaluated as part of the impact assessment. Caltrain EMUs would be generally quieter than existing diesel locomotive trains, but the HSR project would require Caltrain speeds to be increased, which was accounted for in the noise and vibration impact assessment. As stated in Appendix 3.4-A, Section 4.2.5.2, the vibration analysis for the Caltrain PCEP conservatively assumed that future EMUs would generate the same vibration as the existing diesel trains, meaning that the predicted vibration levels from future Caltrain EMUs is an overprediction of the future vibration levels. As stated in Appendix 3.4-A, Section 4.2.5.2, Operations Vibration, the increased speed of Caltrain trains was calculated following FTA guidelines using the following equation:  
 $+20 \cdot \log(\text{speed}/\text{speedref})$ .

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2372

This comment is referencing Section 4.2.3.2, Operations, of Appendix 3.4-A, Noise and Vibration Technical Report, which presents vibration impact criteria for operations. Train vibration does not cause airborne noise. Train vibration does cause ground-borne noise. The methods for evaluating airborne noise from the project operations are included in Section 4.1.5.2, Operations Noise, of Appendix 3.4-A and the methods for evaluating ground-borne vibration and ground-borne noise from project operations are included in Section 4.2.5.2, Operations Vibration. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2374

The presentation of all noise and vibration methodology, criteria, existing conditions, impacts, and mitigation has been done in accordance with FRA and FTA guidance. It is not practical to provide tables of all interim calculations at all receptors. The noise and vibration existing conditions and future projections are presented in Appendix 3.4-A, Noise and Vibration Technical Report, consistent with FRA guidelines. Additional detail regarding the specific noise impacts, existing and future levels, and locations before mitigation can be found in Appendix 3.4-A, Tables 5-9 and 5-10. Additional detail regarding the specific vibration impacts, levels, and locations before mitigation can be found in Tables 5-19 and 5-20. Appendix 3.4-A, Section 5.2.2.2, Operations Vibration Effects, states that existing vibration levels and future project levels were calculated at all vibration receptors. In areas with existing train operations, the modeled existing vibration levels were compared to the modeled future project vibration levels from HSR operations and shifted existing operations, and increased Caltrain speeds due to the project. The project design plans in Volume 3, Preliminary Engineering for Project Definition, show the location of all existing and future tracks. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2375

The presentation of all noise and vibration methodology, criteria, existing conditions, impacts, and mitigation has been done in accordance with FRA and FTA guidance. The ground vibration propagation measurement sites are described in Appendix 3.4-A, Noise and Vibration Technical Report, Section 5.2.1.1, Vibration Measurement Results and Discussion, in Table 5-16 and the following text summarized by subsection. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2376

Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.2.5.2, Operations Vibration, states that the HSR vibration analysis uses the FDL indicated for the Pendolino train because it is the only high-speed EMU vehicle for which FDL data is included in the FRA guidelines. The other reference FDLs in the FRA guidance manual are not high-speed EMUs, and therefore would be expected to have different vibration characteristics from the vehicles that would be used for this project. Details from this noise and vibration environmental analysis will become part of the vehicle procurement package. Consistent with NV-MM#7, if the final design results in changes to the assumptions underlying the noise and vibration technical report, the Authority would prepare necessary environmental documentation, as required by CEQA and NEPA, to reassess noise impacts and mitigation. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2378

Please refer to the response to submission FJ-1165, comment 2376, which addresses this topic.

### 1165-2377

Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.2.5.2, Operations Vibration, includes information used to calculate ground-borne vibration levels from HSR trains from the equation  $L_v = FDL + LSR + AF$ . The calculation methodology follows the FRA detailed vibration assessment procedures as stated. The adjustment factor includes the adjustment for actual train speed relative to the reference FDL speed. As stated in Figure 4-11, the reference speed for HSR trains is 150 mph and the reference speed for Caltrain trains is 50 mph. The increased speed of Caltrain trains was calculated following FTA guidelines using the following equation:  $+20 * \text{Log}(\text{speed}/\text{speedref})$ . The HSR train vibration levels were adjusted for actual operating speed following FRA guidelines using the following equation:  $+20 * \text{Log}(\text{speed}/\text{speedref})$  as stated in Appendix 3.4-A, Section 4.2.5.2. Consistent with NV-MM#7, if the final design results in changes to the assumptions underlying the noise and vibration technical report, the Authority would prepare necessary environmental documentation, as required by CEQA and NEPA, to reassess noise impacts and mitigation. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2379

The commenter incorrectly asserts that the operational speeds and underlying geography were not taken into account. The Draft EIR/EIS impact analysis does adjust the reference data for project operational conditions including speed. Accordingly, the analysis of the future Caltrain and HSR vibration takes into account the maximum future operational speed specific to this project (e.g., Caltrain and HSR at 110 mph) with appropriate corrections to the reference data conditions (e.g., Caltrain measured at 79 mph and HSR provided at 150 mph).

Appendix 3.4-A, Noise and Vibration Technical Report, Section 4.2.5.2, Operations Vibration, includes information used to calculate ground-borne vibration levels from HSR trains from the equation  $L_v = FDL + LSR + AF$ . The calculation methodology follows the FRA detailed vibration assessment procedures as stated. The adjustment factor includes the adjustment for actual train speed relative to the reference FDL speed. As stated in Figure 4-11, the reference speed for HSR trains is 150 mph and the reference speed for Caltrain trains is 50 mph. A -10 VdB adjustment was also included for sections where trains would operate on aerial structure. Lastly, a +5 VdB adjustment was included in the HSR train vibration predictions to account for the potential differences in track condition in a blended corridor (tracks shared between HSR, Caltrain, Amtrak, and freight trains) because the reference FDL vibration levels for HSR trains were based on measurements of HSR in Europe operating on dedicated tracks. Please also refer to the response to submission FJ-1165, comment 2377, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2380

Please refer to the responses to submission FJ-1165, comments 2379 and 2371, which address these topics. The assumption that the vibration levels from the future Caltrain vehicles will be the same as those from existing Caltrain vehicles at a given speed is conservative because vibration levels correspond to the weight of the vehicles and the new vehicles will be similar or less than the weight of the existing vehicles. Details from this vibration environmental analysis will become part of the vehicle procurement package and NV-MM#7 would require the Authority to prepare necessary environmental documentation, as required by CEQA and NEPA, to reassess vibration impacts and mitigation if the final design results in changes to the assumptions underlying the noise technical report. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2381

FDL spectra are not adjusted. FDL are the reference input, or the starting point, of the calculation of vibration levels at sensitive receptors. The FDL is combined with the ground propagation characteristics to get a predicted vibration level, in units of VdB (re: 1 micro-inch/second). That predicted vibration level is called  $L_v$ . The vibration level is then adjusted for the specific distance to each sensitive receptor or cluster of receptors uniquely, and additional adjustments are made to the predicted vibration level to account for the actual predicted train speed at that specific location. Lastly, adjustment factors that account for track structure type are included. HSR operating speeds are summarized in Appendix 3.4-A, Noise and Vibration Technical Report, Table 4-6. Please refer to the response to submission FJ-1165, comments 2377, which further addresses this topic.

The commenter incorrectly states that existing Caltrain trains are "diesel EMUs". The existing Caltrain trains are diesel locomotives and unpowered coaches. With the Caltrain PCEP, the Caltrain trains would be EMUs. There would be no diesel engine locomotives and all cars would be electrically powered. As stated in Appendix 3.4-A Section 4.2.5.2, Operations Vibration, the vibration analysis is for the Caltrain PCEP conservatively assumed that future EMUs would generate the same vibration as the existing diesel trains, meaning that the predicted vibration levels from future Caltrain EMUs is an overprediction of the future vibration levels. Please refer to the response to submission FJ-1165, comment 2380, which further addresses this topic.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2382

Please refer to the response to submission FJ-1165, comment 2042, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2383

The Authority disagrees that the noise and vibration analysis lacks sufficient detail to disclose project impacts. The noise impact analysis in Section 3.4, Noise and Vibration, of the Draft EIR/EIS summarizes technical information at a sufficient level of detail to allow a full assessment of the environmental impacts of the project and identification of mitigation measures, consistent with NEPA and CEQA requirements. Refer to Section 3.4.7, Mitigation Measures, in the Draft EIR/EIS for a discussion of the measures identified to avoid or reduce significant noise and vibration impacts. Appendix 3.4-A, Noise and Vibration Technical Report, provides additional technical information supporting the noise and vibration analysis but does not duplicate the discussion of mitigation measures, nor is it required to do so.

Please also refer to the response to submission FJ-1165, comment 2027 which addresses the commenter's concerns regarding consistency with FTA and FRA guidance and the level of detail of the impact analysis.

### 1165-2384

Section 3.4, Noise and Vibration, of the Draft EIR/EIS included numerous figures showing the locations of noise and vibration measurement sites and the project's noise and vibration impacts. A new appendix, Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, with new figures showing the location of noise and vibration measurement sites, noise impacts and proposed noise barriers, and vibration impacts in greater detail. Particular noise measurement sites do not directly correspond to particular clusters of receptors. Please refer to the response to submission FJ-1164, comment 1482 for an explanation of how existing noise levels were calculated for all sensitive receptors in Brisbane using existing noise measurements. Please also refer to the response to submission FJ-1165, comment 2053 which addresses how the Draft EIR/EIS sufficiently characterizes the existing noise and vibration conditions and sensitive receptors to allow for a full assessment of project impacts. GIS tools were used to identify and analyze noise and vibration at all noise and vibration-sensitive receptors for all alternatives. The presentation of all noise and vibration methodology, criteria, existing conditions, impacts, and mitigation has been done in accordance with FRA and FTA guidance.

### 1165-2386

Please refer to the response to submission FJ-1165, comment 2045, which addresses this topic.

### 1165-2385

Please refer to the response to submission FJ-1165, comment 2053 which addresses how the Draft EIR/EIS sufficiently characterizes the existing noise and vibration conditions and sensitive receptors to allow for a full assessment of project impacts. Please also refer to the response to submission FJ-1165, comment 2384 (referred to by the commenter as comment NV41). The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2387

Please refer to the response to submission FJ-1165, comment 2044. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2389

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for an explanation of why the proposed development on Brisbane Baylands is not included in the environmental baseline for the Draft EIR/EIS. The potential impact of HSR project noise on future planned land uses, including the proposed development on Brisbane Baylands, is discussed in Impact LU#6 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS.

The ambient noise monitoring results provided a baseline for establishing existing noise levels at sensitive receptors. Most measurement sites were adjacent to existing rail tracks or heavily traveled roadways. In some instances, noise monitors recorded relatively high noise levels due to the close proximity of the microphones to roadways, such as on Joy Avenue and the corner of Old County Road and Bayshore. Analysts prepared detailed models of the existing conditions, which included existing rail operations and noise from major roadways. The existing noise model was calibrated with the noise measurement results. Through this method, accurate existing noise levels were calculated at all receptors, allowing for comparison with future predicted noise levels, which were then compared to the impact criteria. As summarized in Appendix 3.4-A, Noise and Vibration Technical Report, Table 5-1, there were three ambient noise measurements conducted in Brisbane. Table 5-2 shows that the existing noise model provided close agreement with the measured levels in Brisbane. Therefore, each noise-sensitive receptor that was analyzed has an accurate existing noise level associated with it for comparison with impact criteria.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2388

Please refer to the response to submission FJ-1164, comment 1482 for an explanation of how existing noise levels were calculated for all sensitive receptors using existing noise measurements and why the measurements collected are still valid and reliable. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2390

Please refer to the response to submission FJ-1165, comment 2030 which addresses how local conditions and topography are considered in the noise impact analysis. Please also refer to the response to submission FJ-1165, comment 2053 which addresses how the Draft EIR/EIS sufficiently characterizes the existing noise and vibration conditions and sensitive receptors to allow for a full assessment of project impacts.

### 1165-2391

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The Authority's evaluation of LMF site locations focused on their capacity to meet key design, engineering, and operational criteria and to their feasibility in light of roadway circulation impacts, availability, cost, and other factors. One of the design criteria considered was site size. As described in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, the LMF sizing criterion is based on ridership projections and fleet size estimates sufficient to handle projected system growth to the year 2040, as identified in the Authority's 2018 Business Plan. Because the LMF is one of three maintenance facilities on the HSR system, the capacity of the yard needs to be of sufficient size to accommodate approximately one third of the total fleet size. An area of approximately 100 acres is required to accommodate all necessary components of an LMF.

As explained in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, the Port of San Francisco site was determined to be an infeasible location for the LMF based on potential impacts on the Port of San Francisco (a regionally important use), circulation impacts in South San Francisco, and cost. Refer to the Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, for additional information. There is no requirement under NEPA or CEQA to evaluate infeasible alternatives, and the Authority previously assessed and concluded that the Port of San Francisco was infeasible. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2392

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

Please refer to the response to submission FJ-1165, comment 1992, which addresses the consideration of the proximity to mainline tracks in identification of potentially suitable LMF sites and explains that the Authority's evaluation of LMF sites focused on their capacity to meet key design, engineering, and operational criteria and to their feasibility in light of roadway circulation impacts, availability, cost, and other factors. These criteria are not related to "optimal" siting but are related to the functional requirements and feasibility of the LMF. There is no requirement under NEPA or CEQA to evaluate infeasible alternatives.

As explained in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, the Port of San Francisco site was determined to be an infeasible location for the LMF based on potential impacts on the Port of San Francisco (a regionally important use), circulation impacts in South San Francisco, and cost. The San Francisco International Airport site was determined to be infeasible based on its conflicts with airport use and operations, circulation impacts, and cost. Refer to the Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, for additional information.

### 1165-2393

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The Authority has evaluated a range of LMF site locations with respect to their capacity to meet key design, engineering, and operational criteria and to their feasibility in light of roadway circulation impacts, availability, cost, and other factors. These screening criteria are not related to "optimal" siting but are related to the functional requirements and feasibility of the LMF. Ultimately, as explained in the standard response, the Port of San Francisco site was determined to be an infeasible location for the LMF based on potential impacts on the Port of San Francisco (a regionally important use), circulation impacts in South San Francisco, and cost. The San Francisco International Airport site was determined to be infeasible based on its conflicts with airport use and operations, circulation impacts, and cost.

Refer to the Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, for additional information. These sites were determined to be infeasible and there is no requirement under NEPA or CEQA to evaluate infeasible alternatives. Accordingly, the comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2394

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The standard response explains the operational, cost, and environmental impact considerations that led the Authority to dismiss other LMF options, including LMFs located between San Jose and Gilroy, and the potential to operate two LMFs, with one being a smaller LMF in Brisbane combined with another LMF between San Jose and Gilroy, each with distinct maintenance activities. Please also refer to the response to submission FJ-1164, comment 1409, which addresses the evolution of planning for an LMF between San Jose and Gilroy. Finally, please refer to Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, which provides additional information regarding the consideration of a Gilroy LMF option.



## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2395

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The standard response explains the operational, cost, and environmental impact considerations that led the Authority to dismiss other LMF options, including LMFs between San Jose and Gilroy, and the potential to operate two LMFs, with one being a smaller LMF in Brisbane combined with another LMF between San Jose and Gilroy, each with distinct maintenance activities. Please also refer to the response to submission FJ-1164, comment 1409 which addresses the evolution of planning for an LMF between San Jose and Gilroy. Finally, please refer to Volume 2, Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, which provides additional information regarding the consideration of a Gilroy LMF option.

### 1165-2396

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

Please refer to the response to submission FJ-1165, comment 2189, which addresses the compatibility of the HSR project with the Geneva Avenue extension. Please also refer to the response to submission FJ-1165, comment 2269, which addresses the consideration of the Geneva Avenue extension and Geneva-Harney Bus Transit Project in the Draft EIR/EIS and the 2014 PSR for Geneva Avenue Overhead alignment.

The Geneva Avenue extension is not included in the environmental baseline because it is not an approved project and does not have dedicated funding. Because the Geneva Avenue Extension remains feasible with implementation of the HSR project (albeit with increased costs and some implications on circulation within the Brisbane Baylands development project), the HSR project would not pose a conflict with Plan Bay Area 2040 with respect to planned transit. Additional information has been added to Impact TR#11 in Section 3.2, Transportation, of the Final EIR/EIS to address the project's consistency with Plan Bay Area 2040 with respect to the Geneva Avenue extension and the related Geneva-Harney BRT project.

### 1165-2397

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

### 1165-2398

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The standard response explains the operational, cost, and environmental impact considerations that led the Authority to dismiss other LMF options, including LMFs located between San Jose and Gilroy. Please also refer to the response to submission FJ-1164, comment 1409 which addresses the evolution of planning for a LMF between San Jose and Gilroy. Finally, please also refer to Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, for additional information.

### 1165-2399

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The standard response explains the operational, cost, and environmental impact considerations that led the Authority to dismiss other LMF options, including LMFs located between San Jose and Gilroy, and the potential to operate two LMFs, with one being a smaller LMF in Brisbane combined with another LMF between San Jose and Gilroy, each with distinct maintenance activities. Please also refer to the response to submission FJ-1164, comment 1409 which addresses the evolution of planning for a LMF between San Jose and Gilroy. Finally, please also refer to Appendix 2-K, Light Maintenance Facility Site Selection Evaluation, of the Final EIR/EIS, for additional information.

### 1165-2400

Please refer to the response to submission FJ-1164, comment 2400, which addresses this topic.

## Response to Submission 1165 (Lloyd Zola, City of Brisbane, part 4 of 6 (SFSJ-1132), September 9, 2020) - Continued

### 1165-2401

Please refer to the response to submission FJ-1165, comment 2189, which explains that the Brisbane LMFs would not preclude the Geneva Avenue extension.

### 1165-2402

Please refer to the response to submission FJ-1165, comment 1929 regarding the Brisbane Corporation Yard.

### 1165-2403

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

As described in the standard response, the LMF sizing criterion is based on ridership projections and fleet size estimates sufficient to handle projected system growth to the year 2040, as identified in the Authority's 2018 Business Plan. Because the LMF is one of three maintenance facilities on the HSR system, the capacity of the yard needs to be of sufficient size to accommodate approximately one third of the total fleet size. An area of approximately 100 acres is required to accommodate all necessary components of an LMF. For these reasons, the Authority considers condensing the layout of the LMF through tightening track spacing, curves, or track elimination to be infeasible.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2404

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The standard response addresses the Authority's LMF site location criteria, including lead track configuration, in detail. The comment did not result in any revisions to the Draft EIR/EIS.

### 1165-2405

Please refer to the response to submission FJ-1164, comment 1424, which addresses this topic.

### 1165-2406

Please refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station.

### 1165-2407

Please refer to the response to submission FJ-1164, comment 1727, which addresses the project's impacts on Golden State Lumber. The comment did not result in any revisions to the Draft EIR/EIS.

Submission 1166 (Elizabeth Macias, City of Brisbane, part 5 of 6 (SFSJ-1132), September 9, 2020)

CITY OF BRISBANE  
POLICE DEPARTMENT



ELIZABETH MACIAS  
CHIEF OF POLICE

September 4, 2020

Northern California Regional Office  
CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
100 Paseo de San Antonio, Suite 300  
San Jose, California 951413

Re: Comments by the City of Brisbane Police Department on the Draft Environmental Impact Report / Environmental Impact Statement for the San Francisco to San Jose Section of the California High-Speed Rail Project (Draft EIR/EIS)

To Whom It May Concern:

Working in partnership with our community, it is the mission of the Brisbane police department to provide highly effective and responsive police services and continue to make our community a safe place to live and work. It was therefore with great dismay that I learned the California High-Speed Rail Authority intends to temporarily close the Tunnel Avenue bridge for a 1-3 month period during construction of its proposed Brisbane light maintenance facility.

This temporary closure would have a dramatic adverse effect on the ability of this Department to respond quickly to emergencies within those portions of our community east of the Caltrain railroad right-of-way. During the temporary closure of the Tunnel Avenue bridge, our officers would be required to travel north into San Francisco or south into the City of South San Francisco to respond to emergencies in the Sierra Point portion of our community, as well as to businesses along Tunnel Avenue.

While the Draft EIR/EIS acknowledges the temporary closure of the Tunnel Avenue bridge to be a significant and unavoidable impact, it does not acknowledge that this temporary road closure represents a serious and unacceptable public safety risk. To be able to continue to make our community a safe place to live and work, the Tunnel Avenue bridge and Tunnel Avenue must remain open for emergency access at all times.

Sincerely,

  
Chief Elizabeth Macias

50 PARK PLACE • BRISBANE, CALIFORNIA 94005 • (415) 508-2181 • FAX (415) 468-2233

1166-1822

## Response to Submission 1166 (Elizabeth Macias, City of Brisbane, part 5 of 6 (SFSJ-1132), September 9, 2020)

### 1166-1822

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the Draft EIR/EIS should be modified to maintain emergency access to the Tunnel Avenue overpass at all times throughout construction of the Brisbane LMF and related facilities.

As described in the standard response, since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction activities. Construction of the new Tunnel Avenue overpass under both project alternatives would occur prior to removing the existing Tunnel Avenue overpass from operation, eliminating the need for a temporary road closure. Revisions have been made throughout the Final EIR/EIS to clarify the construction phasing for the Tunnel Avenue overpass. Refer to Impact S&S#1 in Section 3.11, Safety and Security, of the Final EIR/EIS for detailed descriptions and illustrations of the proposed construction phasing.

Submission 1167 (Todd Johnson, City of Brisbane, part 6 of 6 (SFSJ-1132), September 9, 2020)



**North County Fire Authority**

Serving the Cities of Brisbane, Daly City, Pacifica

Ron D. Myers  
Fire Chief

10 Wembley Drive  
Daly City, California 94015-4314

Administration  
Phone 650-991-8138  
Fax 650-991-8090

September 4, 2020

Northern California Regional Office  
CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
100 Paseo de San Antonio, Suite 300  
San Jose, California 951413

Re: Comments by the North County Fire Authority on the Draft Environmental Impact Report / Environmental Impact Statement for the San Francisco to San Jose Section of the California High-Speed Rail Project (Draft EIR/EIS)

To Whom It May Concern:

1167-1823

The North County Fire Authority provides emergency and non-emergency services to the City of Brisbane from our existing NCFA Fire Station 81 located at 3445 Bayshore Boulevard at Valley Drive within the City of Brisbane. It is our understanding that the California High Speed Rail Authority's proposed Brisbane light maintenance facility requires relocation of the City's existing Tunnel Avenue bridge that conflicts with the current location of Fire Station 81. The Authority's Draft EIR/EIS states that the Authority plans to relocate NCFA Fire Station 81 to the south to provide for the relocated bridge that will move the connection of Tunnel Avenue to Bayshore Boulevard from Old County Road to Valley Drive.

**Description of the Existing Station 81**

NCFA Fire Station 81 is a one-story, one company fire station designed for staffing of four firefighters. The fire station has two drive through apparatus bays; firefighter living quarters including a combined dayroom, dining area and kitchen, six firefighter bunk rooms and three gender neutral restrooms. The fire station includes two offices and an open work area for firefighters. There is an existing secured reception vestibule with an ADA restroom and a training classroom that can seat 12 people comfortably. The fire station is located on an approximately 94,000 s.f. site with ample visitor and personnel parking. The front apron of the station directly aligns the apparatus bays with the Valley Drive intersection, making response times very efficient. There is also a short depth rear apron at the backside of the apparatus bays. Outdoor areas south of the existing station are currently used for training purposes.

1167-1823

The proposed relocation of Fire NCFA Station 81 as described in the Draft EIR/EIS is poorly designed and unacceptable to the North County Fire Authority.

The Draft EIR/EIS proposes two options for relocation of NCFA Fire Station 81, both which are poorly designed and unacceptable. Alternative A proposes relocating the station approximately 600 feet south, with two driveways connecting to Bayshore Boulevard. The southerly driveway for the relocated fire station would connect to the east leg of the signalized Bayshore Boulevard/Old County Road intersection, providing full access to Bayshore Boulevard. A second northerly driveway would connect to Bayshore Boulevard approximately 400 feet north of Old County Road, providing a mid-block location with right-in, right-out only access to northbound Bayshore Boulevard that would require fire companies heading south on Bayshore boulevard to make a U-turn at the signalized Bayshore Boulevard/Valley Drive intersection. The Draft EIR/EIS does, however propose a "mitigation measure" to provide for a new mid-block signalized intersection for the station provide a break in the raised median to allow fire companies movements and a short southbound left-turn pocket where inbound fire trucks could wait for the fire station signal to be triggered.

Both of these poorly designed alternatives are infeasible and unacceptable. Both alternatives described in the Draft EIR/EIS require placement of the relocated fire station with its apparatus bays facing parallel to Bayshore Boulevard instead of perpendicular, which would increase response times. Emergency vehicles leaving the fire station's apparatus bays would be forced to travel down a long driveway before having to slow down to make a 90-degree turn before reaching Bayshore Boulevard. Elimination of a short perpendicular access to Bayshore Boulevard in favor of a longer driveway parallel to Bayshore Boulevard would increase emergency response times from the fire station. In addition, Alternative B provides only a single access point that would require fire companies returning to the fire station to stop on Bayshore Boulevard and back into and along the driveway to the fire station's apparatus bays. In addition, by moving the existing fire station to the south, much of the site's existing training areas and outdoor space would be lost.

1167-1824

If the Tunnel Avenue bridge relocation cannot be designed so as to allow our existing fire station to remain in place with its current access, the only realistic solution would be for the California High Speed Rail Authority to secure a location and construct a new fire station within the City of Brisbane that is acceptable the North County Fire Authority and the City of Brisbane.

1167-1825

**The proposed temporary closure of the Tunnel Avenue bridge would result in unacceptable public safety impacts.**

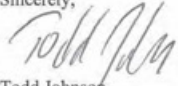
The proposed 1-3 month closure of the Tunnel Avenue bridge during construction of the Brisbane light maintenance facility would adversely affect emergency response times to those portions of the City of Brisbane east of the Caltrain railroad right-of-way, including emergency response to facilities such as Golden State Lumber and the Kinder Morgan tank farm, where even minor delays in emergency response could have disastrous consequences.

## Submission 1167 (Todd Johnson, City of Brisbane, part 6 of 6 (SFSJ-1132), September 9, 2020) - Continued

1167-1825

During the temporary closure of the Tunnel Avenue bridge, response from NCFE Fire Station 81 would be required to travel north into San Francisco or south into the City of South San Francisco to reach Golden State Lumber, the Kinder Morgan tank farm, and the Brisbane Marina and other portions of the Sierra Point area. Temporary closure of the Tunnel Avenue bridge would have a serious and unacceptable risk to public safety. The Tunnel Avenue bridge and Tunnel Avenue must remain open for emergency access at all times.

Sincerely,



Todd Johnson  
Deputy Fire Chief  
Operations Bureau

## Response to Submission 1167 (Todd Johnson, City of Brisbane, part 6 of 6 (SFSJ-1132), September 9, 2020)

### 1167-1823

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that fire station relocations identified in the Draft EIR/EIS are not feasible. The comment also requests consultation with the North County Fire Authority relative to relocation of the Brisbane Fire Station.

The Authority has consulted with both the Brisbane Fire Department and North County Fire Authority staff regarding relocation of the Brisbane Fire Station. This coordination included conducting several meetings and sharing station concept plans. The coordination effort resulted in revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and clarifications regarding the access design (for Alternative B) in the Final EIR/EIS. This is explained in detail in the standard response referenced above. With these revisions and clarifications, it is the Authority's conclusion the proposed station concepts would provide equivalent emergency fire services so that the project would have a less-than-significant impact to emergency services.

The Authority is committed to ongoing coordination with both agencies in the development of more detailed station plans as part of final design.

### 1167-1824

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that if relocation of the existing Brisbane station cannot be accomplished so as to allow the existing station to remain in place with its current access, the Authority should secure a new site and construct a new station that is acceptable to the City of Brisbane and North County Fire Authority. As explained in the standard response, the Final EIR/EIS reflects revisions to the design for the Relocated Brisbane Fire Station (for Alternative A) and clarifies the access design (for Alternative B). These revisions were implemented based on comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff. With these revisions and clarifications, the proposed station concepts would provide a similar level of access to the existing fire station and thus an off-site alternative is not required.

### 1167-1825

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment notes that the Tunnel Avenue overpass and Tunnel Avenue must remain open for emergency access at all times. As described in the standard response, since publication of the Draft EIR/EIS, the Authority has identified a feasible approach to phased construction of the realigned Tunnel Avenue overpass that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction activities. Construction of the new Tunnel Avenue overpass under both project alternatives would occur prior to removing the existing Tunnel Avenue overpass from operation, eliminating the need for a temporary road closure. Revisions have been made throughout the Final EIR/EIS to clarify the construction phasing for the Tunnel Avenue overpass. Refer to Impact S&S#1 in Section 3.11, Safety and Security, of the Final EIR/EIS for detailed descriptions and illustrations of the proposed construction phasing.

## Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020)

**San Francisco - San Jose - RECORD #1108 DETAIL**

Status : Unread  
Record Date : 9/9/2020  
Interest As : Local Agency  
First Name : Syed  
Last Name : Murtuza  
Attachments : 2020 CHSRA DEIR PW Comments 090820.pdf (140 kb)

**Stakeholder Comments/Issues :**

Mr. McLoughlin,

Attached you will find the City of Burlingame's comments on the Draft Environmental Impact Report (DEIR) for the San Francisco to San Jose section of the High Speed Rail Project.

A hard copy original will follow in the mail.

We appreciate the opportunity to provide comments on the DEIR.

Thank you,

Stephanie Brewer  
Management Assistant  
City of Burlingame



### The City of Burlingame

PUBLIC WORKS DEPARTMENT  
TEL: (650) 558-7230  
FAX: (650) 685-9310

CITY HALL - 501 PRIMROSE ROAD  
BURLINGAME, CALIFORNIA 94010-3997  
[www.burlingame.org](http://www.burlingame.org)

CORPORATION YARD  
TEL: (650) 558-7670  
FAX: (650) 696-1598

September 8, 2020

Mark A. McLoughlin  
Director of Environmental Services  
Attn: San Francisco to San Jose California High-Speed Rail Authority  
100 Paseo De San Antonio, Suite 206  
San Jose, CA 95113  
Email: [san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)

**Subject: City of Burlingame Comments on the California High-Speed Rail Authority (CHSRA) Draft Environmental Impact Report (DEIR) for the San Francisco to San Jose Section of the High Speed Rail Project**

Dear Mr. McLoughlin:

The City of Burlingame appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the San Francisco to San Jose section of the High Speed Rail Project. Burlingame has previously reviewed and commented on the recommended alignment for the San Francisco to San Jose section of the California High-Speed Train and continues to have similar concerns found in our earlier comments. In addition to the City's previously made comments, the City hereby submits specific comments in response to the DEIR.

**1. The CHSR Project shall not create a visual or physical divide through the community**

The proposed corridor for the CHSR Project runs north-south through the City of Burlingame, bisecting major residential areas in the City. Homes begin just south of the existing Millbrae Intermodal Station and end at the San Mateo city border. In some areas there are residences, parks, and a school about 50 feet from the tracks. Burlingame High School and Washington Park are adjacent to the proposed corridor with east-west connections across the corridor to the downtown and the Burlingame Avenue Train Station. Essentially, one-quarter of our population lives east of the rail line and the CHSR

1108-431



# Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

1108-431 | improvements could adversely divide our City in two and disrupt existing services. Therefore, the City wishes to reiterate that any option that involves elevated tracks using retaining walls or bridging elevated structure, such as an aerial viaduct, is not acceptable to the City of Burlingame. We further assert that such an option would have substantial negative impacts upon our community.

1108-433 | All plans shall be consistent with City zoning and General Plan requirements. The existing General Plan and preliminary Downtown Plan encourage high-density housing along transportation corridors. A physical barrier along the rail line will diminish the desirability of living close to the train and decrease property values. The City requests an economic study on the future impacts of the high-speed rail service on properties in and around the corridor.

1108-434 | The City, along with the Peninsula Joint Powers Board (Caltrain), is currently working on the final design for the Broadway Grade Separation (BBGS). The proposed design will have a hybrid grade separation, which includes a partially depressed roadway and partially elevated track. All CHSR plans must be consistent with the design for the BBGS Project. Any deviation or lack of coordination between the two plans will lead to project delays and increased costs.

1108-435 | **2. Major safety concern for operating CHSR without first grade separating the Broadway at-grade crossing**

1108-436 | The existing Broadway at-grade crossing is the top ranked priority for grade separation projects in the State of California by the California Public Utilities Commission (CPUC) because of the large number of train-motor collisions, motor-motor collisions, and unsafe intersection. The City understands that the CHSRA proposes to improve the grade crossing by installing quad gates to operate high speed trains at 110 miles per hour. The City believes that operating high speed trains without grade separating the Broadway crossing is a major safety concern and should not be done. Additionally, with Broadway as the only access to U.S. Highway 101 in Burlingame, changes to the Broadway rail crossing will significantly impact the over 25,000 vehicles per day using Broadway at the railroad crossing, and likely impacting the more than 230,000 vehicles per day along U.S. 101 at this interchange. The City urges the CHSRA to consider grade separating the Broadway crossing prior to operating the high speed trains. The City is currently in the final design phase of the grade separation project and the City requests that the CHSRA collaborate with the City to expedite the construction funding of the grade separation project such that it is ready prior to the operation of high speed trains along the Peninsula corridor.

1108-437 | **3. Incorporate the Broadway Grade Separation plans into CHSRA Project plans**

1108-438 | The project plans provided by the CHSRA shows that they do not reflect the Broadway Grade Separation (BBGS) project. The BBGS has completed 35% plans and is about to

1108-438 | begin the final design phase. The BBGS has multiple roadways, track alignment, and utility impacts. The CHSR must overlay the BBGS plans, as well as coordinate with BBGS design staff to address potential impacts, including any redundant work and potential conflicts between the two projects, all of which may have significant cost and schedule impacts for both projects if not coordinated properly.

1108-439 | **4. Project coordination with other regional projects and services**

Caltrain plans for electrification and the BBGS must be included in all options of the CHSR project. The plans must address how the planned Caltrain improvements will be coordinated with the final design and construction of the CHSR project. These projects need to be reviewed as one to comprehensively address and mitigate the cumulative impacts. All existing services using the rail must also be considered. This includes freight and local Caltrain service along the rail corridor.

1108-440 | **5. Protect and preserve all historic resources, including but not limited to the Burlingame Avenue and Broadway train stations, as well as the eucalyptus grove**

There are two train stations that have a long and significant importance to Burlingame. To the north is the Broadway station (currently a restaurant) and to the south is the recently improved Burlingame Avenue Train Station. In addition, there is a historic eucalyptus grove from North Lane to beyond Oak Grove Avenue, on the west side of the tracks (the Franchard Trust Grove). These historic resources need to be preserved and maintained at their current locations.

1108-441 | If future improvements will impact any other existing landscaping elements adjacent to the tracks, the City recommends installing replacement landscaping now to ensure future screening. Landscaping along the corridor has been critically important to reducing visual and aesthetic impacts from the existing rail line and should be maintained with all future construction.

1108-442 | The community participated and spent more than five years in the planning, design, and construction of the \$20.5 million dollar improvements at the Burlingame Avenue Train Station, while respecting the station's historic elements. It is imperative that the CHSR project preserve these improvements.

1108-443 | **6. Avoid impacts to the downtown business districts**

The project must take into account the two main commercial districts in the City of Burlingame: Burlingame Avenue and Broadway. Both were developed adjacent to the train tracks when the stations were built. These commercial streets are the heart of the retail districts for the City. There shall be no impacts to these two vital areas from the proposed project. Existing connections across the tracks to the two downtowns must be seamless

Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

1108-443 | and continuous with the proposed project. Also, there shall be no impact to the retail areas during construction.

1108-444 | As a method of mitigation, the project shall identify all traffic impacts to the two main commercial district streets, as well as to streets at all the other railroad crossings throughout the City. These include Oak Grove Avenue, North Lane, Howard Avenue, Bayswater Avenue, and Peninsula Avenue. The project shall also establish mitigation plans to address impacts in terms of traffic delays, level of service, gate down-times, and traffic volumes (both present and future).

1108-445 | **7. Construction impacts to existing Caltrain service**

The CHSRA shall demonstrate by engineering studies how the high-speed rail line can be built while maintaining and enhancing existing Caltrain service. Residents depend on Caltrain service for transportation to and from work and other activities. This service shall not be interrupted but maintained at all times during construction. In addition, service at the Broadway station will be restored once the Caltrain line is electrified.

1108-446 | **8. Construction impacts to residents, schools, and businesses**

The project shall study, identify, and mitigate all potential construction impacts to the residents, schools, and businesses in the City. Residents, businesses, and emergency services such as police, fire, and medical services heavily depend on the existing railroad crossings for emergency access. These railroad crossings must remain open to the public throughout the project construction period.

1108-447 | In addition, the project shall also include in its study the potential loss of revenue to the businesses from the project construction activities and shall address such impacts.

1108-448 | The City possesses six at-grade crossings. The project shall evaluate and mitigate construction and operational impacts, such as railroad noise and vibration for City streets at all six crossings. The project shall also evaluate the qualification of the streets, residential neighborhoods, schools, and businesses for "quiet zone" implementation.

1108-449 | **9. Utility impacts**

Major utility lines currently cross the railroad corridor throughout the City. They include gravity storm drains and culverts, water lines, sewer mains, signal conduits, and streetlights. These lines may be in conflict with the proposed project and shall be protected in place or redesigned and reconstructed, if required, to the satisfaction of the City Engineer at no cost to the City.

1108-450 | In addition, a portion of the railroad corridor carries storm water from Burlingame, Ralston, Terrace, and Sanchez Creeks and thus acts as a detention basin during heavy rains and

1108-450 | high tides. The proposed project may significantly upset the drainage capacity of the system and compromise flood protection to the community. The storm drain system must be thoroughly studied and addressed by the project to avoid impacts.

1108-451 | **10. Coordination with adjacent communities**

Any alignment in the cities of San Mateo or Millbrae may potentially cause adverse impacts in the City of Burlingame. The CHSRA shall include the City of Burlingame in the development of options to the north and south of our City limits.

1108-452 | **11. Public input and outreach**

The City of Burlingame requests that the CHSRA provide a transparent process for public input into the project development, planning, design, engineering, and construction. The CHSRA shall conduct well publicized community meetings that allow time for public comment on a regular basis during all phases of study, design, and construction. A dedicated project manager shall be assigned to deal with project issues in the City of Burlingame.

1108-453 | **12. City review and approval requirements**

The City of Burlingame should be provided with plans and details of any proposed improvements within the City limits. The CHSRA shall provide in a timely manner all studies, environmental documents, and preliminary engineering plans, including 30 percent, 60 percent and 90 percent plans, and final design documents to the City for review and approval. There shall be sufficient time allowed in the project schedule for City review and comments. No work shall be done in the City right-of-way without City approval and an encroachment permit.

1108-454 | **13. Disclose any cellular facilities located along the CHSR rail line within Burlingame**

The CHSRA shall disclose plans for any proposed cellular facilities located along the rail line within the City of Burlingame. These facilities shall be consistent with the City's requirements. All information related to cellular facilities shall be provided in a timely manner, including but not limited to all studies, environmental documents, and preliminary engineering plans, including 30 percent, 60 percent and 90 percent plans, and final design documents. There shall be sufficient time allowed in the project schedule for City review and comments. No work shall be done in the City right-of-way without City approval and an encroachment permit.

1108-455 | **14. Mitigate transportation impacts for both existing and future demands**

With the anticipated increase in use of the Millbrae Intermodal Train Station due to the proposed High Speed Train Station, the City has concerns regarding traffic congestion

Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

1108-455 | impacts at intersections along California Drive, including Oak Grove Avenue/Carolan Avenue that shows significant delays. All the intersections along the California Drive corridor should be re-evaluated to determine the need for additional improvements.

1108-456 | Furthermore, the DEIR states the level of service (LOS) at the California Drive/Broadway intersection as LOS D or better. Please confirm this with supporting data for existing conditions, as well as under future scenarios. Additionally, the increased use of the Millbrae Intermodal Station may result in additional impacts to the City's roadway network. Burlingame major arterials and collectors in the vicinity of the Millbrae Intermodal Station should be studied, including: Trousdale Drive, Broadway, Rollins Road, El Camino Real, and Murchison Drive.

1108-457 | With Burlingame's proximity to San Francisco International Airport (SFO), there is a concern of long-term vehicles parking in residential neighborhoods and using Lyft/UBER to arrive at SFO. With the proposed High Speed Rail Station at Millbrae, this ongoing issue will only be exacerbated. The City requests that the CHSRA study this matter and address it accordingly to minimize impacts to Burlingame.

1108-458 | **15. Bicycle facility improvements in Burlingame**

The DEIR states the absence of a Class II bicycle facility south of Millbrae. This is incorrect as Burlingame has a Class IV facility along Carolan Avenue (Broadway to Oak Grove Avenue), a Class II facility on California Drive (Murchison Drive to Broadway), and a southbound Class II bike lane on Rollins Road (Broderick Road to North Carolan Avenue). The CHSR plan shows changes in track alignment near Trousdale Drive and also shows impacts to the existing roadway. The City requests that the existing roadway widths, number of travel lanes, including parking lane, and bicycle lanes shall be maintained, and the project shall not cause adverse impacts to the City's transportation network.

1108-459 | In addition to the City's existing bicycle facilities, City staff previously indicated to the CHSRA that the City plans to implement a Class I bicycle facility along California Drive, and requests that the CHSRA shall not adversely impact the feasibility of constructing a Class I bicycle facility. This facility would be located on the west side of the tracks and east side of California Drive.

1108-460 | **16. Improve railroad safety gate down time and improve safety at all at-grade crossings**

The City is concerned with the increased railroad safety gate down time as a result of more trains, and requests the gate down time be designed to be such that it does not result in adverse impacts to at-grade crossings in the City. Additionally, the City requests that the CHSRA invest in improving the safety at all grade crossings by installing quad gates. Moreover, the City is currently working on a project to install a traffic signal at Oak Grove Avenue/Carolan Avenue. The CHSRA team should coordinate the design of the quad-gate equipment with staff with regards to the location of traffic signal equipment.

1108-461

**17. Noise and Vibration Impacts**

The CHSRA shall study and identify all impacts associated with noise and vibration as a result of the proposed high speed rail operations and address them to less than significant levels.

Sincerely,



Syed Murtuza  
Public Works Director, City of Burlingame

- C: City Council
- Lisa K. Goldman, City Manager
- Kevin Gardiner, Community Development Director

## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020)

### 1108-431

The comment suggests the potential for the proposed project to physically and/or visually divide the city of Burlingame.

Neither alternative includes elevated tracks or aerial viaducts through the city of Burlingame; both alternatives would be at grade within the existing Caltrain corridor. As set forth in Volume 2, Appendix 2-A, Roadway Crossings, Modifications, and Closures, at present, there are six at-grade rail crossings in the city of Burlingame. Neither alternative requires the closure of any of these existing rail corridor crossings in Burlingame.

Please refer to Impact SOCIO#1 through Impact SOCIO#3 in Section 3.12, Socioeconomics and Communities, of the Draft EIR/EIS, which includes a detailed discussion of the project's potential to physically divide communities. Please also refer to the responses to submission FJ-1108, comments 448 and 461, which note that four noise barrier locations have been proposed in Burlingame to mitigate noise effects. However, such mitigation requires the consent of affected property owners. As discussed in these impacts, the alternatives would not physically divide communities because new rail infrastructure would occur within an existing transportation corridor. Access to communities and community facilities would not be disrupted, nor would community interactions change. Minor inconveniences to residents and businesses may result from temporary construction activities (e.g., the installation of four-quadrant gates), but these changes would not disrupt access to or divide a community. Established social engagement patterns within communities would not change. Therefore, the permanent transportation features associated with the project alternatives would not physically divide an established community.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-433

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

This comment from the City of Burlingame makes a number of assertions regarding City preferences and requests concerning the HSR project.

The comment first asserts that project plans should be consistent with City general plan and zoning requirements and that the city's existing General Plan and Downtown Specific Plan are intended to encourage high-density housing along transportation corridors. Please refer to the standard response referenced above, which addresses this topic. As stated in Draft EIR/EIS Section 3.12.3, Consistency with Plans and Laws, the Authority as a state agency is not required to comply with local land use and zoning regulations; however, it has endeavored to develop a project design that minimizes local impacts and is made as consistent with local plans as possible.

Draft EIR/EIS Volume 2, Appendix 2-J, Policy Consistency Analysis, identified instances in which the proposed project would be inconsistent with relevant plans and policies of affected communities. Appendix 2-J notes that the proposed project would be inconsistent with one policy of the Burlingame Downtown Specific Plan (City of Burlingame 2018). This policy expressed concern over the potential for a future HSR rail line "to create a physical barrier through the city if it involves bridging, elevated tracks, or the use of retaining walls" and thus urged the undergrounding of any such rail alignment. As explained in Appendix 2-J, state legislation adopted in 2013 requires an at-grade "blended" system in the San Francisco to San Jose Project Section, where HSR and Caltrain share tracks, including through Burlingame. Appendix 2-J identifies this as a policy inconsistency because the proposed rail alignment would be at grade. Nonetheless, the proposed rail alignment would not involve bridging, elevated tracks, or retaining walls through Burlingame.

Although no bridging, elevated tracks, or retaining walls are proposed in Burlingame, noise barriers may be placed in Burlingame. As set forth in Draft EIR/EIS Section 3.4.7, Mitigation Measures, Table 3.4-21 identifies four locations in Burlingame where noise barriers would effectively mitigate identified noise impacts of the proposed project. The table indicates that a collective 4,000 linear feet of noise barrier could be effective at two

## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

### 1108-433

locations along the northbound tracks and a collective 5,000 linear feet of noise barrier could be effective at two locations along the southbound tracks. Noise barriers would be constructed on a case-by-case basis and only in areas where 75 percent of potentially benefitted property owners agree to their construction.

Impact AVQ#7 in Section 3.15, Aesthetics and Visual Quality, notes that the Caltrain corridor is largely not seen by residential uses in Burlingame. Notwithstanding, AVQ-MM#6 would soften the visual presence of any noise barriers that are constructed in visually sensitive areas.

Notwithstanding, the project alternatives would not preclude high-density housing along the corridor, and would in fact support it around station areas, including the Burlingame Caltrain Station, as well as the proposed Millbrae Station, which would be within walking distance of northern portions of Burlingame.

Regarding the request to complete an economic study, please refer to Draft EIR/EIS Section 3.12, Socioeconomics and Communities. In that section, Impacts SOCIO#12 and SOCIO#15 detail the economic analysis completed for the project.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-434

The Authority received 15 percent engineering plans for the Broadway Grade Separation project in 2016 and considered these in development of Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. The Authority proposes as part of the HSR project to reconfigure the Broadway Caltrain Station to extend the southbound platform and provide a northbound platform in order to eliminate the hold-out rule. If the Broadway Grade Separation Project is constructed in advance of the HSR project, no work would be performed at this location. The Authority will coordinate with the City of Burlingame during final design to address design, construction, and operational issues. The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-435

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-SS-1: At-Grade Crossing Safety.

The comment indicates that operating HSR without grade separating the Broadway crossing would be a major safety concern. Section 3.11.5.2, Community Safety and Security, of the Draft EIR/EIS identifies that the Broadway Avenue at-grade crossing in Burlingame has a high rate of highway-rail grade crossing incidents. While the Authority acknowledges the potential safety advantages to grade separations, the Draft EIR/EIS analysis under Impact S&S#14 found that installation of four-quadrant gates and median barriers consistent with FRA standards would improve safety along the right-of-way, providing sufficient protections. As explained in Standard Response FJ-Response-GS-1: Requests for Grade Separations, the Authority cannot commit to grade separations as part of the project or project mitigation. However, the Authority, in cooperation with local jurisdictions, transportation funding agencies, and state and federal agencies, would support community-initiated grade-separation efforts over time as funding becomes available. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

### 1108-436

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment asserts that changes to the Broadway rail crossing would significantly affect vehicles using Broadway at the rail crossing.

The Draft EIR/EIS evaluated intersection operations at four intersections along Broadway adjacent to the existing at-grade rail crossing. The Draft EIR/EIS indicates that an adverse LOS effect under NEPA would occur at the intersections on Broadway at California Drive (immediately west of the at-grade crossing) and the US 101 southbound off-ramp (immediately east of the at-grade crossing) during the PM peak hour in Burlingame (Impact TR#5). As discussed in Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, the Authority developed site-specific mitigation for the Final EIR/EIS for certain locations where adverse traffic effects were identified. However, no feasible mitigation was identified that could address the effects at the Broadway/California Drive and Broadway/US 101 Southbound Ramp intersections due to increased gate-down time at the Broadway at-grade crossing.

### 1108-437

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

While the Authority acknowledges the advantages to grade separations, grade separation of the Broadway at-grade crossing is not proposed as part of the project or identified as a feasible mitigation to address significant impacts under CEQA, primarily due to cost. The Authority, in cooperation with local jurisdictions, transportation funding agencies, and state and federal agencies, would support community-initiated grade-separation efforts over time as funding becomes available. The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-438

Please refer to the response to submission FJ-1108, comment 434, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-439

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan, FJ-Response-TR-4: Project Impacts on Freight.

The HSR project is fully consistent with the PCEP, which is under construction now and may be completed before HSR project construction. The Authority has coordinated with Caltrain throughout development of the Caltrain electrification project and the HSR project. Regarding Caltrain future plans for expansion beyond the plans in the PCEP, please refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

Regarding the Broadway Grade Separation project, as this project is advanced, HSR will coordinate with Caltrain and the City of Burlingame as necessary to accommodate all three agencies' needs. Near Broadway Avenue, the HSR project described in the Draft EIR/EIS includes construction of outside platforms and track realignment to remove the hold-out rule at the Caltrain Broadway station, which is necessary to improve safety and also to provide more efficient Caltrain and HSR service. Based on the latest information for the Broadway Grade Separation project (SMCTA 2021), that project will include partially raising the railroad grade and partially depressing the roadway grade, will include a center platform design for the Broadway Caltrain Station, and will include electrified tracks. This design is compatible with the HSR proposed improvements that are focused on removing the hold-out rule with the existing at-grade center platform. Thus, there do not appear to be any conflicts between PCEP, the HSR project, and the Broadway Grade Separation project.

All three parties will need to coordinate in terms of design and construction timing. PCEP is under construction; as noted in the Draft EIR/EIS for the HSR project, construction of the HSR project could start as early as 2022; and based on the latest information, the Broadway Grade Separation project may start construction in 2024 and be completed by 2027. There is the potential for delay in construction of both the HSR project and the Broadway Grade Separation project due to funding considerations and thus it is not known today whether the grade separation project will be completed before or after HSR project construction. As such, the Authority will coordinate with Caltrain and the City of Burlingame in terms of timing. The optimal outcome would be that the Broadway Grade Separation project is completed prior to HSR construction in the vicinity of Broadway Avenue because it would avoid the need for HSR planned platform

## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

### 1108-439

and track modifications, the need for installation of four-quadrant gates at the Broadway at-grade crossing (as proposed by the Authority), would enhance safety, and would avoid the traffic delays due to gate-down time associated with Caltrain, HSR, and freight crossings of the Broadway at-grade crossing.

The Caltrain Grade Separation Program was noted in the cumulative analysis in the Draft EIR/EIS. Since the Broadway Grade Separation project obtained its environmental clearance in October 2020, the Broadway Grade Separation project has been added to Section 3.18, Cumulative Impacts, in the Final EIR/EIS and analyzed accordingly.

### 1108-440

The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in revisions to the Draft EIR/EIS.

The Broadway Station referred to in the comment is located at 1190 California Drive (APN 093361010). This property was recommended not eligible for listing in the NRHP or CRHR. This recommendation is summarized in HASR Table 8-7, and documentation for this recommendation is included in HASR Appendix F, Streamlined Documentation for Substantially Altered Resources (Authority 2019f). Given the Broadway Station was recommended not eligible for the NRHP or the CRHR, effects on this property were not analyzed in the EIR/EIS. Given it is not an historic property under Section 106 or an historical resource under CEQA, standard mitigation does not apply.

Findings of the Draft EIR/EIS also included: no adverse effect on the SPRR Depot/Burlingame Railroad Station and no adverse effect on the Jules Francard Grove/Francard Tree Rows. The project includes CUL-IAMF#1 and CUL-IAMF#6. As specified in the EIR/EIS, these project features would help protect the SPRR Depot/Burlingame Railroad Station and Jules Francard Grove/Francard Tree Rows. Given the no adverse effect findings, only CUL-MM#8 will apply in the event of unanticipated effects on or inadvertent damage to elements of the SPRR Depot/Burlingame Railroad Station and Jules Francard Grove/Francard Tree Rows. Please refer to Impact CUL#4 in Section 3.16, Cultural Resources, of the EIR/EIS for additional information about the project's impacts to these properties.

HSR consulted with the California SHPO on the technical findings in the HASR as well as the Section 106 FOE on historic architectural resources. The SHPO concurred with the identification of historic architectural resources as represented in the HASR in October 2019, as well as the FOE on those historic properties in May 2020. No further revisions to the HASR or EIR/EIS are warranted.

## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

### 1108-441

The comment is noted but did not result in any revisions to the Draft EIR/EIS. Please refer to AVQ-IAMF#1 and AVQ-IAMF#2 for an explanation of the process whereby the Authority and local jurisdictions would develop aesthetic treatments for structures, including structures and landscaping, to visually integrate the HSR infrastructure with the local aesthetic. This process would occur during the detailed design phase of the project, following the conclusion of the environmental process and prior to construction.

As shown in Table 3.4-21 in Section 3.4, Noise and Vibration, of the Draft EIR/EIS there are several locations where noise barriers would be considered in Burlingame. In locations where existing landscaping is minimal, AVQ-MM#4 and AVQ-MM#5 detail landscaping mitigations proposed along the HSR corridor. Additionally, as shown in Table 3.4-21 in Section 3.4, Noise and Vibration, of the Draft EIR/EIS there are several locations where noise barriers would be considered in Burlingame. In accordance with AVQ-MM#6, as part of the final design and construction management plan, the Authority would work with local jurisdictions to develop the appropriate noise barrier style and treatments for visually sensitive areas, to reduce the visual effect of barriers on adjacent land uses.

### 1108-442

Please refer to the response to submission FJ-1108, comment 440, for a description of the EIR/EIS findings related to the SPRR Depot/Burlingame Railroad Station. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS nor did it result in revisions to the Draft EIR/EIS.

### 1108-443

The comment asserts that project construction and operation could have impacts on Burlingame's business districts.

Please refer to Draft EIR/EIS Section 3.12, Socioeconomics and Communities, Impact SOCIO#8, which states that there would be no business displacements or relocations in the city of Burlingame. Impacts in Burlingame would be limited to minor noise and visual impacts during construction and increased gate-down time at at-grade crossings during operations. As discussed in Section 3.12, these impacts would cause minor inconveniences for people in the community, but the project alternatives would not physically divide the community because the project would operate within the existing Caltrain corridor that currently travels through Burlingame, and because access would be maintained to neighborhoods, businesses, and community and public facilities.

Please also refer to Draft EIR/EIS Section 3.2, Transportation, where Subsection 3.2.4.2, Impact Avoidance and Mitigation Features, notes the numerous measures the Authority has incorporated into the project to avoid and/or minimize construction-related effects. For instance, TR-IAMF#2 would require a CTP and TR-IAMF#3 would require the CTP to include off-street parking for all construction-related vehicles to minimize impacts on existing on-street parking. TR-IAMF#2 further establishes that the Authority will ensure CTPs are developed in close consultation with local jurisdictions.

The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

### 1108-444

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment requests that the EIR/EIS identify all traffic impacts on the two main commercial district streets, as well as on streets at all the other railroad crossings throughout the city of Burlingame. The Draft EIR/EIS evaluates 14 intersections in Burlingame and an additional 3 intersections on the border of Burlingame and San Mateo. The Draft EIR/EIS indicates that an adverse LOS effect under NEPA would occur at the intersections of Broadway/California Drive (PM peak hour), Broadway/US 101 southbound off-ramp (PM peak hour), Rollins Road/Cadillac Way/US 101 southbound ramps (AM peak hour), California Drive/Oak Grove Avenue (AM and PM peak hours), Carolan Avenue/Oak Grove Avenue (AM and PM peak hours), California Drive/North Lane (PM peak hour), Carolan Avenue/North Lane (AM and PM peak hours), California Drive/Howard Avenue (AM and PM peak hours), East Lane/Howard Avenue (AM and PM peak hours), Myrtle Road/Bayswater Avenue (PM peak hour), Anita Road/Peninsula Avenue (PM peak hour), and Arundel Road/Woodside Way/Peninsula Avenue (AM and PM peak hours). Please refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for the adverse LOS effects under NEPA where mitigations are identified for the intersections of California Drive/North Lane, Carolan Avenue/North Lane, and Arundel Road/Woodside Way/Peninsula Avenue. No feasible mitigations are identified for the other affected intersections.

### 1108-445

The Draft EIR/EIS recognizes the potential for the project to affect Caltrain service during construction as described under Impact TR#10 in Section 3.2, Transportation. During construction, the Authority requires the contractor to minimize disruption to passenger rail facilities (TR-IAMF#2) and maintain safe and adequate access for passenger rail users during construction (TR-IAMF#11). However, even with these project features, the Draft EIR/EIS concluded that the impact to Caltrain service during construction would be significant under CEQA and a railway disruption control plan would be required as part of TR-MM#3 to reduce impacts to a less-than-significant level under CEQA. This mitigation measure would be effective in reducing the duration and extent of disruption to Caltrain service.

The restoration of Caltrain service after electrification is a matter for Caltrain and the PCEP project, not this project, but the HSR project would not hinder Caltrain service to the Burlingame Station. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

### 1108-446

The comment asserts that the Draft EIR/EIS should identify and mitigate all potential construction impacts to residents, schools, and businesses in the City of Burlingame, further noting that existing rail crossings must remain open throughout construction.

Multiple sections of the Draft EIR/EIS address the points raised in the comment concerning community-related effects as well as emergency services. Please refer to the discussions in Impacts SOCIO#1 and SOCIO#2 in Section 3.12.6.2, Disruption or Division of Existing Communities Impacts; Impact SOCIO#4 in Section 3.12.6.3, Children's Health and Safety Impacts; Impacts SOCIO#7 through SOCIO#9 in Section 3.12.6.4, Property Displacements and Relocations Impacts; and Impacts S&S#1 through S&S#3 in Section 3.11.6.2, Emergency Services and Response, of the Draft EIR/EIS, for the requested information. As disclosed under these impacts, the Draft EIR/EIS did not identify any significant impacts under CEQA or adverse effects under NEPA in Burlingame associated with division or disruption of communities, children's health and safety, displacement of residences, businesses, or public facilities, or changes to emergency response due to project construction. Accordingly, no mitigation is required.

The Authority has incorporated into the project design features (IAMFs) that would minimize impacts on local communities. Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, provides the full text of the IAMFs applicable to the project. An example of an IAMF that would minimize effects on emergency response is SS-IAMF#1, which requires that the contractor prepare a construction safety transportation management plan that describes the contractor's coordination efforts with local jurisdictions, including the City of Burlingame, for maintaining emergency vehicle access during construction. Although the installation of four-quadrant gates in Burlingame may require temporary lane closures or road closures, any closures would be short in duration, would occur mostly at night, and would be coordinated with local jurisdictions to maintain emergency vehicle access.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-447

Please refer to Draft EIR/EIS Section 3.12, Socioeconomics and Communities. In this section, Impacts SOCIO#12 and SOCIO#15 present the economic analysis, noting that loss of business revenue during construction is not anticipated because construction activities, particularly in Burlingame, would be minimal and would be located very close to the existing Caltrain right-of-way.

Access to businesses would be maintained during construction and the construction contractor would prepare a CMP as part of SOCIO-IAMF#1. This CMP would provide provisions for alternate access and detours if temporary road closures are required and minimize disruption to businesses and customers by limiting lane or road closures to hours that are least disruptive for the adjacent land uses. Please also refer to the response to submission FJ-1108, comment 443, which speaks to how the construction contractor would comply with a detailed CTP developed in coordination with the local jurisdiction having authority over the site. The purpose of the CTP is to minimize impacts of construction and construction traffic on roadways through provisions to maintain traffic flow during peak travel periods. Such activities include, but are not limited to, routing and scheduling materials deliveries and haul routes, materials staging and storage areas, construction employee arrival and departure schedules, employee parking locations, and provision of alternative access during temporary road closures, if any are needed in any particular location.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

### 1108-448

The construction and operations noise impact assessments follow FRA guidelines and criteria. Section 3.4, Noise and Vibration, of the Draft EIR/EIS details the methodology, noise and vibration analysis results, and mitigation measures for all project alternatives. As shown in Table 3.4-21, four noise barrier locations were proposed in Burlingame. Regarding establishing Quiet Zones, please refer to Section 3.4.7, Mitigation Measures, NV-MM#4, that states quiet zones can only be legally undertaken by local jurisdictions. The Authority cannot legally establish or require a quiet zone. However, this measure has been revised in the Final EIR/EIS to clarify that HSR would assist with the preparation of technical analysis and materials needed for the quiet zone application, which would then be provided to local communities for submittal to the FRA. The noise mitigation analysis in Section 3.4.7.1, Noise Mitigation Analysis, documents the effect of potential quiet zones with noise barriers. Tables 3.4-23 and 3.4-24 summarize for each alternative the number of sensitive receptors that would have moderate or severe noise impacts before mitigation, with the implementation of noise barriers, and with a combination of quiet zones and noise barriers.

### 1108-449

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The potential for the project to pose conflicts with major utilities is acknowledged and addressed in Impact PUE#2 in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS. Please also refer to Appendix 3.6-A, Public Utilities and Energy Facilities, of the Draft EIR/EIS, which identifies the known conflicts with major utilities and Volume 3, Preliminary Engineering Plans, which provides detailed drawings, including utility conflicts.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-450

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

Final drainage design would include close coordination with local jurisdictions. During the detailed design phase, the design-build contractor would prepare drainage plans and drainage reports describing modifications to and impacts on existing drainage systems, entirely new drainage systems, calculations used to develop the drainage design, and applicable local design criteria. Drainage plans and drainage reports would be prepared and submitted to local agencies for review and comment. As stated in HYD-IAMF#1, the design engineers would evaluate drainage capacity in receiving systems and incorporate features into the drainage design to maintain drainage capacity. The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-451

As described in Chapter 9, Public and Agency Involvement, of the Final EIR/EIS, the Authority conducted extensive outreach to and held many meetings with representatives from the counties and cities along the corridor, including the City of Burlingame. As shown in Table 9-2, the Authority held 4 meetings specifically with the City of Burlingame, including meetings regarding the preliminary engineering design. Following Board approval of an alternative, the Authority will continue progressing the project design and engineering plans. The Authority will continue to engage with the City throughout final design of the project but does not anticipate the development of new alternative options. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

### 1108-452

Refer to Standard Response FJ-Response-OUT-1: Public Involvement Process, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

As described in Standard Response FJ-Response-OUT-1: Public Involvement Process, the Authority provided widespread notice of the availability of the Draft EIR/EIS, the Revised/Supplemental Draft EIR/EIS, and the Final EIR/EIS to ensure that members of the public and local, state, and federal agencies, and Tribes had the opportunity to review and provide comments. The Authority has provided a transparent public involvement process per the requirements set out by the CEQA Guidelines.

As explained in Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, the Authority establishes a working relationship with each jurisdiction through which it will construct using MOUs and cooperative agreements. These agreements set forth the mutual expectations of the parties as to the consultation and review role of the local government over the course of design development.

The Authority agrees with the commenters suggestion that a single point of contact be designated from both the City and the Authority. The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-453

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations, FJ-Response-OUT-3: Local Government Permits, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS includes engineering plans of proposed improvements (track, structures, grade separations, utilities, and stations) for all cities and counties along the San Francisco to San Jose Project Section alignment, including the City of Burlingame. As described in the response to submission FJ-1108, comment 451, the Authority has conducted meetings with the City of Burlingame focused on review of the preliminary engineering design.

The City of Burlingame is a key local agency, and the Authority has engaged and is committed to continuing to engage with the City of Burlingame, including during the construction process. As explained in Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, the Authority establishes a working relationship with each jurisdiction through which it will construct using MOUs and cooperative agreements. These agreements set forth the mutual expectations of the parties as to the consultation and review role of the local government over the course of design development. Such agreements with local jurisdictions detail the engineering plan submittal and review process.

With respect to the role of the City, it is not the case that the City would have an approval role with respect to all aspects of the HSR project within the City. This is because the Authority is not required to comply with local land use and zoning regulations. The San Francisco to San Jose Project Section of the statewide HSR system is being undertaken by the Authority. Through the California High-Speed Rail Act (California Public Utilities Code §185000 et seq.), the Legislature established the Authority as a state agency and charged it with responsibility for directing the development and implementation of intercity HSR service that coordinates with the state's existing transportation system. The California High-Speed Rail Act vests the Authority with the legal authority to take steps needed to implement the HSR system. This legal authority includes acquisition of rights-of-way for the system, including through eminent domain, and the right to enter into cooperative or joint development agreements with local governments and private entities. The HSR system as a whole, and individual project sections including the San Francisco to San Jose Project Section,

## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

### 1108-453

must conform to the policies and objectives of the statutes and regulations under which the Authority operates, including both state and federal laws. Since an agency of the State of California is the project proponent, however, the project is not subject to local government general plan policies or zoning regulations.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-454

Chapter 2, Alternatives, of the Draft EIR/EIS identifies that both project alternatives would install one radio tower co-located at Caltrain's PCEP Paralleling Station 3 in Burlingame, the location of which is illustrated on Figure 2-33. With respect to the commenter's requests regarding city review and approval and local permit process, please refer to the response to submission FJ-1108, comment 453. The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-455

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment states that the Draft EIR/EIS should re-evaluate all the intersections along the California Drive corridor to determine the need for additional improvements. The Draft EIR/EIS indicates that an adverse effect under NEPA would occur at the intersections of Broadway/California Drive (PM peak hour), California Drive/Oak Grove Avenue (AM and PM peak hours), California Drive/North Lane (PM peak hour), and California Drive/Howard Avenue (AM and PM peak hours). Please refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for the adverse LOS effects under NEPA. Mitigation is identified for the intersections of California Drive/North Lane. No feasible mitigations are identified for the other affected intersections.

### 1108-456

The comment states that the Draft EIR/EIS should provide supporting data for existing and future LOS conditions at the California Drive/Broadway intersection and study intersections in the vicinity of the Millbrae Intermodal Station in Burlingame. Appendix 3.2-A, Transportation Data on Intersections, of the Draft EIR/EIS provides LOS results and effects in both tabular and figure formats for all the study intersections evaluated in Burlingame. Traffic count data sheets and Level of Service calculation sheets for the study intersections are provided in Appendices A through E of the Transportation Technical Report, which are available upon request. The Draft EIR/EIS evaluates 16 intersections adjacent to the Millbrae Station, including seven on El Camino Real, three on Broadway, two on Rollins Road, two on Trousdale Drive, and one on Murchison Drive. The comment did not result in any revisions to the Draft EIR/EIS.

### 1108-457

The comment notes a concern about the Millbrae HSR Station exacerbating the issue of long-term vehicles parking in residential neighborhoods in Burlingame and using Lyft/Uber to travel to SFO. Future HSR riders accessing the system at the Millbrae Station would largely be traveling to and from points in San Mateo County between HSR stations in San Francisco and San Jose, a distance of up to about 7 miles to the north and up to 15 miles to the south. HSR riders traveling to or from locations to the north would use the 4th and King Street Station in San Francisco and those traveling to or from locations to the south would use the Diridon Station in San Jose. The average distance of trips to and from the Millbrae HSR Station would be about 4 to 8 miles for that catchment area. Accordingly, the Millbrae HSR Station rider catchment area would have a much smaller catchment area than SFO, which serves air travelers from the larger nine-county Bay Area. HSR riders could access the Millbrae Station via multiple transit modes as an alternative to driving including BART, Caltrain, and SamTrans bus service. Finally, rather than drive a relatively short distance and park in an adjacent residential neighborhood, and then transfer to a ride-hailing platform (i.e., Uber or Lyft) for a second segment of their trip from the neighborhood to the Millbrae HSR Station, riders are much more likely to take Uber or Lyft to the HSR station for the entire trip. For these reasons, it is not anticipated that HSR service at the Millbrae Station would exacerbate the issue of long-term vehicles parking in residential neighborhoods in Burlingame to access SFO. The comment did not result in any revisions to the Draft EIR/EIS, nor did it warrant additional analysis.

## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

### 1108-458

The comment notes that the Draft EIR/EIS does not describe bicycle facilities south of the Millbrae Station. To address this comment, the text in Section 3.2.5.5, Nonmotorized Travel, in the Final EIR/EIS has been revised to add a reference to a Class IV facility along Carolan Avenue (Broadway to Oak Grove Avenue), a Class II facility on California Drive (Murchison Drive to Broadway), and a southbound Class II bike lane on Rollins Road (Broderick Road to North Carolan Avenue). Existing roadway widths, number of travel lanes, parking lane, and bicycle facilities would be maintained where they can be accommodated with the proposed track layout. Due to the track realignment westerly, a minor reduction in the width of the southbound Class II buffer may be required between Trousdale and Dufferin. However, it is not anticipated that the project would result in adverse impacts to bicycle facilities or the transportation network in Burlingame.

### 1108-459

The Authority proposes to construct a portion of the Class I facility from Murchison Drive through the Millbrae Station as part of the HSR project. Relocation of California Drive between Murchison and Trousdale will not impact the City's ability to repurpose the roadway cross section to convert Class II bike lanes into a Class I bike path.

### 1108-460

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment requests that the gate-down time be designed such that it does not result in adverse impacts at the at-grade crossings, requests the Authority install four-quadrant gates at all at-grade crossings, and requests that the Authority work with the City of Burlingame regarding the design of the quad-gate equipment at Oak Grove Avenue and Carolan Avenue. FRA regulations require that at-grade crossing warning systems must provide at least 20 seconds warning time for normal train operations (49 C.F.R. Section 234.225) and require crossing gates to lower no sooner than 3 seconds after flashing light activation and to reach a horizontal position no later than 5 seconds before a train enters the crossing (49 C.F.R. Section 234.223). These requirements do not change for trains operating at 79 mph or 110 mph. Caltrain is the host railroad and is responsible for compliance with all FRA safety regulations for track and warning systems and would be responsible for making all adjustments in gate activation. As such, the Authority cannot change the amount of time that a gate is down given that this is governed by federal safety regulations and the gate crossing functions are controlled by Caltrain.

With the increased number of trains and associated gate-down time, there would be delays to traffic, particularly during peak hours, and the Draft EIR/EIS discloses those traffic delays including those at intersections near at-grade crossings in Burlingame. As discussed in Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts and as shown in revisions to Section 3.2, Transportation, the Authority has added certain site-specific traffic mitigation measures to the Final EIR/EIS including signalization of three intersections in Burlingame (North Lane/California Drive, North Lane/Carolan Avenue, and Peninsula Avenue/Arundel Road). Feasible mitigation was not identified at several other intersections with adverse traffic delays (as discussed in Appendix 3.2-C, Traffic Mitigation Measures Screening).

Regarding four-quadrant gates, the HSR project includes installation of four-quadrant gates at all at-grade crossings in the Caltrain corridor that do not already have them, including all of the at-grade crossings in Burlingame.

Regarding coordination with the City of Burlingame, the Authority will work closely with

## Response to Submission 1108 (Syed Murtuza, City of Burlingame, September 9, 2020) - Continued

### **1108-460**

the City during the detailed final design to coordinate installation of four-quadrant gates at the at-grade crossings in the city, including coordination regarding the City's planned installation of a traffic signal at the Oak Grove/Carolan Avenue location.

### **1108-461**

All potential noise and vibration impacts associated with the project are analyzed and the results are presented in Section 3.4, Noise and Vibration, of the Draft EIR/EIS. As described in Section 3.4.4.5, Method for Determining Significance under CEQA, only severe noise impacts are considered significant under CEQA and require mitigation. Refer to Section 3.4.7, Mitigation Measures, for a description of the mitigation measures identified to avoid or reduce significant noise and vibration impacts. Even with implementation of the identified mitigation measures, there would remain significant and unavoidable impacts associated with noise and vibration from train operations because implementation of certain noise measures (e.g., noise barriers, quiet zones) is constrained by approval of affected parties and local jurisdictions and because it may not be cost-effective or feasible to mitigate all vibration impacts. The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1122 (Cecilia Taylor, City of Menlo Park, September 9, 2020)

DocuSign Envelope ID: 17DC0E9A-E50F-4043-A335-82B6195DE507

Public Works

**San Francisco - San Jose - RECORD #1122 DETAIL**

**Status :** Unread  
**Record Date :** 9/9/2020  
**Interest As :** Local Agency  
**First Name :** Cecilia  
**Last Name :** Taylor  
**Attachments :** HSRDEIR-DEISSignedCommentLetterMenloPark.pdf (305 kb)

**Stakeholder Comments/Issues :**

Attached is the City of Menlo Park Comment letter on the DEIR/DEIS for the San Francisco to San Jose section of the HSR project. Thanks,



September 8, 2020

Brian P. Kelly  
 Chief Executive Officer  
 Attn: San Francisco to San Jose Section Draft EIR/EIS  
 California High-Speed Rail Authority  
 100 Paseo de San Antonio  
 San Jose, CA 95113

**RE: Comments on the San Francisco to San Jose Draft EIR/EIS**

Dear Mr. Kelly,

I am writing to submit the City of Menlo Park's comments on the Draft Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) for the High Speed Rail (HSR) San Francisco to San Jose Section, Blended System Project.

1122-1864

The City would like this opportunity to reiterate its current position on HSR. Enclosed is a copy of the City's current Rail Policy. The City supports the "blended system" proposal for the San Francisco and San Jose segment outlined in the Memorandum of Understanding (MOU) between the Metropolitan Transportation Commission (MTC), the Peninsula Corridor Joint Powers Board (Caltrain), the California High-Speed Rail Authority (Authority), the San Mateo County Transportation Authority, the Santa Clara Valley Transportation Authority, the Transbay Joint Powers Authority, the City of San Jose, the City and County of San Francisco, and the San Francisco County Transportation Authority as approved by the Authority Board in April 2012.

1122-1865

The City is opposed to the addition of a third passing track along the rail line through Menlo Park and is pleased to see that the two alternatives that HSR is considering for the San Francisco to San Jose segment do not propose a third passing track through Menlo Park. That said, the Draft EIR/EIS identifies several issues of concern to the City, as summarized below.

The following specific comments are provided on the Draft EIR/EIS in order to minimize any potential impacts to the community:

1122-1866

1. *Noise (Operations)*  
 The HSR Draft EIR/EIS identifies noise barriers as potential mitigation measures. In Menlo Park, the noise barriers would have heights ranging from 9 feet to 11 feet. The total length of the noise barriers in Menlo Park and some

City of Menlo Park 701 Laurel St., Menlo Park, CA 94025 tel 650-330-6600 www.menlopark.org



# Submission 1122 (Cecilia Taylor, City of Menlo Park, September 9, 2020) - Continued

DocuSign Envelope ID: 17DC0E9A-E50F-4043-A335-82B6195DE507

DocuSign Envelope ID: 17DC0E9A-E50F-4043-A335-82B6195DE507

2

3

1122-1866

spanning into northern Palo Alto, which would be installed on either the northbound or southbound track side, is approximately 8,800 feet. The overlap of the noise barriers with Palo Alto is due to the Menlo Park residences being in close proximity to the Palo Alto Avenue/Alma Street crossing in Palo Alto. With the estimated cost of \$70 per square foot provided in the report, the estimated construction cost for the noise barriers is \$6.5 M. As the report indicates noise barriers can have secondary impacts on visual aesthetics and may require tree or vegetation removal. Consequently, the report indicates its implementation will require community approval from 75% of all affected parties in order to install barriers

In lieu of the noise barriers, the report suggests for the communities experiencing noise impacts to pursue establishing "Quiet Zones", which the Authority cannot impose by its own initiative. The Federal Railway Administration (FRA) allows local agencies the possibility of establishing "Quiet Zones", which will eliminate the requirements for all trains to routinely sound their warning horns when approaching at-grade highways/rail crossings. The HSR project includes the installation of four-quadrant gates at the at-grade crossings on Ravenswood Avenue, Oak Grove Avenue, Glenwood Avenue, and Encinal Avenue that will help Menlo Park to implement "Quiet Zones" should it chooses to do so.

Horn noise is already a major concern of property owners and residents along the rail corridor. With the proposed train frequency more than doubling, and 28 high-speed trains proposed to run between the hours of 10 p.m. and 7 a.m, the additional noise is rightfully disclosed as a significant impact in the DEIR/DEIS. The City is supportive of the concept of "Quiet Zones" as a potential mitigation measure for noise. However, the DEIR/DEIS does not verify and disclose if the improvements planned by HSR will meet the City's obligations for the FRA to establish a "Quiet Zone" in Menlo Park. Therefore, the City expects a commitment from the Authority prior to the certification of the environmental documents to fund all costs incurred by the City including staff time in implementing "Quiet Zones" per the FRA requirements for all the at-grade crossings in Menlo Park. The savings between the noise barriers (estimated at \$6.5M per the Authority's own cost estimates), if they are not implemented, and the cost of a "Quiet Zone" should be otherwise invested in reducing the impact of HSR on the communities it runs through.

Non-horn noise especially at night, even with implementation of "Quiet Zones" would still remain and is a concern to the City. The City requests that the Authority look at sound proofing of highly sensitive receptors along the corridor in Menlo Park and if applicable to Menlo Park, implement special track work at crossovers, turnouts, and insulated joints. The City would like to see the additional noise analysis during the HSR's final design to ensure noise impacts

1122-1866 I

1122-1867

1122-1868

1122-1869

are minimized.

### 2. Noise (Construction)

The report indicates that construction noise and changes in traffic patterns during construction both during the day (above 80 dBA) and at night (above 70 dBA) would impact residences in Menlo Park. The DEIR/DEIS describes mitigation by a construction noise mitigation plan to be developed by the contractor constructing the project. Construction activities, especially near residences at night, are inherently disruptive. The measure should provide expected performance metrics about what noise levels are acceptable to set clear expectations to the contractor and those that would be impacted by the noise. As currently written, the noise mitigation plan describes that it should "minimize", "limit" and "avoid" certain noisy activities, especially at night. This language does not provide assurance as to the level of noise that could be expected with construction and should be revised to provide more specificity.

### 3. Vibration

The report indicates that the operations vibration impacts would be mitigated with measures such as special work to reduce vibration from joints in the tracks, improving train vehicle suspension, retrofitting buildings to reduce the impacts, and to consider acquiring vibration easements if no other feasible measures exist. However, the specific design and implementation of this mitigation measure will not be identified until the final design. The City requests the Authority to provide the proposed elements of the mitigation measure to be implemented for the City's review and approval.

### 4. Transportation

Increased gate downtime at existing at-grade crossings on Ravenswood Avenue, Oak Grove Avenue, Glenwood Avenue, and Encinal Avenue resulting from increased train service along the corridor will affect Menlo Park roadways and intersections that cross and are adjacent to the crossing locations.

In the report, 14 city intersections were studied for potential impacts. Utilizing City's Transportation Impact Analysis (TIA) guidelines for the Level of Service (LOS) analysis, the following City intersections were determined to have significant impacts either in the AM or PM peak hour or both in the 2040 + Project conditions under both alternatives:

- El Camino Real at Glenwood Avenue/Valparaiso Avenue
- El Camino Real at Oak Grove Avenue
- Merrill Street at Oak Grove Avenue
- Alma Street at Oak Grove Avenue
- Laurel Street at Oak Grove Avenue
- El Camino Real a Santa Cruz Avenue
- El Camino Real at Menlo Avenue/Ravenswood Avenue

# Submission 1122 (Cecilia Taylor, City of Menlo Park, September 9, 2020) - Continued

DocuSign Envelope ID: 17DC0E9A-E50F-4043-A335-82B6195DE507

DocuSign Envelope ID: 17DC0E9A-E50F-4043-A335-82B6195DE507

1122-1869

- Merrill Street at Ravenswood Avenue
- Laurel Street at Ravenswood Avenue

No mitigation measures were proposed in the report because CEQA does not require mitigation measures for intersections determined to have significant impacts based on LOS analysis. However, the City's TIA guidelines require improvement measures to address intersections that are non-compliant with its General Plan policy. The City requests the Authority to provide improvement measures for the City intersections that are non-compliant with General Plan policy and address the project's share of the non-compliance, which could be calculated based on the City's Transportation Impact Fee guidelines.

1122-1870

**5. Emergency Response – Delays**  
 Increased gate downtime at the existing at-grade crossings on Ravenswood Avenue, Oak Grove Avenue, Glenwood Avenue, and Encinal Avenue resulting from increased train service along the corridor would also cause significant emergency response delays to the Menlo Park Police and Menlo Park Fire Protection District, which provides the emergency and fire services to Menlo Park. All four of these roadways are identified by the Fire District as emergency response routes that it uses in response to emergency medical calls, vehicle collisions, hazardous material incidents, and fire incidents. As mitigation measures, the HSR proposes to implement emergency vehicle priority treatments which may include: signal pre-emption/priority, roadway improvements, new/expanded fire station, increase contracted services to address emergency response delays. The City is very concerned about how these delays will affect its residents and requests the Authority to work closely with the City and the Menlo Park Fire Protection District to reduce these emergency response delays, including a contribution towards future grade separations that would mitigate such impacts. Roadway improvements on City streets will require City approval of encroachment permit(s) issued by the City to complete.

1122-1871

**6. Bus Transit Service**  
 Increased gate downtime at the existing at-grade crossings on Ravenswood Avenue resulting from increased train service along the corridor would also impact bus transit operations, specifically for SamTrans Route 296. As a mitigation measure, the Authority proposes to install transit signal priority (TSP) at key intersections in the City. TSP is a general term for a set of operational improvements that use technology to reduce dwell time at traffic signals for transit vehicles by holding green lights longer or shortening red lights. TSP may be implemented at individual intersections or across corridors or entire street systems. The City requests the Authority to work closely with SamTrans and the City in the design and implementation of the TSP improvements in

4

1122-1871

Menlo Park. Traffic signal improvements on City signals will require City approval of encroachment permit(s) issued by the City to complete.

1122-1872

**7. Pedestrian and Bicycle Access and Safety During Construction**  
 The report indicates that during construction, HSR would provide safe access at all times to pedestrians and bicyclists at the construction sites. The City requests to review HSR's traffic control plan involving pedestrian and bicycle access and safety at its construction sites in Menlo Park.

1122-1873

**8. Protected Trees**  
 The report indicates that under both alternatives, construction may require trimming and removal of protected trees. As a mitigation measure, HSR would use a project biologist to survey the work sites for protected trees prior to construction and establish Endangered Species Act protection around trees that do not need to be removed. The HSR project would implement the compensatory mitigation for trees that could not be saved based on requirements set forth in the local government ordinances, policies, and regulations. The City's Heritage Tree ordinance requirements would apply to trees removed or pruned by the project, and the City requires that the Authority complies with the regulations set out in this ordinance.

1122-1874

**9. Stand-alone Radio Site Options**  
 The HSR project would include operation of new radio communications facilities under both alternatives. The purpose is to facilitate communications between HSR trains and the central operations controller. The communication facilities are located approximately every 2.5 miles along the rail corridor, and as such, the project seeks a Menlo Park site for the stand-alone radio, either near Garwood Way or Ravenswood Avenue. The DEIR/DEIS does not show the realignment and renaming of Derry Lane to Garwood Way with the construction of the Station 1300 project, currently underway. City staff has provided the approved plans to the Authority. The City requests the preferred site be located between Ravenswood Avenue and Burgess Drive, across from Burgess Park and adjacent commercial buildings with a goal of minimizing the visual nuisance from residences of the 100-foot radio tower

1122-1875

**10. Grade Separation**  
 The HSR project is not proposing any grade separations at the at-grade crossings as mitigation measures. However, the City considers grade separation a very important project that would address critical issues such as vehicular, pedestrian, and bicycle safety, train noise, and emergency response delays. The City is currently studying grade separation options for the at-grade crossings on the Caltrain corridor. A contribution towards future grade separations would mitigate transportation and emergency response delay impacts identified in the DEIR/DEIS.

## Submission 1122 (Cecilia Taylor, City of Menlo Park, September 9, 2020) - Continued

DocuSign Envelope ID: 17DC0E9A-E50F-4043-A335-82B6195DE507

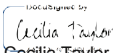
DocuSign Envelope ID: 17DC0E9A-E50F-4043-A335-82B6195DE507

6

The City appreciates this opportunity to provide comments on the HSR San Francisco to San Jose segment project Draft EIR/EIS. The City expects the Authority to consider the comments raised in this letter and to work closely with the City on these issues.

If you have any questions, please contact Nikki Nagaya, Public Works Director, at 650-330-6770 or [nhnagaya@menlopark.org](mailto:nhnagaya@menlopark.org).

Sincerely,

  
Cecilia Taylor  
Mayor

Enclosure: Menlo Park Rail Policy

### City of Menlo Park

#### City Council Rail Subcommittee Mission Statement

The City Council Rail Subcommittee will advocate for ways to reduce the negative impacts and enhance the benefits of Rail in Menlo Park. The Subcommittee will ensure all voices are heard and that thoughtful ideas are generated and alternatives vetted. It will collaborate with other local and regional jurisdictions in support of regional consensus of matters of common interest related to Rail. Additionally, the subcommittee will support City Council planning efforts and decision making on Rail-related issues with information, research and other expertise.

## Submission 1122 (Cecilia Taylor, City of Menlo Park, September 9, 2020) - Continued

DocuSign Envelope ID: 17DC0E9A-E50F-4043-A335-82B6195DE507

DocuSign Envelope ID: 17DC0E9A-E50F-4043-A335-82B6195DE507

### City of Menlo Park Statement of Principles for Rail

The City of Menlo Park City Council Rail Subcommittee works to protect and enhance the character of Menlo Park and the community's economic vitality while supporting the conditions needed to maximize the local benefits and the long-term potential of rail.

- The character of Menlo Park includes:
  - Our connected, walkable, bikeable, safe and accessible neighborhoods, parks, commercial areas and civic center
  - Our vision for:
    - The downtown and El Camino Real including improved east-west mobility for all modes of travel as detailed in the El Camino Real/Downtown Specific Plan
    - The Bayfront area as outlined in the General Plan Land use and Circulation elements
  - Preservation of the quality of life in residential neighborhoods throughout the City
- The community's economic vitality includes:
  - The continued success of our small and large businesses
  - The maintenance of our property values
  - Rail agencies responsibly mitigating impacts of rail, including but not limited to, High Speed Rail, Caltrain, Cross Bay Transit Partners, and freight
- The conditions needed to maximize the long-term potential of rail corridors in the City including:
  - Increasing ridership and maximizing traffic congestion reduction benefits of transit
  - Improvements to connectivity; rail unifies rather than divides
  - Improvements to local transit and feeder service for first- and last-mile connections
  - Transit service during weekday peak- and off-peak hours and weekends
  - The negative physical and social impacts of rail are minimized and the positive impacts are enhanced by using context sensitive design solutions
  - Consider all reasonable alternatives including those discussed previously by Menlo Park
  - Moderate fares that encourage both high ridership and accessibility for people across the income spectrum

Implied "decision criteria" from these principles might include:

Does the alternative align with or support:

- The goals and policies of the Circulation Element?
- The vision and policies of the El Camino Real/Downtown Specific Plan?
- The sustainability goals of the Climate Action Plan?

Whether the alternative protects or enhances:

- Connectivity to additional modes of travel/ accessibility to city locations?

August 27, 2019

August 27, 2019

### City of Menlo Park

- Walk-ability? Bike-ability?
- Transit ridership and traffic congestion reduction benefits of transit?
- The economic vitality of businesses?
- Quality of life in residential neighborhoods? Property values?
- Safety along and across the rail corridors?
- Local transit opportunities? The level of transit service?

## Submission 1122 (Cecilia Taylor, City of Menlo Park, September 9, 2020) - Continued

DocuSign Envelope ID: 17DC0E9A-E50F-4043-A335-82B6195DE507

DocuSign Envelope ID: 17DC0E9A-E50F-4043-A335-82B6195DE507

### City of Menlo Park Council Position Summary

The following bullet points clarify the Council's position on rail through Menlo Park.

#### Caltrain and High Speed Rail corridor

- The City opposes any exemption or elimination of any part of the CEQA review for the High Speed Rail Project environmental review process
- The high speed rail within Menlo Park should be in a two-track envelope system, and stay within the existing Caltrain right-of-way (with very minor exceptions such as for Caltrain electrification equipment, and in very limited locations)
- No Environmental Impact Report should go forward which increases the rail corridor to greater than two tracks in Menlo Park
- The City approves of the currently approved blended system but opposes passing tracks located in Menlo Park
- The City is interested in quiet zones for the rail corridor in Menlo Park
- The City intends to pursue a grade separation project with a focus on the crossings of Ravenswood, Oak Grove, and Glenwood avenues that can be constructed independent of the blended system, High Speed Rail and any passing track scenario
- Our strategy is to work cooperatively with the blended system planning efforts while preventing an at-grade or elevated 3 or 4 track system through Menlo Park
- Support maximizing the number of Caltrain trains that stop within Menlo Park (as opposed to passing through Menlo Park)

#### Dumbarton corridor

The City supports Dumbarton Rail, under the following conditions:

- Rail service is provided by electric trains, minimizing emissions, noise and vibration impacts on adjacent residential neighborhoods and freight service levels do not increase over existing levels. Consider sound walls to minimize noise impacts on adjacent residential neighborhoods.
- Minimal right-of-way acquisition is needed for the project
- The project considers and is designed to minimize impacts related to sea level rise, natural resources, and habitats adjacent to the Dumbarton Corridor, including the wetlands in the Don Edwards National Wildlife Refuge and San Francisco Bay
- Railroad/roadway grade separations should be provided as part of the project:
  - At Marsh Road, Willow Road and University Avenue
  - Minimizing local circulation and access impacts
  - Provide an opportunity for improved bicycle and pedestrian access and connections
- Best practice at-grade crossing safety improvements to the rail crossing at Chilco Street should be provided as part of the project, including potential for a quiet zone
- Transit service is limited to rail within the existing right-of-way owned by Samtrans along the Dumbarton corridor
- A bicycle and pedestrian pathway along the existing right-of-way is fully explored as part of the project and is not precluded unless adequately disclosed through the project development process
- A transit stop is provided within Menlo Park, with the preferred location at the intersection of Willow Road with the Dumbarton rail, as shown in the City's Circulation Element (Figure 4),

August 27, 2019

### City of Menlo Park

- and considering a second stop near the Belle Haven neighborhood
- The project does not preclude a future direct rail connection to the southern end of the Caltrain line at the wye junction near Middlefield Road in Redwood City
  - The City supports maximizing the number of trains that stop within Menlo Park (as opposed to passing through Menlo Park)

August 27, 2019

## Response to Submission 1122 (Cecilia Taylor, City of Menlo Park, September 9, 2020)

### 1122-1864

Refer to Standard Response FJ-Response-GEN-2: General Support of the Project and the California High-Speed Rail System.

Thank you for your comment.

### 1122-1865

The City's support of the track configuration proposed under Alternatives A and B is noted. Each of the specific subsequent comments on the environmental impact analysis in the Draft EIR/EIS is addressed below.

### 1122-1866

NV-MM#4 states that the Authority would assist communities with the process of applying to establish quiet zones at the initiative of local jurisdictions. NV-MM#4 has been revised for the Final EIR/EIS to clarify that the Authority would assist with the preparation of technical analysis and materials needed for the quiet zone application, which would then be provided to local communities for submittal to the FRA. Where severe noise impacts would remain even with quiet zones and noise barriers, building sound insulation would be considered as a potential measure to mitigate residual severe noise impacts. If substantial noise reduction cannot be completed through installation of noise barriers or installing sound insulation, the Authority would consider acquiring a noise easement. NV-MM#6 and NV-MM#7 require the contractor to provide the Authority with a HSR operation noise technical report, which would address the minimization/elimination of rail gaps at crossovers and turnouts as well as an additional noise analysis, as needed, during final design. The City of Menlo Park is a key local agency, and the Authority is committed to continuing engagement with the City, including during final design and construction.

### 1122-1867

NV-MM#1 in Section 3.4.7, Mitigation Measures, discusses construction noise mitigation measures. NV-MM#1 requires the contractor to establish a construction noise monitoring program and implement measures to comply with FRA construction noise limits (an 8-hour Leq, dBA of 80 during the day and 70 at night for residential land use, 85 for both day and night for commercial land use, and 90 for both day and night for industrial land use) where a noise-sensitive receptor is present and wherever feasible. Measures for minimizing construction noise would include prohibiting certain noise-generating activities during nighttime hours, but due to the constraints of working within an active rail corridor some track realignments would require nighttime construction work that could exceed FRA construction noise limits at night. Accordingly, even with the implementation of NV-MM#1, the Draft EIR/EIS concludes that that some construction noise impacts would remain after mitigation, and the impact would be significant and unavoidable for both project alternatives. The comment did not result in any revisions to the Draft EIR/EIS.

### 1122-1868

The HSR project would be constructed as a design-build project—an approach common for large transportation infrastructure projects. Preliminary engineering design is the basis for the analysis in the Draft EIR/EIS, whereas the final engineering design will be completed by the contractor chosen to build the project. Additional vibration propagation tests will occur, and analysis will be performed to assess site-specific conditions during subsequent stages of design, which would inform the specific design and implementation of vibration mitigation measures. Accordingly, NV-MM#8 identifies a range of potential vibration mitigation options that will be considered for implementation. The Authority has provided additional clarification regarding NV-MM#8 in Section 3.4.7, Mitigation Measures, of the Final EIR/EIS.

The Authority is committed to continuing engagement with the City of Menlo Park during final design and construction. However, the City will not have an approval role with respect to all aspects of the HSR project that may affect the City. While the project must conform to the policies and objectives of the statutes and regulations under which the Authority operates, including both state and federal laws, it is not subject to local government general plan policies or zoning regulations.

## Response to Submission 1122 (Cecilia Taylor, City of Menlo Park, September 9, 2020) - Continued

### 1122-1869

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment requests the Authority provide improvements that are compliant with the City of Menlo Park's General Plan LOS policy and address the project's share of the cost. Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS identifies that the project would cause intersections under Menlo Park's jurisdiction to operate at LOS worse than the target LOS of D or better, resulting in an inconsistency with the City's General Plan LOS policy. However, inconsistency with local plans is not considered in itself an environmental impact that requires mitigation. The Authority developed the methodology and significance criteria applied for the Draft EIR/EIS assessment in accordance with CEQA and NEPA guidelines. The Authority identified a single LOS criterion to identify adverse effects under NEPA that is applied for intersections in all jurisdictions along the corridor, and for other project sections in the statewide HSR system, to provide a fair and consistent evaluation of project impacts.

The Draft EIR/EIS evaluated 14 intersections in Menlo Park adjacent to at-grade crossings and determined that an adverse NEPA effect would occur at nine Menlo Park intersections adjacent to at-grade crossings: El Camino Real/Glenwood Avenue/Valparaiso Avenue, El Camino Real/Oak Grove Avenue, Merrill Street/Oak Grove Avenue, Alma Street/Oak Grove Avenue, Laurel Street/Oak Grove Avenue, El Camino Real/Santa Cruz Avenue, El Camino Real/Ravenswood Avenue, Merrill Street/Ravenswood Avenue, and Laurel Street/Ravenswood Avenue (Impact TR#5). Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects; however, no feasible mitigation measures were identified for these intersections in Menlo Park. Please also refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, regarding how the Authority identified mitigation for LOS impacts. The HSR project is not subject to paying local traffic impact fees.

### 1122-1870

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-OUT-3: Local Government Permits, FJ-Response-SS-2: Emergency Vehicle Response Times.

The comment requests that the Authority work with the City and the Menlo Park Fire Protection District to reduce emergency vehicle response delays, including a contribution toward future grade separations that would mitigate such impacts. The comment also notes that roadway improvements on City streets will require encroachment permits. Please refer to the standard responses identified above, which address these topics.

As discussed in Section 3.11.7, Mitigation Measures, of the Draft EIR/EIS, the Authority has proposed mitigation measure SS-MM#4 to address mitigate impacts on emergency vehicle response times due to increased gate-down times. Mitigation Measure SS-MM#4 identifies an adaptive mitigation monitoring process for impacts identified at eight at-grade crossing locations including Ravenswood Avenue, which would be triggered if emergency response times increase by 30 seconds or more due to HSR operations. Mitigation Measure SS-MM#4, which calls for installing emergency vehicle priority treatments related to increased gate-down time impacts, indicates that the Authority and a local agency may reach a mutual agreement to have the Authority make an in-lieu payment towards other infrastructure projects, as an alternative to the listed emergency vehicle priority treatments, including nearby grade-separation projects.

## Response to Submission 1122 (Cecilia Taylor, City of Menlo Park, September 9, 2020) - Continued

### 1122-1871

Refer to Standard Response FJ-Response-OUT-3: Local Government Permits.

The comment notes that the Draft EIR/EIS identifies transit signal priority as a mitigation measure for effects on bus transit operations for SamTrans Route 296 and requests that the Authority work closely with SamTrans and the City of Menlo Park in the design and implementation of transit signal priority improvements. TR-MM#2 requires the contractor to prepare all materials necessary for and seek the approval of the local jurisdiction having authority over the site, which would be the City of Menlo Park in the case of the improvements identified in this comment, prior to implementation of transit priority treatments.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1122-1872

The comment requests that the City of Menlo Park be provided the opportunity to review the project's construction traffic control plan. As discussed under Impact TR#15 in the Draft EIR/EIS Section 3.2, Transportation, the Authority's contractors would prepare specific CMPs (TR-IAMF#4, TR-IAMF#5) to address maintenance of pedestrian and bicycle access during construction activities and document how pedestrian and bicycle accessibility would be provided and maintained across the HSR corridor, to and from stations, and on station property (TR-IAMF#12). The CMPs would be part of a detailed CTP that would be prepared in close consultation with the local jurisdiction having authority over the site. The City of Menlo Park would be the responsible local jurisdiction that would review the CTP for construction in Menlo Park that would affect city streets and vehicle, transit, pedestrian, and bicycle movements. The comment did not result in any revisions to the Draft EIR/EIS.

### 1122-1873

The comment is noted but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS. The City of Menlo Park's heritage tree ordinance requirements are summarized in Appendix 2-I, Regional and Local Plans and Policies, of the Draft EIR/EIS.

### 1122-1874

The comment identifies that the Draft EIR/EIS Volume 3, Preliminary Engineering Plans, does not show the recent realignment and renaming of Derry Lane to Garwood Way. To address this comment, the Volume 3 plans have been updated in the Final EIR/EIS to reflect these changes.

Please refer to Table 8-3 in Section 8.4.4, Preferred Alternative Identification, of the Final EIR/EIS, which identifies the Authority's preferred radio communication tower sites. In Menlo Park, the preferred radio communication tower site is standalone radio tower 7 alternate site 2 (located at Ravenswood Avenue), which minimizes commercial displacements and is within the existing Caltrain right-of-way. While the commenter's request for consideration of a new location for the standalone radio tower in Menlo Park between Ravenswood Avenue and Burgess Drive is noted, the requested location has not been identified as the preferred site location because it would not provide equivalent roadway access to the facility nor would it substantially reduce visual impacts of the radio tower, as neither site would be adjacent to residential viewers. The Authority is having ongoing discussions with Caltrain on the train control system(s) to be adopted, and it is possible that these radio communication towers would not be required.

### 1122-1875

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The comment did not result in any revisions to the Draft EIR/EIS.



## Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020)

**San Francisco - San Jose - RECORD #1073 DETAIL**

Status : Unread  
Record Date : 9/3/2020  
Interest As : Local Agency  
First Name : Christine  
Last Name : Crowl  
Attachments : City of Millbrae's HSR EIR-EIS comment letter 9-2-20.pdf (211 kb)

**Stakeholder Comments/Issues :**

To whom it may concern:

The City of Millbrae's comments on the High Speed Rail Authority's Draft EIR/EIS for the San Francisco to San Jose project are attached. Please confirm receipt of this email and attached comments.

Best,  
Christie

--  
Christine L. Crowl  
Jarvis Fay & Gibson, LLP  
492 Ninth Street, Suite 310  
Oakland CA 94607  
Tel: 510-238-1400 | Direct: 510-318-3004  
Fax: 510-238-1404  
ccrowl@jarvisfay.com  
http://jarvisfay.com/

CONFIDENTIALITY NOTE: The information in this e-mail message belongs to Jarvis, Fay & Gibson, LLP. It may be privileged and confidential and therefore protected from disclosure. This e-mail is only intended for the individual or entity named as the recipient(s). If you believe you have received this e-mail message in error, please e-mail the sender. If you are not an intended recipient, any dissemination or copying of this e-mail message is strictly prohibited.

**JARVIS FAY & GIBSON, LLP**

LOCAL GOVERNMENT LAW

Via Email

san francisco\_san.jose@hsr.ca.gov

September 2, 2020

California High Speed Rail Authority  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113

Re: Draft EIR/EIS Comment  
San Francisco to San Jose Project Section

Dear California High Speed Rail Authority:

**I. Introduction**

The City of Millbrae ("City") submits the following comments on the Draft San Francisco to San Jose Project Section Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS"). This letter sets forth the City's general comments on the Draft EIR/EIS for consideration by the High Speed Rail Authority ("Authority"). Attachment A to this letter provides an additional matrix of comments on specific Draft EIR/EIS analyses.

**II. The Draft EIR/EIS does not comply with CEQA because it is not an adequate informational document**

The California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA") and accompanying Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3, §§ 15000 et seq.) require an environmental impact report to be an "informational document." (CEQA Guidelines § 15121.) The purpose of an EIR is to inform public agency decisionmakers and the public generally about the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. (*Ibid.*) "When the informational requirements of CEQA are not complied with, an agency has failed to proceed in 'a manner required by law' and has therefore abused its discretion." (*Save our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 118.) More specifically, if an EIR does not "adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project," it is inadequate as a matter of law. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82-83.)

The Draft EIR/EIS is so voluminous, internally inconsistent, and unfocused on the San Francisco to San Jose segment (the "Project"), that it cannot be an "informational document." Volume I of the Draft EIR/EIS (i.e. the environmental analysis of each CEQA Appendix G impact category) is *approximately 2,300 pages*. Volume II contains an *additional 41 technical appendices* (some of which have their own appendices), and Volume III contains *hundreds of*

1073-325

492 NINTH STREET, SUITE 310, OAKLAND, CA 94607

MAIN: 510.238.1400 / WWW.JARVISFAY.COM / FAX: 510.238.1404

## Submission 1073 (Christine Crawl, City of Millbrae, September 3, 2020) - Continued

California High Speed Rail Authority  
September 2, 2020  
Page 2

1073-325

*sheets of engineering drawings* for the Project. The entire Draft EIR/EIS totals *many thousands of pages*. Even the “Summary” chapter of the Draft EIR/EIS is 104 pages. In general, the document contains protracted discussion of previous actions by the Authority, the history of the environmental review for the entire statewide rail line, and the components of the proposed plans and blended rail system. People reading the document – particularly those residing close to (or on) the proposed line – are forced to wade through thousands of pages to search for a straightforward explanation of the impacts of the Project. Most of the time, such an explanation does not exist.

1073-326

For example, there is no simple explanation of alternatives that were considered but rejected for this Project. Instead, the Alternatives chapter provides the history of multiple decades of alternatives studies that were previously conducted. (See Chapter 2 [“Alternatives”], specifically section 5.2, which is titled “Alternatives Considered During Alternatives Screening Process” but actually contains 30 pages of mostly program-level rail line history and, for some reason, a focus on alternative approaches to San Jose Diridon Station only). The Draft EIR/EIS fails to provide any meaningful explanation of what alternatives *to the proposed Project* will reduce identified significant impacts to a less-than-significant level. Again, the Draft EIR/EIS must provide adequate information to the decisionmakers and the public about *this Project*, not about one that has already been approved:

“A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved. If post-approval environmental review were allowed, EIRs would likely become nothing more than post hoc rationalizations to support action already taken.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394, as modified on denial of reh'g (Jan. 26, 1989).)

1073-327

Further, the document is so lengthy and confusing that it is impossible to locate simple impact conclusions or even identify the precise location of Project improvements. The proposed Project rail line runs through three major BART/Caltrain stops in dense urban areas (4<sup>th</sup> and King Street, Millbrae Station, and San Jose Station) and proposes various improvements to each. It would therefore be reasonable to assume that most Project impacts would occur at these stations and the surrounding areas. Property owners, businesses, and homeowners adjacent to or on the Project alignment – including citizens of our City – must cobble together text, figures and tables, and technical engineering drawings in order to determine whether their properties will be affected by the Project, and if so, to what degree.

For example, readers owning property near Millbrae Station must locate three separate needles in the haystack in order to try to understand whether the Project is located on, or will require an easement over, their properties: (i) a single paragraph mentioning Millbrae in Volume

California High Speed Rail Authority  
September 2, 2020  
Page 3

1073-327

I, Chapter 13.13, page 54 of 86; (ii) Table 13.12-21 comparing Alternative A and Alternative B in Volume I, Chapter 3.12; and (iii) sheet 41 of the technical engineering Project plans in Volume III, Book A3. This is a nearly impossible task and undoubtedly prohibits the public, particularly those owning property on which the Project is located, from having adequate information about the Project and its potential impacts as required by CEQA.

The Draft EIR/EIS therefore fails to adequately apprise interested parties of the true scope of the Project. It does not fulfill its purpose as an informational document and does not comply with CEQA.

1073-328

### III. The Draft EIR/EIS fails to analyze reasonably foreseeable and cumulative environmental impacts related to development near Millbrae Station

An EIR must “provide sufficient meaningful information regarding the types of activity and environmental effects that are reasonably foreseeable.” (*Laurel Heights, supra*, 47 Cal.3d at 399). There are two types of foreseeable development near Millbrae Station – development currently anticipated by the Millbrae Station Area Specific Plan (“MSASP”), and development that is reasonably foreseeable given the nature of the Project as a transit project. The Draft EIR/EIS does not provide sufficient information about potential environmental effects to this future development near Millbrae Station.

1073-329

#### A. The Draft EIR/EIS fails to analyze foreseeable and cumulative development pursuant to the Millbrae Station Area Specific Plan

The MSASP provides for high density, mixed-use development adjacent to the existing BART/Caltrain station. The MSASP was adopted in 1998 and updated in 2016. It locates a transit-oriented development zone (known as “TOD #1”) in the area that the Project currently proposes surface parking. The City has already approved a development project for TOD #1 containing 488 multifamily residential units (including 67 affordable units) and approximately 300,000 square feet of office and retail.<sup>1</sup>

The Draft EIR/EIS does not analyze or disclose any potential environmental effects to the TOD #1 project. Instead, the Draft EIR/EIS erroneously – and confusingly – states in some chapters that the Project is consistent with the MSASP while in others makes passing reference to the fact that the Project “overlaps” with TOD #1 and the MSASP. (See, e.g., page 3.2-67, explaining how the Project would be consistent with the MSASP because it “would encourage riders to use alternative modes of transportation,” and page 13.13-30, stating that TOD #1

<sup>1</sup> The City approved 444 units with the potential for a 10% increase at the developer’s discretion for a total of 488 units. The City is also aware that the developer of TOD #1 has conceptual plans to build out the entire west side of Millbrae Station, including 1.3 million square feet of commercial, 494 residential units, 252 hotel rooms, and 42,000 square feet of retail.

Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

California High Speed Rail Authority  
September 2, 2020  
Page 4

1073-329

“overlaps with the proposed location of components for the proposed HSR Millbrae Station, including surface parking lots and permanent roadway right-of-way.”)

1073-330

Regardless of these internal inconsistencies in the Draft EIR/EIS, there is no meaningful discussion of impacts to TOD #1 or the rest of the MSASP area. This is an entitled development project designed to enhance the area around Millbrae Station and provide much-needed affordable and transit-oriented housing that will increase transit ridership, including ridership for any future high speed rail. CEQA requires analysis of impacts to this foreseeable development. CEQA Guidelines Section 15130 requires the EIR to discuss cumulative impacts – that is, the impacts created as a result of the Project together with other projects causing related impacts. The Draft EIR/EIS fails to provide an adequate evaluation of any cumulative impacts associated with buildout of the MSASP. In fact, the Draft EIR/EIS strangely and summarily concludes that population increases and future growth “have been anticipated in the station area plans” for Millbrae and other cities, so there are no cumulative population and growth impacts. The Draft EIR/EIS simply *pretends* that the Project’s surface parking does not conflict with the MSASP development, but then *relies on the MSASP as evidence* that there will not be any cumulative impacts. This analysis is clearly illogical. It also violates CEQA because the Draft EIR/EIS *fails to acknowledge or analyze* the fact that the Project itself will induce growth and bring transit riders to those stations. (See pages 3.18-69 and 3.18-70 of the Cumulative Impacts chapter.) The Draft EIR/EIS should be revised to include a meaningful discussion of the potential cumulative impacts to all foreseeable development, including MSASP development.

1073-331

**B. The Draft EIR/EIS fails to analyze foreseeable and cumulative development following implementation of the Project**

It is also reasonably foreseeable that the Project’s proposed surface parking areas will eventually be converted to high-rise parking structures and high density development. Not only does the MSASP specifically propose high density development in this location, transit policy and CEQA *encourage* high density development near transit. (See, e.g. CEQA streamlining provisions for transit priority projects under Guidelines section 15195.) This is the type of development that is consistent with widely adopted smart growth practices and policies. And this Project is literally an “if you build it, they will come” scenario: installation of high speed rail at Millbrae Station will deliver trains full of passengers to the area. It is reasonable to assume that some of those passengers will want to live close to the station, and that the Project will bring additional residents to Millbrae – *particularly residents desiring to live close to the station*. As explained in section III.A above, CEQA requires analysis of cumulative impacts, including cumulative growth-inducing impacts. The Draft EIR/EIS fails to include any analysis of the Project’s growth-inducing impacts at and around Millbrae Station and within the MSASP.

1073-332

Further, the legislature has recognized the state’s housing crisis by adopting a myriad of housing laws designed to promote housing development, particularly high density and affordable development. (See, e.g. the Housing Accountability Act and the Housing Crisis Act of 2019.)

California High Speed Rail Authority  
September 2, 2020  
Page 5

1073-332

As the City works toward meeting its share of regional housing needs, it has complied with these laws and approved transit-oriented, affordable development near a major transit stop. As long as these laws are in effect, the Authority can expect that the City will continue to promote smart development and contribute to the regional housing market.

It is therefore foreseeable that the Project will attract high density development, which is why the MSASP specifically plans for it. The Draft EIR/EIS simply assumes that the Project will require condemnation of property in the area in TOD #1 for surface parking, which is both lazy and misleading. It is easy to say that the Project will result in just a few more surface parking spaces without highlighting the removal of planned-for development that will have to be replaced in the immediately surrounding areas. Instead, the Draft EIR/EIS should analyze potential cumulative and growth-inducing impacts relating to the high density development that it will ultimately attract, particularly high density residential development with an affordable component like the TOD #1 project. The Draft EIR/EIS fails to provide the public and the decisionmakers with the opportunity to understand the true impacts of the Project on this future development, and therefore violates CEQA. (See, e.g. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 95, stating that an “adequate EIR requires more than raw data; it requires also an analysis that will provide decision makers with sufficient information to make intelligent decisions.”)

1073-333

**IV. The Draft EIR/EIS does not analyze a range of reasonable alternatives, particularly alternatives for Millbrae Station**

CEQA requires an EIR to describe “a range of reasonable alternatives” that would accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. (CEQA Guidelines § 15126.6(a), (c).) Chapter 2 of the Draft EIR/EIS (titled “Alternatives”) provides a lengthy history of the program-wide alternatives considered and the decades-long iterations of the program-level improvements and track types. (See, e.g., the first 67 pages of Chapter 2.) However, it fails to provide any meaningful *Project-specific* alternatives.

This Project consists only of the railway segment running from San Francisco to San Jose, yet the Draft EIR/EIS spends the bulk of its analysis describing the many program-wide alternatives (e.g. blended system versus separate system, and different passing track alternatives). It does not provide any meaningful discussion of a range of reasonable alternatives for *this Project* – for tracks running between San Francisco and San Jose. And it does not include *any* alternatives – let alone a *range* of alternatives – that address any significant impacts within the City.

1073-334

First, there are no meaningful alternatives for this Project in the Draft EIR/EIS. Indeed, the Project itself is described in the alternative (i.e. Alternative A and Alternative B), but the differences between the two are shockingly minor. In a case involving an EIR for the

Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

California High Speed Rail Authority  
September 2, 2020  
Page 6

1073-334

Authority’s statewide program, the Third District Court of Appeal has already explained that the Authority could properly defer certain alternatives analysis (i.e. of the aerial viaduct vertical alignment) to a project-level EIR. (*Town of Atherton v. California High Speed Rail Authority* (2014) 228 Cal.App.4th 314, 343.) But that means that the project-level rail segment EIRs – like *this Draft EIR/EIS* – must actually provide the Project-level alternatives analysis.

Here, that analysis is missing. The only real differences between Alternative A and Alternative B are (i) different locations for the Light Maintenance Facility in the City of Brisbane, (ii) the presence of passing tracks between the cities of San Mateo and Redwood City, and (iii) the viaduct approach to San Jose Diridon Station. From the City’s standpoint, *there is no difference between Alternative A and Alternative B*. All impacts to and within the City are the same under both Alternative A and Alternative B. The Draft EIR/EIS does not provide a range of alternatives for the City to consider. It does not include *any* alternatives for the Project at all, as far as the City is concerned.

1073-335

Second, there is no analysis of whether there even exists a feasible alternative that would reduce impacts occurring within the City (e.g. the conflicts with the City’s MSASP described above). For example, there are no alternatives discussed that would reduce the following identified impacts within the City: SOCIO#8, SOCIO#9, LU#4, AVQ#6, TR#7, and NV#3. As shown in Tables S-4 and S-5, Alternative A and Alternative B would have the *same* or *substantially the same* impact in all of these categories. There is no alternative analyzed that is designed to address noise and vibration impacts in the City. Nor is there an alternative that analyzes whether the land use conflicts with the MSASP could be avoided. Millbrae Station is a major component of this Project, and yet neither of the two alternatives involve the City or address impacts in the City. Again, Alternatives A and B are not different alternatives, and they do not provide the public – *particularly the public in the City of Millbrae* – with the range of alternatives required by CEQA.

1073-336

The City requests that the Draft EIR/EIS include analysis of a range of alternatives that involve the following:

1073-337

(i) Underground tracks in the City and at Millbrae Station designed to avoid or reduce noise, visual, and land use impacts;

1073-338

(ii) Removal of BART’s underutilized third track and realignment of other tracks at Millbrae Station to reduce the Project’s footprint;

1073-339

(iii) Project design and improvement placement that avoids conflicts with the MSASP development (including TOD #1);

1073-339

(iv) Project design and improvement placement that reduces noise and vibration impacts to the Marina Vista and Monterey Park areas; and

California High Speed Rail Authority  
September 2, 2020  
Page 7

1073-340

(v) Residential units (specifically a number of units equal to or in excess of those allowed by the MSASP) near the station; and

1073-341

(vi) Non-surface parking options (e.g. underground or concentrated high-rise garages).

1073-342

These alternatives could potentially result in fewer environmental impacts, particularly fewer noise and land use impacts which are of great concern to the City. Per section II above, this document should provide the public with all of the information necessary to make a decision about the Project. The alternatives set forth here could be analyzed using story poles or other temporary physical structures and/or sound generators that could publicly demonstrate the true impacts of this Project (and a range of alternatives) to the Millbrae Station area.

1073-343

In sum, the public is not well-served by a protracted history lesson of what alternatives analyses the Authority has previously conducted. Rather, the Draft EIR/EIS needs to clearly and succinctly provide a range of alternatives that allows the public and the decisionmakers to decide whether there are alternatives to the Project that would result in fewer or different environmental impacts. As the Court stated in *Laurel Heights, supra*, at 404: “[t]he key issue is whether the selection and discussion of alternatives fosters informed decisionmaking and informed public participation.” This alternatives analysis does not.

1073-344

**V. Conclusion**

The Draft EIR/EIS does not comply with CEQA. It does not serve its purpose as an informational document and does not fulfill its statutory goal of providing the public and decisionmakers with sufficient information to make a decision about the Project. The Draft EIR/EIS is simply a compilation of previous analyses, the history of the program-level rail project, and technical appendices. This document is clearly not useful to a member of the public or a decisionmaker. Our own City engineers and planning staff have spent hours sifting through the document to identify Project impacts that will occur within our City, as well as to locate Project plans for improvements at Millbrae Station. The Draft EIR/EIS contains no analysis of alternatives that might reduce impacts within our City, as Alternative A and Alternative B are the same. Most significantly, the Draft EIR/EIS completely overlooks our adopted MSASP and approved TOD #1 development and provides no analysis of cumulative impacts to the development that will reasonably and foreseeably occur near Millbrae Station. The City requests that the Authority revise the Draft EIR/EIS to comply with CEQA.

JARVIS FAY & GIBSON, LLP



By: Christie Crowl  
Special Counsel to City of Millbrae

Encl. Attachment A

Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

ATTACHMENT A – Matrix of Additional City of Millbrae Comments

	Chapter: Page	EIR Assertion/Subject	City’s Comment
1073-345	1: 1-31-32	City’s MSASP envisions a mix of residential and commercial uses that will “increase densities” by the station.	The MSASP was originally adopted in 1998 and amended in 2016. The MSASP does not “increase density” but rather sets the density and zoning standards consistent with transit-oriented development and the surrounding neighborhood.
1073-346	2: 2-28 on	Chronology of alternatives considered	The EIR fails to address any of the underground options that were considered for Millbrae Station and the tracks to be located within the City. The EIR provides no analysis of, or reasons for, rejection of any underground track option in the City.
1073-347	2-56	The Millbrae Station Area Specific Plan proposes higher-density mixed-use residential and commercial uses in the areas closest to the Millbrae Station, including at the location of the current BART parking lots, to take advantage of station proximity and connect the station to adjacent neighborhoods and the downtown area. Development applications have been submitted for two projects on these sites—the Millbrae Serra Station Project and the Gateway at Millbrae Station. The Millbrae Serra Station Project would be a 3.53-acre mixed-use TOD combining residential, office, retail, and public parking uses west of the Millbrae Station along Serra Avenue and El Camino Real. The project would include 444 multifamily residential units, 290,100 square feet of office, and 13,200 square feet of retail in three buildings. The Gateway at Millbrae Station would be on an 11-acre BART-owned site immediately east of the Millbrae Station, and would include office, retail, market-rate and	This description erroneously indicates that development applications “have been submitted” when they have in fact already been approved. See, for example, the development agreement for the TOD #1 Project which was approved on April 24, 2018, and the design review permit approved on April 9, 2019. This description also fails to recognize the fact that the TOD #1 Project includes 488 total units – 444 units plus an additional 10% at the developer’s discretion for a total of 488. Further, this description does not mention the 67 affordable units in the TOD #1 Project. Finally, the Gateway at Millbrae Station Project is also currently under construction, whereas this description suggests that it has not yet been approved or entitled.

Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

ATTACHMENT A – Matrix of Additional City of Millbrae Comments

		affordable multifamily residential apartments, and hotel uses. The project would consist of 400 residential units, 151,583 square feet of office, 44,123 square feet of retail, and a 164-room hotel.	
1073-348	3: 3.2-23	Trips on Rollins Road/Millbrae Avenue operate at LOS D or worse under existing conditions	The City found existing conditions at Rollins Road/Millbrae Avenue to operate at LOS C during AM peak hours. (See EIR for MSASP, p. 4.13-20.)
1073-349	3.2-59, 3.2-61, 3.2-62, 3.2-63	Both alternatives propose to extend California Drive to Victoria Avenue to replace Serra Avenue	The conclusions for TR#4 and TR #5, which indicate that both project alternatives would not cause degradation to the roadway network and that they would actually improve accessibility to Millbrae Station are based on the proposed extension of California Drive contained in the proposed project plans. The proposed alignment is not consistent with the City’s approved alignment of California Drive as shown in the MSASP and as approved by the City by resolution on July 28, 2020. The analysis for these impacts is therefore flawed and should reconsider these potential impacts based on the correct California Drive alignment.
1073-350	3.2-67	The project would displace 288 parking spaces at Millbrae Station and replace them with 325 spaces on the west side of the station as well as include pick-up/drop-off facilities on the west side along the “newly built California Drive.” The project would be consistent with the MSASP because it “would encourage riders to use alternative modes of transportation.”	Again, the EIR incorrectly assumes the alignment of California Drive in its project plans and fails to account for the MSASP’s planned development located where the project proposes the 325 replacement spaces. The proposed project conflicts with the MSASP and the City’s approved TOD #1 project in that it proposes replacement parking where approximately 60% of the City’s TOD #1 project is located. The TOD #1 project consists of a mixed-use transit-oriented development, including a mix of residential, office, retail, and public parking uses on 3.53 acres. The EIR’s analysis is therefore both incorrect and internally inconsistent because (i) the EIR fails to account for the baseline conditions which include the TOD #1 development

Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

ATTACHMENT A – Matrix of Additional City of Millbrae Comments

			<p>envisioned by the MSASP and actually approved by the City, and (ii) the EIR states here in the Transportation chapter that the project is consistent with the MSASP but recognizes that it may be inconsistent with the MSASP in the Station Planning and Land Use chapter.</p>
1073-351	3.2-67	<p>The changes to access and the replacement parking at Millbrae Station would not change adjacent land use patterns because the existing land uses in this area are a parking garage and vacant areas. The addition of new surface parking lots would not ultimately change existing conditions for adjacent land uses.</p>	<p>See comment directly above. The proposed replacement parking at Millbrae Station conflicts with the transit-oriented development uses identified in the City’s MSASP and the approved TOD #1 development project within the MSASP.</p>
1073-352	3.12	<p>This chapter asserts that it examines the “regulatory setting and the affected environment for socioeconomic and communities; and the potential construction and operation impacts on communities, residents, businesses, community facilities, and the local economy.” Impact Socio-#7 states that no affordable housing would be impacted by Project construction.</p>	<p>This chapter fails to consider the affected residential component of the TOD #1 development project. Specifically, Figure 3.12-21 purports to compare socioeconomic and community impacts of Alternative A and Alternative B, but does not consider TOD #1’s approved development with a residential component (<i>including an affordable housing component</i>). Similarly, Table 3.12-12 states that only 1 residence within the City will be displaced without mentioning that TOD #1 contains up to 488 units that will also be displaced by the Project. Finally, this chapter does not adequately address the impacts to properties on Hemlock or Aviator that will lose portions of their backyards to the Project and may no longer be able to fit accessory dwelling units in the yards, which reduces the number of affordable units in the area.</p>

## Response to Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020)

### 1073-325

The Draft EIR/EIS was developed in compliance with CEQA and NEPA. As noted by the commenter, the Draft EIR/EIS is comprised of three volumes—Volume 1, Report, encompasses the main report on environmental impacts; Volume 2, Technical Appendices, includes the technical appendices; and Volume 3, Preliminary Engineering Plans, is the preliminary engineering for project design. The Summary provides an overview of the substantive chapters of the main report. It includes a table listing the potential environmental impacts for each environmental resource topic and directs the reader to where additional information can be found elsewhere in the document. A Volume 3 User Guide was developed to assist the public with navigating Volume 3. These materials are available on the Authority's website and an informational video with tips about navigating the Draft EIR/EIS was posted on the Authority's Open House website during the public comment period.

Consistent with the focus of both CEQA and NEPA that an EIR/EIS serve as an informational tool for the public and decision makers, the impacts analysis in Volume 1 of the EIR/EIS includes summarized technical information sufficient to allow a full assessment of the environmental impacts of the project. The Draft EIR/EIS describes significant impacts of the project and identifies mitigation measures to avoid, reduce, or minimize impacts.

Section 3.1, Introduction, of the Draft EIR/EIS was developed to help the reader navigate the impact analyses included in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures. As explained in Section 3.1, the Environmental Consequences discussion of each resource section describes the full extent of each potential environmental impact. The evaluation of each impact considers project features (IAMFs) that would be implemented during design and construction, and describes the potential impact (e.g., context, intensity, duration) and where it would occur. Each impact discussion that addresses a CEQA threshold also includes a subsection entitled CEQA Conclusion, which identifies the relevant CEQA threshold and describes how the project impacts would either exceed or not exceed the threshold. The Mitigation Measures sections identify and describe proposed mitigation measures to avoid, minimize, rectify, reduce, eliminate, or compensate for impacts. The section entitled CEQA Significance Conclusions provided in each resource section in Chapter 3 provides the readers and decision makers with a table summarizing the CEQA conclusions, followed by a narrative discussion explaining the impacts, the applicable mitigation measures, and how mitigation would be effective at addressing the impact.

### 1073-325

The Summary of the Draft EIR/EIS also helps the reader by providing one collective location to summarize all the impacts across the resource sections.

The purpose of an EIR/EIS is to disclose information to decision makers and the public. While the science and analysis can be complex, this document is intended for the general public. Every attempt has been made to limit technical terms, provide the information in a clear and understandable format, and provide summaries, including through the use of tables, of the impacts analysis.

The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

### 1073-326

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment asserts that the Draft EIR/EIS lacks a “simple explanation of alternatives considered but rejected” and lacks a “meaningful explanation” of alternatives that would avoid significant impacts of the proposed project.

Please refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, which explains how the alternatives selection process is consistent with all pertinent requirements of both CEQA and NEPA.

Also, as explained in Section 2.5.2.3, Tier 2 Planning for Predominantly Two-Track Blended System (2013-2019), of the Draft EIR/EIS, the blended system framework (which defined the system as a predominantly two-track blended system that would remain substantially within the existing Caltrain right-of-way) combined with the spatial constraints of integrating with existing passenger and freight rail in an existing right-of-way limited the range of potential alignment alternatives for the Project Section. Consequently, the alternatives development process for the blended system focused largely on blended system operations. The passing track alternatives and the LMF alternatives were key considerations in the project-level evaluation of alternatives within the Project Section.

As discussed in Section 8.5, Environmentally Superior Alternative, in the Draft EIR/EIS, the Preferred Alternative (Alternative A) is the environmentally superior alternative under CEQA. While implementing the HSR project from San Francisco to San Jose would have adverse environmental impacts regardless of which alternative is selected, the Preferred Alternative would be the environmentally superior alternative by best meeting environmental regulatory requirements and best minimizing impacts on the natural environment and communities.

Please also refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations. In response to comments on the Draft EIR/EIS, the Authority has considered a design variant—the RSP Design Variant—for the Millbrae Station that would eliminate replacement parking and reduce land use conflicts with existing and planned development. This design variant was evaluated in the

### 1073-326

Revised/Supplemental Draft EIR/EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS.

### 1073-327

It is the purpose of an EIR/EIS to disclose information to decision makers and the public. While the science and analysis can be complex, this document is intended for the general public. Every attempt has been made to limit technical terms and the use of acronyms.

With respect to the comment's assertion that it is difficult to identify impacts on specific properties along the HSR alignment, please refer to Appendix 3.1-A, Parcels within the HSR Project Footprint, of the Draft EIR/EIS, which includes parcel APNs to help landowners identify their properties. The comment refers to properties near the Millbrae Station. Within Appendix 3.1-A, please refer to Page 18 for Alternative A and Page 86 for Alternative B. By using Appendix 3.1-A and the composite plans provided in Volume 3, Preliminary Engineering Plans, a reader has the ability to find a particular address and identify project features proposed at that location. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

### 1073-328

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The Draft EIR/EIS does consider reasonably foreseeable development in and around the Millbrae Station. First, regarding the Millbrae Serra Station Development project, while this development was approved by the City of Millbrae, the project cannot be built as approved because the location proposed for the California Drive extension is located partially on property controlled by Caltrain and Caltrain has explicitly told the City of Millbrae that the land is not available. Secondly, if the Authority selects the Millbrae Station design evaluated in the Draft EIR/EIS, which includes surface parking and part of the station entrance in the area proposed for TOD, this would not allow the Serra Station Development project to be built as approved. However, as noted in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS, there is the potential for TOD to be developed over parking included as part of the HSR project. Section 3.18, Cumulative Impacts, of the Draft EIR/EIS also recognizes the MSASP as a cumulative development in the area. Furthermore, analyses of certain resources, such as traffic, have taken into account forecasted land use development in the general area out to 2040 when analyzing conditions with the HSR project.

In addition, please refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations. As a result of comments on the Draft EIR/EIS, the Authority has developed a design variant—the RSP Design Variant—for the Millbrae Station that would eliminate replacement parking and reduce land use conflicts with planned development. This design variant was evaluated in a Revised/Supplemental Draft EIR/EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS.

### 1073-329

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment asserts that the Draft EIR/EIS does not analyze foreseeable and cumulative development pursuant to the MSASP.

The project's impacts on planned land uses, including the MSASP and the planned Millbrae Serra Station Development (also referred to as TOD#1 in the MSASP), were assessed under Impact LU#4 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. Under Impact LU#4, the Authority concluded that the HSR modifications to the Millbrae Station would result in a significant impact on planned land uses due to the permanent alteration of land uses planned for the Millbrae Serra Station Development project.

Because the approved Millbrae Serra Station Development project is not feasible as currently configured (refer to the responses to submission FJ-1073, comments 349 and 350) and has not yet been constructed, the development is not a part of the baseline for existing conditions used in the analysis for environmental resources throughout the Draft EIR/EIS. However, as explained in the response to submission FJ-1073, comment 328, the Draft EIR/EIS did consider reasonably foreseeable development in and around the Millbrae Station. Section 3.18, Cumulative Impacts, of the Draft EIR/EIS recognizes the MSASP as a cumulative development in the area. Furthermore, analyses of certain resources, such as traffic, have taken into account forecasted land use development in the general area out to 2040 when analyzing conditions with the HSR project.

The Authority disagrees with the commenter's assertion that the Draft EIR/EIS is internally inconsistent in its conclusions of consistency with the MSASP. The HSR project is consistent with some elements of the MSASP (e.g., limiting the net increase of parking, building the California Drive extension, and introducing new bicycle facilities) and inconsistent with other elements of the MSASP (e.g., conflicts with the approved Millbrae Serra Station Development project, specific alignment of the California Drive extension). The Draft EIR/EIS discloses both consistencies and inconsistencies with the MSASP.

## Response to Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

### 1073-329

In response to comments on the Draft EIR/EIS, the Authority has developed a design variant—the RSP Design Variant—for the Millbrae Station that would reduce land use conflicts with existing and planned development. This design variant was evaluated in a Revised Draft EIR/Supplemental Draft EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS. As described in Section 3.20.3, Environmental Baseline for Analyses of the Millbrae Station Reduced Site Plan Design Variant, of the Revised Draft EIR/Supplemental Draft EIS, the RSP Design Variant would allow for construction of TOD on a smaller footprint than the approved Millbrae Serra Station Development. Accordingly, a “Revised Serra Station” was included in the existing conditions environmental baseline for the analysis of the RSP Design Variant.

### 1073-330

The comment asserts that there is no meaningful discussion of the impacts to TOD#1 or the MSASP in the Draft EIR/EIS. Contrary to this assertion, the project’s impacts on planned land uses, including the MSASP, were assessed under Impact LU#4 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. Under Impact LU#4, the Authority concluded that the HSR modifications to the Millbrae Station would result in a significant and unavoidable impact on planned land uses due to the permanent alteration of land uses planned for the Millbrae Serra Station Development project (also referred to as TOD#1). Because the approved Millbrae Serra Station Development project is not feasible as currently configured (refer to the responses to submission FJ-1073, comments 349 and 350) and has not yet been constructed, the development is not a part of the baseline for existing conditions used in the analysis for environmental resources throughout the Draft EIR/EIS.

Please also refer to the response to submission FJ-1073, comment 330, which describes that in response to comments on the Draft EIR/EIS, the Authority has developed and assessed a design variant for the Millbrae Station (the RSP Design Variant), which would reduce land use conflicts with existing and planned development. This design variant was evaluated in a Revised Draft EIR/Supplemental Draft EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS.

The comment also states that the Draft EIR/EIS does not address cumulative impacts associated with the buildout of the MSASP. Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, identifies the MSASP as one of the cumulative projects that was considered in the analysis of cumulative impacts. The potential cumulative impacts from all cumulative projects, including the MSASP, are identified in Section 3.18, Cumulative Impacts, of the Draft EIR/EIS. For the cumulative analysis of the Millbrae Station design under Alternatives A and B, it was assumed that a future TOD would be built on the site of the surface parking lots west of the Millbrae Station. As noted in the discussion of Impact LU#4 in Section 3.13, implementation of the HSR modifications under Alternatives A and B would not preclude future development of an integrated and mutually-supporting mixed-use development west of the Millbrae Station. While such development is not necessary for the operation of the HSR project or the Millbrae Station, such development would be consistent with the City of Millbrae’s desire for TOD at the site and with state and Authority policies supportive of

## Response to Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

### 1073-330

infill development, as a means to achieve GHG emissions reductions and reductions of VMT. For the cumulative analysis of the RSP Design Variant, it was assumed that a smaller, modified version of the Millbrae Serra Station Development would be built adjacent to the west side of the Millbrae Station. Under both designs, the HSR project would still allow for TOD around the Millbrae Station, which would be consistent with the planned land use patterns. Accordingly, the overall land use patterns around transit would remain and the project would not contribute to a substantial change in land use patterns. Additional text to clarify this has been added to Section 3.18.6.12, Station Planning, Land Use, and Development.

The comment also states that the Draft EIR/EIS fails to disclose that the Project will induce growth around stations. Please refer to Impact LU#9 in the Draft EIR/EIS, which considers the potential for induced growth around stations. In addition, please refer to Section 3.18.6.12, Station Planning, Land Use, and Development, which considers the potential cumulative growth-inducing impacts.

### 1073-331

The comment states that it is reasonably foreseeable that areas proposed by the project for surface parking will be developed for high density development and identifies that the MSASP proposes high density development. Impact LU#4 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS addresses the potential impacts due to the Millbrae Station on planned development. As noted in the discussion of Impact LU#4 in Section 3.13, implementation of the HSR modifications under Alternatives A and B would not preclude future development of transit-oriented-development west of the Millbrae Station. While such development is not necessary for the operation of the HSR project or the Millbrae Station, such development would be consistent with the City of Millbrae's desire for TOD at the site and with state and Authority policies supportive of infill development, as a means to achieve GHG emissions reductions and reductions of VMT.

Section 3.18, Cumulative Impacts, of the Draft EIR/EIS discloses potential cumulative impacts from all cumulative projects, including the MSASP. In addition, please refer to the response to submission FJ-1073, comment 330, which provides additional information about cumulative land use impacts near Millbrae Station.

The comment also states that the Draft EIR/EIS fails to include an analysis of the Project's growth-inducing impacts at the Millbrae Station. Please refer to Impact LU#9 in the Draft EIR/EIS Section 3.13, which considers the potential for induced growth around the Millbrae Station. In addition, please refer to Section 3.18.6.12, Station Planning, Land Use, and Development, which considers the potential cumulative growth-inducing impacts.

## Response to Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

### **1073-332**

Please refer to the response to submission FJ-1073, comment 328 regarding the Millbrae Station area.

The Authority respectfully disagrees with the assertion that the Draft EIR/EIS violated CEQA by failing to provide the public and decision makers with the opportunity to understand the impacts of the HSR project on the Millbrae Station area. Several analyses within the Draft EIR/EIS specifically take into account the growth-inducing potential of the HSR project. Please refer to Draft EIR/EIS Section 3.17.6.3, Project Impacts, which states that the project could increase accessibility within and urbanization of the RSA and has the potential to induce up to 6,560 individuals to move to the RSA.

Moreover, the cumulative analysis recognizes not only regional population growth trends but also the potential for both construction and operation of the project to influence such growth. The cumulative impact analysis is appropriately focused on the potential to preclude planned land use patterns, ultimately concluding that the HSR project would not preclude planned development around transit in Millbrae (refer to Final EIR/EIS Section 3.18.6.12, Station Planning, Land Use, and Development). In this section, the cumulative land use analysis specifically notes that while the HSR project would require the incorporation of some land immediately adjacent to Millbrae Station, the project would not preclude future TOD west of the station consistent with the goals of the MSASP.

Based on the foregoing, the Draft EIR/EIS provides the public and decision-makers with appropriate context and nuance in order to understand how the project could influence both regional growth as well as growth in particular at the Millbrae Station area.

### **1073-333**

Please refer to the response to submission FJ-1073, comment 326, which addresses the consideration of project alternatives and the Authority's evaluation of a design variant for the Millbrae Station that would reduce conflicts with planned development.

### **1073-334**

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

Please refer to the response to submission FJ-1073, comment 326, which addresses the consideration of project alternatives and the Authority's evaluation of a design variant for the Millbrae Station that would reduce conflicts with planned development.

## Response to Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

### 1073-335

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The Authority acknowledges that the Millbrae Station improvements evaluated in the Draft EIR were proposed to be the same for both Alternatives A and B and that the impacts noted in the comment would be the same for the Millbrae Station under both project alternatives. However, as described in Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, Alternatives A and B constitute a reasonable range of alternatives. There is no requirement under NEPA and CEQA to evaluate every single permutation or alternative in an EIS or EIR in order to avoid every single impact where the avoidance of such impacts is infeasible.

Please refer to the response to submission FJ-1073, comment 320 discussion of the Draft EIR/EIS analysis of the project's impacts on existing and planned land uses near Millbrae Station.

Please also refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations. In response to comments on the Draft EIR/EIS, the Authority has considered a design variant—the RSP Design Variant—for the Millbrae Station that would eliminate replacement parking and reduce land use conflicts with existing and planned development. This design variant was evaluated in a Revised/Supplemental Draft EIR/EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS. The RSP Design Variant would generally result in reduced environmental and community impacts in the City of Millbrae relative to the Millbrae Station design evaluated in the Draft EIR/EIS.

With respect to the commenter's concern that there is no alternative to reduce noise and vibration impacts in the City of Millbrae, the Authority notes that Draft EIR/EIS identified applicable mitigation measures to reduce, minimize, or avoid significant noise and vibration impacts. Section 3.4.7, Mitigation Measures, of the Draft EIR/EIS discusses the various noise and vibration mitigation measures for the project. As shown in Table 3.4-21, five noise barrier locations were proposed in Millbrae.

### 1073-336

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

### 1073-337

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

### 1073-338

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

### 1073-339

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

### 1073-340

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

### 1073-341

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

## Response to Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

### 1073-342

Please refer to the response to submission FJ-1073, comment 335, which addresses the consideration of project alternatives and the Authority's evaluation of a design variant for the Millbrae Station that would reduce environmental and community impacts in the City of Millbrae. In addition, Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations provides a response regarding the feasibility of each of the station alternatives proposed in this comment letter. The Draft EIR/EIS and Revised/Supplemental Draft EIR/EIS collectively provide a sufficient level of information regarding the impacts of the project and all feasible alternatives. The commenter's request for additional forms of public outreach regarding the impacts of the project is noted and will be considered by the Authority.

### 1073-343

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

### 1073-344

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

This comment summarizes prior individual comments in this letter related to the adequacy of the Draft EIR/EIS under CEQA, the range of project alternatives in Millbrae, the evaluation of project impacts on the MSASP and approved Millbrae Serra Station Development project, and the analysis of cumulative impacts on the development near the Millbrae Station. Each of these specific comments is addressed above.

In response to comments on the Draft EIR/EIS, the Authority has considered a design variant—the RSP Design Variant—for the Millbrae Station that would eliminate replacement parking and reduce land use conflicts with existing and planned development. This design variant, which would generally result in reduced environmental and community impacts in the city of Millbrae relative to the Millbrae Station design evaluated in the Draft EIR/EIS, was evaluated in a Revised/Supplemental Draft EIR/EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS.

The Authority disagrees with the comment that the Draft EIR/EIS does not comply with CEQA. As detailed in prior responses, the Draft EIR/EIS and Revised/Supplemental Draft EIR/EIS collectively provide a sufficient level of information regarding the impacts of the project and feasible alternatives to serve their purpose as informational documents and fulfill statutory goals of providing the public and decisionmakers with sufficient information to make an informed decision about the project.

### 1073-345

The comment questions text in Section 1.2.4.5, Deterioration of Natural Resources, indicating that the MSASP would increase development densities near the existing transit station in Millbrae. The Draft EIR/EIS accurately notes that mixed-use development consistent with the MSASP would increase densities compared to existing conditions. As such, no revisions to the Draft EIR/EIS are required.

## Response to Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

### **1073-346**

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

### **1073-347**

The comment asserts that two developments in the Millbrae Station area indicated in the Draft EIR/EIS as having submitted applications have actually been approved and that the unit count for one project needs adjustment.

To address this comment, the Final EIR/EIS text reflects revisions regarding the Millbrae Serra Station Project and the Gateway at Millbrae Station Project. Refer to Section 2.6.1.2, Planned Land Use, which now states that the development applications for both projects have been approved, and that the Millbrae Serra Station Project has been approved for a total of 488 multifamily residential units. A similar revision to update the number of planned residential units associated with the Millbrae Serra Station Development project has been made in Section 3.13.5.2, Planned Land Uses, of the Final EIR/EIS. These changes do not alter any analysis or conclusions in the Draft EIR/EIS or Revised/Supplemental Draft EIR/EIS.

### **1073-348**

The comment noted that the Draft EIR/EIS identifies existing LOS D or worse at the Rollins Road/Millbrae Avenue intersection and that the City found existing conditions at the intersection to operate at LOS C conditions during the AM peak hour (City of Millbrae 2015). The existing conditions LOS C condition in the MSASP EIR was based on traffic counts conducted in 2014, while the LOS analysis in the Draft EIR/EIS was conducted based on traffic counts conducted in 2016. The Draft EIR/EIS determined that the intersection operated at LOS E during the AM peak hour based on 2016 counts. Refer to Appendix 3.2-A, Transportation Data on Intersections, which provides tables and figures depicting existing conditions and project effects on intersection LOS, including the Rollins Road/Millbrae Avenue intersection. Travel activity levels increased between 2014 and 2016 in the Bay Area as the economy recovered from conditions during the Great Recession. As an example, Caltrain ridership increased by 18 percent between 2014 and 2016. The comment did not result in any revisions to the Draft EIR/EIS.

### **1073-349**

The Authority acknowledges that the proposed alignment of the California Drive extension to Victoria Avenue included as part of the Millbrae Station design evaluated in the Draft EIR/EIS differs from the City of Millbrae's approved alignment of California Drive as shown in the MSASP. The approved alignment of California Drive as shown in the MSASP would be partially located on land owned by the PCJPB and SamTrans. PCJPB and SamTrans have previously conveyed to the City of Millbrae that this land is not available for the California Drive extension because this property is being reserved to support future operational needs of Caltrain and the blended system of shared operations of Caltrain and HSR trains. Accordingly, as the approved alignment of California Drive as shown in the MSASP is not feasible, the Millbrae Station design evaluated in the Draft EIR/EIS would involve building the California Drive extension to Victoria Avenue west of the alignment shown in the MSASP. For these reasons, the Authority disagrees with the commenter's assertion that the analysis is flawed because the proposed alignment of the California Drive extension as part of the HSR project differs from the City of Millbrae's approved alignment of California Drive. As noted above, the Authority's proposed California Drive extension included as part of the Millbrae Station design evaluated in the Draft EIR/EIS conflicts with the alignment approved by the City of Millbrae. The Authority has revised Section 3.2.3, Consistency with Plans and Laws, and Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Final EIR/EIS to clarify the project's inconsistency with the MSASP with respect to the alignment of California Drive.



## Response to Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

### 1073-350

The comment notes that the proposed alignment of the California Drive extension to Victoria Avenue in the Draft EIR/EIS is not consistent with the City of Millbrae's approved alignment of California Drive. Please refer to the response to submission FJ-1073, comment 349, which addresses this topic.

The Draft EIR/EIS did not consider the approved Millbrae Serra Station Development in the environmental baseline because it is not built, and therefore, it is not part of existing conditions, and the configuration of the approved development is not feasible based on the approved alignment of California Drive as described in response to submission FJ-1073, comment 349.

As noted by the commenter, the Draft EIR/EIS assessed the project's impacts on planned land uses under Impact LU#4 in Section 3.13, Station Planning, Land Use, and Development, and concluded that the HSR modifications to the Millbrae Station would result in a significant impact on planned land uses due to the permanent alteration of the land uses planned for the Millbrae Serra Station Development project. However, the Draft EIR/EIS also noted that the implementation of the HSR project would not preclude future development at the site over the surface parking.

The Authority disagrees with the commenter's assertion that the Draft EIR/EIS is internally inconsistent in its conclusions of consistency with the MSASP. The HSR project is consistent with some elements of the MSASP (e.g., limiting the net increase of parking, building the California Drive extension, and introducing new bicycle facilities) and inconsistent with other elements of the MSASP (e.g., conflicts with the approved Millbrae Serra Station Development project, the specific alignment of California Drive extension). The Draft EIR/EIS appropriately discloses both consistencies and inconsistencies with the MSASP.

In response to comments on the Draft EIR/EIS, the Authority developed a design variant—the RSP Design Variant—for the Millbrae Station area that would reduce conflicts with existing and planned development. This design variant was evaluated in a Revised/Supplemental Draft EIR/EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS. As described in Section 3.20.3, Environmental Baseline for Analyses of the Millbrae Station Reduced Site Plan Design Variant, of the Revised/Supplemental Draft EIR/EIS, the RSP Design Variant would allow construction

### 1073-350

of TOD on a smaller footprint than the approved Millbrae Serra Station Development. Accordingly, a "Revised Serra Station" was included in the environmental baseline for the analysis of the RSP Design Variant.

### 1073-351

The comment notes that the proposed replacement parking at Millbrae Station conflicts with the TOD uses in the MSASP.

As described in the response to submission FJ-1073, comment 350, the Draft EIR/EIS acknowledged that the proposed surface parking lots would conflict with the MSASP and the Millbrae Serra Station Development and accordingly concluded that the HSR project modifications to the Millbrae Station would result in a significant and unavoidable impact on planned land uses under CEQA.

In response to comments on the Draft EIR/EIS, the Authority has developed a design variant—the RSP Design Variant—for the Millbrae Station area that would reduce conflicts with existing and planned development. This design variant was evaluated in a Revised Draft EIR/Supplemental Draft EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS. As explained in Section 3.20.4.12, Station Planning, Land Use, and Development, of the Revised Draft EIR/Supplemental Draft EIS, the RSP Design Variant would have a lesser degree of conflict with the MSASP relative to the Millbrae Station design evaluated in the Draft EIR/EIS. However, the reduced scale of development with the RSP Design Variant would still result in a substantial change in planned land use patterns and would, like the Millbrae Station design evaluated in the Draft EIR/EIS, result in a significant and unavoidable impact under CEQA.

## Response to Submission 1073 (Christine Crowl, City of Millbrae, September 3, 2020) - Continued

### 1073-352

The comment asserts that the analysis in Section 3.12, Socioeconomics and Communities, of the Draft EIR/EIS did not take into account an approved but not constructed development. For most resource topics, including Section 3.12, the Draft EIR/EIS used an existing conditions baseline, which was established based on publication of the NOP in May 2016. The development in question, the Millbrae Serra Station Development (also referred to as TOD #1 in the Millbrae Station Area Specific Plan), was not approved until 2017 and has not been constructed as of July 2021. Accordingly, it was not included in the Draft EIR/EIS analysis in Section 3.12 of displacements and relocations.

The comment further asserts the Draft EIR/EIS did not disclose impacts on affordable housing. The comment asserts that partial property acquisitions in backyards adjacent to the Caltrain corridor along Hemlock Avenue and Aviator Avenue could preclude future development of accessory dwelling units on affected parcels. Impact SOCIO#7 disclosed impacts of the project alternatives on existing residences, including at the Millbrae Station. Impact SOCIO#7 noted that the project alternatives would result in the displacement of one residential property near the Millbrae Station. With regard to Aviator Avenue and Hemlock Avenue, no property acquisitions of any size are required for any alternative for properties along Aviator Avenue. Minor “sliver” acquisitions are noted for some properties along Hemlock Avenue, as well as utility easements (which do not require acquisition). These acquisition areas do not include any parcels with accessory dwelling units. The assertion that these sliver acquisitions could preclude the construction of affordable housing in the future is speculative; no accessory dwelling units containing affordable housing are within these acquisition areas. Therefore, the assessment under Impact SOCIO#7 in Final EIR/EIS Section 3.12 is accurate in that only one residence in Millbrae would be displaced and that both Alternative A and Alternative B (Viaduct to I-880) would not displace any affordable housing. Alternative B (Viaduct to Scott Boulevard), however, would displace 25 units of affordable housing; none of these units are in the city of Millbrae.

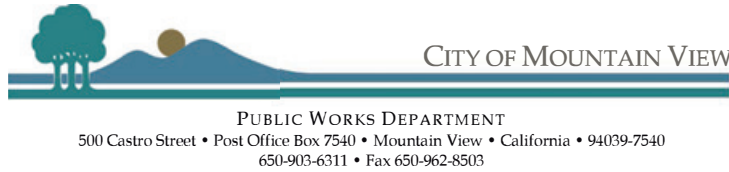
Concerning utility easements, please refer to Draft EIR/EIS Section 3.13, Station Planning, Land Use, and Development. In that section, Impacts LU#1 and LU#3 disclose the temporary use and permanent utility easements required in the backyards of approximately 20 residential properties along Hemlock Avenue near the Millbrae Station.

### 1073-352

The project’s impacts on planned land uses, including the Millbrae Serra Station development, were assessed under Impact LU#4 in Section 3.13. Under Impact LU#4, the Authority concluded that the HSR modifications to the Millbrae Station would result in a significant impact on planned land uses due to the permanent alteration of land uses planned for the Millbrae Serra Station Development project site.

In response to comments on the Draft EIR/EIS, the Authority has developed a design variant—the RSP Design Variant—for the Millbrae Station that would eliminate replacement parking and reduce land use conflicts with planned development. This design variant was evaluated in a Revised/Supplemental Draft EIR/EIS circulated for public review and the analysis was subsequently incorporated into this Final EIR/EIS. The RSP Design Variant would generally result in reduced environmental and community impacts in the City of Millbrae relative to the Millbrae Station design evaluated in the Draft EIR/EIS. Displacement effects for the RSP Design Variant were disclosed in the Revised/Supplemental Draft EIR/EIS. As shown in Revised/Supplemental Draft EIR/EIS Table 3.20-5, the RSP Design Variant would avoid the only residential displacement in Millbrae due to a smaller station footprint design.

Submission 1141 (Dawn Cameron, City of Mountain View, September 9, 2020)



1141-788

September 9, 2020

Mark A. McLoughlin  
California High-Speed Rail Authority  
770 L Street, Suite 620 MS-18  
Sacramento, CA 95814  
[san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)

CITY OF MOUNTAIN VIEW COMMENTS ON CALIFORNIA HIGH-SPEED RAIL SAN FRANCISCO-SAN JOSE PROJECT SECTION DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. McLoughlin:

Thank you for the opportunity to comment on the California High-Speed Rail (HSR) San Francisco-San Jose Project Section Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

**High-Speed Rail**

1141-786

The City of Mountain View (City) supports increased transit service to the Silicon Valley region, including more reliable, high-speed, electrified train services along the Caltrain right-of-way.

**Impacts to Safety, Emergency Response, and Intersection Delays**

1141-787

The City has concerns about increased potential for collisions with trains as well as significant impacts to emergency vehicle access and response times at the at-grade crossings in Mountain View as identified in Section 3.11.1 of the EIR/EIS. The City is also concerned about significant intersection delays identified at intersections adjacent to at-grade crossings (“175-second increase in the a.m. peak hour at Central Expressway/Moffett Boulevard/Castro Street” and “114-second increase in the p.m. peak hour delay at Leland Avenue/Crisanto Avenue/Rengstorff Avenue”). Given the centrality of at-grade crossings within the Mountain View street network, delays at at-grade crossing locations at Rengstorff Avenue and Castro Street will result in additional delays to all City intersections in Mountain View.

Mr. Mark A. McLoughlin  
September 9, 2020  
Page 2

The installation of four-quadrant gates and median barriers will not adequately address safety concerns associated with train collisions at crossing locations and will have no effect on delays to emergency response times or City intersection operations. Since City intersections already feature emergency vehicle preemption equipment, the introduction of emergency vehicle priority treatments, as proposed under Mitigation SS-MM#4, is also unlikely to yield improvement to emergency response times at City intersections. Therefore, the City does not consider these measures to be effective mitigations to the impacts cited in the EIR/EIS.

Instead, the City would strongly support in-lieu contributions to implementation of grade separations at both Rengstorff Avenue and Castro Street. Grade separation is the only truly effective mitigation for impacts relating to collisions, emergency response times, and intersection delays resulting from the HSR project in Mountain View. The EIR/EIS provides a mechanism whereby:

“the Authority and a local agency may reach a mutual agreement to have the Authority make an in-lieu payment towards other infrastructure including nearby grade-separation projects.” (EIR/EIS Page 3.11-85)

The City is fully committed to the grade separations at Rengstorff Avenue and Castro Street. Preliminary engineering and environmental clearance for the Castro Street grade separation is complete, and final design is about to start. Preliminary engineering and environmental is also nearly complete for the grade separation at Rengstorff Avenue. We request further information on how to pursue a mutual agreement for in-lieu payments towards the grade separation projects at Rengstorff Avenue and Castro Street in Mountain View.

Thank you for the opportunity to comment on this EIR/EIS. We look forward to further discussions with the California High-Speed Rail Authority regarding an in-lieu payment mitigation option for grade separations at Rengstorff Avenue and Castro Street.

Sincerely,

*Dawn S Cameron*

Dawn S. Cameron  
Public Works Director

DSC/RHL/6/PWK/947-09-09-20L

cc: City Council

CM, CA, APWD—Skinner, APWD—Arango, TM—Lo

## Response to Submission 1141 (Dawn Cameron, City of Mountain View, September 9, 2020)

### 1141-786

Refer to Standard Response FJ-Response-GEN-2: General Support of the Project and the California High-Speed Rail System.

Thank you for your comment.

### 1141-787

Refer to Standard Response FJ-Response-SS-1: At-Grade Crossing Safety, FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment indicates the City of Mountain View has concerns about increased potential for collisions with trains as well as significant impacts to emergency vehicle access and response times at the at-grade crossings in Mountain View. The comment also indicates that delays at at-grade crossing locations will result in additional delays to all intersections in Mountain View.

With respect to the commenter's concerns regarding safety of at-grade crossings, please refer to Impact S&S#14 in Section 3.11, Safety and Security, of the Draft EIR/EIS. The analysis found that installation of at-grade crossings, perimeter fencing, and four-quadrant gates would improve safety along the right-of-way, providing sufficient protections that are consistent with FRA standards. Refer to Standard Response FJ-Response-SS-1: At-Grade Crossing Safety, which further addresses this topic.

With respect to the commenters concerns regarding impacts to emergency vehicle response times, please refer to Impact S&S#6 in Section 3.11, which identified a significant impact on emergency access and response times due to increased gate down time at the Rengstorff at-grade crossing. As described in Section 3.11.7, Mitigation Measures, the Authority has proposed mitigation measure SS-MM#4 to address this significant impact.

Regarding the comment that delays due to increased gate-down times at the at-grade crossings in Mountain View will result in delays to all intersections in Mountain View, an adverse effect under NEPA was not identified at the Evelyn Avenue/Castro Street study intersection that is approximately 200 feet west of the Castro Street at-grade crossing. At other intersections where adverse NEPA effects are identified, significant delays are forecast under 2040 No Project conditions due to growth in traffic associated with planned development. The Draft EIR/EIS discloses in Appendix 3.2-A, Transportation Data on Intersections, that there would be delays in certain intersections close to the at-grade crossings, but this effect would fade with increasing distance from the at-grade crossings itself.

## Response to Submission 1141 (Dawn Cameron, City of Mountain View, September 9, 2020) - Continued

### 1141-787

As explained in Section 3.2, Transportation, of the Final EIR/EIS and in the new Appendix 3.2-C, Traffic Mitigation Measures Screening, the Authority has considered potential site-specific traffic mitigations to address identified NEPA adverse effects on traffic but has not identified any feasible mitigation for the adversely affected intersections in Mountain View near at-grade crossings. Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, for additional information.

### 1141-788

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-SS-1: At-Grade Crossing Safety, FJ-Response-SS-2: Emergency Vehicle Response Times.

The comment asserts the installation of four-quadrant gates and median barriers will not adequately address safety concerns associated with train collisions at crossing locations. Please refer to the response to submission FJ-1141, comment 787, which addresses this topic.

The comment also indicates the City's support for in-lieu contributions from the project for implementation of grade separations at both Rengstorff Avenue and Castro Street to address the project's impacts on emergency response times and traffic delay. As explained in the response to submission FJ-1141, comment 787, the Authority has proposed mitigation measure SS-MM#4 to address significant impacts on emergency access and response times at eight at-grade crossing locations including Rengstorff Avenue. The mitigation measure indicates a process that includes a performance measure for the monitoring process along with a series of emergency vehicle priority strategies that would be evaluated and reviewed with the local agency if a 30 second delay threshold is triggered. Mitigation Measure SS-MM#4, which calls for installing emergency vehicle priority treatments related to increased gate-down time impacts, indicates that the Authority and a local agency may make a mutual agreement to have the Authority make an in-lieu payment towards other infrastructure projects, as an alternative to the listed emergency vehicle priority treatments, including nearby grade-separation projects.

# Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020)

**San Francisco - San Jose - RECORD #1118 DETAIL**

**Status :** Unread  
**Record Date :** 9/9/2020  
**Interest As :** Local Agency  
**First Name :** Ed  
**Last Name :** Shikada  
**Attachments :** HSR San Francisco to San Jose Project Section EIR Comments\_Palo Alto.pdf (1 mb)

**Stakeholder Comments/Issues :**

Dear Northern California Regional Office of the California High-Speed Rail Authority, On behalf of City Manager Ed Shikada, please find attached letter regarding the City's comments to the San Francisco to San José Project Section Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS). The California High Speed Rail will have a long-lasting and far-reaching impact on the City of Palo Alto; therefore, we appreciate the opportunity to comment on this Draft EIR/EIS as a responsible agency for the Project.

Highest regards,  
 Danille

[cid:image003.png@01D685C9.0AD3C620]Danille Rice  
 Executive Assistant to the City Manager  
 (650) 329-2105 | danille.rice@cityofpaloalto.org<mailto:danille.rice@cityofpaloalto.org>  
 www.cityofpaloalto.org<http://www.cityofpaloalto.org/>  
 [cid:image004.png@01D685C8.6BFD8AE0]<https://www.facebook.com/cityofpaloalto/>  
 [cid:image005.png@01D685C8.6BFD8AE0] <https://twitter.com/cityofpaloalto>  
 [cid:image006.jpg@01D685C8.6BFD8AE0] <https://www.instagram.com/cityofpaloalto>  
 [cid:image007.png@01D685C8.6BFD8AE0] <https://medium.com/@PaloAltoConnect>  
 [cid:image008.png@01D685C8.6BFD8AE0] <https://www.linkedin.com/company/cityofpaloalto>



**OFFICE OF THE CITY MANAGER**

CITY OF PALO ALTO  
 250 Hamilton Avenue, 7th Floor  
 Palo Alto, CA 94301  
 650.329.2392

September 8, 2020

Northern California Regional Office  
 California High-Speed Rail Authority  
 100 Paseo De San Antonio, Suite 300  
 San Jose, CA 95113  
 Email: [san francisco\\_san.jose@hsr.ca.gov](mailto:san francisco_san.jose@hsr.ca.gov)

**RE: The San Francisco to San José Project Section Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS)**

Thank you for including the City of Palo Alto in the environmental review process for the above-referenced project. The California High Speed Rail (HSR) will have a long-lasting and far-reaching impact on the City of Palo Alto; therefore, we appreciate the opportunity to comment on this Draft EIR/EIS as a responsible agency for the Project.

1118-2511

*Executive Summary*

The Draft EIR/EIS is seriously flawed in numerous respects as outlined in this letter. Fundamentally, the document fails to adequately analyze, much less mitigate, a variety of clear and significant impacts that this project will cause to the Palo Alto community. Failure of the Draft EIR/EIS to consider the cumulative impacts of this project with the Caltrain business plan through the four at-grade crossings would pose an increased safety risk of collisions between trains and people walking, biking, and driving across these crossings. When examining impacts, the Draft EIR/EIS does not analyze the reasonably foreseeable consequences and impacts of the adopted or on-going planning efforts of other users of the corridor that are tied to the HSR project. Such a disconnect ignores the impacts related to the at-grade crossings and the additional four-tracking that may be needed within the corridor. The proposed project alternatives lead to significant impacts to emergency response, noise, and circulation. Grade separation between tracks and crossings at Meadow Drive, Charleston Road, Churchill Avenue, and Palo Alto Avenue would address the impacts related to noise with the elimination of train horns and alleviate the other safety concerns posed at-grade intersection. There is no rationale for excluding grade separations as a feasible mitigation particularly given the Federal Rail Administration's conclusion that the Palo Alto at-grade crossings are amongst the most dangerous in the State. The Draft EIR/EIS falls woefully short of any reasonable standard of environmental analysis.

1118-2512

*Project Understanding*

The City of Palo Alto (City) understands that, Consistent with Tier 1 decisions, the San Francisco to San Jose Project Section (Project Section or project) would provide High Speed Rail (HSR) service from the Salesforce Transit Center (SFTC) in San Francisco to Diridon Station in San Jose along approximately 49 miles of the Caltrain corridor. Within the City of Palo Alto, the project would be located along 3.8 miles of Caltrain right-of-way through the middle of Palo Alto, where the existing Caltrain tracks bifurcate the City from east to West. The current project design proposes a blended infrastructure with Caltrain operations through the City. The current proposed project, as well as both Alternatives carried forward in the environmental analysis, propose two at-grade tracks through the City, mostly within the existing Caltrain right-of-way.



CityOfPaloAlto.org

Printed with soy-based inks on 100% recycled paper processed without chlorine

# Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

San Francisco to San José Draft EIR/EIS Comments  
Page 2 of 7

1118-2512

The City understands that within Palo Alto, the project would require slight modifications (typically of less than one foot) to the tracks in several areas to straighten curves in order to support higher speeds. The project also requires the installation of two radio towers (one north of Embarcadero Road and one north of West Charleston Road), four-quadrant gates at existing at-grade crossings, and either fencing or sound walls along the entire corridor within the City. The Project will provide HSR services at a downtown San Francisco station, a Millbrae station, and the San Jose Diridon Station; no station is proposed within the City of Palo Alto under the current proposed project or either of the two alternatives.

The blended system would accommodate operating speeds of up to 110 mph for up to four HSR trains and six Caltrain trains per hour per direction in the peak period. HSR and Caltrain are the only passenger rail services that would operate in the blended system. North of the Santa Clara Caltrain Station, freight would use the same tracks as HSR and Caltrain but would operate at night with temporal separation to avoid conflicting with HSR and Caltrain operation, similar to existing conditions.

1118-2513

Rail Alignment, Profile, and Right-of-Way

1. As discussed further throughout this letter, the EIR/EIS shall consider an alternative or mitigation that includes grade separation of the existing at-grade crossings within the City to reduce impacts related to land use, transportation, and safety that would result from the project. Impacts under these three resources have not been fully identified and mitigated in the Draft EIR/EIS. Additionally, the Authority shall begin inter-agency conversations with the City and other relevant state, regional and local agencies with respect to fair-share funding contributions for grade separations.

1118-2514

2. The City understands that two options are provided for each of the two radio towers required within the City. For each of these two options a site located on private property (4131 Park Blvd and 100 Addison Avenue) and a site located within Caltrain right-of-way is shown. The installation of these towers requires a discretionary permit from the City of Palo Alto and may require easements and/or encroachment permits, depending on which option is selected. The City would not support the location of these towers on private property if an alternate location within Caltrain right-of-way is viable. If construction of either of these radio towers is necessary on private property, the California High Speed Rail Authority (Authority) shall contact and inform these property owners and coordinate for such needs with these property owners prior to filing for any permits from the City.

1118-2515

3. The EIR baseline operational analysis considers only six (6) trains per direction during the peak hours for Caltrain services, which requires the two tracks currently proposed. However, Caltrain's 2040 Vision Plan identifies a moderate growth scenario that calls for eight (8) Caltrain trains per direction during the peak hours and a high growth scenario that calls for twelve (12) Caltrain trains per direction during the peak hours. This conflict in corridor planning needs to be reconciled. The City understands that if eight (8) trains are proposed during the peak hours, additional passing tracks would be necessary. Based on Caltrain's adopted 2040 Vision Plan, this shall be considered a reasonably foreseeable future project and shall be analyzed under the Cumulative scenario. The location of these additional passing tracks shall be disclosed, and the impacts of these tracks must be fully evaluated.

1118-2516

Land Use

4. In the City's scoping comments dated March 31, 2009, the City of Palo Alto requested that the Authority utilize the City's CEQA thresholds in evaluating impacts on components within the City's jurisdiction. However, the EIR/EIS established its own thresholds for land use impacts, which do not reflect the City's thresholds or the State CEQA Guidelines. As a responsible agency, the City of Palo Alto will rely on this EIR in issuing the necessary permits for construction of the project. Therefore, for the purposes of CEQA, the environmental analysis needs to evaluate impacts under land use consistent with the thresholds recommended by the state and adopted by the City of Palo Alto. This includes an analysis of:

San Francisco to San José Draft EIR/EIS Comments  
Page 3 of 7

1118-2516

- whether the project would physically divide and established community; and
- whether the project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

1118-2517

5. In accordance with the thresholds identified above, the EIR/EIS must analyze the impacts of HSR preemptions at at-grade crossings and the construction of a noise barrier across the City. With major educational (elementary, middle, high schools, Stanford University), employment centers, and central business districts across the train corridor, the addition of HSR preemptions for at-grade intersections and a 12-14 foot noise barrier across the majority of the tracks will significantly impact connections across the City, visually and physically dividing the community. Because these impacts have not been properly identified, mitigations measures have similarly not been identified to reduce these impacts.

1118-2518

6. In accordance with the thresholds identified above, the EIR/EIS must identify the project's conflicts with the City's Comprehensive Plan policies and Municipal Code Regulations. Land Use Section 3.13 does not identify any inconsistencies with the City of Palo Alto's policies or regulations and concludes that the projects impacts would be less than significant without the need for mitigation.

However, Appendix 2-J clearly states that the project is inconsistent with the City of Palo Alto's Comprehensive Plan policies and regulations with respect to noise. Table 1 of Appendix 2-J acknowledges that "Although mitigation measures would be able to reduce project noise levels, they would not reduce all levels to the standards for residential, commercial, and institutional land uses due to the limitations in noise barrier cost effectiveness, implementation (HSR cannot implement quiet zones; only local jurisdictions can), and funding (in regards to grade separations)."

Land Use Section 3.13 must be revised to accurately reflect that the project would have a significant impact with respect to inconsistencies with applicable plans and policies within the City of Palo Alto. It must clearly identify the mitigation measures that would reduce that impact to the extent feasible. If mitigation does not reduce this impact to a less than significant level, the EIR/EIS must conclude, for the purposes of CEQA, that impacts would be significant and unavoidable with respect to consistency with local land use policies.

1118-2519

Noise

7. Impact NV#1 in Section 3.4 of the EIR/EIS identifies temporary exposure of sensitive receptors to construction noise as a significant and unavoidable impact. The proposed mitigation (NV-MM#1) encourages, but does not require, daytime construction. It appears to allow the construction contractor to determine the appropriate measures to limit noise but does not set a performance measure that the contractor is required to meet. It only requires reporting after the fact (annually) to the Authority, identifying measures that were implemented. NV-MM#1 should be revised to require daytime construction if other measures cannot effectively reduce impacts to a less than significant level in accordance with the established thresholds for nighttime noise.

1118-2520

8. Table 3.4-25 of the Draft EIR/EIS explains that under Impact NV#8, temporary exposure of sensitive receptors and buildings to construction vibrations, the project "would cause annoyance at nighttime to sensitive receptors within 140 feet for infrequent events and within 300 feet for repetitive equipment such as pile driving, vibratory compaction, and ongoing demolition work with jackhammers or hammers." However, NV-MM#2 only appears to address potential impacts to buildings and does not address impacts to sensitive receptors that may be impacted by vibrations at nighttime. Although NV-IAMF#1 (impact, avoidance and minimization feature) is identified to reduce impacts to sensitive receptors, this measure primarily reduces noise rather than vibration. The measure does not identify performance criteria that must be met to reduce impacts on sensitive receptors to a less than significant level.

Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

San Francisco to San José Draft EIR/EIS Comments  
Page 4 of 7

- 1118-2520 | Within the City there are hundreds of sensitive receptors along this corridor, many of which are residences that would be severely impacted due to nighttime vibrations during construction. The Draft EIR/EIS must identify mitigation with clear performance criteria to reduce impacts to these sensitive receptors to a less than significant level. Mitigation shall include prohibition of nighttime construction that causes vibration if other measures cannot effectively reduce impacts to a less than significant level. Pile driving at nighttime shall be prohibited.
- 1118-2521 | 9. The analysis of both noise and vibrations needs to clearly quantify the expected level of noise and vibration that sensitive receptors would experience before and after the implementation of mitigation. The analysis currently only provides information on the number of receptors that would be impacted before and after mitigation; not on the level of impact that those receptors would experience.
- 1118-2522 | 10. The proposed construction hours for track modifications are outside of the City's allowed construction hours, as established in Chapter 9.10 of the City's Municipal Code. Construction outside of the allowed construction hours requires a permit from the City. The City would not issue this permit for construction activities near residential areas if measures cannot be implemented to reduce impacts on receptors to a less than significant level.
- 1118-2523 | 11. Under Impact NV# 2, the Draft EIR/EIS concludes that implementation of the project alternatives would not change current practices regarding the sounding of train horns and crossing bells, but would change the amount of train horns and crossing bells sounding due to the additional trains. Additional trains will cause noise levels above existing ambient levels and in exceedance of FRA criteria, causing severe noise impacts at sensitive receptors.  
  
The City understands that the project has analyzed two scenarios with respect to mitigation for noise associated with train horns. The first scenario assumes that quiet zones have not been established within the peninsula and identifies the location where sound walls would therefore be constructed along the corridor to reduce noise levels associated. The City understands that sound walls would be constructed along the majority of the corridor within the City of Palo Alto if quiet zones are not established at the City's existing at-grade crossings. Under the second scenario, if the City were to establish quiet zones for the City of Palo Alto through the requisite process, this would eliminate the requirement for all trains to routinely sound their warning horns when approaching at-grade crossings. Under this scenario, the EIR/EIS shows that sound walls would therefore only be necessary in three locations with the City of Palo Alto.  
  
The City recommends that the Authority shall consider grade separation for at-grade crossings due to safety and other reasons stated in this letter, which is feasible mitigation that would also mitigate the need for train horns and therefore construction of noise barriers across the City. However, for the interim measures until grade crossings are built the City of Palo Alto recommends the Authority to establish a Quiet Zone within the City of Palo Alto. In addition, since this process is only necessary to address impacts of the proposed project (as an alternative to noise barriers) the City of Palo Alto shall not bear the financial burden of the process to establish a Quiet Zone. The mitigation measures must require that the Authority bear any costs and to support the process of establishing a Quiet Zone for any jurisdiction that elects to pursue this alternative as well as any liabilities associated with this.
- 1118-2524 | **Transportation**  
  
12. The City has established a Local transportation Impact Analysis Policy (See Attachment A). The City requests that the Authority comply with this policy, in addition to CEQA and NEPA guidelines, in order to assess the project's local impacts within the City's jurisdiction. The analysis of intersection delays

San Francisco to San José Draft EIR/EIS Comments  
Page 5 of 7

- 1118-2524 | that was included in the Draft EIR/EIS under Impact TR#5 shall utilize the City's significance criteria when determining whether localized impacts would occur outside of CEQA.
- 1118-2525 | 13. Section 3.2 of the Draft EIR/EIS analyzes impacts on bicycle and pedestrian access and Section 3.11 of the Draft EIR/EIS studies hazards associated with the project. However, the Draft EIR/EIS does not adequately analyze the potential hazards associated with the increase in the number of trains and increase in train speeds on school age pedestrians and bicyclists.  
  
In Palo Alto, approximately 58 percent of students from elementary school to high school ages walked or biked to school in 2019. Therefore, a significant number of school age children cross the train tracks at existing at-grade crossings in order to attend nearby K-12 schools (e.g. Hoover Elementary, Palo Alto High, Castilleja, etc.). The proposed four-channel crossing gate mechanism is not adequate to protect these children; this shall be identified as a significant impact with respect to safety and shall be evaluated further. Providing a grade-separated crossing would reduce impacts on pedestrians and bicyclists, including school age children.
- 1118-2526 | 14. With the addition of new trains, the proposed gate down time during peak hours will increase by almost 67% (with the addition of 4 HSR). These additional trains throughout the day reduce the time available for pedestrians and bicyclists to cross through the at-grade locations in Palo Alto (Churchill, Meadow, Charleston and Palo Alto) crossings. The impact of the proposed project on these crossing connections for pedestrians and bicyclists must be analyzed and mitigated.
- 1118-2527 | 15. Impacts TR # 1 through TR #5 identify impacts and delays on intersection operations. As explained on page 3.2.63, the project results in a 334 second increase in delays at Churchill and 187 second increase in delays at West Meadow Drive. This will severely affect signal operations and controls and thus traffic flow in the area. Although under SB 743 vehicle delays are no longer considered a significant impact under CEQA, the delay at these intersections will impact other modes of transportation such as bicyclists, pedestrians, and bus transit. Such impacts to other modes of transportation still require analysis and appropriate mitigation in accordance with CEQA. These impacts have not been properly identified and TR-MM#1 does not adequately address these impacts.
- 1118-2528 | 16. Vehicle delays would also result in extensive queueing spilling on to through lanes and may cause the need for additional storage for turning movements. Extensive queueing will create safety hazards near at grade crossings. The intersection geometry at all four at-grade crossings within the City must be studied in order to properly identify potential hazards and these impacts shall be mitigated.
- 1118-2529 | 17. With major educational (elementary, middle, high schools, Stanford University), employment centers, and central business districts across the train corridor, the addition of HSR preemptions for at-grade intersections will significantly impact all modes of transit throughout the day, causing impacts on the transportation system. These impacts have not been properly identified; therefore, mitigations measures have similarly not been identified to reduce these impacts.
- 1118-2530 | 18. The project proposes a change in the speed of trains from 79 mph to 110 mph. This change will reduce the reaction time for pedestrian, bicycle, and vehicular activities. In addition, this will impact advanced preemption timings for nearby signals. The existing signals in the vicinity, until grade separated, will need to have advanced preemption to ensure that there is adequate queue clearance, pedestrian times, track clearance and signal operation coordination. These impacts are identified generally but are not quantified and clearly explained to address such impacts. The project shall describe how these improvements will be funded and constructed. The City does not support higher speeds of trains running through urbanized area and therefore requests to use Caltrain planned speed limits or speeds that match existing speed of Caltrain service unless grade separation is proposed at crossings.
- 1118-2531 |



Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

San Francisco to San José Draft EIR/EIS Comments  
Page 6 of 7

- 1118-2532 | 19. The analysis shall evaluate service options that include HSR operating at the same speed as Caltrain from San Jose to San Francisco and must identify the safety benefits that could be derived by running slower speed trains in an urban environment.
- 1118-2533 | 20. Due to additional delay at the intersections near the at-grade crossings, the traffic may be diverted to other parallel residential streets, thus impacting the character of neighborhood and livability of Palo Alto residents. These impacts must be identified and mitigated and shall be studied in accordance to City of Palo Alto Traffic Impact policy on Traffic Infusion and Residential Environment (TIRE) (Attachment B in Exhibit A).
- 1118-2534 | 21. Under Impact TR#7, the analysis identifies that the HSR will increase the parking demand on the other Caltrain stations with increased ridership to connect to get onto HSR at other HSR stations. This increase in ridership to get to HSR transit hubs will necessitate additional parking at other existing Caltrain Stations. This must be identified and mitigated in the EIR/EIS.
- 1118-2535 | 22. Impact TR# 9 and TR#11 study permanent and continuous impacts on bus transit. However, the Draft EIR/EIS fails to recognize existing transit routes near the corridor that are impacted by project. Alma Avenue, which parallels the HSR tracks in Palo Alto, is a major road used by express bus transit. The intersections along this corridor will experience significant delays at traffic signals adjacent to at-grade crossings, which in turn, will affect express bus service. TR-MM#2 identifies the transit priority for corridors but fails to identify such impacts on Alma Avenue, and therefore fails to provide any mitigation to address this impact.
- 1118-2536 | Public Services  
23. As discussed on Draft EIR/EIS Page 3.11-60, the reduced availability of crossings will impact emergency response times. The project includes mitigation, which includes the Authority's fair share toward reducing the vehicle response time; however, impacts are still identified as significant and unavoidable. Under CEQA, the analysis must analyze any feasible mitigation or alternatives to address impacts before identifying an impact as significant and unavoidable. An alternative or mitigation that includes grade separation for at-grade crossings must be evaluated to ensure adequate response times. If the Authority does not pursue at-grade crossings as part of an alternative or as mitigation to restore response times, the Authority shall bear the full cost of restoring response times to existing conditions.
- 1118-2537 | Historic  
24. The proposed project identifies track modifications, including horizontal alignment changes of more than 1 foot and less than 3 feet on the SPRR San Francisquito Creek Bridge, which is located approximately 10 feet west of the Historic El Palo Alto redwood tree. Track work in this location may also require relocation of OCS poles and OCS pole electrical safety zones. The EIR/EIS concludes that the project would not result in modifications to the El Palo Alto redwood, and that impacts would therefore be less than significant without mitigation. However, although the project does not propose direct removal or modifications to the tree, grading or the use of vibratory equipment for track work within 10 feet of the historic tree could result in direct or indirect impacts to the root structure. These impacts must be evaluated and mitigated to ensure that impacts to this historic landmark would remain less than significant.
- 1118-2538 | Utilities  
25. Impact PUE#2 identifies impacts associated with the relocation or removal of existing major utilities as less than significant without mitigation. However, construction activities that result in vibrations above or immediately adjacent to existing infrastructure could indirectly impact infrastructure. The City of

San Francisco to San José Draft EIR/EIS Comments  
Page 7 of 7

- 1118-2538 | Palo Alto owns and maintains a wide variety of infrastructure that cross these tracks. The potential for indirect impacts must be identified and mitigation shall be included to require advanced coordination with the City when working in close proximity to its infrastructure as well as to verify, post-construction, that the City's infrastructure has not been damaged.
- 1118-2539 | 26. Although the analysis concludes that the Authority and service providers would work to relocate utilities on a long-term basis, the discussion identifies that temporary utility disruptions may occur. Although applicant proposed measures are identified to reduce these impacts and provide notifications to customers, the duration of these outages is unclear. The document needs to more clearly identify the anticipated temporary impacts on utilities, including the likely duration of outages that may be necessary.
- 1118-2540 | Trees and Vegetation  
27. The proposed project plans appear to show that new walls or fence would be installed up to the edge of the existing right-of-way, with no space planned for planting vegetation screening. It is unclear to what extent existing vegetation along the right-of-way, which currently provides effective screening in some locations, would be retained or replanted. Space needs to be provided for vegetation screening, especially where the rail is within close proximity to sensitive receptors.
- 1118-2541 | 28. MM-39 states that mitigation would be provided at no more than a 1:1 ratio unless the City's ordinance provides for stricter ratios. For mitigation within the City, the project would be required to replace trees in accordance with the City's Tree Tech Manual tree value replacement standard, as outlined in the City's Tree Technical Manual, which is codified in Chapter 8 of the City's Municipal Code. The Tree Technical Manual can be found at: <https://tinurl.com/PA-Tree-Technical-Manual>

We appreciate the opportunity to comment and look forward to reviewing the Final EIR/EIS, including responses to the City's comments. Should you have any questions regarding this letter, please contact Philip Kamhi at (650) 329-2500 or via e-mail at [Philip.Kamhi@cityofpaloalto.org](mailto:Philip.Kamhi@cityofpaloalto.org)

Sincerely,  
  
Ed Shikada  
City Manager

Attachments:  
Exhibit A: Local transportation Impact Analysis Policy

CC:  
Palo Alto City Council Members  
Expanded Community Advisory Panel  
Palo Alto Planning and Transportation Commission  
Palo Alto Pedestrian and Bicycle Advisory Committee  
Palo Alto Safe Routes to School Committee

# Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued



**CITY OF PALO ALTO  
LOCAL TRANSPORTATION IMPACT ANALYSIS POLICY**

Senate Bill (SB) 743, adopted in 2013, required the Governor’s Office of Planning and Research (OPR) to prepare amendments to the CEQA Guidelines with respect to the analysis of potential transportation effects to provide an alternative metric to traffic congestion and delay at intersections (often referred to as Level of Service (LOS)). After five years of analysis and outreach, in December 2018, the California Natural Resources Agency approved OPR’s proposed amendments to the CEQA Guidelines requiring agencies to use vehicle miles traveled (VMT) generated by a project as the metric for transportation impact analyses under CEQA effective July 1, 2020. Under SB 743 and the revised CEQA Guidelines, LOS may no longer be used to determine whether a project may have a significant environmental impact to transportation and traffic under CEQA.

While statewide implementation of VMT analysis to replace LOS analysis is required under CEQA, SB 743 did not require changes to transportation analyses outside of CEQA, including the evaluation of regionally significant intersections under the Congestion Management Program (CMP) under a separate state law. Nor did SB 743 affect the discretion of public agencies to assess impacts on local streets and intersections for compliance with adopted plans and policies. As such, in conformance with Policy T-2.3 and Program T-2.3.1 of the City’s [Comprehensive Plan 2030](#),<sup>1</sup> LOS standards are adopted through this policy to analyze potential local transportation impacts of projects in Palo Alto.

**I. Purpose**

The purpose of this Policy is to ensure consistency in reviewing and identifying transportation effects of proposed development projects for local intersections and facilities and to determine standards for necessary remediation measures.

<sup>1</sup> Comprehensive Plan Policy T-2.3: Use motor vehicle LOS at signalized intersections to evaluate the potential impact of proposed projects, including contributions to cumulative congestion. Use signal warrants and other metrics to evaluate impacts at unsignalized intersections.

Program T-2.3.1: When adopting new CEQA significance thresholds for VMT for compliance with SB 743 (2013), adopt standards for vehicular LOS analysis for use in evaluating the consistency of a proposed project with the Comprehensive Plan, and also explore desired standards for MMLOS, which includes motor vehicle LOS, at signalized intersections.

Policy T-2.4: Consistent with the principles of Complete Streets adopted by the City, work to achieve and maintain acceptable levels of service for transit vehicles, bicyclists, pedestrians and automobiles on roads in Palo Alto, while maintaining the ability to customize to the Palo Alto context.

Policy T-3.3: Avoid major increases in single-occupant vehicle capacity when constructing or modifying roadways unless needed to remedy severe congestion or critical neighborhood traffic problems. Where capacity is increased, balance the needs of motor vehicles with those of pedestrians and bicyclists



**II. Level of Service (LOS) Analysis**

LOS is the measurement of delay at intersections used to determine whether a project is consistent with the City’s Comprehensive Plan and this Policy LOS is based on the Highway Capacity Manual (HCM) methodology where a letter grade is assigned to an intersection operation based on the amount of delay motorists experience in traveling through the intersection. Table 1 below shows the comparison in LOS depending on whether the intersection is signalized or not.

*Table 1: Level of Service Delay – Signalized vs. Non-Signalized Intersections*

Level of Service Grade	Description	Signalized Average Delay (Sec)	Unsignalized Average Delay (Sec)
A	Signal Progression is extremely favorable. Little or no traffic delay.	10.0 or less	10.0 or less
B	Operations characterized by good signal progression and/or short cycle lengths. Short traffic delays.	10.1 to 20.0	10.1 to 15.0
C	Higher delays may result from fair signal progression. Average traffic delays.	20.1 to 35.0	15.1 to 25.0
D	Congestion becomes noticeable. Long traffic delays.	35.1 to 55.0	25.1 to 35.0
E	Considered the limit of acceptable delay.	55.1 to 80.0	35.1 to 50.0
F	Level of delay is considered unacceptable by most drivers. Extreme traffic delays.	Greater than 80.0	Greater than 50.0

Source: Transportation Research Board, Highway Capacity Manual 2010

**III. Standards for Determining Transportation Analysis**

1. [Within the CMP System Regional CMP Analysis](#)

Traffic Impact Analysis (TIA) reports vary in scope depending on the use of the report and size of the project.

Under the purview of the California Congestion Management Program (CMP) Statute, Palo Alto must follow the methodologies presented in the [VTA Transportation Impact Analysis Guidelines for intersections within the CMP system](#), to evaluate transportation effects and submit a full TIA report of all development projects that are expected to generate 100 or more net new weekday (AM or PM peak hour) or weekend peak hour trips, including both inbound and outbound trips.

## Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued



CMP intersections within Palo Alto are listed below. A map of all CMP intersections can be found in Attachment A.

- i. Middlefield Rd./Oregon Exp.
- ii. Middlefield Rd./San Antonio Rd.
- iii. El Camino Real/University Ave./Palm Dr.
- iv. El Camino Real/ Sand Hill Rd./Palo Alto Ave.
- v. El Camino Real/Embarcadero Rd.
- vi. El Camino Real/Page Mill Rd.
- vii. El Camino Real/Arastradero Rd./Charleston Rd.
- viii. Foothill Exp./Junipero Serra Blvd./Page Mill Rd.
- ix. Foothill Exp./Arastradero Rd.
- x. San Antonio Rd./Charleston Rd.

### 2. Outside the CMP System Local Analysis

The City requires a Local Transportation Analysis (LTA) report for any project that is expected to generate 50 or more net new weekday (AM or PM peak hour) trips, including both inbound and outbound trips, prior to any reductions assumed for Transportation Demand Management (TDM) measures. The City may also require a LTA if in its reasonable judgement a project will potentially cause a deficiency in the operation of local intersections. A LTA report must include the following:

- i. Project description;
- ii. Existing conditions;
- iii. Site access and circulation;
- iv. Vehicle trip generation (weekday AM and PM peak);
- v. Vehicle trip distribution;
- ~~vi.~~ vi. LOS analysis for selected study intersections; and
- ~~vii.~~ vii. Remediation measures (if proposed)

Depending on the size and layout of the project, additional elements listed below may be required by the City to include in the LTA report.

- i. Traffic Infusion on Residential Environments (TIRE) Analysis is an analysis of new potential traffic disturbances along a local residential streets created by a project as described in the Attachment B. When a proposed development project is expected to add 10 or more peak hour vehicles per any direction to a local residential street that is not on a project's direct route to collector or arterial streets, the project is required to submit a TIRE analysis.
- ii. Queuing Analysis that identifies queues spilling beyond their current storage bays. Improvements may include lengthening storage bays to meet projected

2020052801

3



demand or roadway capacity improvements to add additional turn pockets at an intersection. The City typically takes the lead in identifying potential capacity improvements to help facilities site design.

- iii. Transit Analysis for projects located along a key transit route, such as El Camino Real, a focused analysis in partnership with the VTA or other transit operators is provided to determine if off-site improvement of a project should consider additional parking stop improvements such as shelters or bus duck-outs.
- iv. Bicycle and Pedestrian Circulation Study is an analysis of how the site operations may affect bicycle and pedestrian operations. Where appropriate, if a project is located along a major bicycle route in the City's Bicycle & Pedestrian Transportation Plan, the project may be required to help implement a portion of the recommended facility. Additional improvements may include limiting driveway curb-cuts to minimize conflicts with pedestrians or provision of enhanced crosswalk facilities.
- v. Parking Analysis is a study to determine location, use, and adequacy of the proposed parking facility. Projects should include a parking analysis under the following conditions:
  - a. Change in the facilities' existing design or supply; or
  - b. Change in the existing parking management; or
  - c. Propose parking less than that required by the Palo Alto Municipal Code 18.52 (<https://tinvurl.com/PA-Municipal-Code>); or
  - d. Use of parking adjustments by the Director as defined in the Palo Alto Municipal Code 18.52 (<https://tinvurl.com/PA-Municipal-Code>).

When a proposed project requests a parking reduction or exception as allowed under the Municipal Code, a robust Transportation Demand Management (TDM) Plan is typically required independent of the LTA. For projects in a Parking Assessment District, required payment of assessments to the District will be noted in the LTA report and included in the project's conditions of approval.

A project will provide an analysis of one or more of the above elements if the project is expected to substantially affect the identified local facilities, even if the anticipated number of new vehicle trips would not require a LOS analysis.

2020052801

4

Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued



IV. Local Transportation Impacts – Standards for Determining Transportation Consistency

1. Level of Service Standard

The City of Palo Alto’s Level of Service (LOS) standard is D, which is more conservative than the CMP LOS standard of E. If the LTA shows that a development project is anticipated to cause a transportation facility (intersection or roadway) to degrade below LOS D to LOS E or F, then the project will be deemed inconsistent with this Policy.

For a transportation facility determined to have been at LOS E or F under existing and background conditions without the project, a project is said to have significant local impact if the LTA shows that the project will cause LOS to deteriorate by the following amounts:

- i. Addition of project traffic increases the average delay for critical movements by four or more seconds; or
- ii. Addition of project traffic increases the critical Volume/Capacity (V/C) value by 0.01 or more; or
- iii. Affects a freeway segment or ramp to operate at LOS F or project traffic increases freeway capacity by one or more percent.

2. Selection of Study Intersections or Roadways

An intersection should be included in the LTA if it meets any one of the following conditions:

- i. Proposed development project is expected to add 10 or more peak hour vehicles per any lane to any intersection movement; or
- ii. The intersection is adjacent to the project; or
- iii. Based on engineering judgement, City staff determines that the intersection should be included in the analysis.

Additionally, a roadway segment should be included in the LTA with a TIRE analysis if a proposed development project is expected to add 10 or more peak hour vehicles per any direction to a local residential street. More details on the TIRE analysis are available in Attachment B.



3. CMP Intersection Standard

A CMP intersection must adhere to the standards set by the Congestion Management Agency<sup>2</sup> (currently LOS E), as set forth in the [VTA Transportation Impact Analysis Guidelines](#). The City’s standard of LOS D would apply for determining local level impacts.. Any transportation impact triggered by VTA’s standard for CMP intersections would need to be addressed following guidelines established by VTA. More information regarding mitigation measures and Multimodal Improvement Plans (MIP) are available in the VTA Guidelines for TIAs and Deficiency Plans.

4. Auto Level of Service Analysis at Unsignalized Intersections

For all-way stop control, the LOS is based on the average delay. For 1- or 2-way stop control, the LOS should be based on the critical approach movement. The above standards for determining transportation consistency remain appropriate only if traffic volumes satisfy the peak hour traffic signal warrant. Meeting a peak hour traffic signal warrant does not automatically make a traffic signal an appropriate remediation measure.

5. Other Transportation Impacts

Depending on the size and layout of the project, a LTA may require analysis to evaluate other project-related effects on the transportation system. The following is a list of elements that are considered to have project-related local impacts:

- i. Result in noticeable traffic effects on local residential streets defined as an increase of 0.1 or more using the TIRE methodology.
- ii. Impede the development or function of existing or planned pedestrian or bicycle facilities.
- iii. Increase demand for pedestrian or bicycle facilities that cannot be met by existing or planned facilities.
- iv. Impede the operation of a transit system as a result of increased traffic congestion.
- v. Create demand for transit services that cannot be met by current or planned services.
- vi. Create the potential demand for cut-through traffic or redistribution of traffic to use local residential streets, based on the TIRE methodology described above.
- vii. Create an operational safety hazard.
- viii. Result in inadequate emergency access.

<sup>2</sup> The Santa Clara Valley Transportation Authority (VTA) is the Congestion Management Agency (CMA) for Santa Clara County.

Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued



**V. Remediation Measures**

All Local Transportation Impacts under Section VI of this Policy must be addressed through the project’s adoption or use of appropriate local remediation measures, including funding their associated costs. The LTA must include proposed remediation measures and identify any potential impacts of such measures. Remediation measures shall reduce the project-related local impacts to a level without the proposed project, and should not themselves create potentially significant CEQA impacts. These remediation measures will be incorporated in the project conditions of approval and not as part of the CEQA analysis. The following is a list of potential remediation methods in priority order:

1. Projects and programs that reduce a project’s vehicle trip generation, including, but not limited to Transportation Demand Management (TDM) programs, capital improvements to transit, bicycle, and pedestrian facility enhancements within an influential project area.<sup>3</sup> The following is a non-exhaustive list of potential remediation methods:
  - i. Provide new or upgrade existing access to, from, and through the project for pedestrians and bicyclists.
  - ii. Provide improvements to transit facilities or services.
  - iii. Implement TDM programs such as flexible at-place working hours, telecommuting, carpools, shuttles, transit passes, parking cash-out, among others.
2. Multimodal operational or facility improvements including intersection operational efficiency treatments. Proposed improvements or treatments with geometric changes to an intersection are limited to features that would not likely lead to substantial or measurable increase in vehicle travel.
3. If project impacts cannot be remediated through methods 1 and 2 above, a fair share of the cost for multimodal network remediation shall be contributed to the City’s transportation improvement funds.

While the remediation measures in method 1, above, should be proposed within an influential project area, methods 2 and 3 may apply outside the area. However, these proposed improvements should substantially contribute to the City’s Comprehensive Plan goals in expanding the City’s multimodal transportation system. By implementing or funding these types of improvements, the project would therefore be consistent with the Comprehensive Plan and this Policy.

<sup>3</sup> Area of influence of a project is defined as up to half-mile for pedestrian facilities and up to three miles for bicycle facilities, or bicycle facilities that provide a connection to the local or regional bicycle network.



Unacceptable Measures

In addition, remediation measures that will result in a physical reduction in the capacity and/or deterioration in the quality of any existing or planned transportation facilities are unacceptable. The following is a list of remediation methods that would be considered generally unacceptable without special justification, but are not limited to:

1. Roadway widening not directly related to site access and circulation, or specific conditions that reduce local impacts as a result of the project.
2. Negatively affecting a sidewalk or reducing the width of a sidewalk without substantial improvement to the overall pedestrian circulation.
3. Maintaining an existing sidewalk in the immediate vicinity that is below the current city standard.
4. Negatively affecting existing bicycle infrastructure or reducing the length of a bicycle infrastructure.
5. Maintaining existing bicycle infrastructure that is below the current city standard.
6. Eliminating a bus stop without adequate replacement or improvement to the system.
7. Encouraging neighborhood cut-through traffic (intrusion effects along local residential streets).

**VI. Authority to Adopt Guidelines**

The Chief Transportation Official is authorized to adopt guidelines to implement this Policy.

Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued



ATTACHMENT B

CITY OF PALO ALTO – TRAFFIC INFUSION ON RESIDENTIAL ENVIRONMENTS (TIRE) ANALYSIS

Excessive vehicular speed and traffic volume on residential streets pose a major threat to quality of life. Most Palo Alto streets are bordered by residential uses, and it is the City's priority to preserve local neighborhood characteristics. Additionally, the City has designated some streets as residential arterials to recognize that they carry large traffic volumes of through-traffic but also have residential uses on both sides of the streets. The objective of this analysis is to address the desires of residents of these streets who prefer slower vehicular speeds and to determine if implementation of a project would cause a substantial change in the character of these streets.

The City of Palo Alto uses the Traffic Infusion on Residential Environments (TIRE) methodology to estimate residential perception of traffic effects based on anticipated average daily traffic growth. Although not required under the California Environmental Quality Act (CEQA) or pursuant to the Santa Clara Valley Transportation Authority (VTA) guidelines, this methodology intends to determine new potential traffic disturbances – cut-through traffic (*intrusion effects*) and direct traffic (*infusion effects*) – along local residential streets due to a proposed development project.

For projects on a local residential street, new traffic disturbances along that specific street will likely be unavoidable. Thus, the potential infusion effects generated along a specific local residential street of which a project is proposed will be used only for informational purposes. A map of Palo Alto's local residential streets can be found in Map 1 in this attachment.

The City aims to reduce potential adverse *intrusion effects* along local residential streets. Significant amount of vehicle intrusion on these streets may need to be addressed through traffic management strategies.

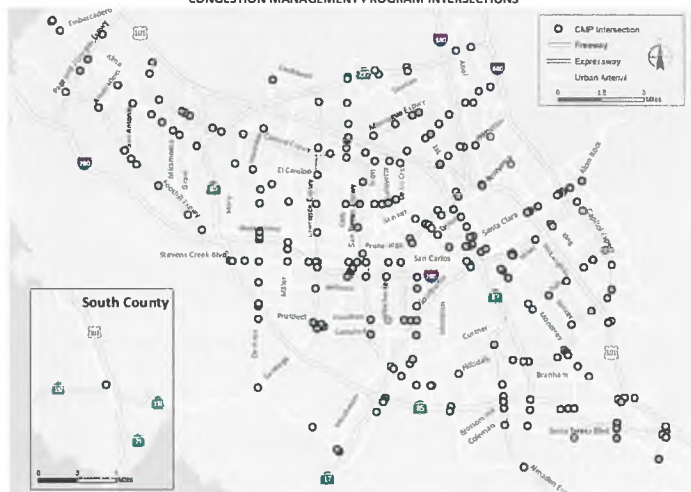
Traffic Infusion on Residential Environments (TIRE) Index

The TIRE methodology assigns a numerical value to "residents' perception of traffic effects on activities such as walking, bicycling, and maneuvering out of a driveway on local residential streets." The TIRE index scale ranges from 0 to 5 depending on daily traffic volume. An index of 0 represents the least traffic disturbances and 5 the greatest, and thereby, the poorest residential environment. Streets with a TIRE index of 3 and above are considered to function primarily as a traffic street and exhibit an impaired residential environment. Therefore, streets with a TIRE index below 3 are better suited for residential activities.

Any projected change in the TIRE index of 0.1 or less is considered to have no noticeable effects. A change of 0.1 would be barely noticeable, and a change of 0.2 or greater would be noticeable. The TIRE Index can be found in Table 1 in this attachment.



ATTACHMENT A  
CONGESTION MANAGEMENT PROGRAM INTERSECTIONS



Source: Santa Clara Valley Transportation Authority Congestion Management Program Document 2017

2020052801

2020052801

Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued



**I. Standards for Determining Analysis**

A proposed development project expecting to add 10 or more peak hour vehicles per any direction to a local residential street.

**II. Selection and Data Collection of Roadway Segments**

Roadway segments should be included in the LTA if a proposed development project is expected to add 10 or more peak hour vehicles per any direction to a local residential street. Data collected under the TIRE methodology must be supported by 24-hour weekday traffic counts.

For projects on a local residential street including both single- or multi-family, as defined in the City's Comprehensive Plan 2030, the TIRE analysis must include the following:

1. Direct routes to the project;
2. Immediate connections to a project's direct collector or arterial streets; and
3. Based on engineering judgement, City staff determines what roadway segments should be included in the analysis.

A Palo Alto land use map can be found in Map 2 in this attachment.

**III. Standards for Determining Noticeable Effect**

Projected change in the TIRE index of 0.1 or more under existing and background conditions, is considered to cause noticeable effects on the character of local residential streets. These traffic effects may need to be addressed through traffic management strategies.



Table 1: Traffic Infusion on Residential Environments (TIRE) Index

TIRE Index	Existing Daily Traffic Volume	Volume to Cause +0.1 Change in TIRE Index	Volume to Cause +0.2 Change in TIRE Index	Volume Description
1.5	29-35	6	15	Low
1.6	36-44	8	20	
1.7	45-56	10	25	
1.8	57-70	13	32	
1.9	71-89	17	41	
2.0	90-110	22	52	Moderate
2.1	111-140	29	65	
2.2	141-180	40	80	
2.3	181-220	52	100	
2.4	221-280	65	125	
2.5	281-350	79	160	
2.6	351-450	94	205	
2.7	451-560	114	260	
2.8	561-710	140	330	
2.9	711-890	170	415	
3.0	891-1,100	220	520	High
3.1	1,101-1,400	290	650	
3.2	1,401-1,800	380	800	
3.3	1,801-2,200	500	1,000	
3.4	2,201-2,800	650	1,300	
3.5	2,801-3,500	825	1,700	
3.6	3,501-4,500	1,025	2,200	
3.7	4,501-5,600	1,250	2,800	
3.8	5,601-7,100	1,500	3,500	
3.9	7,101-8,900	1,800	4,300	
4.0	8,901-11,000	2,300	5,300	Very High
4.1	11,001-14,000	3,000	6,500	
4.2	14,001-18,000	4,000	8,000	
4.3	18,001-22,000	5,200	10,000	
4.4	22,001-28,000	6,600	13,000	
4.5	28,001-35,000	8,200	17,000	
4.6	35,001-45,000	10,000	22,000	
4.7	45,001-56,000	12,200	28,000	
4.8	56,001-71,000	14,800	35,000	
4.9	71,001-89,000	18,000	43,000	

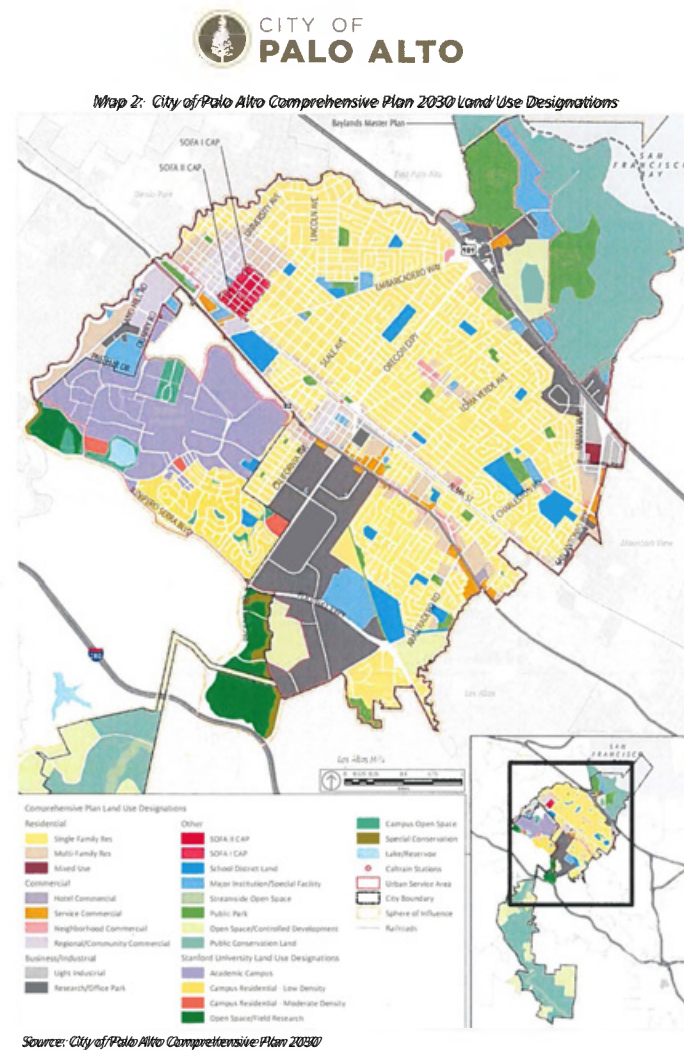
Source: Goodrich Traffic Group

Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued



2020052801

13



2020052801

14



## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020)

### 1118-2511

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan, FJ-Response-GS-1: Requests for Grade Separations.

The comment asserts that the Draft EIR/EIS is inadequate as it fails to analyze and mitigate significant impacts in the City of Palo Alto. The Authority disagrees with this assertion. The Draft EIR/EIS provides sufficient information to inform the public and decisionmakers of the significant environmental effects of the project within the City of Palo Alto, and identifies mitigation measures to avoid, reduce, or minimize impacts, when feasible.

In subsequent individual comments, the commenter raised specific concerns about the impact analysis or mitigation related to land use, socioeconomics and communities, noise and vibration, transportation, safety and security, cultural resources, public utilities and energy, and biological resources. Each of these specific comments has been addressed. Please refer to the responses to submission FJ-1118 as follows: comments 2516 through 2518 related to land use and communities; comments 2519 through 2523 related to noise; comments 2524 through 2535 related to transportation and safety; comments 2536, 2538, and 2539 related to public services and utilities; comment 2537 related to cultural resources; and comments 2540 and 2541 related to biological resources.

The comment also asserts that the Draft EIR/EIS fails to consider cumulative impacts of the Caltrain Business Plan. Please refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan, which addresses this topic. The comment requests that the Authority consider grade separations as mitigation for project impacts. Please refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, which addresses this topic.

### 1118-2512

The comment summarizes information presented in the Draft EIR/EIS. The comment is noted but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS.

### 1118-2513

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-SS-1: At-Grade Crossing Safety.

The comment asserts that land use, transportation, and safety impacts resulting from the project have not been fully analyzed and mitigated. The Authority disagrees with this assertion. Refer to Draft EIR/EIS Section 3.2, Transportation; Section 3.11, Safety and Security; and Section 3.13, Station Planning, Land Use, and Development which provide analysis of the environmental impacts of the project and identify mitigation measures to avoid, reduce, or minimize impacts, when feasible.

In subsequent individual comments, the commenter raised specific concerns about the impact analysis or mitigation related to land use, transportation, safety and security. Please also refer to the response to submission FJ-1118, comments 2516 through 2518 related to land use and communities and comments 2524 through 2535 related to transportation and safety, which address the city's concerns in more detail. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

### 1118-2514

Please refer to Table 8-3 in Section 8.4.4, Preferred Alternative Identification, of the Final EIR/EIS, which identifies the Authority's preferred radio communication tower sites. In Palo Alto, the preferred radio communication tower sites are standalone radio tower 8 alternate site 2 (located southwest of the Embarcadero Road underpass of the Caltrain corridor immediately adjacent to the Caltrain right-of-way) and standalone radio tower 8A alternate site 1 (located within the Caltrain right-of-way). These locations are preferred because they would minimize additional right-of-way acquisition, which is consistent with the City's preferences.

With respect to the process for coordinating with property owners should the acquisition of private property be required, the Authority would begin the outreach process for acquisition during the final design phase. The Authority would hold community meetings to explain the acquisition process and answer questions. Individual affected property owners would receive an official communication from the Authority and be assigned a real property agent to work with. All acquisition would be conducted in accordance with the Uniform Relocation Act (42 U.S.C. Chapter 61), as described in SOCIO-IAMF#2. The Uniform Relocation Act establishes minimum standards for the treatment of and compensation to individuals whose real property is acquired for a federally funded project. Information about acquisition, compensation, and relocation assistance is also available on the Authority's website: [hsr.ca.gov/programs/private-property/](http://hsr.ca.gov/programs/private-property/).

### 1118-2515

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1118-2516

Refer to Standard Response FJ-Response-OUT-3: Local Government Permits.

The comment states that the Draft EIR/EIS needs to evaluate impacts on land use consistent with CEQA significance thresholds adopted by the state and the City of Palo Alto. This includes (1) whether the project would physically divide an established community and (2) whether the project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Please refer to Section 3.12.4.5, Method for Determining Significance under CEQA, which identifies the first CEQA threshold mentioned by the commenter (whether the project would physically divide an established community). Please refer to Section 3.13.4.5, Method for Determining Significance under CEQA, which identifies the second CEQA threshold mentioned by the commenter (if the project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulations adopted for the purpose of avoiding or mitigating an environmental impact). Please also refer to Appendix 2-J, Policy Consistency Analysis, which provides a policy consistency analysis for the project alternatives. The EIR/EIS includes the thresholds identified in the comment and no revisions are required.

## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

### 1118-2517

The comment from the City of Palo Alto asserts that community division impacts associated with HSR preemptions at at-grade crossings and the inclusion of a noise barrier have not been adequately identified in the Draft EIR/EIS. The Authority respectfully disagrees with the assertion that the Draft EIR/EIS has not fully described these impacts.

In both Alternative A and B, HSR trains would use the existing Caltrain tracks. To some extent, these existing tracks already visually and physically divide the community.

Regarding the effects of HSR preemptions (gate closures) at at-grade crossings, refer to Draft EIR/EIS Section 3.12, Socioeconomics and Communities. In that section, refer to Impact SOCIO#3, which acknowledges that gate closures at the at-grade crossings could lead to greater delays to pass across such areas. Access would still be maintained and such temporary delays would not represent a physical division of the existing community.

While the project would include bicycle and pedestrian facilities to maintain all forms of transportation across and along the rail corridor, such aspects of the project are noted for the record; the CEQA conclusion does not hinge on this point.

Regarding noise barriers, refer to Draft EIR/EIS Section 3.4, Noise and Vibration. In that section, Table 3.4-21 identifies 13 locations in Palo Alto where noise barriers would be effective in reducing noise impacts. No noise barriers are proposed to be constructed across any at-grade crossings and thus would not cause or contribute to any road closures or decreased vehicle connectivity. Moreover, the Authority would not construct any noise barriers without the consent of 75 percent of all affected parties.

Several sections of the Draft EIR/EIS consider the impacts of noise barriers. Refer to Section 3.4.7, Mitigation Measures, and Section 3.15.7, Mitigation Measures, particularly AVQ-MM#4, AVQ-MM#5, and AVQ-MM#6. Please also refer to the response to submission FJ-1118, comment 2540, which addresses the visual impacts of noise barriers. The analysis in these sections support the conclusion for Impact SOCIO#3 that there would be no secondary impacts on community cohesion associated with project operations, because the recommended noise barriers would be constructed within an existing transportation corridor and would not physically divide established communities

### 1118-2517

or disrupt community circulation to the extent that community character or cohesion would be affected. Accordingly, impacts on communities associated with transportation, noise and vibration, or visual quality would not physically divide established communities, and therefore no mitigation associated with Impact SOCIO#3 is required.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1118-2518

The comment states that the EIR/EIS must identify any inconsistencies with the City of Palo Alto's Comprehensive Plan and determine impacts based on this analysis. As the commenter notes, Draft EIR/EIS Section 3.4.3, Consistency with Plans and Laws, and Volume 2, Appendix 2-J, Policy Consistency Analysis, provide a policy consistency analysis for the project alternatives and identify that the project alternatives would be inconsistent with the City of Palo Alto's Comprehensive Plan policies and regulations with respect to noise.

However, as stated in Section 3.4.2.3, Regional and Local, of the Draft EIR/EIS, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. Instead, the project is subject to federal noise and vibration impact criteria (as set forth by the FRA).

The noise and vibration impact assessments were conducted following FRA methodology and criteria.

Please refer to Draft EIR/EIS Section 3.4, Noise and Vibration, Impacts NV#2 and NV#6, which identify significant and unavoidable operational impacts related to noise, even after the application of numerous mitigation measures. The comment did not result in any revisions to the Draft EIR/EIS.

---

## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

### 1118-2519

NV-MM#1 in Section 3.4.7, Mitigation Measures, discusses construction noise mitigation measures. NV-MM#1 requires the contractor to establish a construction noise monitoring program and implement measures to comply with FRA construction noise limits (an 8-hour Leq, dBA of 80 during the day and 70 at night for residential land use, 85 for both day and night for commercial land use, and 90 for both day and night for industrial land use) where a noise-sensitive receptor is present and wherever feasible. Measures for minimizing construction noise would include prohibiting certain noise-generating activities during nighttime hours, but due to the constraints of working within an active rail corridor some track realignments would require nighttime construction work that could exceed FRA construction noise limits at night. As described in mitigation measure NV-MM#1, the Authority would establish and maintain in operation until completion of construction a toll-free "hotline" regarding the project construction activities and would make a reasonable good-faith effort to address all noise concerns during construction. Accordingly, even with the implementation of NV-MM#1, the Draft EIR/EIS concludes that that some construction noise impacts would remain after mitigation, and the impact would be significant and unavoidable for both project alternatives. The comment did not result in any revisions to the Draft EIR/EIS.

### 1118-2520

NV-IAMF#1 addresses both noise and vibration from construction. Consistent with typical construction practices contained in FTA and FRA guidelines for minimizing construction vibration, the contractor would route truck traffic away from residential streets, employ construction phasing, and use alternative construction methods to avoid the use of impact pile driving near vibration-sensitive land uses where possible. The contractor would document in a construction noise and vibration control plan how these measures would be employed to minimize construction vibration within 1,000 feet of sensitive receptors. Table 3.4-9 identifies the applicable FRA impact criteria that are the performance criteria the contractor must meet to avoid annoyance from construction vibration.

As identified in Table 3.4-26, NV-MM#2 would be implemented to reduce this impact to less than significant levels under CEQA. NV-MM#2 would be effective in reducing human annoyance, as well as potential building damage. Additional information on the Authority's noise and vibration mitigation guidelines is available in Appendix 3.4-B, Noise and Vibration Mitigation Guidelines. Changes in the sequence of operations and using alternative construction methods are available vibration mitigation options that will be identified in the required vibration control plan prepared by the contractor. The comment did not result in any revisions to the Draft EIR/EIS.

### 1118-2521

Tables 3.4-23 and 3.4-24 in Section 3.4, Noise and Vibration, of the Draft EIR/EIS include the number of sensitive receptors that would experience moderate or severe noise impact before mitigation, with noise barriers, and with a combination of quiet zones and noise barriers. Additional detail regarding the specific noise impacts, levels, and locations before mitigation can be found in Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report, in Tables 5-9 and 5-10, of the Draft EIR/EIS. Additional detail regarding the specific vibration impacts, levels, and locations before mitigation can be found in Tables 5-19 and 5-20. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

### 1118-2522

Refer to Standard Response FJ-Response-OUT-3: Local Government Permits.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1118-2523

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

Regarding establishing quiet zones, please refer to Section 3.4.7, Mitigation Measures, NV-MM#4, that states quiet zones can only be legally undertaken by local jurisdictions. The Authority cannot legally establish or require a quiet zone. However, this measure has been revised in the Final EIR/EIS to clarify that HSR would assist with the preparation of technical analysis and materials needed for the quiet zone application, which would then be provided to local communities for submittal to the FRA.

### 1118-2524

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The comment requests that intersections be evaluated based on the adopted Local Transportation Impact Analysis Policy in Palo Alto. The Local Transportation Impact Analysis Policy was adopted by the City of Palo Alto in June 2020 in conjunction with new CEQA VMT thresholds pursuant to SB 743. The Local Transportation Impact Analysis policy establishes a process for conducting transportation analysis outside of the CEQA process, specially to address compliance with the City of Palo Alto's LOS policy. The stated purpose of the policy is to review and identify "transportation effects of proposed development projects." The Local Transportation Impact Analysis Policy standards for determining whether a transportation impact analysis is required are based on the number of net new weekday (AM or PM peak hour) trips generated by a development project. The HSR project would not add any new vehicle trips to local intersections or roadways in the City of Palo Alto. As such, the HSR project would not be required to prepare a transportation impact analysis under the standards for determining transportation analysis in Palo Alto's Local Transportation Impact Analysis Policy.

The Draft EIR/EIS does, however, evaluate LOS impacts at eight intersections in the City of Palo Alto, all adjacent to at-grade crossings. As CEQA was amended in 2018 to eliminate the use of LOS as a threshold to identify significant CEQA transportation impacts, the Draft EIR/EIS addresses LOS impacts for NEPA purposes only. The Authority identified a single LOS methodology and criterion to identify adverse effects under NEPA that is applied for intersections in all jurisdictions along the corridor, and for other corridors throughout the state, to provide a fair and consistent evaluation of project impacts. As described in Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations, the Authority is not subject to local government general plan policies or zoning regulations. However, while the analysis of intersection delays in the Draft EIR/EIS was not based on the City of Palo Alto's Local Transportation Impact Analysis Policy, the criteria for evaluating NEPA LOS effects in the Draft EIR/EIS is based on the same LOS D standard applied in the City of Palo Alto Local Transportation Impact Analysis Policy.

Please refer to Sections 3.2.4.4, Method for Evaluating Impacts under NEPA, and

## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

### 1118-2524

3.2.4.5, Method for Determining Significance under CEQA, of the Draft EIR/EIS for a description of the methods and impact criteria incorporated within the transportation assessment. The comment did not result in any revisions to the Draft EIR/EIS.

### 1118-2525

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-SS-1: At-Grade Crossing Safety.

The comment asserts that the Draft EIR/EIS does not analyze the potential hazards to school age pedestrians and bicyclists associated with increases in the number of trains and in train speeds. The comment also requests grade-separated crossings. These concerns are addressed by the standard responses referenced above.

With regard to the assertion that the Draft EIR/EIS did not address project operation effects on children, please refer to Section 3.12, Socioeconomics and Communities. In this section, Impact SOCIO#6 specifically addresses the issues raised in the comment regarding children at at-grade crossings and found that the four-quadrant gates and perimeter fencing would improve safety conditions in the corridor. As there would be no disproportionate impacts on children's health and safety due to project operations, no mitigation is required.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1118-2526

The comment states that the project would increase gate-down time during peak hours by almost 67 percent, and that the impact on pedestrians and bicyclists must be analyzed and mitigated. Please refer to Impact TR#17 of Section 3.2, Transportation, of the Draft EIR/EIS, which evaluates pedestrian and bicycle impacts based on whether the project would conflict with a program, plan, ordinance, or policy regarding bicycle or pedestrian facilities, or otherwise materially decrease the performance of such facilities. The gate-down time for HSR trains at at-grade crossings in Palo Alto would range from 40 to 48 seconds depending on location. The addition of eight HSR trains during weekday peak hours would not have an effect on travel by pedestrians or bicyclists in Palo Alto about 90 percent of the time during peak hours when the crossing gates are not affected by HSR trains. For pedestrians or bicyclists arriving at the at-grade crossings in Palo Alto during the times when the gate is down for an HSR train, the wait time of up to 48 seconds is not considered a significant effect. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

### 1118-2527

The comment states that the Draft EIR/EIS identifies an impact at the intersections in Palo Alto and that the delay at the intersections would affect other modes of transportation including bicyclists, pedestrians, and bus transit. Regarding delay impacts on bus transit, please refer to Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS, which incorporates impacts on local bus transit into the analysis of vehicle congestion/delay. Local bus routes and shuttle services are part of the vehicle volumes that are evaluated to identify continuous permanent congestion/delay consequences on intersection operations. The Draft EIR/EIS indicates that adverse NEPA effects would occur at eight Palo Alto intersections adjacent to at-grade crossings including El Camino Real/Palo Alto Avenue/Sand Hill Road, Alma Street/Palo Alto Avenue, Alma Street/Churchill Avenue, Mariposa Avenue/Churchill Avenue, Park Boulevard/Meadow Drive, Park Boulevard/Charleston Road, Castilleja Avenue/Churchill Avenue, and Wilkie Way/West Charleston Road (Impact TR#5). Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects; however no feasible mitigation was identified for intersections in Palo Alto that met the Authority's policy on traffic mitigation. Please also refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, regarding how the Authority analyzed and is mitigating LOS impacts.

Regarding delay impacts on bicyclists and pedestrians, please refer to Impacts TR#16 and TR#17, which evaluate pedestrian and bicycle impacts based on whether the project would conflict with a program, plan, ordinance, or policy regarding bicycle or pedestrian facilities, or otherwise materially decrease the performance of such facilities. The gate-down time for HSR trains at at-grade crossings in Palo Alto would range from 40 to 48 seconds. For pedestrians or bicyclists arriving at the Palo Alto at-grade crossings during the times when the gate is down for an HSR train, the wait time of up to 48 seconds is not considered a significant effect.

### 1118-2528

Refer to Standard Response FJ-Response-SS-1: At-Grade Crossing Safety, FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment suggests that the Draft EIR/EIS should evaluate the effect of queues spilling onto through lanes, which would create safety hazards near at-grade crossings. The intersection LOS analysis methodology employed in the Draft EIR/EIS takes into account the effect of queues created by added gate-down time at the at-grade crossings on the operations/LOS of intersections adjacent to the at-grade crossing. This analysis is reflected in Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects. As discussed in Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, the Authority developed site-specific mitigation for the Final EIR/EIS for certain locations where adverse NEPA traffic effects were identified. However, no feasible mitigation was identified that could address the effects at the intersections of El Camino Real/Palo Alto Avenue/Sand Hill Road, Alma Street/Palo Alto Avenue, Alma Street/Churchill Avenue, Mariposa Avenue/Churchill Avenue, Park Boulevard/Meadow Avenue, Park Boulevard/Charleston Road, Castilleja Avenue/Churchill Avenue, and Wilkie Way/West Charleston Road.

The Authority will construct improvements at at-grade crossings, including four-quadrant gates where not currently present, consistent with FRA standards to address safety at all at-grade crossings. As discussed under Impact S&S#14 in Section 3.11, Safety and Security, the Draft EIR/EIS analysis found that installation of improvements to at-grade crossings, perimeter fencing, and four-quadrant gates would improve safety along the right-of-way, providing sufficient protections.

Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS reflects a conceptual level of design for four-quadrant gate applications. The design for at-grade crossings would be refined as part of the final design in compliance with all relevant engineering standards, including MUTCD and CPUC GOs, and in coordination with CPUC.

## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

### 1118-2529

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment suggests that the project would significantly affect all modes of transit throughout the day and that impacts have not been properly identified. Please refer to Impact TR#11 in Section 3.2, Transportation, of the Draft EIR/EIS, which addresses the effects on high-frequency bus routes that operate near the HSR stations, maintenance facilities, or cross at-grade rail crossings. Significant effects due to added vehicle traffic in station areas or added gate-down time at at-grade rail crossings are identified for nine high-frequency bus routes. TR-MM#2 mitigates the effects identified in Impact TR#11. Local bus routes and shuttle services are part of the vehicle volumes that are evaluated to identify continuous permanent congestion/delay consequences on intersection operations in Impact TR#5. The Draft EIR/EIS indicates that an adverse NEPA effect would occur at eight Palo Alto intersections adjacent to at-grade crossings including El Camino Real/Palo Alto Avenue/Sand Hill Road, Alma Street/Palo Alto Avenue, Alma Street/Churchill Avenue, Mariposa Avenue/Churchill Avenue, Park Boulevard/Meadow Drive, Park Boulevard/Charleston Road, Castilleja Avenue/Churchill Avenue, and Wilkie Way/West Charleston Road. Refer to TR-MM#1 in Section 3.2 of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects; however, no feasible mitigation was identified for these intersections that met the Authority's policy on traffic mitigation.

### 1118-2530

Refer to Standard Response FJ-Response-SS-1: At-Grade Crossing Safety.

The commenter states that the HSR train speeds would reduce the reaction time for pedestrian, bicycle, and vehicle activities at at-grade crossings, and that the project would affect intersections adjacent to at-grade crossings that require improvements. FRA regulations require that at-grade crossing warning systems must provide at least 20 seconds warning time for normal train operations (49 C.F.R. Section 234.225) and require crossing gates to lower no sooner than 3 seconds after flashing light activation and to reach horizontal no later than 5 seconds before a train enters the crossing (49 C.F.R. Section 234.223). These requirements do not change for trains operating at 79 mph or 110 mph. Caltrain is the host railroad and is responsible for compliance with FRA safety regulations with regard to track and warning systems and would be responsible to make any adjustments in gate activation and any connection to preemption of nearby traffic signal systems.

As discussed in Standard Response FJ-Response-SS-1: At-Grade Crossing Safety, the Authority would install four-quadrant gates, median channelization, and fencing, which would improve at-grade crossing safety. In addition, Caltrain is upgrading its signal system, which will improve connections between onboard train systems and wayside signal operations. Caltrain conducts periodic hazard analysis to determine when crossings will be upgraded. CPUC regulations (CPUC General Order NO. 75-D) require that traffic signals at at-grade crossings with automatic warning devices be interconnected with the automatic warning devices at locations where a diagnostic team determines that preemption is necessary (e.g., where vehicular traffic queues from traffic signal-controlled intersections exceed the Clear Storage Distance as defined in the MUTCD). Caltrain would be responsible for preemption improvements with regard to blended service operations. Caltrain will meet all state (CPUC) and federal (FRA) requirements for railroad operations and signaling. For further information about Caltrain's existing and future plans concerning signal systems, please refer to Standard Response FJ-Response-SS-1: At-Grade Crossing Safety. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

### 1118-2531

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-SS-1: At-Grade Crossing Safety.

The Authority acknowledges the City's concern regarding the higher operating speeds of trains within the Caltrain corridor as compared to existing Caltrain speeds of 79 mph. As explained in Chapter 2, Alternatives, of the Draft EIR/EIS, with implementation of the HSR project, HSR trains and Caltrain trains would operate at speeds of up to 110 mph. Higher speeds are necessary for consistency with Proposition 1A travel time requirements for system design, which requires the HSR system to be designed to achieve maximum non-stop service times of 30 minutes between San Francisco and San Jose. Consistent with FRA safety guidelines for HSR systems with operating speeds of up to 110 mph, the blended system would install safety improvements (e.g., four-quadrant gates at at-grade crossings, perimeter fencing) to create a "sealed corridor" that would reduce conflicts with automobiles, bicycles, and pedestrians. The Draft EIR/EIS analysis under Impact S&S#14 found that installation of four-quadrant gates and median barriers consistent with FRA standards would improve safety along the right-of-way, providing sufficient protections.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1118-2532

Please refer to the response to submission FJ-1118, comment 2531, which addresses the required design speeds needed for the project to remain consistent with Prop 1A. Due to this requirement, slower speed trains have not been evaluated, and are not required to be evaluated, in the EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1118-2533

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The comment requests that the Draft EIR/EIS transportation analysis impacts and mitigations be studied in accordance with the adopted Local Transportation Impact Analysis Policy in Palo Alto. The Authority developed the methodology and significance criteria applied for the Draft EIR/EIS assessment in accordance with CEQA and NEPA guidelines. The Authority identified a single LOS criterion to identify adverse effects under NEPA that is applied for intersections in all jurisdictions along the corridor, and for other corridors throughout the state, to provide a fair and consistent evaluation of project impacts. As such, the analysis of intersection delays in the Draft EIR/EIS were not based on the City of Palo Alto's Local Transportation Impact Analysis Policy on traffic Infusion and Residential Environment (TIRE). As described in Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations, the Authority is not subject to local government general plan policies or zoning regulations.

Please refer to Sections 3.2.4.4, Method for Evaluating Impacts under NEPA, and 3.2.4.5, Method for Determining Significance under CEQA, of the Draft EIR/EIS for a description of the methods and impact criteria incorporated within the transportation assessment. Please refer also to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, regarding how the Authority analyzed and is mitigating LOS impacts.

## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

### 1118-2534

As discussed under Impact TR#13, the project is expected to result in a 6.5 percent increase in Caltrain ridership due to HSR riders using Caltrain to reach HSR stations for outbound trips and for inbound riders to reach destinations not served by HSR. It is possible that increased ridership may increase demand for parking at other Caltrain stations. However, as explained in the EIR for the Caltrain Peninsula Corridor Electrification Project (PCJPB 2015b), Caltrain does not plan to meet unconstrained parking demand at its stations, particularly in the urbanized portions of the Caltrain service area. Caltrain's 2010 Comprehensive Access Program Policy Statement emphasizes station access by walking, transit, and bicycling over automobile access at most stations. For transit center stations like Palo Alto, access priority for autos is the lowest priority after transit, walking, and bicycles. A parking deficit in and of itself, or the need to find a parking space off-site, while inconvenient, is not in and of itself a significant physical impact on the environment. Some station users unaware of the parking deficits may circle while looking for parking, but experienced station users will modify their behavior to take into account the parking deficits and take alternative actions. Those actions may include arriving earlier, using other nearby stations with available parking, using the kiss and ride, using parking areas further from the station, or accessing the station via other modes such as transit, biking or walking. Given Caltrain's policy approach to station access, the increased riders generated by the increased demand for Caltrain service due to the HSR project are expected to be accommodated by modes other than personal vehicle parking or by behavioral shifts. As such, there would be no significant physical impact on the environment and no requirement for mitigation. The comment does not identify any inadequacies in the analysis in the Draft EIR/EIS and no revisions are necessary.

### 1118-2535

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment suggests that the project would significantly affect bus service on Alma Avenue. While the Draft EIR/EIS does not specifically identify individual local bus service routes, impacts on local bus transit are incorporated into the analysis of intersection operations. Please refer to Impact TR#5 in Section 3.2, Transportation, which analyzes local bus routes as part of the vehicle volumes that are evaluated to identify continuous permanent congestion/delay consequences on intersection operations. The Draft EIR/EIS indicates that an adverse NEPA effect would occur at eight Palo Alto intersections adjacent to at-grade crossings, including Alma Street/Palo Alto Avenue and Alma Street/Churchill Avenue. Local bus services are incorporated into this effect on intersection operations. Refer to TR-MM#1 in Section 3.2 of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects. No feasible mitigation was identified that could address the effects at the intersections of Alma Street/Palo Alto Avenue and Alma Street/Churchill Avenue.

### 1118-2536

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-SS-2: Emergency Vehicle Response Times.

The comment asserts that the Draft EIR/EIS must evaluate grade separation for at-grade crossings as mitigation measures for effects to emergency response times. The Draft EIR/EIS evaluation of continuous permanent impacts on emergency access and response times due to increased gate-down time under Impact S&S#6 concluded that there would be a significant impact along the Menlo Park/Palo Alto boundary in the areas west of El Camino Real and north of Sand Hill Road, but not for other portions of the City of Palo Alto. Mitigation Measure SS-MM#4, which calls for installing emergency vehicle priority treatments related to increased gate-down time impacts, indicates that the Authority and a local agency may make a mutual agreement to have the Authority make an in-lieu payment towards other infrastructure projects, as an alternative to the listed emergency vehicle priority treatments, including nearby grade-separation projects.

## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

### 1118-2537

The comment states that the Draft EIR/EIS must evaluate and mitigate the impacts on the root-structure from grading or the use of vibratory equipment for track work within 10 feet of the Historic El Palo Alto Tree. The El Palo Alto redwood tree is located adjacent to the Caltrain right-of-way, and the tree branches and foliage are located within 5 feet of the right-of-way. As part of Caltrain PCEP, Caltrain will be performing some limited tree trimming that an arborist has determined will not compromise the health of the tree and will be installing OCS poles along the opposite side of the tracks to minimize effects on tree roots. As part of the HSR project, minor horizontal track shifts would be required further westward, away from the tree. This would be done using track-mounted equipment that would operate along the existing Caltrain track as it adjusts track and ballast; this equipment operates in a similar way to existing train operations in the Caltrain corridor. As the track bed is already compacted and the track adjustments would be shifting track further from El Palo Alto, it is not anticipated that additional compaction or vibratory impacts beyond the existing conditions would occur.

Please refer to BIO-MM#39 of the Draft EIR/EIS, which requires the project biologist to establish environmentally sensitive areas around protected trees with the potential to be affected by construction activities. The intent of this measure is to avoid construction impacts on protected trees. Although, a 10 foot buffer will not be possible in this location, the Historic El Palo Alto Tree would be protected by the largest feasibly possible environmentally sensitive area, which would minimize root structure grading and vibratory impacts. BIO-MM#39 has been updated to reflect that locations near protected trees where a 10 foot buffer is not possible will have the largest possible buffer employed to avoid and minimize impacts.

### 1118-2538

The comment states that construction-related vibration could indirectly affect existing City of Palo Alto utility infrastructure in the vicinity of the project, particularly infrastructure that crosses the railroad tracks. Anticipated construction work within the city of Palo Alto is limited to minor track shifts, installation of four-quadrant gates, and standalone radio towers. These activities would not be substantial sources of construction-related vibration and therefore significant indirect vibration impacts on utilities are not expected and mitigation is not required. Any work in proximity to City-owned utilities would be coordinated with the City, and the Authority generally ensures that overall local government facilities and utilities function in a materially equivalent manner to prior to the relocations, modifications, or impact. This comment does not require any revisions to the Draft EIR/EIS.

### 1118-2539

The issue of temporary disruptions to utilities is acknowledged and explained at length in Impact PUE#1 in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS. Impact PUE#1 states that planned, temporary interruptions of major utility service to public utility customers could occur during construction at any given location and could interrupt utility services to industrial, commercial, and residential customers. Impact PUE#1 explains that the alternatives incorporate PUE-IAMF#3, which provides for advance notification of planned temporary outages. The alternatives also incorporate PUE-IAMF#4, which further commits the Authority to coordinate with utility providers such that outages can be avoided or minimized.

Neither CEQA, NEPA, nor any other pertinent regulation require that outage durations be precisely defined or that the Authority speculate on the durations of such outages. The Authority recognizes that outages are inconvenient to surrounding utility users, but for health and safety purposes, some temporary outages would be required. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1118 (Ed Shikada, City of Palo Alto, September 9, 2020) - Continued

### **1118-2540**

As shown in Table 3.4-21 in Section 3.4, Noise and Vibration, of the Draft EIR/EIS there are numerous locations where noise barriers would be considered in Palo Alto. Mature vegetation already exists outside the railway right-of-way in most potential noise barrier locations to shield views from residences and other sensitive receptors. In locations where existing landscaping is minimal, AVQ-MM#4 and AVQ-MM#5 detail landscaping mitigations along the HSR corridor. Additionally, in accordance with AVQ-MM#6 as part of the final design and construction management plan, the Authority would work with local jurisdictions to develop the appropriate noise barrier style and treatments for visually sensitive areas, to reduce the visual effect of barriers on adjacent land uses.

With respect to the commenter's question about whether the Authority would retain or replant existing vegetation along the right-of-way, the Authority would replace removed trees based upon local jurisdictional requirements consistent with AVQ-MM#1. The comment did not result in any revisions to the Draft EIR/EIS.

### **1118-2541**

The comment is noted but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS. Appendix 2-I, Regional and Local Plans and Policies, of the Draft EIR/EIS includes a summary of the tree requirements in the Palo Alto Municipal Code. The project would replace trees in accordance with the City of Palo Alto's Tree Technical Manual and use the City of Palo Alto's required tree replacement ratios if they are greater than a 1:1 ratio.

# Submission 1152 (Jimmy Tan, City of San Bruno, September 9, 2020)

**San Francisco - San Jose - RECORD #1152 DETAIL**

**Status :** Unread  
**Record Date :** 9/10/2020  
**Interest As :** Local Agency  
**First Name :** Jimmy  
**Last Name :** Tan  
**Attachments :** Draft EIR Comment Letter - City of San Bruno.pdf (634 kb)

**Stakeholder Comments/Issues :**

Dear High Speed Rail Authority,

The City of San Bruno has completed our review on the Draft EIR/EIS for the San Francisco to San Jose section of the High Speed Rail Project. Comments are provided in the attached letter.

Thanks,

David Wong, P.E., QSD/P  
 Principal Civil Engineer  
 City of San Bruno  
 (650) 616-7157

In compliance with the San Mateo County Health Officer's order to Shelter-in-Place through May 3rd, all City facilities, including the City Hall, Library and Senior Center, will be closed. However, limited non-essential services will be offered through phone and emails and by appointments only. Please note that emergency police, fire and medical services are not affected.

For more details on City facility closure and updates, please visit the City's website related to COVID-19 development at [www.sanbruno.ca.gov/Coronavirus](http://www.sanbruno.ca.gov/Coronavirus)<<http://www.sanbruno.ca.gov/Coronavirus>>.



CITY OF SAN BRUNO

PUBLIC WORKS – ADMINISTRATION & ENGINEERING

September 9, 2020

Boris Lipkin, Northern California Regional Director  
 Rebecca Kohlstrand, Northern California Director of Projects  
 James Tung, Deputy Project Manager of San Francisco to San Jose

California High Speed Rail Authority  
 Attn: Draft San Francisco to San Jose Project Section EIR/EIS  
 100 Paseo De San Antonio, Suite 300  
 San Jose, CA 95113  
[san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)

**RE: City of San Bruno Comments on Draft EIR/EIS for the California High-Speed Rail Project – San Francisco to San Jose Project Section**

Dear Mr. Lipkin, Ms. Kohlstrand, and Mr. Tung:

Thank you for providing the City of San Bruno ("City") the opportunity to review and comment on the Draft Environmental Impact Report / Environmental Impact Statement (Draft EIR/EIS) for the San Francisco to San Jose Project Section of the California High-Speed Rail (HSR) Project.

In reviewing the document, the City has the following comments on the Draft EIR/EIS, prepared in July 2020:

**Traffic –**

- In Vol. 1 - Report, Section 3.2, Transportation, please include the following information about Scott Street Grade Separation Project:
  - The Cities of San Bruno and South San Francisco have partnered to sponsor a project to study the creation of grade separation at the railroad crossings located at Scott Street in San Bruno and South Linden Avenue in South San Francisco. This project is currently in Planning Study phase. The purpose of the Planning Study is to evaluate options for creating the grade separations and select a single preferred alternative for the project that will move forward for environmental review and design. The final Project Study Report is anticipated in March 2020.

1152-1214

567 El Camino Real, San Bruno, CA 94066-4299  
 Voice: (650) 616-7065 • Fax: (650) 794-1443  
<http://sanbruno.ca.gov>

Submission 1152 (Jimmy Tan, City of San Bruno, September 9, 2020) - Continued

Page 2 of 3

- 1152-1214
    - o On November 26, 2019, the San Bruno City Council selected an option to close the Scott Street crossing to motor vehicle and build a grade separation that accommodates pedestrian and bicycles. Cities of San Bruno and South San Francisco have hosted virtual meetings and continue to do so to gather comments from residents and community.
    - o City of San Bruno looks forward to High Speed Rail Authority contributing its fair-share of funding toward the design and construction of this project.
  - 1152-1215
    - Page 3.2-6 of the same Section 3.2, describes how the goals of the HSR are consistent with transportation goals of many Cities' General Plan. However, there is no mention of the City of San Bruno. Please include the City of San Bruno General Plan Update in 2009 and Transit Corridor Plan (2013). See links below:
      - o [https://www.sanbruno.ca.gov/gov/city\\_departments/commdev/planning\\_division/onq\\_range\\_planning/general\\_plan.htm](https://www.sanbruno.ca.gov/gov/city_departments/commdev/planning_division/onq_range_planning/general_plan.htm)
      - o [https://www.sanbruno.ca.gov/gov/city\\_departments/commdev/planning\\_division/onq\\_range\\_planning/transit\\_corridors\\_plan.htm](https://www.sanbruno.ca.gov/gov/city_departments/commdev/planning_division/onq_range_planning/transit_corridors_plan.htm)
  - 1152-1216
    - Page 3.2-23 of the same Section 3.2 mentions LOS analysis for 40 intersections around 16 at-grade crossings including Scott Street in the City of San Bruno. Please include the list of the 40 intersections in this section and the results of the analysis.
- Construction/Permitting –**
- The rail alignment through the City of San Bruno is within 100-feet of existing residences along practically the entire alignment. Furthermore, Belle Air Elementary School is within 500-feet from the existing rail. Please consider the following:
- a. Construction
    - i. Hours of operation should not disrupt existing households especially during morning hours.
    - ii. Construction traffic - construction worker parking should be secured to prohibit parking near neighborhoods
    - iii. Haul routes and other heavy equipment - Prohibit any use of the neighborhood streets under any circumstance for haul routes.
  - b. Potential impacts to residential neighborhoods
    - i. Any heavy equipment such as pile drivers, etc. can cause permanent damage to foundations, provide potential mitigation or plan to address any claims or damage to existing residential structures.
    - ii. Noise - mitigation measure for noise, dust impacts should be implemented
  - c. Encroachment Permits/Engineering Standards
    - i. Any work within San Bruno's jurisdiction requires an encroachment permit, please contact David Wong, Principal Engineer at 650-616-7065 for more information on how to obtain an encroachment permit.
    - ii. Any construction related work in San Bruno or modification to City facilities (i.e. roads, sidewalks, streetlights, sanitary/storm sewers, potable water, communications, traffic signals, etc.) shall be constructed or modified per

Page 3 of 3

- 1152-1223
  - City of San Bruno engineering standards, details, specifications, and procedures.
- 1152-1224
  - d. Public Outreach - for all impending work within San Bruno the following steps should be implemented at least 4 weeks prior to commencing work:
    - i. Planned and published construction schedule
    - ii. Advanced notice of work to be done
    - iii. Map of all haul routes, construction entrances, and any traffic diversions
    - iv. Telephone number of HSR and contractor contact people
- 1152-1228
  - e. Other unforeseen impacts
    - i. With any construction project, there are unforeseen circumstances and impacts. Please prepare a plan to document the procedures for addressing these impacts.
    - ii. There are a number of storm sewers, sanitary sewers, fiber optics, and PG&E and other utilities currently located under the existing rail. The project is proposing to protect in place and is not proposing to relocate or reconstruct any utilities in San Bruno; however, because these utilities are close to existing residential neighborhoods and likely serve those residents, the project should have a plan in place in case any damage or disconnection of utilities occurs.
- 1152-1229

Thank you again for the opportunity to review and provide comments in response to the Draft EIR/EIS for the San Francisco to San Jose Project Section of the California HSR Project. The City remains highly interested in the project. Therefore, the City respectfully requests the High-Speed Rail Authority continue coordinating and consulting with City staff.

Should you have any further questions or clarification, I can be reached at (650) 616-7065.

Sincerely,



Jimmy Tan, P.E.  
Director of Public Works

Cc:  
Darcy Smith, Community and Economic Development Director  
Hae Won Ritchie, Deputy Director of Public Works  
Pamela Wu, Planning and Housing Manager

## Response to Submission 1152 (Jimmy Tan, City of San Bruno, September 9, 2020)

### 1152-1214

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The comment requests that additional information be added to the Draft EIR/EIS about the Scott Street Grade Separation project. Additional delays would be experienced at the Scott Street at-grade crossing in San Bruno and the Linden Avenue at-grade crossing in South San Francisco due to added HSR trains, as the number of peak hour round trips would increase from 6 train round trips with Caltrain service initially to 8 train round trips and ultimately to 10 train round trips with HSR service. The NEPA LOS effects resulting from the added gate down time would occur at signalized intersections adjacent to the at-grade crossings. Please refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects. Potential mitigation measures identified in TR-MM#1 to address traffic delays adjacent to at-grade crossings include the installation of a traffic signal at the Scott Street/San Mateo Avenue intersection (TR-MM#1a.1) and at the Scott Street/Herman Street intersection (TR-MM#1d).

Table 3.2-12 identifies grade separation projects within the Caltrain corridor that are programmed and in adopted plans. As the Scott Street Grade Separation remains in early planning phases, it has not been addressed in Section 3.2, Transportation. The comment did not result in any revisions to the Draft EIR/EIS.

### 1152-1215

The comment states that the Draft EIR/EIS includes no mention of the City of San Bruno General Plan. Please refer to Appendix 2-I, Regional and Local Plans and Policies, Table 1, in the Draft EIR/EIS for a summary of relevant transportation policies from the City of San Bruno General Plan. The text in Section 3.2.3, Consistency with Plans and Laws, of the Draft EIR/EIS provides an overview of the General Plan review process and lists where the project alternatives were deemed to be inconsistent with 11 policies, programs, or objectives in General Plans for jurisdictions along the corridor. Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS provides a statement of each policy that the project is inconsistent with and an explanation of any inconsistency, approaches that the Authority has committed to take to reconcile any inconsistency, and a rationale for moving the project forward if it remains inconsistent with the policy despite the approaches. Relevant policies in the City of San Bruno General Plan were reviewed for this policy consistency analysis in the Draft EIR/EIS and no inconsistencies were identified. Although the Draft EIR/EIS describes the project's inconsistency with local plans to provide a context for the project, inconsistency with such plans is not considered in itself an environmental impact. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1152 (Jimmy Tan, City of San Bruno, September 9, 2020) - Continued

### 1152-1216

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment notes that the Draft EIR/EIS evaluates intersections around at-grade crossings including Scott Street in San Bruno and requests a summary of the results of the analysis. The Draft EIR/EIS evaluated the intersections of Herman Street/Scott Street and Montgomery Avenue/Scott Street immediately adjacent to the Scott Street at-grade crossing. Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS indicates that an adverse NEPA effect would occur at the Herman Street/Scott Street intersection. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects, which includes mitigation at the Scott Street/Herman Street intersection (TR-MM#1d). Please also refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, regarding how the Authority analyzed and identified mitigation for LOS impacts. The Draft EIR/EIS also evaluates intersections adjacent to the South Linden Avenue at-grade crossing immediately north of the Scott Street at-grade crossing. Additional details on the LOS analysis, including the specific intersections analyzed, are provided in Appendix 3.2-A, Transportation Data on Intersections, of the Draft EIR/EIS and the San Francisco to San Jose Project Section Transportation Technical Report (Authority 2019h). The comment did not result in any revisions to the Draft EIR/EIS.

### 1152-1217

Please refer to NV-MM#1 in Section 3.4, Noise and Vibration, of the Draft EIR/EIS which details the steps that would be taken to monitor and limit construction noise. Nighttime construction in residential neighborhoods would be avoided to the extent feasible, although some track realignments could require nighttime construction work due to the constraints of working within an active rail corridor. The comment did not result in any revisions to the Draft EIR/EIS.

### 1152-1218

The comment notes that construction worker parking should be secured to prohibit parking near neighborhoods. As described in Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Draft EIR/EIS, TR-IAMF#3 calls for the contractor to identify adequate off-street parking for all construction-related vehicles throughout the construction period to minimize impacts on public on-street parking areas. If adequate parking cannot be provided on the construction sites, the contractor would designate a remote parking area and arrange for use of a shuttle bus to transfer construction workers to and from the job site. This measure would be addressed in the CTP (TR-IAMF#2) that would be prepared in close consultation with the local jurisdiction having authority over the site. The comment did not result in any revisions to the Draft EIR/EIS.

### 1152-1219

The commenter requests that the Authority prohibit any use of neighborhood streets under any circumstances for construction haul routes. As described in Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Draft EIR/EIS, TR-IAMF#2 calls for the preparation of a detailed CTP by the contractor for the project, for the purpose of minimizing the impact of construction and construction traffic on adjoining and nearby roadways, in close consultation with the local jurisdiction having authority over the site. The CTP would include a traffic control plan with identified routes for construction traffic, which would be submitted to the City of San Bruno for review. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1152 (Jimmy Tan, City of San Bruno, September 9, 2020) - Continued

### 1152-1220

Construction vibration mitigation measures are discussed under NV-MM#2 in Section 3.4.7, Mitigation Measures. As described in NV-MM#2, the contractor would provide the Authority with a construction vibration technical memorandum stating how the project construction vibration criteria would be met. The contractor would then need to comply with required vibration reduction methods described in that memorandum. When a construction scenario has been established, the contractor would conduct pre-construction surveys at locations within 50 feet of pile driving to document the existing condition of buildings in case damage is reported during or after construction. The contractor would arrange for the repair of damaged buildings or would pay compensation to the property owner. The comment did not result in any revisions to the Draft EIR/EIS.

### 1152-1221

Please refer to Section 3.4, Noise and Vibration, of the Draft EIR/EIS for information regarding noise and vibration impacts and mitigation measures to avoid or reduce significant impacts. Section 3.4.7, Mitigation Measures, discusses the various noise mitigation measures for the project.

Please refer to Section 3.3, Air Quality and Greenhouse Gases, for information related to fugitive dust emissions. The Authority would implement AQ-IAMF#1 as part of the project; this project feature would minimize fugitive dust emissions through the implementation of a dust control plan, which would outline measures such as washing vehicles before exiting the construction site, watering unpaved surfaces, limiting vehicle travel speed, and suspending dust-generating activities during high wind events.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1152-1222

Refer to Standard Response FJ-Response-OUT-3: Local Government Permits.

Thank you for providing the appropriate contact information for encroachment permits to be obtained in the city of San Bruno. The comment did not result in any revisions to the Draft EIR/EIS.

### 1152-1223

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations, FJ-Response-OUT-3: Local Government Permits, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The City of San Bruno is a key local agency, and the Authority has engaged and is committed to continuing engagement with the City, including in the construction process. As explained in Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, the Authority establishes a working relationship with each jurisdiction through which it will construct using MOUs and cooperative agreements. These agreements set forth the mutual expectations of the parties as to the consultation and review role of the local government over the course of design development. Such agreements with local jurisdictions detail the submittal and review process for the local jurisdiction. These agreements also include reviewing and approving actions by the local jurisdiction for design plans, including detour routes and construction staging.

The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS.

### 1152-1224

Please refer to the response to submission FJ-1152, comment 1223, which explains that the Authority would establish MOUs and cooperative agreements with each jurisdiction through which it would construct. These agreements set forth the mutual expectations of the parties as to the consultation and review role of the local government over the course of design development. Such agreements also include reviewing and approving actions by the local jurisdiction for design plans, including detour routes and construction staging. As set forth in TR-IAMF#2, the construction transportation plan would be developed and implemented in close consultation with all affected jurisdictions, offering ample opportunity for local jurisdictions' concerns to be understood and incorporated. Regarding the specific types of notification requested prior to construction, the Authority intends to comply with the local jurisdiction's established standards and procedures. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1152 (Jimmy Tan, City of San Bruno, September 9, 2020) - Continued

### 1152-1228

The Authority has committed to implementing IAMFs, which are standard practices, actions, and design features incorporated into the project design or construction to avoid or minimize environmental effects. These IAMFs include construction-related provisions to protect and, if necessary, to repair or restore roadways (TR-IAMF#1), railways (TR-IAMF#9), and land (LU-IAMF#3) temporarily affected by construction. These IAMFs include provisions to survey and document conditions pre-construction and post-restoration. Refer to Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Draft EIR/EIS for full descriptions of these project features. The comment did not result in any revisions to the Draft EIR/EIS.

### 1152-1229

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

Please refer to Impact PUE#1 in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS, which acknowledges that construction activities could result in the accidental temporary interruption of unknown major linear nonfixed utilities and summarizes the established practices the Authority's contractors would be required to employ to minimize the potential for accidental disruption during construction. These include identification and mapping of buried and overhead utilities prior to construction; establishing a safety and security management plan and procedures (SS-IAMF#2); advance notification of any planned outages (PUE-IAMF#4); and coordination with utility service providers to minimize or avoid interruptions of utility service (PUE-IAMF#4).

The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1072 (Cary Greene, City of San Jose Airport Department, September 3, 2020)

<b>San Francisco - San Jose - RECORD #1072 DETAIL</b>	
Status :	Unread
Record Date :	9/3/2020
Interest As :	Local Agency
First Name :	Cary
Last Name :	Greene
Attachments :	Airport-DEIRDEIScomments-HSR-SFtoSJSection.pdf (125 kb)
<b>Stakeholder Comments/Issues :</b>	
See attached comments (PDF)	

1072-192

**City of San Jose Airport Department Comments**  
**Draft EIR/EIS for California High-Speed Rail, San Francisco to San Jose Project Section**

**General Comment on Project Description**

The southern segment of the San Francisco to San Jose Project Section alignment (from Scott Blvd. in Santa Clara to south of Diridon Station in San Jose) overlays the northern-most segment of the San Jose to Merced Project Section alignment, the Draft EIR/EIS for which was previously circulated for public review. Neither Draft EIR/EIS provides an explanation or rationale for why two Project Sections incorporate the same segment. Nevertheless, it would appear incumbent upon the HSRA to ensure that the two sets of EIR/EIS project descriptions, alternatives, and environmental impact analyses applicable to this common segment of the two project sections are consistent.

1072-193

**Section 3.11 Safety and Security**

**Pages 3.11-37 and 3.11-70+.** The text of the subsections under “Airport, Heliports, and Airstrips” and “Impact S&S#11 Permanent Interference with Airport Safety” should more clearly differentiate between Federal Aviation Regulations (FAR)/Part 77 governing airport obstructions and State-required CLUPs governing airport-compatible land use planning. FAR Part 77 applies to airport vicinities nationwide irrespective of State of California CLUP airport influence areas (AIAs), with the Part 77 imaginary surfaces generally covering a much wider area than CLUP AIAs. See the specific comments on Appendix Section 3.11-B below to help refine the Section 3.11 text.

1072-194

**Appendix 3.11-B Airport Obstructions**

**Page 3.11-B-2.** The information in the “Norman Y. Mineta San Jose International Airport” paragraph is largely out of date. The airport currently operates two runways (12R-30L and 12L-30R), recorded 207,111 aircraft operations in 2019, and forecasts a demand for 237,700 aircraft operations in the year 2037. The proper source document is the City of San Jose’s adopted Airport Master Plan as amended, not the Santa Clara County ALUC’s CLUP last updated in 2016.

1072-195

**Page 3.11-B-3 through 3.11-B-7.** The text and tables in the “Analysis” and “Results” subsections are not fully accurate or complete, as detailed below:

- First, the text should better differentiate between CLUP AIAs, which are defined zones around airports within which a set of CLUP-established land use policies and review procedures apply, and Federal Aviation Regulations/Part 77, which defines a set of imaginary airspace surfaces, and an associated review process, that is relevant to proposed structures that penetrate an airport’s Notification Surface, which for San Jose International is a 100:1 slope extending out 20,000 feet from any point of the two runways. Each proposed structure that would penetrate the Part 77 Notification Surface must be filed with the FAA. The FAA’s airspace review is done on a case-by-case basis, and will result in issuance of an airspace safety “determination”. The FAA may determine that a proposed structure would not be an airspace hazard even if it exceeds a Part 77 Obstruction Surface (if subject to specified mitigation

## Submission 1072 (Cary Greene, City of San Jose Airport Department, September 3, 2020) - Continued

- 1072-195 | such as top-point obstruction lighting or verifications of completed construction); conversely, the FAA may determine that a proposed structure would be a potential airspace hazard even if it does not exceed a Part 77 Obstruction Surface due to other airspace operational factors. The San Jose Airport Department has previously informed the HSRA that the Part 77 Notification Surface over the Project Section alignment ranges from approximately 70 feet NAVD88 at the Santa Clara Caltrain Station to 140 feet NAVD88 at Diridon Station.
- 1072-196 |
- In Table 1, the acreage numbers for the two alternatives do not appear to be fully correct for San Jose International. Since the only difference in AIA “Encroachment Area” between the two alternatives is the width of the project right-of-way, and given that the AIA covers just a portion of the project alignment, the difference between Alternatives A and B is likely much less than the 30-45 acres cited in the table.
- 1072-197 |
- Table 2 may be incorrect in citing only the two proposed radio towers as being subject to FAA review due to proximity to San Jose International. The analysis accompanying the table does not expressly address the additional structural elements of Alternative B (e.g., catenary lines/support poles, light poles, elevated grade crossing features, and the viaduct itself) that may also penetrate the Part 77 Notification Surface.
- 1072-198 |
- The paragraph under “Norman Y. Mineta San Jose International Airport” on Page 3.11-B-7 also appears deficient per the comment immediately above. Moreover, the two proposed 100-ft. tall radio towers in Santa Clara would penetrate the Part 77 Notification Surface for San Jose International under both alternatives.

HSRA project staff and consultants are welcome to contact Cary Greene at [cgreene@sjic.org](mailto:cgreene@sjic.org) (408-392-3623) or Ryan Sheelen at [rshcclen@sjic.org](mailto:rshcclen@sjic.org) (408-392-1193) for any needed discussion or clarification of the above comments.

Submitted 9/3/2020

## Response to Submission 1072 (Cary Greene, City of San Jose Airport Department, September 3, 2020)

### 1072-192

As stated in Section 2.1, Introduction, of the Draft EIR/EIS, “The San Jose Diridon Station Approach Subsection was fully analyzed as part of the San Jose to Merced Project Section Draft EIR/EIS and corresponding technical reports. The analysis of this subsection has been incorporated into this Draft EIR/EIS to support a station-to-station analysis with logical termini for the San Francisco to San Jose Project Section. However, the decision on selection of alternatives between Scott Boulevard in Santa Clara and West Alma Avenue in San Jose would occur as part of the environmental approvals process for the San Jose to Merced Project Section.” The Authority has worked hard to ensure that the project descriptions, alternatives, and environmental impact analysis applicable to the San Jose Diridon Station Approach Subsection are consistent in both the San Francisco to San Jose Project Section and San Jose to Merced Project Section Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1072-193

The commenter stated that Section 3.11, Safety and Security, of the Draft EIR/EIS should more clearly differentiate between federal requirements governing airport obstructions under FAR Part 77 and state requirements for CLUPs governing airport-compatible land use planning. To address this comment, the text within the Airports, Heliports, and Airstrips subsection under Section 3.11.5.2, Community Safety and Security, and under Impact S&S#1 was revised in the Final EIR/EIS to more clearly make this differentiation. Appendix 3.11-B, Airport Obstructions, was also revised to more clearly make this differentiation.

In subsequent individual comments, the commenter provided specific suggestions regarding CLUP AIAs, FAR Part 77, and SJC. Each of these specific comments is addressed below.

### 1072-194

The commenter stated that Appendix 3.11-B, Airport Obstructions, of the Draft EIR/EIS did not refer to the most up-to-date information describing SJC. Specifically, the Draft EIR/EIS referred to the 2016 Airport Comprehensive Land Use Plan (County of Santa Clara 2016), whereas the commenter asserted that the EIR/EIS should include statistics provided in the Airport Master Plan, as amended in 2020 (City of San Jose 2020).

To address this comment, the text under the Introduction section regarding SJC has been revised in the Final EIR/EIS to clarify the number of runways (two) and the updated estimated of annual operations by 2037 (237,700) and to update the source of this information in the citation. This additional background text in the appendix does not affect any conclusions in the Draft EIR/EIS.

## Response to Submission 1072 (Cary Greene, City of San Jose Airport Department, September 3, 2020) - Continued

### 1072-195

The comment asserts there are inaccuracies in the description of FAR Part 77 maps and in the description of airport CLUP maps in the Draft EIR/EIS FAR Part 77 assessment, and notes that the FAR Part 77 maps included in airport CLUPs do not show the entire extent of the FAR Part 77 area, but only the FAR Part 77 area that is within the CLUP's AIA.

To address this comment, the Authority has revised the discussion of FAR Part 77 assessment and the descriptions of the applicability of FAR Part 77 and applicability of airport CLUPs in Section 3.11, Safety and Security, and Appendix 3.11-B, Airport Obstructions, in the Final EIR/EIS. The revisions separate CLUP AIA references from FAR Part 77 references, clarify the FAR Part 77 assessment process and FAA reference maps, and clarify that the FAR Part 77 Assessment in the Draft EIR/EIS for the communications towers in Section 3.11 and Appendix 3.11-B was conducted using the FAA's FAR Part 77 Online Notice Criteria Tool (FAA 2018a), and not using the FAA reference maps or CLUP maps.

The FAR Part 77 Assessment discussion in the Draft EIR/EIS was developed to identify required compliance with FAR Part 77 regulations and to illustrate potential construction impacts of the alternatives with respect to CEQA significance criteria. The analysis in the Draft EIR/EIS is not intended to emulate the FAR Part 77 regulatory filing and FAA review process that would be required as part of final project design and construction. The Authority conducted the preliminary evaluation of communications towers for both project alternatives to illustrate potential impacts, as communications towers are the tallest structures that would be constructed for the two project alternatives. The Authority has revised the FAR Part 77 assessment discussion in the Final EIR/EIS to clarify that the purpose of the analysis is to provide a preliminary assessment of which communications towers would require FAR Part 77 notification for each alternative. The Authority would submit FAR Part 77 regulatory filings to FAA for communications towers and other types of structures (e.g., station roofs, viaducts) during the final design process.

### 1072-196

The comment questions the accuracy of data (concerning SJC) that appears in both the Draft EIR/EIS Appendix 3.11-B, Table 1 and Draft EIR/EIS Section 3.11, Safety and Security, Table 3.11-11. The tables present identical data regarding the acreage of the area of encroachment at airports along the project corridor.

The data has been verified to be accurate. The spatial analysis examines an intersection of the project footprint with the AIA. The difference results from the Alternative A footprint being smaller than that of Alternative B. This is because Alternative A would require only relatively minor modifications, mostly within the existing Caltrain right-of-way. In contrast, Alternative B includes the HSR viaduct adjacent to the Caltrain right-of-way, which would require roadway modifications that would result in greater temporary and permanent impact areas.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1072 (Cary Greene, City of San Jose Airport Department, September 3, 2020) - Continued

### 1072-197

The comment questions the accuracy of data concerning SJC which appears in both the Draft EIR/EIS Appendix 3.11-B, Table 2 and Draft EIR/EIS Section 3.11, Safety and Security, Table 3.11-12. The tables present identical data regarding the location and number of communication towers requiring FAA Part 77 notification in relation to airports along the project corridor. The comment notes that other structural elements of Alternative B, beyond communication towers, may be within the Part 77 notification area.

The Part 77 analysis summarized in the above-referenced tables looked only at the communications towers. The heights for other structures were not evaluated in the EIR/EIS because the communication towers would be the tallest structures that would be constructed for the project alternatives and for which structure height and location have been defined. During final design, additional analysis of proposed structure locations potentially associated with an FAA application and registration for proposed project structures would be undertaken for communications structures, lighting/communication poles, catenary lines, power substations, viaduct structures, and station roofs. Please refer to Impact S&S#11 in the Final EIR/EIS, which has been revised to state that additional analysis of proposed structure locations, development of information associated with an FAA application, and registration for proposed project structures would be done as part of the final design phase of the proposed project. This additional analysis would address the proposed communications structures, lighting/communication poles, catenary lines, power substations, viaduct structures, station roofs, and other similar elevated structures.

### 1072-198

The comment requests that the Draft EIR/EIS revise the paragraph describing encroachment into the Part 77 Notification Surface at SJC in Appendix 3.11-B, Airport Obstructions. The Authority has modified Appendix 3.11-B in the Final EIR/EIS in response to this comment to note that FAR Part 77 notification would be required for approval of construction of the two communication towers in Santa Clara under both alternatives.

## Submission 1158 (Brad Underwood, City of San Mateo, September 10, 2020)

DEPARTMENT OF PUBLIC WORKS  
Brad B. Underwood, P.E., L.S., Director

330 W 20<sup>th</sup> Avenue  
San Mateo, CA 94403-1338  
Telephone: (650) 522-7300  
Fax: (650) 522-7301  
[www.cityofsanmateo.org](http://www.cityofsanmateo.org)

August 27, 2020

California High Speed Rail Authority  
Attn: San Francisco to San Jose Project Section: Draft EIR/EIS  
Northern California Regional Office  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113

Re: *City of San Mateo Comment Letter to the California High Speed Rail Environmental Impact Report – San Francisco to San Jose Section*

Dear California High Speed Rail Authority,

The City of San Mateo has prepared this letter to provide comments on the Draft Environmental Impact Report (EIR) of the San Francisco to San Jose project section of the California High Speed Rail. The City is concerned that the extent of impacts is underestimated, and proposed mitigation measures are insufficient to reduce the impacts to a less than significant level. In many areas, environmental effects are either inappropriately categorized as “not significant” and not mitigated or acknowledged to be significant but then inadequately mitigated. Attached to this letter is the full list of comments (3 pages) from the City regarding the EIR.

Sincerely,



Brad B. Underwood, P.E., L.S.  
Director of Public Works

Enclosures

c: Chron/File



## Submission 1158 (Brad Underwood, City of San Mateo, September 10, 2020) - Continued

### CITY OF SAN MATEO COMMENTS

#### SAN FRANCISCO TO SAN JOSE PROJECT SECTION: DRAFT EIR/EIS

	Document Location	City Comment on EIR/EIS
1158-1235	<b>General Comments</b>	The EIR does not adequately evaluate the impacts to existing property in San Mateo associated with Alternative B to determine how the businesses will be affected.
1158-1236		The EIR does not adequately contemplate Caltrain’s planned growth and therefore underestimates the impacts of HSR. The EIR does not adequately evaluate the need for passing tracks and therefore the potential impacts of either alternative.
1158-1237		The report states that there has been a reduction in the ridership projections from the base data used in the EIR/EIS analysis. The EIR’s use of the higher ridership projections results in supposed benefits that allow the project to avoid mitigating project impacts. The EIR is inadequate in that it fails to use accurate ridership projections and overestimates the benefits (e.g., reduced vehicle miles traveled, reduced greenhouse gas [GHG] emissions, reduced energy consumption) from the project.
	<b>VOLUME 1 – CHAPTER 3</b>	
1158-1238	3.2- Page 6	The EIR states eight intersections are being affected in a manner inconsistent with the City’s General Plan policies. The EIR and its mitigation measures are inadequate because they fail to address the City’s General Plan policies.
1158-1239	3.2- Page 6	The project is inconsistent with San Mateo General Plan Policy C 3.6 requiring rail lines be depressed below ground in the downtown. The EIR and its mitigation measures are inadequate because they fail to address the City’s General Plan policies.
1158-1240	3.2-16	The EIR Level of Service analysis does not adequately consider future growth in San Mateo by failing to specify which projects are included in the existing conditions.
1158-1241	3.2- Table 3.2-7	The gate down time used for the at-grade crossings in San Mateo is inconsistent with Caltrain’s 2040 Business plan. In 2040 Caltrain Business Plan the baseline growth scenario projects an average gate downtime in San Mateo of 16.46 minutes whereas Table 3.2-7 of the EIR assumes 20 minutes. Therefore, the EIR does not adequately address the traffic impacts associated with gate down time caused by HSR, as more detail is needed to understand the difference between the two analyses.
1158-1242	Pg. 3.2-58	The EIR does not adequately explain the limits of underpass extensions, therefore, the temporary and permanent impacts associated with construction of these underpass extensions cannot be determined. Extending the various underpasses in San Mateo could affect local roadway profile needed to maintain vertical clearance, which could

Submission 1158 (Brad Underwood, City of San Mateo, September 10, 2020) - Continued

CITY OF SAN MATEO COMMENTS

SAN FRANCISCO TO SAN JOSE PROJECT SECTION: DRAFT EIR/EIS

		impact adjacent businesses further. The EIR does not provide an adequate evaluation of the permanent impacts to local businesses.
1158-1243	Pg. 3.2-96 - TR-MM#1	The listed mitigations are hypothetical and not realistic given the space constraints in the congested urban areas such as near downtown San Mateo. The EIR does not adequately mitigate the project impacts.
1158-1244	3.4 Noise	Noise impacts are inconsistent with San Mateo General Plan. The EIR is inadequate because it fails to address the City's General Plan polices.
1158-1245	Impact NV#5	Construction activity could potentially exceed vibration tolerances which should require vibration monitoring during construction and property assessments prior to construction.
1158-1246	SOCIO#2	Alt B impacts more businesses in San Mateo, also affects aesthetics more due to retaining walls. Who is making the ultimate decision on what Alternative gets chosen?
1158-1247	Pg. S-101, Table - Noise	The EIR does not explain how Alternative B has fewer sensitive noise receptors than Alternative A when other parts of the report mention greater noise in Alternative B caused by more construction activities and longer duration.
1158-1248	<b>Volume 2 – 3.2A Transportation and Data on Intersections</b>	
	Table 6	For delay conditions in all scenarios the tabulated delay is capped at 180 seconds, which misrepresents actual delay. The EIR must present the actual delay and not an arbitrary capped value.
1158-1249		An increase in delay of 0.3 seconds is shown at El Camino Real and 25 <sup>th</sup> Avenue when comparing Alternative A and B to the No Project even though, there is no at-grade crossing at 25 <sup>th</sup> Avenue. There is no reason the delay should change at this location.
1158-1250		Intersection GX43 described is "San Mateo Avenue and Scott Street" does not exist in San Mateo.
1158-1251		For intersections in the City of San Mateo there appears to be significant LOS impacts. This is not allowed under our general plan policy C2.1 and C2.7. What is the project doing to make sure the project is in compliance with our general plan?
1158-1252		The intersection of Railroad and 1 <sup>st</sup> Avenue shows an improvement in LOS, but there is insufficient information in the EIR to identify what generates this improvement.
1158-1253	<b>Constructability Assessment Report</b>	
	Pg. 5-1, 5.3 Earthwork	The EIR does not provide enough detail in the embankment work for the passing track in San Mateo for Alternative B to evaluate the extent of impact.

Submission 1158 (Brad Underwood, City of San Mateo, September 10, 2020) - Continued

CITY OF SAN MATEO COMMENTS

SAN FRANCISCO TO SAN JOSE PROJECT SECTION: DRAFT EIR/EIS

1158-1254	Pg. 7-1, 7 Construction Staging Areas	It is unclear whether staging areas identified in the document will accommodate worker parking. It is the City's goal to have worker parking managed by the contractor to avoid impacting parking in neighborhoods. Please specify.
1158-1255	<b>Appendix 3.1-A: Parcels Within the HSR Project Footprint</b>	
	General Comments	Aerial imagery is significantly out of date and needs to be updated to provide meaningful information regarding changes that have occurred since 2016. Without accurate imagery, it is not possible to evaluate the information provided.
1158-1256	General Comments	Clarify in legend whether areas are existing rights of way or right of way acquisition is still required.
1158-1257	Page 24	It is unclear whether HSR right of way outside Caltrain right of way is already owned by HSR or needs to be acquired. Please clarify.
1158-1258	Page 26	Unclear whether the HSR Permanent Easement is located outside Caltrain right of way is already owned by HSR or needs to be acquired.

## Response to Submission 1158 (Brad Underwood, City of San Mateo, September 10, 2020)

### 1158-1235

The comment asserts inadequate evaluation of community and business impacts of Alternative B in San Mateo.

Alternative B would involve construction of a passing track through San Mateo (shown in Volume 3, Preliminary Engineering Plans, Book B1, sheets 10 through 13). Alternative B is not the Authority's Preferred Alternative. As noted in Chapter 8, Preferred Alternative, Alternative A is the Authority's Preferred Alternative, in part because of its lower number of residential and business displacements relative to Alternative B.

Draft EIR/EIS Section 3.12, Socioeconomics and Communities, and Section 3.13, Station Planning, Land Use, and Development, include a number of impact discussions in which business and community impacts are addressed both in terms of construction and operation for both alternatives. In particular, please refer to Impact SOCIO#8. Within this impact discussion, please refer to Table 3.12-14, which notes that Alternative B would result in 23 business displacements in San Mateo. Impact SOCIO#8 notes that these displacements would be west of the right-of-way and either clustered just north of SR 92 in the Hayward Park neighborhood, or scattered along El Camino Real south of Hillsdale Boulevard in the southern portion of San Mateo. Sufficient relocation resources would be available in San Mateo under both alternatives. Permanent land use pattern effects of Alternative B are further discussed in Section 3.13. In particular, Impact LU#3 fully accounts for Alternative B's displacements and concludes that it would not substantially alter land use patterns in San Mateo. Refer also to Volume 2, Appendix 3.1-A, Parcels within the HSR Project Footprint, of the Final EIR/EIS, which depicts the project footprint in relation to adjacent parcels and identifies where additional right-of-way acquisitions are required beyond the existing Caltrain right-of-way.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1158-1236

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

As explained in Standard Response FJ-Response-GEN-4, the Caltrain Business Plan (including the Caltrain Service Vision) is not necessary to achieve the purpose and need/goals and objectives of the HSR project and will include infrastructure and improvements beyond those needed for the HSR project. Accordingly, the environmental consequences associated with PCJPB's construction of additional improvements required to implement the Caltrain Business Plan (including passing tracks, station modifications, or other improvements) will be analyzed and disclosed in a subsequent environmental review process.

The Draft EIR/EIS includes analysis of one alternative without passing tracks (Alternative A) and one with passing tracks (Alternative B) and found that Alternative A would result in minor delays to Caltrain average service times (~0.3 minutes) and limited supplemental time, while Alternative B would result in 2.8 minutes of delay in average Caltrain service times and additional supplemental time compared to Alternative A. Although additional passing track alternatives beyond those analyzed in the Draft EIR/EIS may result in preferred or optimal outcomes, the Draft EIR/EIS concludes that the effect on Caltrain services of either HSR project alternative would be less than significant under CEQA. It should also be noted that neither project alternative evaluated in the Draft EIR/EIS would preclude the implementation of improvements necessary to fulfill the Caltrain Business Plan, as explained in greater detail in Standard Response FJ-Response-GEN-4.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1158 (Brad Underwood, City of San Mateo, September 10, 2020) - Continued

### 1158-1237

Section 2.7, Ridership, of the EIR/EIS provides a detailed description of the differences between the ridership forecasts from the 2016 Business Plan, the 2018 Business Plan, and the 2020 Business Plan. To the extent that the lower ridership levels projected in the 2018 Business Plan or the 2020 Business Plan would result in fewer trains operating in 2040, the impacts associated with the train operations in 2040 would be somewhat less than the impacts presented in the EIR/EIS and the benefits accruing to the project (e.g., reduced VMT, reduced GHG emissions, reduced energy consumption) also would be less than the benefits presented in the EIR/EIS. As with the impacts, the benefits would continue to build and accrue over time and would eventually reach the levels discussed in this EIR/EIS for the Phase 1 system. Accordingly, even with reduced ridership, the project would have beneficial effects associated with the reduction of VMT, GHG emissions, and energy consumption. The commenter incorrectly asserts that the use of higher ridership projection results in benefits that allow the project to avoid mitigating project impacts. Consistent with the requirements under CEQA and NEPA, the EIR/EIS identifies feasible mitigation measures to avoid, minimize, rectify, reduce, eliminate, or compensate for an adverse physical change in the environment. The mitigation measures identified in the EIR/EIS directly relate to project impacts that have been determined to be significant; these measures are not influenced by project benefits.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1158-1238

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations, FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment notes that the Draft EIR/EIS states that eight intersections would be affected in a manner inconsistent with the City of San Mateo's General Plan policies. The Draft EIR/EIS indicates that the project would cause eight intersections under San Mateo's jurisdiction to operate at worse than the City's General Plan policy target of LOS of D or better, resulting in an inconsistency with the City's LOS policy. As CEQA was amended in 2018 to eliminate the use of LOS as a threshold to identify significant CEQA transportation impacts, the Draft EIR/EIS addresses LOS for NEPA purposes only. Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS evaluated 28 intersections in San Mateo adjacent to at-grade crossings and determined that an adverse NEPA effect would occur at 9 intersections before mitigation. Refer to Appendix 3.2-A, Transportation Data on Intersections, in the Final EIR/EIS for additional information about the LOS results and effects in both tabular and figure formats for the study intersections evaluated in San Mateo. In addition, refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects, which includes mitigation for the Arundel Road/Woodside Way/Peninsula Avenue intersection (TR-MM#1a.4). No feasible mitigation measures were identified for the adverse NEPA effects on traffic delays at the other study intersections in San Mateo.

Section 3.2.3, Consistency with Plans and Laws, and Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS disclosed that the project would be inconsistent with Policy C 2.1 of the San Mateo General Plan because the project would cause intersections under San Mateo's jurisdiction to operate at LOS worse than the target LOS of D or better. While relevant policies in the City of San Mateo General Plan were reviewed for the policy consistency analysis in Appendix 2-J, inconsistency with such plans in itself is not considered an environmental impact, as discussed in more detail in Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

## Response to Submission 1158 (Brad Underwood, City of San Mateo, September 10, 2020) - Continued

### 1158-1239

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The comment states that the project is inconsistent with a San Mateo General Plan policy requiring that rail lines be depressed below ground in the downtown. Section 3.2.3, Consistency with Plans and Laws, and Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS disclosed that the project would be at grade through downtown San Mateo, resulting in an inconsistency with Policy C 3.6 of the San Mateo General Plan, which calls for the rail line to be depressed below street level. While relevant policies in the City of San Mateo General Plan were reviewed for the policy consistency analysis in the Draft EIR/EIS, inconsistency with such plans is in itself not considered an environmental impact, as discussed in more detail in Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

Please refer to the response to submission FJ-1158, comment 1238, which describes the methods and impact criteria used to identify adverse intersection effects under NEPA for the Draft EIR/EIS, as well as the approach to mitigate LOS effects. The comment did not result in any revisions to the Draft EIR/EIS.

### 1158-1240

The comment states that the Draft EIR/EIS forecasts used for the LOS analysis does not adequately consider future growth. Analysts developed forecasts of vehicles that would travel on the freeways and roads for the Draft EIR/EIS using the model developed by VTA staff for C/CAG. This forecasting tool was identified as the most appropriate for the project because it was designed and calibrated for that purpose. The VTA model reflects land use, travel demand, and infrastructure changes within the RSA for the Draft EIR/EIS horizon years. The land use forecasts were based on the current ABAG land use forecasts available at the time of NOP/NOI release in May 2016. Evidence that the models were used in the development of conclusions of the Draft EIR/EIS is provided in summaries of the model assumptions, inputs, scenarios, means/methods, and detailed reporting of the results provided throughout Section 3.2, Transportation, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1158-1241

Refer to Standard Response FJ-Response-TR-3: Gate-Down Time Calculation Details.

The comment incorrectly asserts that the Draft EIR/EIS indicates a gate-down time of 20 minutes in Table 3.2-7. Table 3.2-7 in Section 3.2, Transportation, of the Draft EIR/EIS does not indicate a gate-down time of 20 minutes in San Mateo. Table 3.2-7 shows existing and planned future train service levels, indicating that by 2040 HSR would operate four trains per peak hour per direction north of the Diridon station in San Jose. The gate-down time associated with HSR trains in San Mateo would range from 41 to 46 seconds per train. During peak hours, when four HSR trains per peak hour per direction would be operational, this would represent an overall gate-down time for HSR that would be 9 to 10 percent of the hour, or about 6 minutes. The comment did not result in any revisions to the Draft EIR/EIS.

Please also refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan, which addresses Caltrain's future plans.

### 1158-1242

Alternative B would involve construction of passing track through San Mateo and would widen the existing underpasses at 25th Avenue, 28th Avenue, 31st Avenue, and 42nd Avenue in San Mateo. Please refer to Volume 3, Preliminary Engineering Plans, Book B1, sheets 10 through 13, for composite engineering plans depicting modifications to track, structures, and roadways in San Mateo. Refer to Book B3, sheets 46 and 47 for cross-sections of these underpasses. Finally, refer to pages 94 to 96 of Draft EIR/EIS Volume 2, Appendix 3.1-A, Parcels within the HSR Project Footprint, which depicts the extent of the project footprint in the passing track area through San Mateo. The Authority believes that with the information provided in the Draft EIR/EIS Volume 3 and in Appendix 3.1-A, the public has the information necessary to understand the extent of the project footprint.

Please refer to the response to submission FJ-1158, comment 1235, which describes how the Draft EIR/EIS addresses impacts to properties and businesses in San Mateo under Alternative B.

## Response to Submission 1158 (Brad Underwood, City of San Mateo, September 10, 2020) - Continued

### 1158-1243

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

In response to comments on the Draft EIR/EIS, the Authority conducted further analysis and developed site-specific mitigation measures for consideration that could reduce some of the adverse LOS effects identified in the Draft EIR/EIS. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects.

### 1158-1244

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The Authority assessed the project's consistency with local plans, policies, and ordinances. Refer to Section 3.4.3, Consistency with Plans and Laws, and Volume 2, Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS, which identify the project's inconsistencies with the City of San Mateo General Plan and San Mateo codes or ordinances. However, as stated in Section 3.4.2.3, Regional and Local, of the Draft EIR/EIS, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. The project is subject to the FRA noise and vibration impact criteria, and the noise and vibration impact assessments were conducted following FRA methodology and criteria. Please refer to Section 3.4.7, Mitigation Measures, for a discussion of the measures identified to avoid or reduce significant noise and vibration impacts. The comment did not result in any revisions to the Draft EIR/EIS.

### 1158-1245

Construction vibration mitigation measures are discussed in NV-MM#2 in Section 3.4.7, Mitigation Measures. As described in NV-MM#2, the contractor would provide the Authority with a construction vibration technical memorandum stating how the project construction vibration criteria would be met. The contractor would then need to comply with required vibration reduction methods described in that memorandum. When a construction scenario has been established, the contractor would conduct pre-construction surveys at locations within 50 feet of pile driving to document the existing condition of buildings in case damage is reported during or after construction. The contractor would arrange for the repair of damaged buildings or would pay compensation to the property owner. The comment did not result in any revisions to the Draft EIR/EIS.

### 1158-1246

As described in Chapter 8, Preferred Alternative, of the Draft EIR/EIS, the Authority identified Alternative A as the Preferred Alternative because it minimizes impacts on communities and natural resources while maximizing the transportation and safety benefits of the HSR system at the lowest cost. After the consideration of comments on the Draft EIR/EIS and preparation and certification of the Final EIR/EIS, the Authority's Board of Directors will consider whether to formally adopt the Preferred Alternative or another project alternative. The comment did not result in any revisions to the Draft EIR/EIS.

### 1158-1247

As explained under Impact NV#2, operational noise impacts differ between Alternative A and B in the San Mateo to Palo Alto Subsection because the new four-track configuration associated with the passing track under Alternative B would result in different track alignments and distances to noise-sensitive receptors. Additionally, construction of the passing track under Alternative B would require the acquisition of additional rights-of-way and the displacement of some sensitive-receptor buildings; in certain locations, these same sensitive-receptor buildings would remain in place under Alternative A and would be affected by operational noise impacts. The comment did not result in any revisions to the Draft EIR/EIS.

---

## Response to Submission 1158 (Brad Underwood, City of San Mateo, September 10, 2020) - Continued

### 1158-1248

The comment notes that the Draft EIR/EIS shows a common notation of ">180 seconds" for intersections with future delays greater than 180 seconds and requests the actual forecast delay value. Delay values were calculated for all study intersections and were the basis for determining NEPA project effects as defined in Section 3.2.4.4, Method for Evaluating Impacts under NEPA, of the Draft EIR/EIS. The specific delay values at intersections can be found in the calculation sheets presented in Appendices B through E for the San Francisco to San Jose Project Section Transportation Technical Report (Authority 2019h), which is available upon request. The summary LOS tables in the Transportation Technical Report show ">180 seconds" for scenarios where individual intersections would experience delay above 180 seconds, indicating the network is supersaturated. The HCM (Transportation Research Board 2010) notes that large increases in delay can occur from small changes in demand where both delay levels and volume-to-capacity ratios are reported at high levels. In actuality, when delays of longer than 180 seconds are expected, people tend to change their behavior, such as leaving earlier or later, to avoid excessive delays. The table caps the reported delay at 180 seconds so as not to report delays that are not likely to actually occur. In addition, for many of the study intersections, these conditions occur as a result of background land use growth under the 2040 No Project scenario. The growth in traffic volumes from future development is reflected in future year demand volume forecasts that are generally unconstrained, and thus the resulting intersection delay levels generally reflect a conservative estimate of future delay. The comment did not result in any revisions to the Draft EIR/EIS.

### 1158-1249

The comment states that the Draft EIR/EIS indicated an increase of 0.3 second in delay at the intersection of El Camino Real/25th Avenue under Alternatives A and B, and states that no change in delay should occur because there is no at-grade crossing at 25th Avenue.

Table 6 in Appendix 3.2-A, Transportation Data on Intersections, in the Draft EIR/EIS indicates the intersection would operate at LOS F under both 2040 No Project and 2040 Plus Project (Alternative A or B), and that the project would not result in an adverse NEPA LOS effect at the El Camino Real/25th Avenue intersection. The 25th Avenue at-grade crossing was recently converted to a grade-separated crossing and would not be affected by the project, as noted in the comment. With the recent completion of this new grade separation, the LOS and delay for Alternatives A and B under 2040 conditions would be the same as 2040 No Project conditions and not an increase of 0.3 seconds. Table 6 in Appendix 3.2-A has been corrected in the Final EIR/EIS to address this comment.

### 1158-1250

The comment notes that the intersection of San Mateo Avenue and Scott Street, which is evaluated in the Draft EIR/EIS, is not located in San Mateo. To address this comment, Table 6 in Appendix 3.2-A, Transportation Data on Intersections, has been amended in the Final EIR/EIS to reflect that the intersection of San Mateo Avenue and Scott Street is located in South San Francisco.

### 1158-1251

Please refer to the response to submission FJ-1158, comment 1238, which addresses this topic. The response to comment 1238 notes that the Draft EIR/EIS indicates an inconsistency with General Plan Policy C2.1. Review of the General Plan policies did not identify an inconsistency with General Plan Policy 2.7 because that policy specifically refers to development projects that may be required to fund off-site circulation improvements needed as a result of project generated traffic. The HSR project is not a development project, would not generate added vehicle trips at sites in the City of San Mateo during project operations, and is not subject to paying local transportation impact fees. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1158 (Brad Underwood, City of San Mateo, September 10, 2020) - Continued

### 1158-1252

The comment notes that the Draft EIR/EIS indicates that the intersection of Railroad and First Avenue shows an improvement in LOS from existing to future conditions, and requests additional information. The intersection of South Railroad Avenue/First Avenue is side street stop controlled, with the one-way northbound movement on South Railroad Avenue controlled by a stop sign. Eastbound and westbound movements on First Avenue at the intersection are not controlled by a stop sign, meaning that they flow without delay unless impeded by conditions at an adjacent intersection. In the Draft EIR/EIS, the 2040 No Project scenario traffic volumes throughout the network in downtown San Mateo are substantially higher than existing volumes due to forecast growth in population and employment not related to the project. The future traffic volumes exceed the available network capacity. This results in congested conditions where queues spill back from adjacent intersections. In the AM peak hour, westbound traffic on First Avenue is heavy and queues back from the signalized intersection of First Avenue/South B Street that is located about 300 feet west of the intersection of South Railroad Avenue/First Avenue. These queues of westbound traffic on First Avenue extend east through the intersection of South Railroad Avenue/First Avenue. As a result, the worst case delay at the South Railroad Avenue/First Avenue intersection occurs for westbound traffic on First Avenue that would queue back from the First Avenue/South B Street intersection as a result of congested conditions at intersections along the South B Street corridor. The change in conditions between the 2040 No Project and 2040 Plus Project conditions would be the addition of HSR trains on the rail corridor that results in eight additional gate-down events at at-grade crossings along the north-south rail corridor. The gate-down time per event for HSR trains at the at-grade rail crossings in downtown San Mateo would range from 40 to 45 seconds. One effect of the increase in gate-down events is that the heavier westbound movements on First Avenue and Third Avenue (which is a key route connecting US 101 to the downtown network) would be metered at the rail crossings, reducing the effect of this inbound/westbound traffic on intersections along the South B Street corridor that are located west of the rail corridor. The net effect is that congestion levels would decrease at the First Avenue/South B Street intersection, reducing queues that extend back to the South Railroad Avenue/First Avenue intersection and resulting in the reduction in delay for the westbound movement at this intersection. The comment did not result in any revisions to the Draft EIR/EIS.

### 1158-1253

Refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The passing track is described under the San Mateo to Palo Alto Subsection discussion within Section 2.6.2.5, Alternative B, of the Draft EIR/EIS. Refer to pages 94 to 96 of Draft EIR/EIS Volume 2, Appendix 3.1-A, Parcels within the HSR Project Footprint, which depicts the extent of the project footprint in the passing track area through San Mateo. In addition, Book B1, sheets 10 through 13 of Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS provides detailed engineering drawings depicting the passing track design through San Mateo. The level of detail provided is standard for an EIR/EIS and provides enough information to evaluate environmental impacts. Final design of the project will advance after the Final EIR/EIS is approved and the Authority selects an alternative.

### 1158-1254

The comment notes that construction worker parking should be secured to prohibit parking near neighborhoods. As described in Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Draft EIR/EIS, TR-IAMF#3 calls for the contractor to identify adequate off-street parking for all construction-related vehicles throughout the construction period to minimize impacts on public on-street parking areas. If adequate parking cannot be provided on the construction sites within the project footprint, the contractor would designate a remote parking area and arrange for use of a shuttle bus to transfer construction workers to and from the job site. This measure would be addressed in the CTP (TR-IAMF#2) that would be prepared in close consultation with the local jurisdiction having authority over the site. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1158 (Brad Underwood, City of San Mateo, September 10, 2020) - Continued

### 1158-1255

The commenter raised concerns about outdated aerial imagery in Appendix 3.1-A, Parcels within the HSR Project Footprint, in Volume 2, Technical Appendices, of the Draft EIR/EIS. In response to this comment, the Authority updated this appendix for the Final EIR/EIS to reflect the most recent aerial imagery (captured in 2020) from the National Agriculture Imagery Program and the latest parcel data from Santa Clara, San Mateo, and San Francisco Counties acquired in April 2021. The updated aerial imagery did not result in any changes to the impact analysis or conclusions in the Draft EIR/EIS.

### 1158-1256

The project alternatives would be primarily within the existing Caltrain right-of-way. Appendix 3.1-A, Parcels within the HSR Project Footprint, depicts the boundaries of the existing Caltrain right-of-way in relation to the project footprint (consisting of proposed HSR right-of-way, roadway right-of-way, permanent easements, and temporary construction easements). Right-of-way acquisitions are required where the project footprint extends beyond the existing Caltrain right-of-way. Refer to Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS for additional information about the temporary and permanent land use impacts associated with the project alternatives. The comment did not result in any revisions to the Draft EIR/EIS.

### 1158-1257

The HSR right-of-way shown in blue on page 24 of Appendix 3.1-A, Parcels within the HSR Project Footprint, would need to be acquired by the Authority if standalone radio tower 4, alternate site 1 were selected. For the purposes of this EIR/EIS, two potential site options for this communication radio tower have been identified but only one would ultimately be implemented during final project design. Please refer to Table 8-3 in Section 8.4.4, Preferred Alternative Identification, of the Final EIR/EIS, which identifies the Authority's preferred radio communication tower sites. The preferred radio communication tower site is standalone radio tower 4 alternate site 2, which minimizes business displacements.

### 1158-1258

The commenter requests additional clarification about the HSR permanent easement located outside of the Caltrain right-of-way in San Mateo between SR 92 and just south of 25th Avenue. This additional right-of-way is identified in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS (see Book A1, sheet 12) as right-of-way to be acquired by others. This right-of-way would be acquired by Caltrain for construction of the 25th Avenue Grade Separation project and would not need to be separately acquired for the HSR project. The comment did not result in any revisions to the Draft EIR/EIS.

Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020)

San Francisco - San Jose - RECORD #1113 DETAIL

Status : Unread  
 Record Date : 9/9/2020  
 Interest As : Local Agency  
 First Name : Andrew  
 Last Name : Crabtree  
 Attachments : SFSJ-1113\_City\_of\_Santa\_Clara\_Comment\_letter\_on\_CA\_HSR\_Draft\_EIR\_SF\_to\_SJ\_Section.pdf (207 kb)  
 SFSJ-1113\_Attachment\_A\_City\_of\_Santa\_Clara\_Department\_Comments\_on\_Draft\_CA\_HSR\_EIR\_SF\_to\_San\_Jose\_.pdf (43 kb)  
 SFSJ-1113\_City\_of\_Santa\_Clara\_Block\_Book\_Page\_SD.pdf (3 mb)  
 SFSJ-1113\_City\_of\_Santa\_Clara\_Block\_Book\_Pages\_SS.pdf (590 kb)  
 SFSJ-1113\_Santa\_Clara\_Block\_Book\_Pages\_\_Water\_and\_RW.pdf (9 mb)

Stakeholder Comments/Issues :

To Whom it May Concern at California High Speed Rail Authority:  
 Thank you for providing the City of Santa Clara the opportunity to review the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Francisco to San Jose segment of the High Speed Rail Project (Project). Please see the attached comment letter from the City of Santa Clara.

Reena Brilliot  
 Planning Manager| Community Development Department  
 1500 Warburton Ave. Santa Clara, CA 95050  
 (direct) 408-615-2452 | RBrilliot@SantaClaraCA.gov<mailto:RBrilliot@SantaClaraCA.gov>  
 www.santaclaraca.gov<http://www.santaclaraca.gov/>

[cid:image002.png@01D1746A.7FB838B0]



Community Development

September 8, 2020

High Speed Rail Authority  
 Attn: Draft San Francisco to San Jose Section EIR/EIS  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113

**Subject:** High Speed Rail Project: San Francisco to San Jose Section: Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) – City of Santa Clara Comments

Via mail and email: [san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)

To Whom it May Concern:

Thank you for providing the City of Santa Clara the opportunity to review the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Francisco to San Jose segment of the High Speed Rail Project (Project).

The City has valued the coordination with High Speed Rail Authority (Authority) staff and appreciated your attendance at City Council meetings to discuss this important regional transportation project. The City of Santa Clara strongly supports the Authority staff recommended preferred alternative (Alternative A). Alternative A is a viable alternative to deliver this important project but more importantly does not as significantly impact the City of Santa Clara as compared to Alternative B.

The City has reviewed the Draft EIR/EIS and have the following comments:

1. **Construction/Permitting:** The rail alignment through Santa Clara is within 100-feet of existing residences on the southside of the tracks. Please consider the following:
  - a. *Construction*
    - i. Hours of operation should not disrupt existing households especially during morning hours.
    - ii. Construction traffic - construction worker parking should be secured to prohibit parking near neighborhoods
    - iii. Haul routes and other heavy equipment - Prohibit any use of the neighborhood streets under any circumstance for haul routes.
  - b. *Potential impacts to residential neighborhoods*

1113-1323

1113-1324

1113-1325

1113-1326

1113-1327

Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

San Francisco to San Jose: Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) – City of Santa Clara Comments  
Page 2 of 4

- 1113-1327 i. Any heavy equipment such as pile drivers, etc. can cause permanent damage to foundations, provide potential mitigation or plan to address any claims or damage to existing residential structures.
- 1113-1328 ii. Noise - mitigation measure for noise, dust impacts should be implemented
- 1113-1329 c. *Encroachment Permits/Engineering Standards*
  - i. Any work within Santa Clara's jurisdiction requires an encroachment permit, please contact Michael Liw, Assistant Director of Public Works at 408-615-3002 for more information on how to obtain an encroachment permit.
  - 1113-1330 ii. Any construction related work in Santa Clara or modification to City facilities (i.e. roads, sidewalks, power lines, streetlights, sanitary/storm sewers, potable and recycled water, communications, traffic signals, etc.) shall be constructed or modified per City of Santa Clara engineering standards, details, specifications, and procedures.
  - 1113-1331 iii. The Construction Transportation Plan (CTP) should be submitted to the City for review to ensure that there are no major disruptions to traffic and residential areas due to rerouting. Provide LOS and operational analysis at intersections where construction roadway closures are anticipated for prolonged periods of time.
- 1113-1332 d. *Right-of-Way and Easements*: all requested Right-of-way and temporary construction easement areas requested along the project within Santa Clara will need to be further coordinated with the property owner(s). City will require license agreements and payment for City land use. All Right-of-way acquisition will need to be reviewed for utilities and relocations if necessary.
- 1113-1333 e. *Public Outreach - for all impending work within Santa Clara the following steps should be implemented*:
  - i. At least four (4) weeks prior to commencing work provide the following items for City review.
    - 1) Planned and published construction schedule, including hours of operation.
    - 2) Map of all haul routes, construction entrances, and any traffic diversions.
    - 3) Telephone number of HSR, website (if applicable) and contractor contact people.
  - ii. At least two (2) weeks prior to commencing work, provide language for the City to notice the following:
    - 1) Notices will be posted on the City website under City News and emails will be sent to individuals that have identified themselves as interested parties for the specific project.

San Francisco to San Jose: Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) – City of Santa Clara Comments  
Page 3 of 4

- 1113-1333 2) Social Media Announcements will be posted on the City's social media accounts, including Facebook, Twitter, Instagram, and Nextdoor.
- iii. At least seven (7) working days in advance of starting work, provide written circular notifications to any business, resident, school, or other organization within a 1,000-foot radius of the project. The circular shall be "door hanger" style or otherwise securely placed at each affected property. The circular shall state the name, address and telephone of the Contractor, starting time and date, nature and extent of the proposed work, and the approximate date upon which the Contractor expects to complete the pertinent construction activity. The circular must be approved by the City Engineer or Inspector prior to distribution. Submit circular for approval at least two (2) full working days prior to date of intended distribution.
- 1113-1339 f. *Other unforeseen impacts*
  - i. With any construction project, there are unforeseen circumstances and impacts. Please prepare a plan to document the procedures for addressing these impacts.
  - 1113-1340 ii. There are a number of storm sewers, sanitary sewers, water, recycle water, electric line, fiber optics, and PG&E and other utilities currently located under the existing rail. Preferred Alternative A is proposing to protect in place and is not proposing to relocate or reconstruct any utilities in Santa Clara; however, these utilities mostly serve existing residents, the project should have a plan in place if any damage or disconnection of utilities occurs.

Please see Attachment A City of Santa Clara Department Comments for additional specific comments of the Draft EIR/EIS.

We look forward to continuing to coordinate on this important project for the Authority. Should you have any questions regarding this letter, please contact either Michael Liw, Assistant Director of Public Works via email at [mliw@SantaClaraCA.gov](mailto:mliw@SantaClaraCA.gov) or phone at 408-615-3002.

Best regards,

  
fo Andrew Crabtree

Director of Community Development

CC: Manuel Pineda, Assistant City Manager  
Michael Liw, Assistant Director of Public Works

## Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

San Francisco to San Jose: Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) – City of Santa Clara Comments  
Page 4 of 4

Reena Brilliot, Planning Manager  
Dave Shpak, High Speed Rail Authority

Attachments:

- A) City of Santa Clara Department Comments
- B) Sanitary Sewer Block Book
- C) Storm Drain Block Book
- D) Water & Recycled Water Block Book

## Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

**Attachment A: City of Santa Clara Department Comments on High Speed Rail Draft EIS/EIR  
San Francisco to San Jose Project Section**

	Chapter	Page number	Comments
	<b>Engineering</b>		
1113-1341	V1_08_CH_2_Alternatives	2-89 Last paragraph	"Minor amounts of additional right-of-way would be required in ..., and Santa Clara for communication radio towers." But on Table 2-15 it shows "N/A"
1113-1342	V1-21_CH_3.13_Station_Planning_Land_Use	3.13-13	"Mountain View to Santa Clara Subsection" Missing Santa Clara Lawrence Expr. to Scott Blvd.
1113-1343	V2-13_APP_3.1-A_Parcels_Project_Footprint	All	Should show the street names for major streets. Should show City limits so that it's clear which City impacted.
1113-1344	V2-13_APP_3.1-A_Parcels_Project_Footprint	124	The properties on south of tracks within proposed TCE are all single-family homes. Should try to avoid it or make sure public outreach is done.
1113-1345	V2-23_APP_3.6-A_Public_Uilities_Energy_Facilities	3.6-A-10	Several Santa Clara Sanitary Sewer (SS) & Storm Drain(SD) lines crossing the track are missing . Please see attached SD and SS maps.
1113-1346	V3-04_PEPD_Alternative_A_Book_A2	25	Around station 2300+00, the one dot dashed line is not in the legend and it's encroaching into private property.
1113-1347	V3-08_PEPD_Alternative_B_Book_B2	25	Around station 2300+00, the one dot dashed line is not in the legend and it's encroaching into private property.
1113-1348	V3-12_PEPD_Alternative_B_Book_B6	112	There are one 18" SS and one 27" SD crossing the tracks at Benton St. They will have to be relocated.
1113-1349	V3-04_PEPD_Alternative_A_Book_A2	27	Temporary construction easement requested at Reed and Grant (B2305+00 to 2310+00) is not allowable as this is a newly constructed sport park.

Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

**Attachment A: City of Santa Clara Department Comments on High Speed Rail Draft EIS/EIR  
San Francisco to San Jose Project Section**

1113-1350	10	V3-12_PEPD_Alternative_B_Book_B6	112	Temporary construction easement requested at Reed and Grant (B2305+00 to 2310+00) is not allowable as this is a newly constructed sport park.
1113-1351	11	All		All new sanitary sewer and storm drain utilities that will be crossed by HSR must be encased.
1113-1352	12	All		Alternative A requires the realignment of tracks near Bowers Road in Santa Clara and other areas of the Mountain View to Santa Clara subsection. What is the extent of this realignment and does this affect adjacent properties?
1113-1353	13	V1-10_CH_3.2_Transportation	3.2-19	No intersections were analyzed for LOS in Santa Clara. Section 3.2.5.2 should be revised to include the methodology for selecting the study intersections based on the number of project trips anticipated at the intersections.
<b>Silicon Valley Power</b>				
1113-1354	1	All		Please contact SVP engineering mapping group to request electric maps and records around the project area of the caltrain right of way within City of Santa Clara. Please reach out to Jean Paul @ <a href="mailto:jphill@santaclaraca.gov">jphill@santaclaraca.gov</a> .
1113-1355	2	All		SVP has Overhead 12 KV and 60 KV lines running outside of the Caltrain right of way parallel along the tracks. Please confirm the locations not impacted by the proposed plans and coordinate with SVP on the areas with conflicts.
1113-1356	3	All		There are various SVP OH crossings across the tracks. They currently meet minimum height requirements defined by the CPUC. Applicant to verify the conflicts and coordinate with SVP for the locations in conflict. SVP 60 KV lines have to be restored every end of day if cleared due to construction. 12 KV distribution line restoration requirements will depend on the actual conditions if there is a need to deenergize and clear the facilities. Coordinate with SVP engineering. Relocation will be at applicant's expense.
1113-1357	4	All		Viaduct construction option from Scott Blvd. will conflict with SVP existing overhead lines running parallel to the tracks and crossing the tracks. Coordinate with SVP for relocations. Relocation will be at applicant's expense.
1113-1358	5	All		Viaduct construction option from Scott Blvd. will conflict with underground SVP duct bank at the location around Santa Clara Station. Coordinate with SVP for relocation or solution. Relocation will be at applicant's expense.
1113-1359	6	All		Identify locations if any HSR facility will require power by SVP distribution lines. Relocation will be at applicant's expense.
1113-1360	7	All		Temporary construction easement covering construction shall not prevent SVP to access its equipment including SVP substation at Brokaw, Uranium Drive, etc.

## Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

**Attachment A: City of Santa Clara Department Comments on High Speed Rail Draft EIS/EIR  
San Francisco to San Jose Project Section**

1113-1361	8	V1-14_CH_3.6_Public_Uilities_Energy		Silicon Valley Power is not the supplier of natural gas.
1113-1362	9	All		Provide details of plans and profile with all utilities including SVP for detail conflicts.
1113-1363	10	All		It will be applicant agency's responsibility for public outreach or coordination related to construction or any planned electric outages that is required in the area.
<b>Water &amp; Sewer Department</b>				
1113-1364	1	V1-14_CH_3.6_Public_Uilities_Energy	3.6-30	All water, sewer and recycled water utilities that will be crossed by HSR must be encased. Coordination is needed prior to construction for this work. Please refer to block book pages attached.
1113-1365	2	V3-12_PEPD_Alternative_B_Book_B6	112	On Benton Street there is 12" DIP water main that will be impacted. This needs coordination prior to construction.
1113-1366	3	V1-06_Summary	S-22	Alternative B- Viaduct construction on Scott Blvd. will have conflict with water utility. Coordination is needed to resolve it.
1113-1367	4	V1-14_CH_3.6_Public_Uilities_Energy	3.6-30	Fig 3.6-8 must be expanded to include City maps covering major street intersections. The project area must be defined by streets to give a clear picture of the area to be impacted.
1113-1368	5	V1-14_CH_3.6_Public_Uilities_Energy	3.6-9 3.6-19	Table 3.6.1 does not include Water Facilities. Table 3.6.3 mentions 2 water utility infrastructures in Mountain View to Santa Clara subsection without identifying them. The major facilities such as water tank, major pump station, wells must be shown on the map.
1113-1369	6	V1-14_CH_3.6_Public_Uilities_Energy	3.6-11	Second paragraph discusses construction water. Identify sources of construction water. If Santa Clara water is not going to be used, clarify it.
1113-1370	7	V1-14_CH_3.6_Public_Uilities_Energy	3.6-10 3.6-27 3.6-29 3.6-31 3.6-32 3.6-35	The discussion about City of Santa Clara utilities in Section 3.6.5.1 should define the project area clearly providing the street boundaries, so City can evaluate the utilities that will be affected. It will be helpful to add discussions, findings from previous meetings held with the City regarding the utilities infrastructure that is going to be impacted by the Project. Section 3.6.4.3 mentions that "Authority has engaged with local agencies since 2009 to identify utilities and minimize conflicts", The summary of such discussions can be added as Appendix as there is a long time gap between the project planning date of 2009 and present.



Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

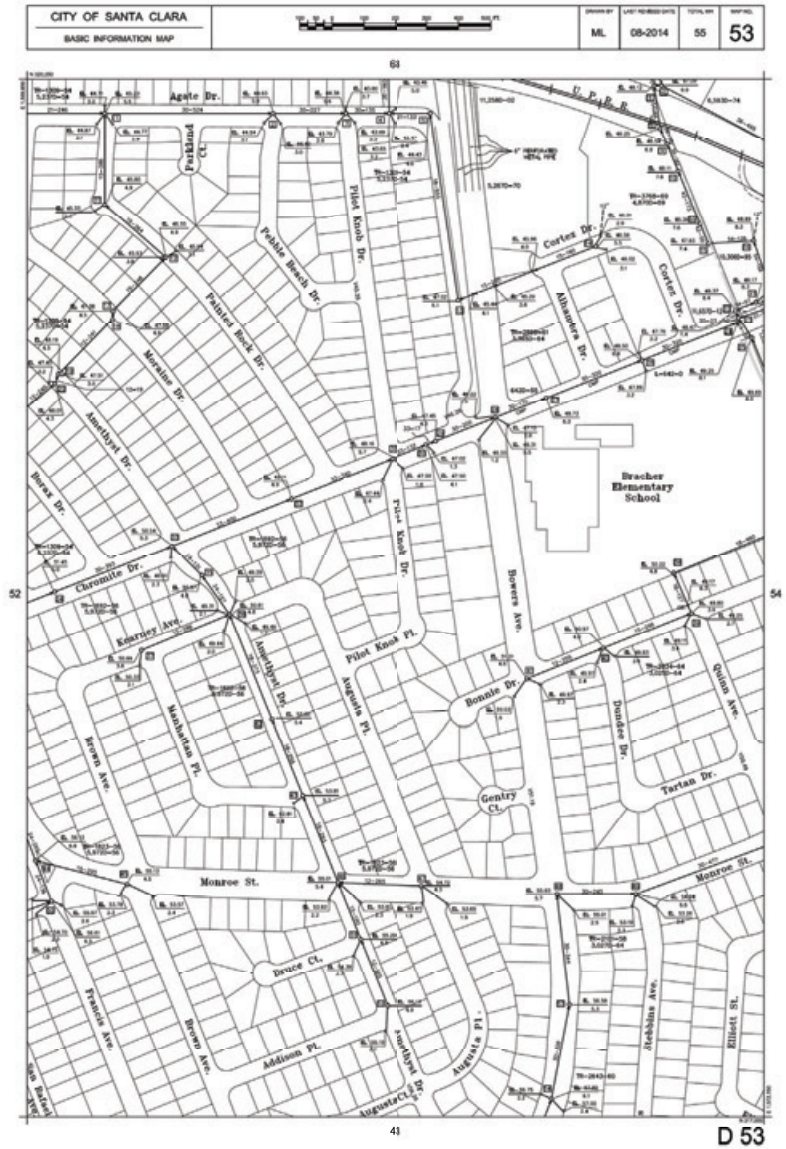
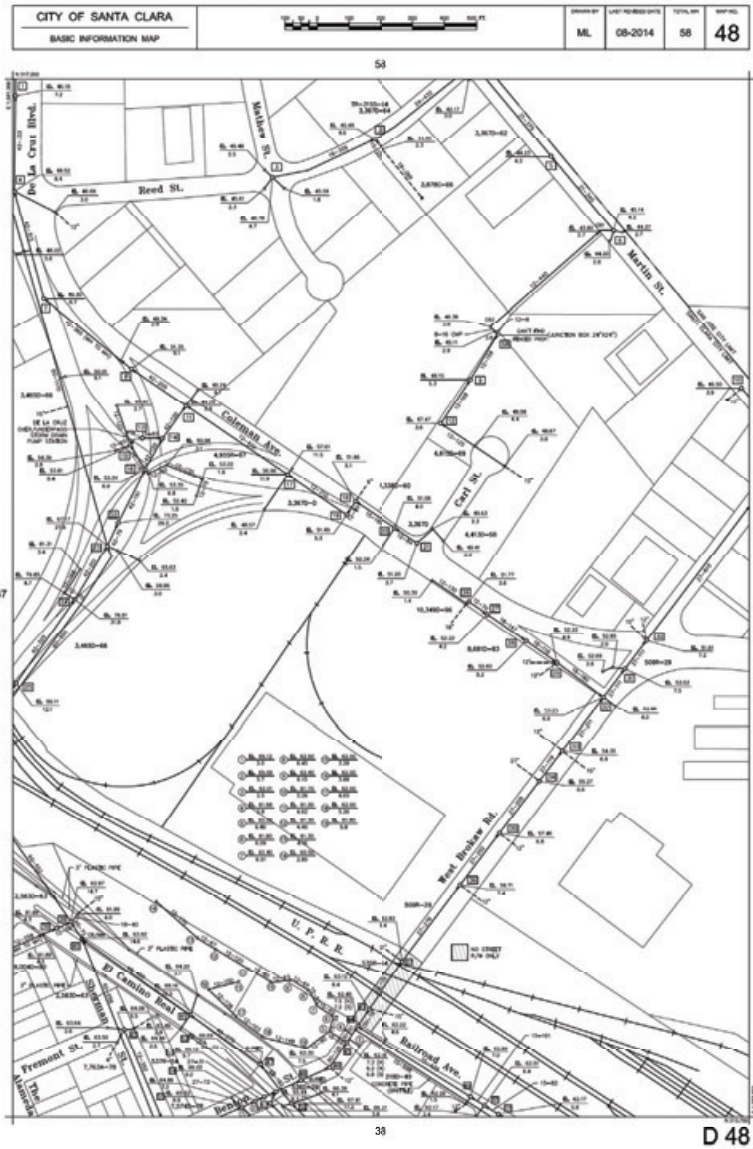
**Attachment A: City of Santa Clara Department Comments on High Speed Rail Draft EIS/EIR  
San Francisco to San Jose Project Section**

1113-1371	8	V1-14_CH_3.6_Public_Uilities_Energy	3.6-48 3.6-49 3.6-50	<p>Add a list of City of Santa Clara departments with contact information to coordinate this project. Sec 3.6.6.2, PUE#1, PUE #2, PUE #3 mention that construction would be coordinated with utility service providers. This list should be added to the Appendix.</p> <p>Identify specific areas of each jurisdiction that would be impacted and what utilities by temporary and permanent relocations and interruptions of utility services including viaduct to Scott Blvd.</p>
1113-1372	9	V1-14_CH_3.6_Public_Uilities_Energy	3.6-50	Sec 3.6.6.2 , PUE #2 mentions that “Pursuant to <u>Agreements</u> negotiated between the Authority and the utility providers Authority will work with them to relocate, abandon, or protect utilities in place” – please attach these Agreements in Appendix
1113-1373	10	V1-14_CH_3.6_Public_Uilities_Energy	3.6-54 Appendix 3.6C, Tables 2 and 3	Daily construction water Use – Breakdown by City will be helpful for Table 3.6-11 and Appendix 3.6C, Tables 2 and 3.
1113-1374	11	V1-14_CH_3.6_Public_Uilities_Energy	Appendix 3.6 A	Appendix 3.6 A does not identify any water, sewer, recycled water utilities in Santa Clara. Santa Clara facilities must be identified.
1113-1375	12	V1-14_CH_3.6_Public_Uilities_Energy	3.6-32	San Jose/Santa Clara Regional Wastewater Facility is the name of the plant. Identify any wastewater facilities that will be impacted.
1113-1376	13	V1-14_CH_3.6_Public_Uilities_Energy	3.6-62	Table 3.6-14 does not include any Santa Clara Facility for operational water use. Clarify in the discussion below.
1113-1377	14	V1-17_CH_3.8_Hydrology_Water_R esources_	All	This chapter does not identify water source for construction or permanent use, however, it doesn’t seem like any permanent facilities within the City will be impacted or added. It must be clarified if any water will be needed from Santa Clara.

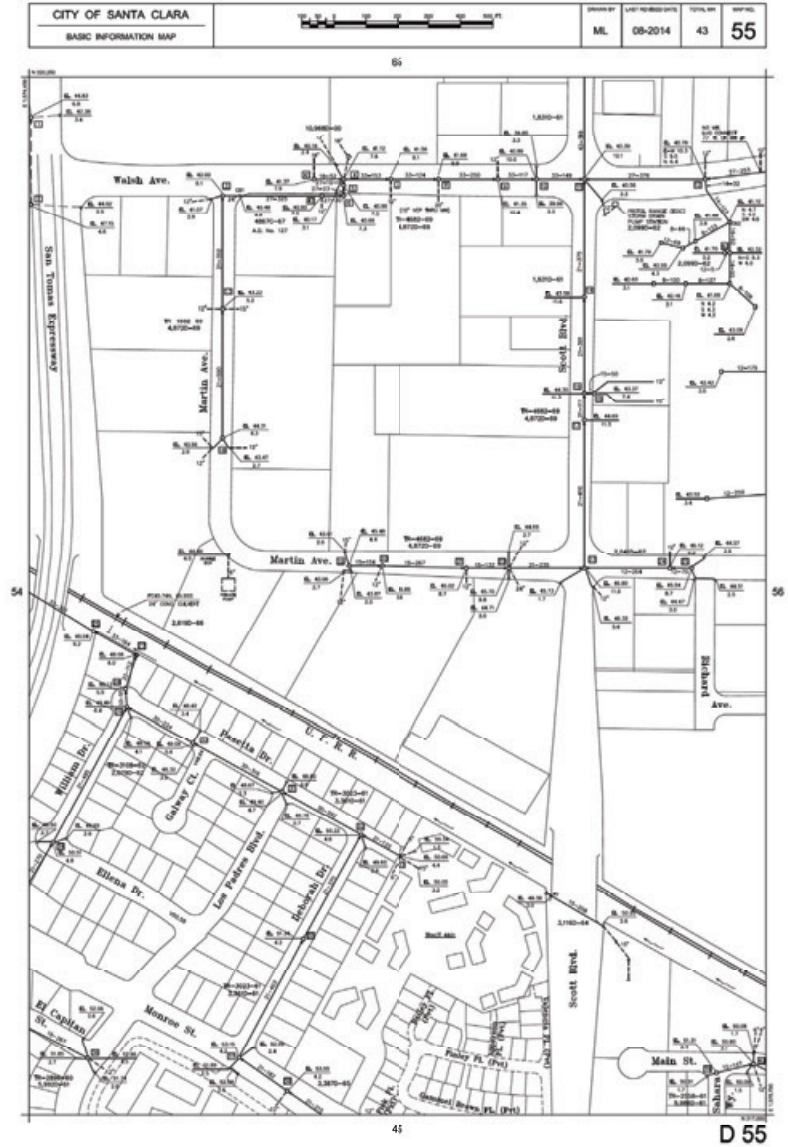
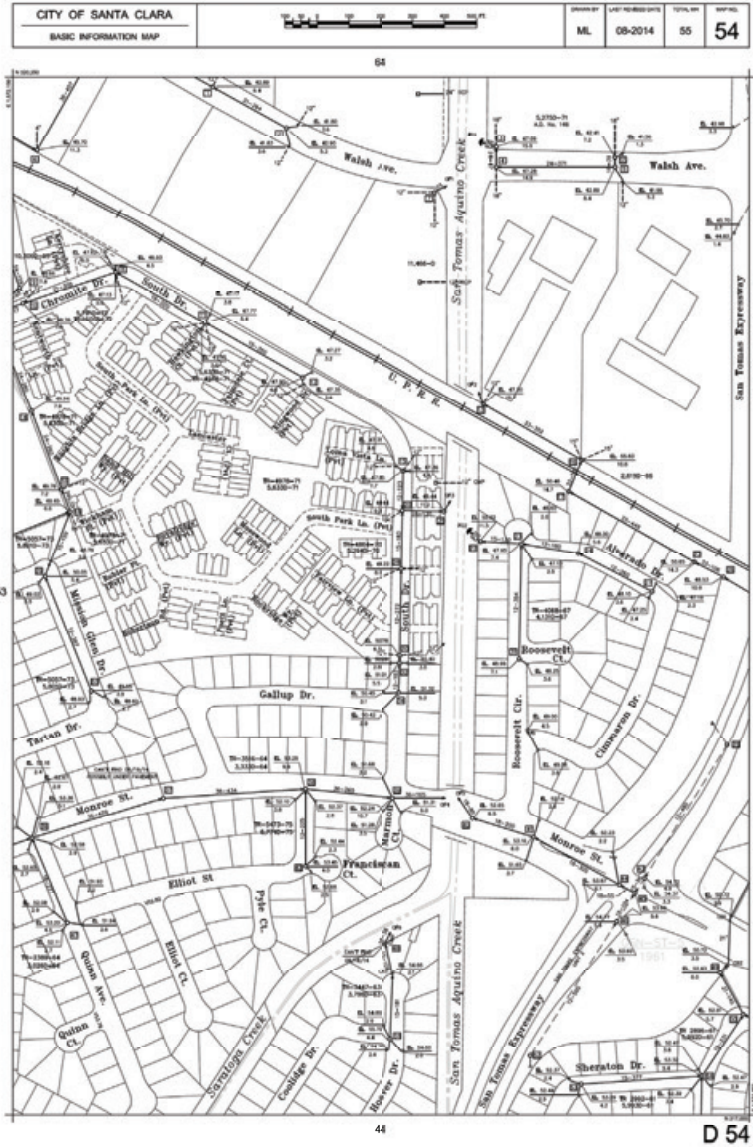
Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued



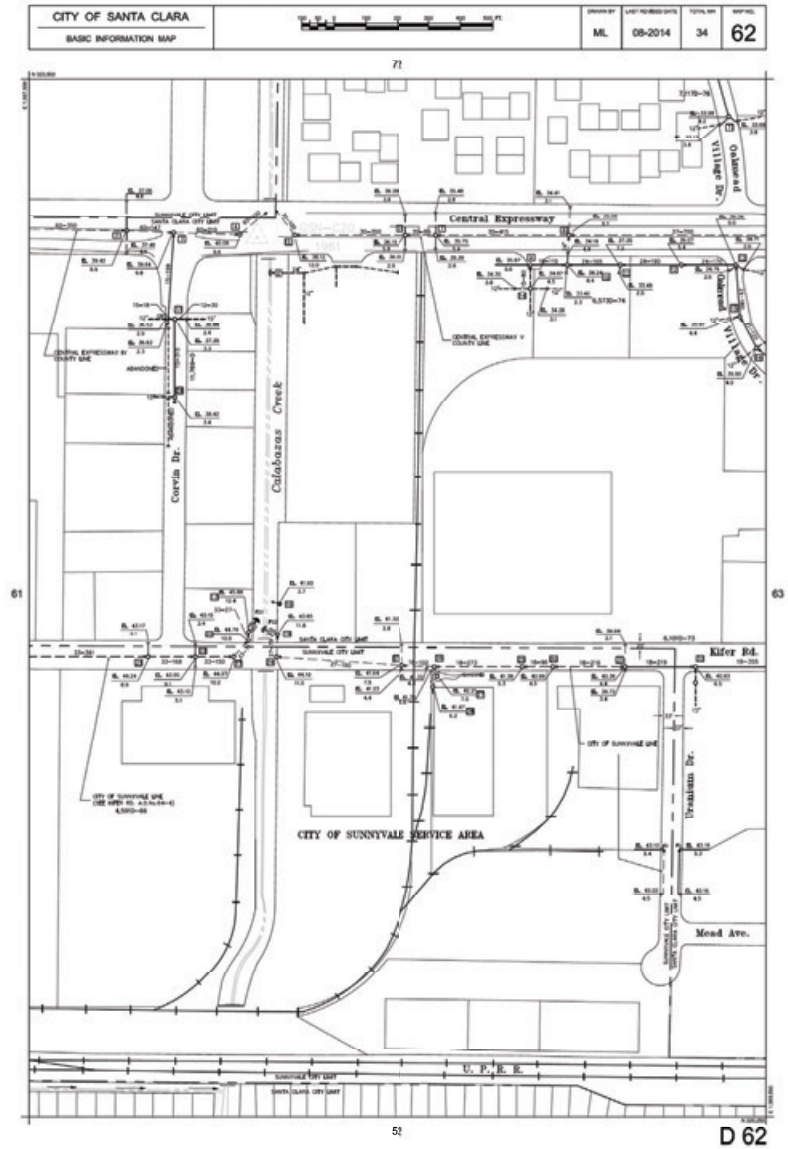
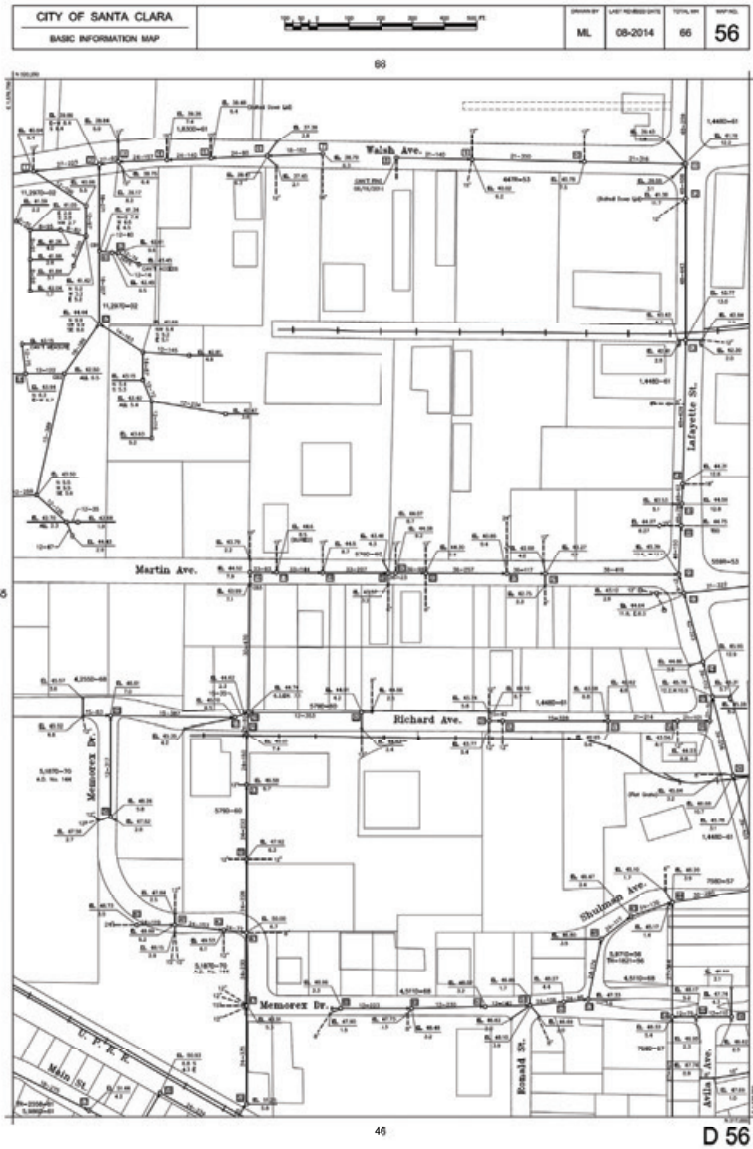
Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued



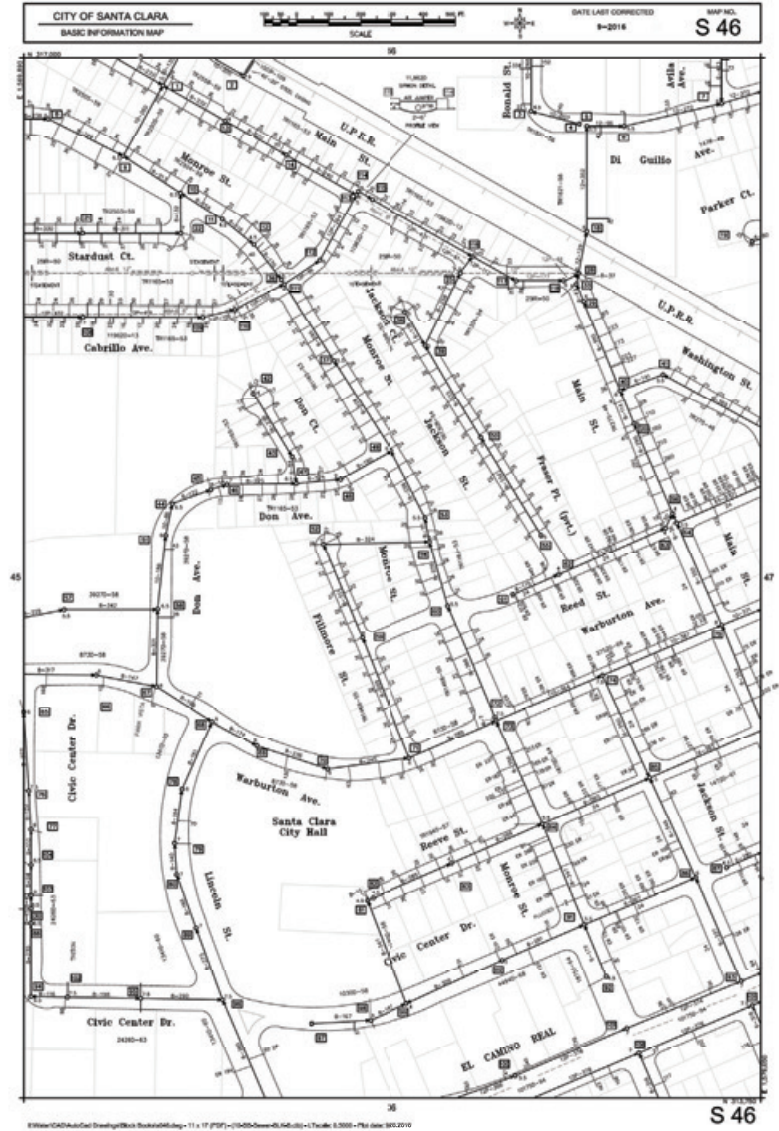
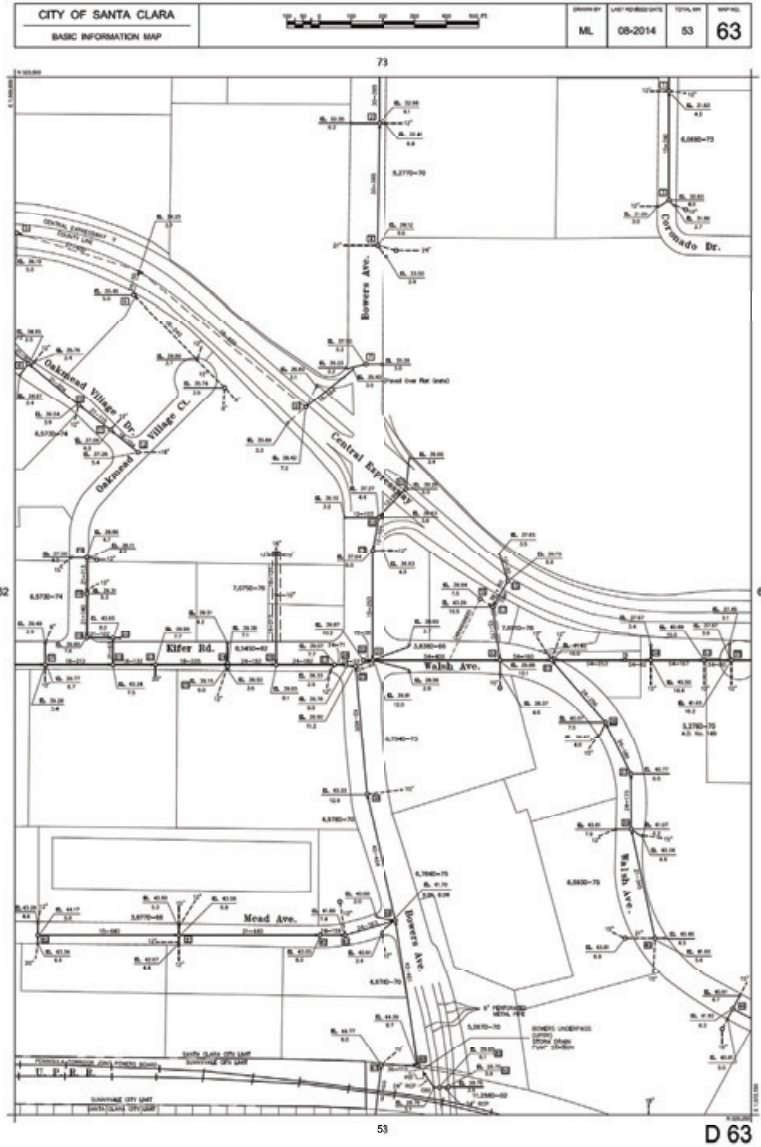
Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued



Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

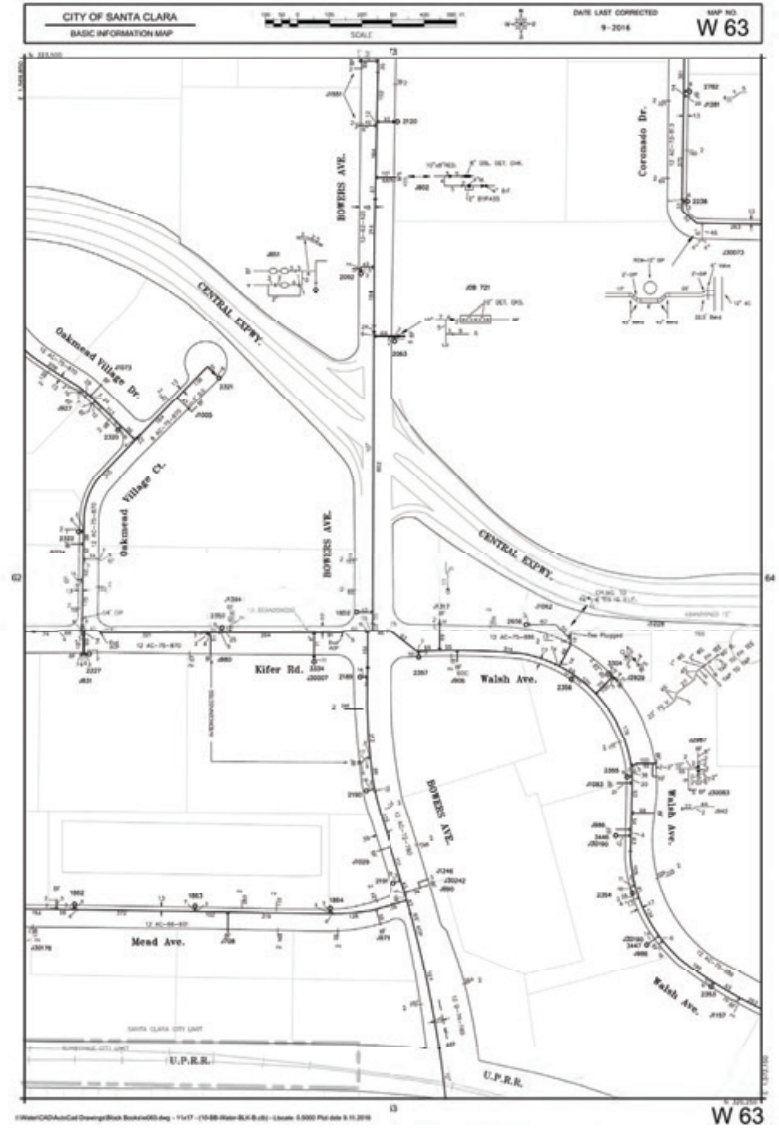
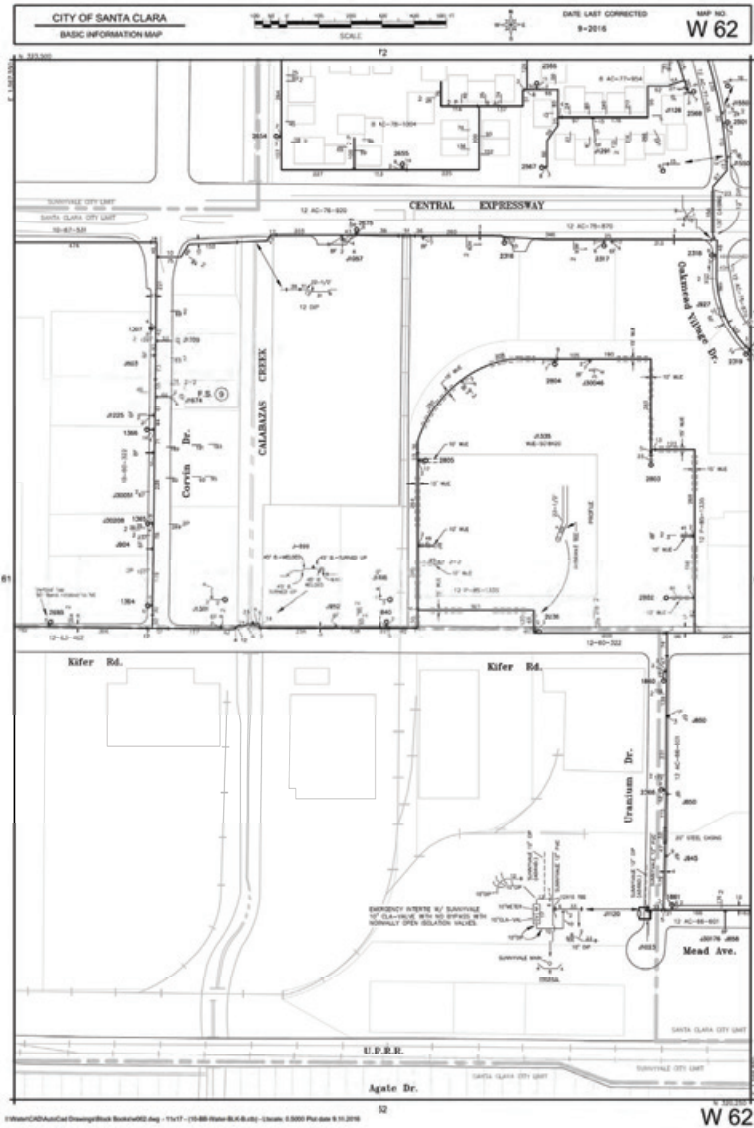


# Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued



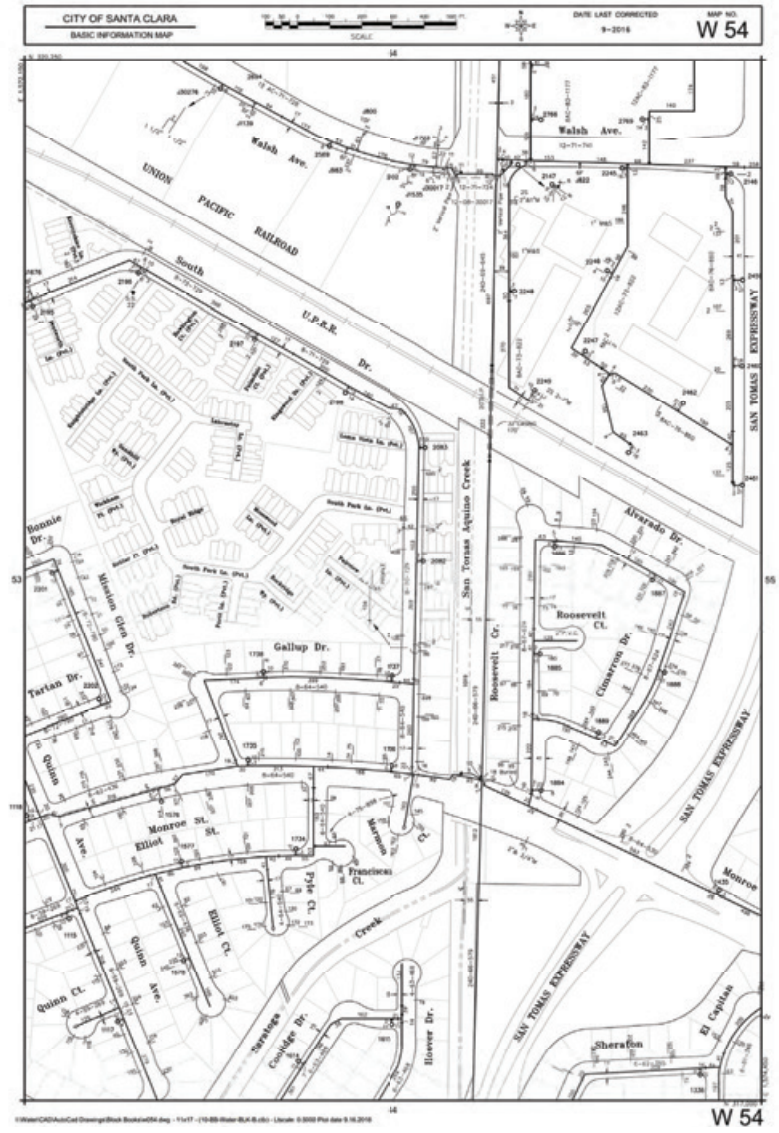


# Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

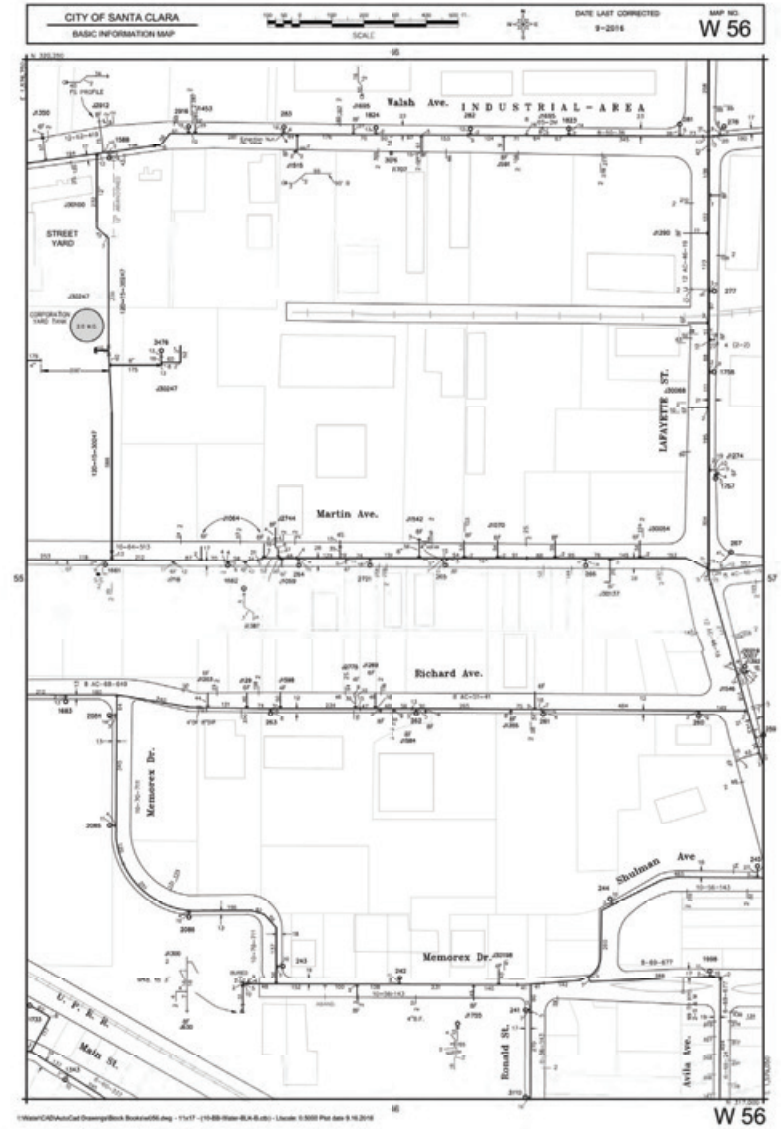
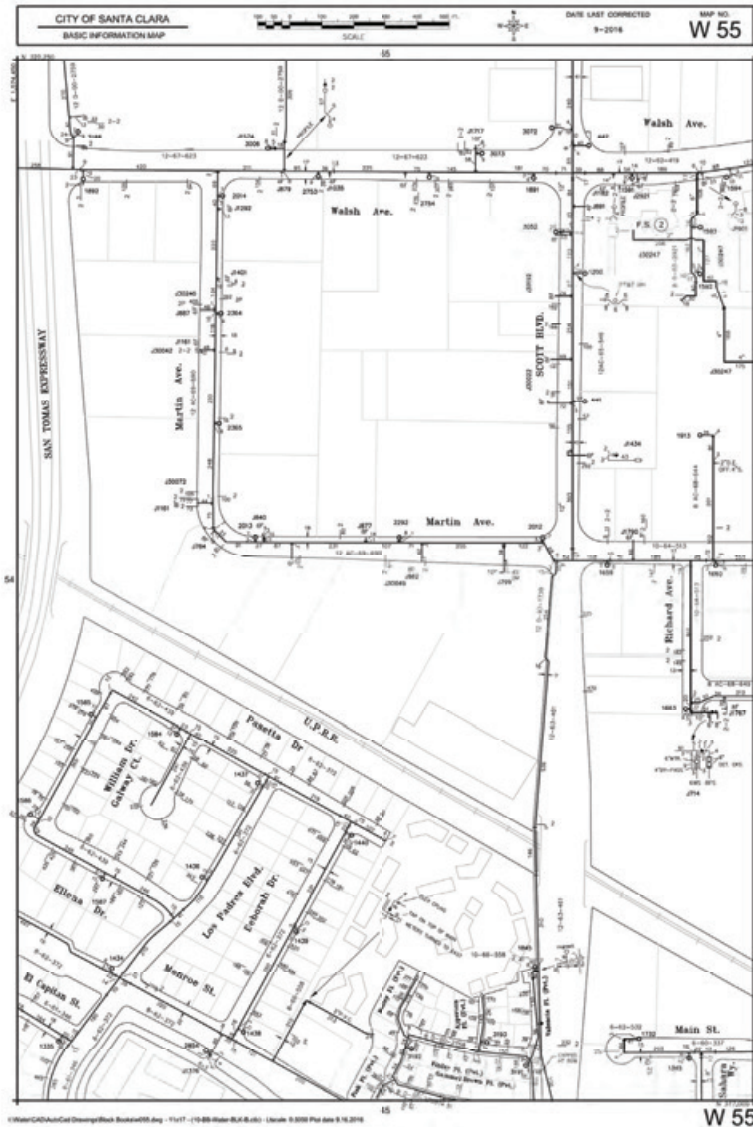




Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued



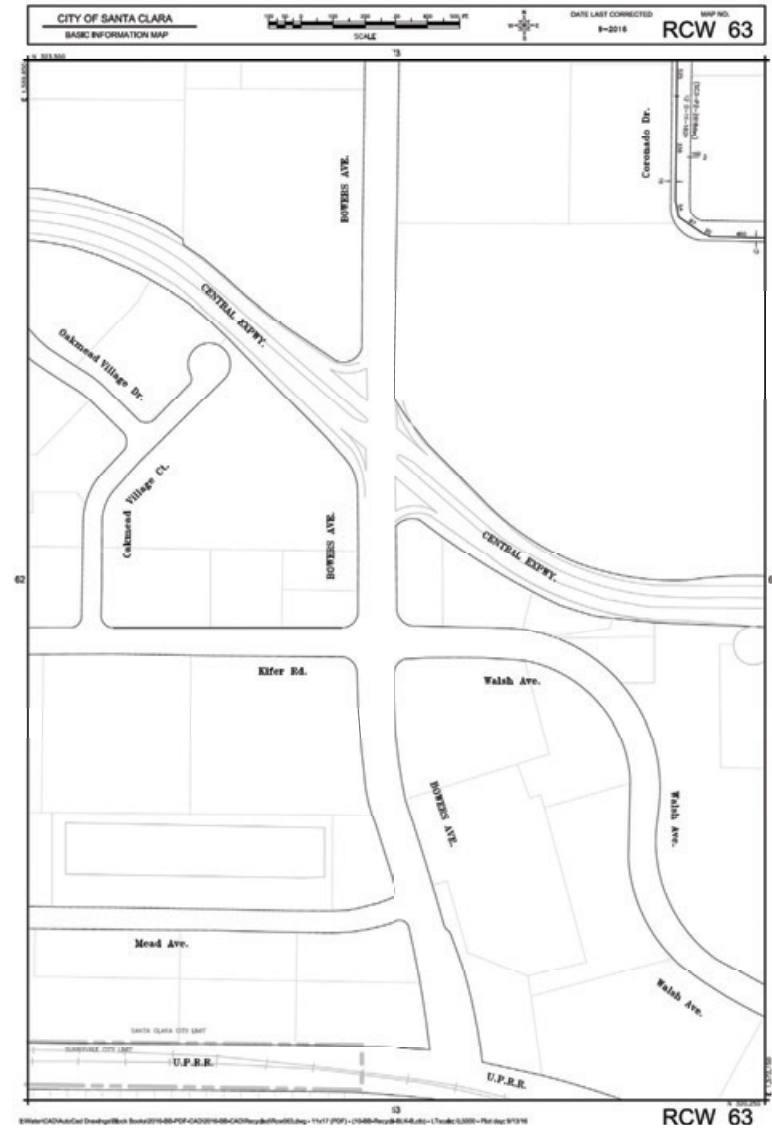
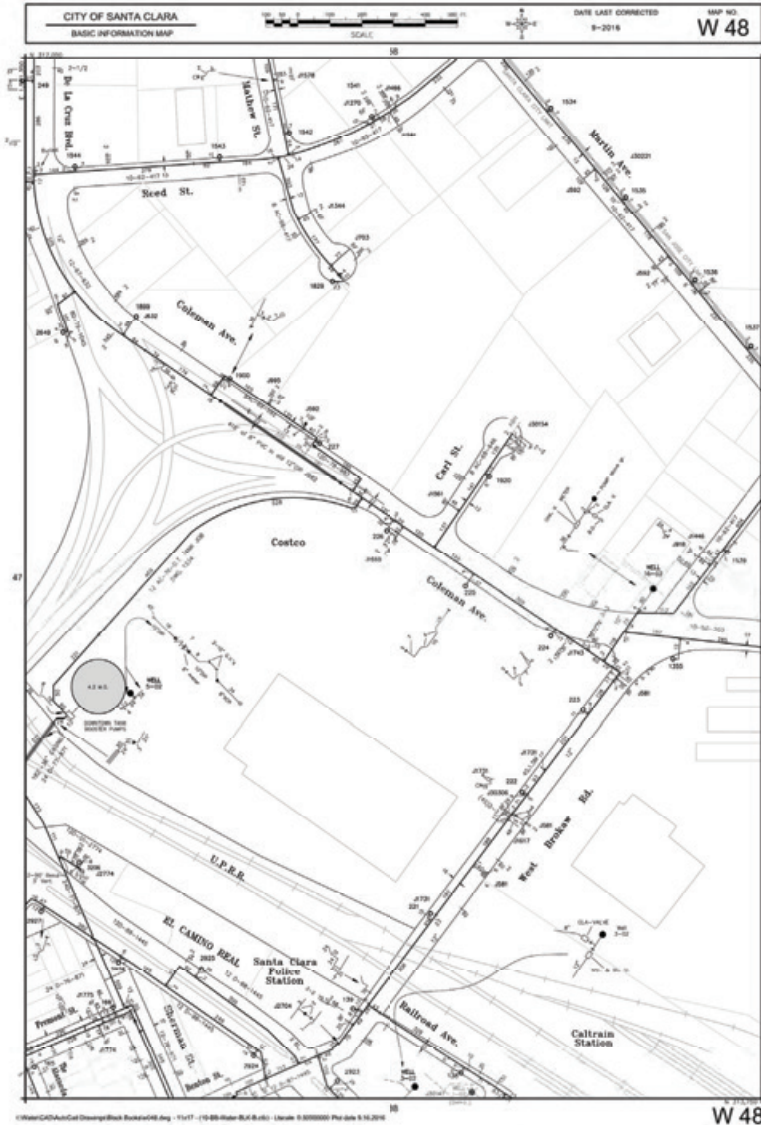
# Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued



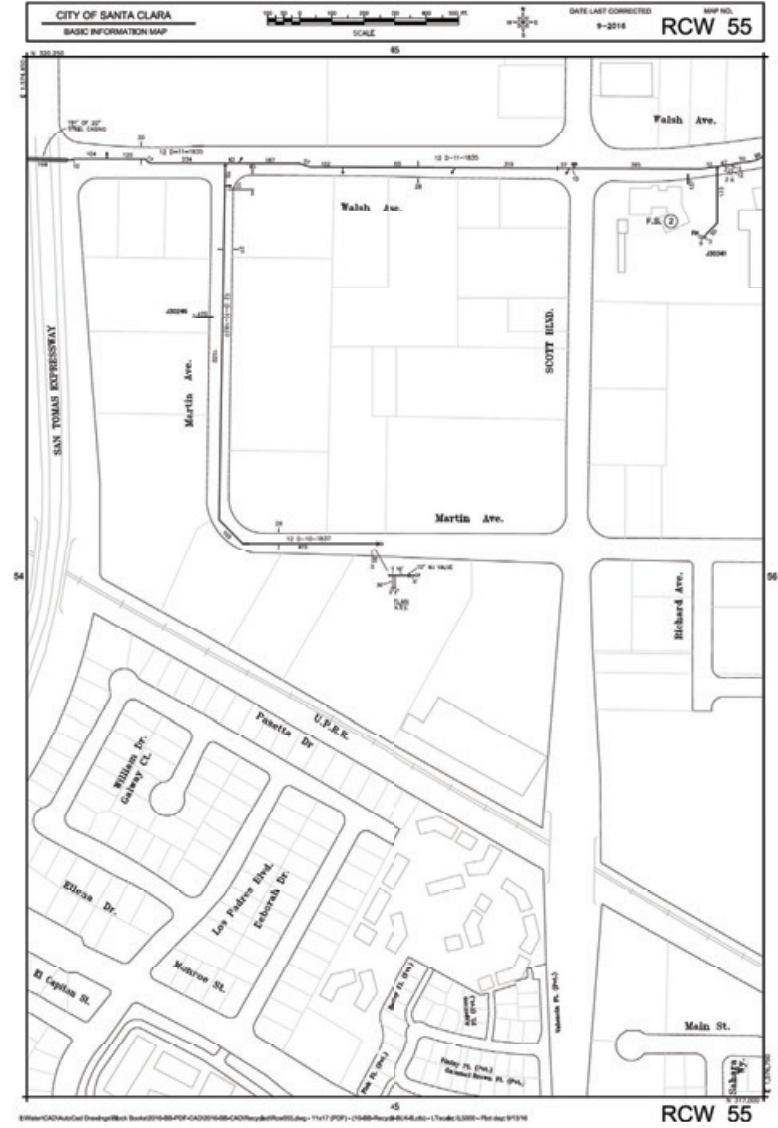
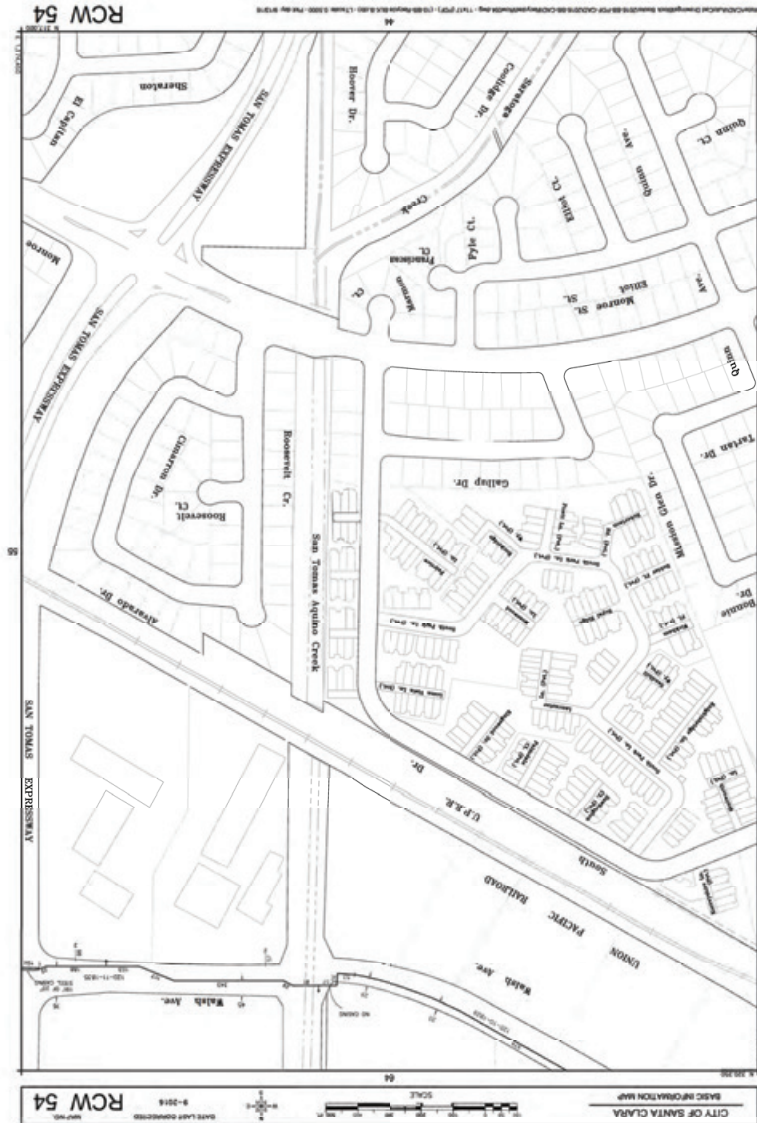
# Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued



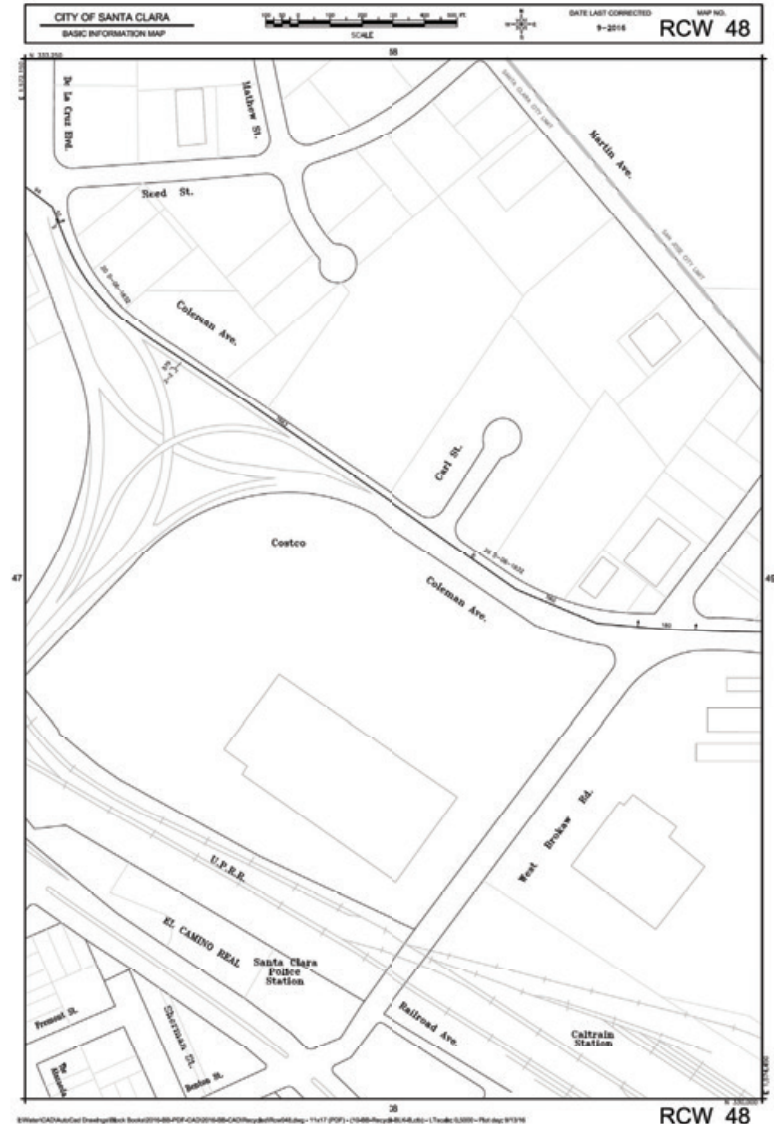
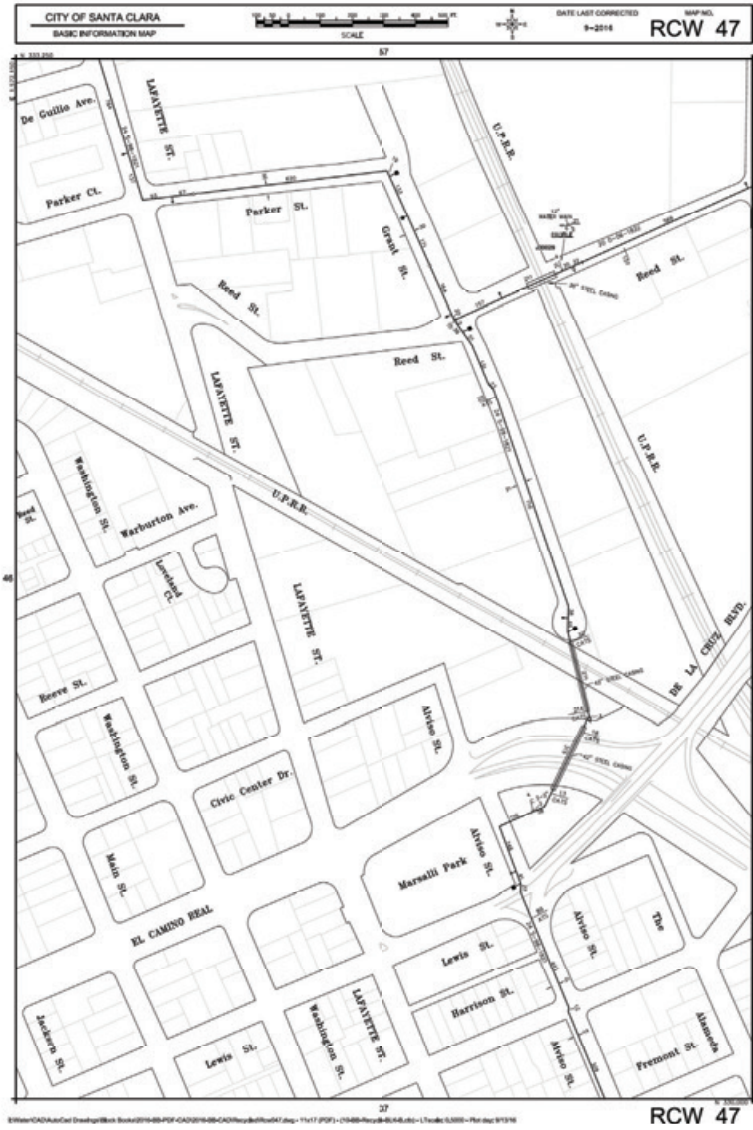
Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued



Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued



Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued



## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020)

### 1113-1323

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-GEN-2: General Support of the Project and the California High-Speed Rail System.

The City's preference for Alternative A is noted. The City's preference expressed in the comment letter will be presented to Authority decision-makers as part of the Final EIR/EIS for their consideration as part of the project approval process. As described in Chapter 8, Preferred Alternative, of the Draft EIR/EIS, the Authority identified Alternative A as the Preferred Alternative because it minimizes impacts on communities and natural resources while maximizing the transportation and safety benefits of the HSR system at the lowest cost. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1324

Please refer to NV-MM#1 in Section 3.4, Noise and Vibration, of the Draft EIR/EIS which details the steps that would be taken to monitor and limit construction noise. Nighttime construction in residential neighborhoods would be avoided to the extent feasible, although some track realignments could require nighttime construction work due to the constraints of working within an active rail corridor. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1325

The commenter requests that construction worker parking be secured to prohibit parking near neighborhoods. TR-IAMF#3 requires that adequate off-street parking be provided for all construction-related vehicles throughout the construction period to minimize impacts on public on-street parking areas. If adequate parking cannot be provided on the construction site, the contractor would designate a remote parking area and arrange for the use of a shuttle bus to transfer construction workers to and from the job site. This measure would be addressed in the CTP (TR-IAMF#2) that would be prepared in close consultation with the local jurisdiction having authority over the site. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1326

The commenter requests that construction haul routes prohibit any use of neighborhood streets under any circumstances for haul routes. TR-IAMF#2 calls for minimizing the impact of construction and construction traffic on adjoining and nearby roadways, in close consultation with the local jurisdiction having authority over the site, which the contractor for the project will document through preparation of a detailed CTP. The CTP will include a traffic control plan with identified routes for construction traffic, which would be submitted to the City of Santa Clara for review. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1327

Construction vibration mitigation measures are discussed under NV-MM#2 in Section 3.4.7, Mitigation Measures. As described in NV-MM#2, the contractor would provide the Authority with a construction vibration technical memorandum stating how the project construction vibration criteria would be met. The contractor would then need to comply with required vibration reduction methods described in that memorandum. When a construction scenario has been established, the contractor would conduct pre-construction surveys at locations within 50 feet of pile driving to document the existing condition of buildings in case damage is reported during or after construction. The contractor would arrange for the repair of damaged buildings or would pay compensation to the property owner. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1328

Please refer to Section 3.4, Noise and Vibration, of the Draft EIR/EIS for information regarding noise and vibration impacts and mitigation measures to avoid or reduce significant impacts. Section 3.4.7, Mitigation Measures, discusses the various noise mitigation measures for the project.

Please refer to Section 3.3, Air Quality and Greenhouse Gases, for information related to fugitive dust emissions. The Authority would implement AQ-IAMF#1 as part of the project; this project feature would minimize fugitive dust emissions through the implementation of a dust control plan, which would outline measures such as washing vehicles before exiting the construction site, watering unpaved surfaces, limiting vehicle travel speed, and suspending dust-generating activities during high wind events.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1329

Refer to Standard Response FJ-Response-OUT-3: Local Government Permits.

Thank you for providing the appropriate contact information for encroachment permits. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1330

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1331

The commenter requests that the CTP be submitted to the City of Santa Clara for review. TR-IAMF#2 calls for the preparation of a detailed CTP by the contractor for the project, for the purpose of minimizing the impact of construction and construction traffic on adjoining and nearby roadways, in close consultation with the local jurisdiction having authority over the site. The CTP would include provisions to minimize access disruption to residents, businesses, customers, delivery vehicles, and buses to the extent practicable—where road closures are required during construction, they would be limited to the hours that are least disruptive to access for the adjacent land uses. For any facilities under the jurisdiction of the City of Santa Clara that are addressed in a CTP, that CTP would be submitted to the City of Santa Clara for review. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1332

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The Authority will acquire land from property owners whose land is directly affected by the project in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act (42 U.S.C. Chapter 61), which establishes minimum standards for the treatment of and compensation to individuals whose real property is acquired for a federally funded project (SOCIO-IAMF#2). A right-of-way agent or appraiser would contact all affected property owners to initiate the appraisal process on behalf of the Authority and would conduct parcel-specific analysis based on the final design of the selected alternative. The Authority would also coordinate with local jurisdictions and property owners regarding TCEs. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1333

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The City of Santa Clara is a key local agency, and the Authority has engaged and is committed to continuing engagement with the City of Santa Clara, including during the construction process. As explained in Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, the Authority establishes a working relationship with each jurisdiction through which it will construct using MOUs and cooperative agreements. These agreements set forth the mutual expectations of the parties as to the consultation and review role of the local government over the course of design development. Such agreements also include reviewing and approving actions by the local jurisdiction for design plans, including detour routes and construction staging. As set forth in TR-IAMF#2, the construction transportation plan would be developed and implemented in close consultation with all affected jurisdictions, offering ample opportunity for local jurisdictions' concerns to be understood and incorporated. Regarding the specific types of notification requested prior to construction, the Authority intends to comply with the local jurisdiction's established standards and procedures. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS.

### 1113-1339

The Authority has committed to implementing standard practices, actions, and design features incorporated into the project design or construction to avoid or minimize environmental effects. These include construction-related provisions to protect and, if necessary, to repair or restore roadways (TR-IAMF#1), railways (TR-IAMF#9), and land (LU-IAMF#3) temporarily affected by construction. These IAMFs include provisions to survey and document conditions pre-construction and post-restoration. Refer to Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Draft EIR/EIS for full descriptions of IAMFs.

Additionally, as discussed in Section 3.16.8, Mitigation Measures, in compliance with the Section 106 PA, the Authority has also committed to implementation of pre-construction and post-construction cultural resources mitigation measures and the development of two treatment plans (an ATP and BETP) which would provide requirements for procedures and protocols to be followed in the event of unanticipated discoveries during construction.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1340

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment asserts that the Authority should have a plan in place to address the possibility that project construction could damage or otherwise disconnect utilities.

Please refer to Impact PUE#1 in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS, which acknowledges that construction activities could result in the accidental temporary interruption of unknown major linear nonfixed utilities and summarizes the established practices the Authority's contractor would employ to minimize the potential for accidental disruption during construction. Measures incorporated into the project alternatives include identification and mapping of buried and overhead utilities prior to construction; establishing a safety and security management plan and procedures (SS-IAMF#2); advanced notification of any planned outages (PUE-IAMF#4); and coordination with utility service providers to minimize or avoid interruptions of utility service (PUE-IAMF#4). Refer to Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Final EIR/EIS for detailed descriptions of these project features.

This comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1341

The commenter identifies an inconsistency in the discussion of right-of-way acquisition in Santa Clara in Chapter 2, Alternatives, of the Draft EIR/EIS. To address this comment, the description of right-of-way acquisition under the Mountain View to Santa Clara Subsection within Section 2.6.2.4, Alternative A, has been corrected in the Final EIR/EIS to remove mention of right-of-way acquisition for communication radio towers in Santa Clara.

### 1113-1342

The comment indicates that Table 3.13-2 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS, which includes a summary of existing land uses adjacent to the Project Section, does not include the existing land uses between Lawrence Expressway and Scott Boulevard. To address this comment, the Authority added a row for existing land uses between Lawrence Expressway and Scott Boulevard to Table 3.13-2 in the Final EIR/EIS.

### 1113-1343

Street names and city labels are included in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. The Authority also prepared a Volume 3 User Guide that explains how to navigate the engineering drawings, figures, and tables for the project alternatives, including how to find a specific property or search for a cross street. The Volume 3 User Guide can be found under Education Materials on the Authority's website for the San Francisco to San Jose Project Section (<https://hsr.ca.gov/programs/environmental-planning/project-section-environmental-documents-tier-2/san-francisco-to-san-jose-project-section-draft-environmental-impact-report-environmental-impact-statement/>).

The Authority believes that with the information provided in Appendix 3.1-A, Parcels within the HSR Project Footprint, in Volume 2, Technical Appendices, of the Draft EIR/EIS, combined with Volume 3, the public has the information necessary to understand the extent of the project footprint and the parcels intersected by each of the project alternatives. Refer to Table 3.13-7 for additional information about the project's permanent land use impacts within each city/community. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1344

The commenter requests that the Authority avoid the use of TCE on single-family residential land uses adjacent to the south side of the Caltrain tracks west of Bowers Avenue, shown on page 124 of Draft EIR/EIS Appendix 3.1-A, Parcels within the HSR Project Footprint. Based on the preliminary engineering design, project improvements at this location under both project alternatives would occur within the existing Caltrain right-of-way; the Authority has not identified the need for TCE on these single-family residential land uses. However, the ultimate determination regarding the project's temporary and permanent land use requirements would be based on the final design of the selected alternative, which will occur following the completion of the environmental review process.

The Authority has conducted outreach to residents adjacent to the project. As part of the process for notification and distribution of the Draft EIR/EIS, an NOA and a property owner letter was distributed to 19,670 property owners and occupants along the San Francisco to San Jose Project Section, including Santa Clara residences within 300 feet of the project footprint.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1345

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure.

The comment states that several sanitary sewer and storm drain lines that cross the railroads within the city of Santa Clara are omitted from Appendix 3.6-A, Public Utilities and Energy Facilities. To address this comment, Appendix 3.6-A has been revised in the Final EIR/EIS to include all utility conflicts shown in Volume 3, Preliminary Engineering Plans, for the City of Santa Clara. All utilities shown in the maps attached to submission FJ-1113 have been included in Volume 3 of the Final EIR/EIS.

As stated in Section 3.6.1.1, Key Definitions, of the Draft EIR/EIS the analysis focuses on "major utilities." For the purposes of the environmental analysis, major utilities include wastewater lines larger than 20 inches in diameter. Accordingly, wastewater lines smaller than 20 inches in diameter would be considered "minor" and were therefore not included in Appendix 3.6-A. The Authority acknowledges that minor utilities exist along the proposed corridor and that potential conflicts with such utilities would be evaluated during detailed design.

### 1113-1346

The commenter raises questions about the one dot dashed line around Station 2300+00 in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. This line represents municipal boundaries and is not part of the project footprint. In response to this comment, this line type has been clarified in the legend in the Volume 3, Preliminary Engineering Plans, of the Final EIR/EIS.

### 1113-1347

The commenter raises questions about the one dot dashed lined around Station 2300+00 in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. This line represents municipal boundaries and is not part of the project footprint. In response to this comment, this line type has been clarified in the legend in the Volume 3, Preliminary Engineering Plans, of the Final EIR/EIS.

## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1348

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The commenter notes that Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS is missing an 18-inch sanitary sewer and a 27-inch storm drain. Consistent with the Authority's engineering guidelines, only major utilities (including wastewater lines over 20 inches and stormwater canals, conduits, and pipes over 42 inches) are included in Volume 3 and identified in Volume 2, Appendix 3.6-A, Public Utilities and Energy Facilities, of the Draft EIR/EIS. Refer to Section 3.6.1.1, Key Definitions, of the Draft EIR/EIS for a definition of "major utilities" that were analyzed. The Authority acknowledges that minor utilities exist along the proposed corridor and that potential conflicts with such utilities would be identified and evaluated subsequently during detailed project design. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1349

The comment states that the Draft EIR/EIS identifies a TCE that is not allowable, because the area is a newly constructed sports park, the Reed and Grant Streets Sports Park. To address this comment, the Authority has removed the construction staging area from this location under Alternative A, the Preferred Alternative. In addition, an analysis of potential impacts on the Reed and Grant Streets Sports Park has been added to Section 3.14, Parks, Recreation, and Open Space, and Chapter 4, Final Section 4(f)/6(f) Evaluation, of the Final EIR/EIS.

Please refer to Volume 3, Preliminary Engineering Plans, of the Final EIR/EIS for detailed engineering depicting the Reed and Grant Streets Sports Park and removal of the construction staging area at this location under Alternative A. The Authority determined that a new construction staging area was not needed under Alternative A to replace the eliminated TCE at this park.

### 1113-1350

The comment states that the Draft EIR/EIS identifies a TCE under Alternative B (Viaduct to Scott Boulevard) that is not allowable, because the area is a newly constructed sports park at this location. The Reed and Grant Streets Sports Park was not included as part of the environmental baseline for the Draft EIR/EIS because it had not been approved or constructed at the time of the NOP in May 2016. As stated in the response to submission FJ-1113, comment 1349, the Authority has removed the construction staging area from this location under Alternative A, the Preferred Alternative. To address Alternative B, an analysis of potential impacts on the Reed and Grant Streets Sports Park has been added to Section 3.14, Parks, Recreation, and Open Space, and Chapter 4, Chapter 4, Final Section 4(f)/6(f) Evaluation, of the Final EIR/EIS. Alternative B (Viaduct to Scott Boulevard) would require permanent acquisition of 0.82 acre (11 percent of the total park area) of land and temporarily require use of 0.27 acre for a TCE. These areas are in the southwestern corner of the park adjacent to the right-of-way where footings and columns for the viaduct would be constructed (Figure 3.14-13 and Figure 4-60). Five soccer fields in this area of the park would need to be reconfigured to make them usable. The impact under CEQA would be significant for Reed and Grant Streets Sports Park under Alternative B (Viaduct to Scott Boulevard) because of the permanent acquisition of parkland, which would result in a diminished capacity for use of the resource. As described in Section 3.4.7, Mitigation Measures, the Authority has proposed PK-MM#5, which would apply to Reed and Grant Streets Sports Park under Alternative B (Viaduct to Scott Boulevard). PK-MM#5 would require reconfiguring the soccer fields outside of the project right-of-way in order to avoid encroachments that would make three of the five fields unusable and result in diminished capacity for use of these facilities. A secondary impact of PK-MM#5 would be a reduction in the area available for off-street parking at the park. With PK-MM#5, the impact on Reed and Grant Streets Sports Park under Alternative B (Viaduct to Scott Boulevard) would be reduced to less than significant under CEQA.

As described in Section 4.6.1.42, Reed and Grant Streets Sports Park Use Assessment (ID#131), even with project features and the proposed mitigation measure, Alternative B (Viaduct to Scott Boulevard) would result in a use of Reed and Grant Streets Sports Park under Section 4(f). The configuration of the soccer fields would change and there would be some associated loss of parking. However, the change in location of the soccer fields and loss of some parking would not diminish the use of this facility.

## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1350

Accordingly, this use would not adversely affect the protected activities, features, or attributes that qualify the park for protection under Section 4(f), and the use under Alternative B (Viaduct to Scott Boulevard) would have a de minimis impact. Please refer to Section 4.1.4.4, De Minimis Impact, of the Final EIR/EIS, which describes the criteria the Authority must meet to determine that a use of a Section 4(f) property would have a de minimis impact on a resource, as required by 49 U.S.C. Section 303(d).

### 1113-1351

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The project would follow Caltrain standards for utility crossings, which specify that all new third-party utilities that cross the tracks would be encased. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1352

The comment requests additional information about the extent of track shifts within the Mountain View to Santa Clara Subsection. As noted under the discussion of the Mountain View to Santa Clara Subsection in Section 2.6.2.4, Alternative A, of the Draft EIR/EIS, “[m]inor track shifts of less than 1 foot would be required in several locations in Mountain View, Sunnyvale, and Santa Clara. The largest track shift in this subsection would be a shift of 2.5 feet near Bowers Avenue in Santa Clara.” Track shifts within the Mountain View to Santa Clara Subsection would occur within the existing Caltrain right-of-way and accordingly would not affect adjacent properties. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1353

The commenter notes that the Draft EIR/EIS does not evaluate intersections in Santa Clara for LOS and requests that the methodology for selecting study intersections be revised. The study intersections evaluated in the Draft EIR/EIS include critical intersections located around HSR stations or maintenance facilities as well as critical intersections near at-grade crossings. As explained in Table 3.2-1 in Section 3.2, Transportation, the study locations include intersections that would be physically modified by the project or would serve 50 or more project trips in either the AM or PM peak hour. A total of 158 intersections in other jurisdictions are evaluated in the Draft EIR/EIS based on this methodology. No intersections were evaluated in Santa Clara because the project would not add vehicle trips in Santa Clara and there are no at-grade crossings that would be affected by the project. The Authority developed the methodology and significance criteria applied for the Draft EIR/EIS assessment in accordance with CEQA and NEPA guidelines. The Authority identified a common methodology for identifying study intersections along the corridor, and for other corridors throughout the state, to provide a fair and consistent evaluation of project impacts. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1354

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The Authority appreciates the contact information and the City’s willingness to engage in further coordination.

## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1355

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

As described in Section 3.6.1.1, Key Definitions, of the Draft EIR/EIS the analysis is focused on major utilities, which are defined to include electrical transmission lines of 50 kV and greater.

The 60-kV overhead line referenced by the commenter runs parallel to the tracks between Bowers Avenue and Scott Boulevard. Project work at this location is limited to minor track shifts, and accordingly, the 60-kV line was not identified as being in conflict and thus not listed in Appendix 3.6-A, Public Utilities and Energy Facilities, which identifies all known conflicts with major electrical utilities. Regarding the 12-kV line referenced by the commenter, please refer to Volume 3, Preliminary Engineering Plans, Book B-6, sheet 112 in the Draft EIR/EIS, which identifies that this overhead line would be protected in place.

Regarding the Authority's approach to coordinating on utility conflicts generally, please refer to the standard responses referenced above. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1356

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure.

Please refer to the response to submission FJ-1113, comment 1355, which explains how utility conflicts were identified in the Draft EIR/EIS and describes Authority's approach to coordinating on utility conflicts. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1357

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

Conflicts with overhead major utilities in the vicinity of the viaduct are identified in Appendix 3.6-A, Public Utilities and Energy Facilities, and shown on project plans included in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1358

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment asserts that construction of Alternative B (Viaduct to Scott Boulevard) would conflict with an existing underground duct bank near Santa Clara. While the Authority has been unable to confirm the location of a duct bank in the referenced location, project plans indicate underground electrical lines along Benton Street near the Santa Clara Caltrain Station. Alternative A would protect in place these underground utilities (refer to Volume 3, Preliminary Engineering Plans, Book A-2, sheet 27 in the Draft EIR/EIS). Alternative B would require relocation of these underground utilities (refer to Volume 3, Book B-6, sheet 112).

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1359

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

As described in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS, power demands for the OCS would predominantly be met for the San Francisco to San Jose project alternatives on the blended system, by using the electrical infrastructure proposed by Caltrain as part of PCEP. Additionally, Alternative B (both viaduct options) would require a TPSS in San Jose. Figures 3.6-1 through Figure 3.6-5 in Section 3.6 of the Draft EIR/EIS illustrate the two project alternatives as well as existing electrical infrastructure, proposed blended traction power system under PCEP, and the new TPSS for Alternative B. No TPSS or standalone radio towers would be required in the City of Santa Clara (the service area for SVP). Accordingly, it is not anticipated that any HSR facility would require power by SVP distribution lines; however, if it is determined in the future that an HSR facility would require power by SVP distribution lines, the Authority would coordinate with the City of Santa Clara and SVP. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1360

Please refer to Standard Response: FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, which describes how the Authority will work with entities such as SVP to arrive at mutually acceptable agreements during project construction. The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are required.

### 1113-1361

To address this comment, Table 3.6-2 in Section 3.6, Public Utilities and Energy, of the Final EIR/EIS has been revised to delete SVP as a natural gas provider. This correction did not result in any changes to the impact analysis or mitigation measures in the Draft EIR/EIS.

### 1113-1362

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure.

Please refer to Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. These drawings include plan and profile drawings and show major utilities (as defined in Section 3.6.1.1, Key Definitions, of the Draft EIR/EIS). Please also refer to Appendix 3.6-A, Public Utilities and Energy Facilities, of the Final EIR/EIS which lists known conflicts with major utilities. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1363

Please refer to Impact PUE#1 in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS, which identifies the procedures that would be employed to notify the public in advance of any temporary interruption of utility service. Prior to construction in areas where utility service interruptions would be unavoidable, the contractor would notify the public through a combination of communication media (e.g., phone, email, mail, newspaper notices) within that jurisdiction and would notify the affected utility service providers of the planned outage (PUE-IAMF#3). The public notifications would specify the estimated duration of the planned outage and would be published no less than 7 days prior to the scheduled outage, in accordance with Cal-ISO requirements (Cal-ISO 2018). The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are required.

## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1364

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment requests encasing all water, sewer, and recycled water utilities that would be crossed by the project and coordination with the City prior to construction. This comment is addressed by the standard response referenced above, which identifies the Authority's process for coordinating with local government entities for utility conflicts. As the Authority coordinates with utility owners and identifies whether utilities would be removed, realigned, relocated, or otherwise modified, encasing would be one of the options available for protecting utilities. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1365

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The commenter notes that Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS is missing a 12-inch water main. Please refer to the response to submission FJ-1113, comment 1348, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1366

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment correctly notes that Alternative B (Viaduct to Scott Boulevard) and Alternative B (Viaduct to I-880) would conflict with a water main in Santa Clara near Scott Boulevard. As shown on Volume 3, Preliminary Engineering Plans, Book B-6, sheet 112 in the Draft EIR/EIS, it is anticipated that this utility conflict will be addressed by protecting this utility in place. Appendix 3.6-A has been revised in the Final EIR/EIS to include all utility conflicts shown in Volume 3, Preliminary Engineering Plans, for the City of Santa Clara.

### 1113-1367

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The Authority acknowledges the request, but the intent of Figure 3.6-8 is to illustrate the water distribution boundaries within the RSA to provide context for the impact analysis in Section 3.6.6, Environmental Consequences, of the Draft EIR/EIS. The figure has not been updated in the Final EIR/EIS, because the addition of the requested information would not enhance the figure's ability to achieve its intended purpose. Please refer to Volume 2, Appendix 3.6-A, Public Utilities and Energy Facilities, of the Draft EIR/EIS, which identifies the known conflicts with major utilities and Volume 3, Preliminary Engineering Plans, which provides detailed drawings, including utility conflicts. Known conflicts with major utilities in Santa Clara are shown on the following pages of Volume 3: Book A2, sheets 24–28 for Alternative A; Book B2, sheets 25–26 and Book B5, sheets 83–84 for Alternative B (Viaduct to I-880); Book B2, sheets 25–26 and Book B6, sheets 112–113 for Alternative B (Viaduct to Scott Boulevard).

The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1368

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure.

The comment asserts that water facilities are omitted from Table 3.6-1 of the Draft EIR/EIS. However, water facilities are expressly included in the first row of Table 3.6-1 as a type of buried utility line.

The comment also states that Table 3.6-3 mentions two water utility infrastructures in the Mountain View to Santa Clara Subsection without identifying them. The intent of Table 3.6-3 is to provide a summary by alternative and subsection of the major utilities within the RSA only. No water tanks, major pump stations, or wells were identified within the RSA (as reflected in Table 3.6-1); therefore, additional mapping of these facilities is not warranted.

Specific information regarding the known conflicts with major utilities, including the two water lines in the Mountain View to Santa Clara Subsection, is provided in Appendix 3.6-A, Public Utilities and Energy Facilities, of the Draft EIR/EIS. Volume 3, Preliminary Engineering Plans, provides detailed drawings, including utility conflicts. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1369

The comment requests information on the source of construction water. Draft EIR/EIS Volume 2, Appendix 3.6-C, Water Use Assessment, identifies both construction and operational water needs and has been revised in the Final EIR/EIS to identify the potential sources of water for construction.

Regarding construction water, the appendix estimates the total amounts of construction water that would be needed, broken down by subsection. The appendix also notes that such water would be delivered to construction work sites by water tanker trucks. Such trucks would be affiliated with a yet-to-be-selected construction contractor. Accordingly, while the Draft EIR/EIS discloses the total amount of construction water needed, the detail regarding the amounts to be drawn from various water service providers cannot be accurately estimated at this time. To the extent that any future decisions about construction water sourcing would have the potential for specific environmental effects not disclosed in the Final EIR/EIS, the Authority would conduct additional environmental review under CEQA and/or NEPA as required.

## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1370

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The commenter requests that Section 3.6.5.1, Public Utilities, of the Draft EIR/EIS provide further definition of the project area, to better allow evaluation of affected utilities. The intent of the information presented in Section 3.6.5.1 is to summarize by alternative and subsection the major utilities within the public utility RSA to provide context for the impact analysis in Section 3.6.6, Environmental Consequences. The text in Section 3.6.5.1 has not been updated in the Final EIR/EIS to include a greater level of detail regarding the project area, because this information is provided elsewhere in the Draft EIR/EIS. Volume 2, Appendix 3.1-A, Parcels within the HSR Project Footprint, provides detailed mapping of the project footprint and parcels intersected by each project alternative, while Appendix 3.6-A, Public Utilities and Energy Facilities, identifies the known conflicts with major utilities. Volume 3, Preliminary Engineering Plans, provides detailed drawings, including major utility conflicts. Known conflicts with major utilities in Santa Clara are shown on the following pages of Volume 3: Book A2, sheets 24–28 for Alternative A; Book B2, sheets 25–26 and Book B5, sheets 83–84 for Alternative B (Viaduct to I-880); Book B2, sheets 25–26 and Book B6, sheets 112–113 for Alternative B (Viaduct to Scott Boulevard).

The comment also requests that the EIR/EIS include additional information from meetings the Authority has conducted with the City of Santa Clara during the project development phase. Chapter 9, Public and Agency Involvement, and Appendix 9-A, Public and Agency Meeting List, of the Draft EIR/EIS provide a detailed listing of the Authority's meetings with local, state, regional, and federal officials as well as numerous other stakeholders. As noted in Chapter 9, the input received during these meetings helped inform project design considerations, IAMFs, and mitigation strategies. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1371

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment includes two requests: (1) that the Authority add a list of the City of Santa Clara departments and their contact information to the EIR/EIS as an appendix; (2) that the EIR/EIS provide additional information regarding utility impacts (e.g., specific areas of each jurisdiction, types of affected utilities, temporary and permanent relocations).

With regard to the proposed contact list, which could rapidly become outdated, the Authority notes that it holds and maintains such information in an internal contacts database. Please refer to the standard response referenced above, which identifies the Authority's process for coordinating with local agencies.

With regard to the second request, as noted in Standard Response: FJ-Response-PUE-2, the specific utility connection issues and relocation sites cannot be known until the Authority is engaged in final design and the utility or municipal service providers share information on the effect of the selected alternative on their existing facilities. The Authority has drawn the project footprint with a margin to generally allow for future relocations to be accommodated. To the extent that any of the needed relocations require land not currently in the project footprint, additional environmental review under CEQA/NEPA may be required.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1372

Please refer to Standard Response: FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, which identifies the Authority's process of coordinating with local agencies. Agreements with utility companies and local governmental agencies would be pursued after environmental approvals; accordingly, such agreements are not currently available and thus cannot be appended to the Final EIR/EIS. The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are required.

## Response to Submission 1113 (Andrew Crabtree, City of Santa Clara, September 9, 2020) - Continued

### 1113-1373

Please refer to the response to submission FJ-1113, comment 1369 which addresses construction water use. The comment did not result in any revisions to the Draft EIR/EIS.

### 1113-1374

The comment states that certain utilities in Santa Clara were not included in the list of major utilities in Volume 2, Appendix 3.6-A, Public Utilities and Energy Facilities.

Both Appendix 3.6-A and the analysis in Section 3.6, Public Utilities and Energy, have been revised in the Final EIR/EIS to fully reflect the presence of these utilities in Santa Clara. In particular, in the discussion of Impacts PUE#1 and PUE#2, the tally of utilities with potential conflicts has been revised. These clarifying revisions do not change the impact conclusions disclosed in the Draft EIR/EIS.

### 1113-1375

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure.

The comment identifies a WWTP that was misnamed in the Draft EIR/EIS. To address this comment, revisions were made in Table 3.6-4 and in Section 3.6.5.1, Public Utilities, of the Final EIR/EIS to correct references to this plant.

The comment also requests that the EIR/EIS identify any wastewater facilities that would be affected by the project. Please refer to Appendix 3.6-A, Public Utilities and Energy Facilities, which identifies major utilities, including major wastewater facilities, that would be affected by the project.

### 1113-1376

Please refer to Table 3.6-14 in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS, which indicates that operational water use would be limited to the stations and the LMF. As neither HSR stations nor the LMF would be in the city of Santa Clara, there would be no operational water demand on any Santa Clara facilities and such water facilities were appropriately excluded from Table 3.6-14. The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are warranted.

### 1113-1377

Please refer to the response to submission FJ-1113, comment 1369, which addresses the level of detail available with respect to construction water use. Please also refer to the response to submission FJ-1113, comment 1376, which addresses operational water use.

# Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020)



City Hall  
456 West Olive Avenue  
Sunnyvale, CA 94088-3707  
TDD/TTY 408-730-7501  
sunnyvale.ca.gov

**San Francisco - San Jose - RECORD #1131 DETAIL**

Status : Unread  
Record Date : 9/10/2020  
Interest As : Local Agency  
First Name : George  
Last Name : Schroeder  
Attachments : Sunnyvale Comments on HSR DEIR 9.9.2020 Final.pdf (276 kb)

**Stakeholder Comments/Issues :**

To Whom It May Concern,

Thank you for the opportunity to review the Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the proposed San Francisco to San Jose High Speed Rail Project Section. Please see attached for the City of Sunnyvale's comments on the EIR/EIS. We request a virtual meeting to go over the comments more in detail and further participate in the process. I can be reached as the point of contact to set up a meeting and answer any questions on the letter.

Thank you,  
George

[cid:image001.png@01D686CA.E975B710]

Follow us on:

[cid:image002.png@01D686CA.E975B710]<<https://www.facebook.com/CityofSunnyvaleCA>>  
[cid:image003.png@01D686CA.E975B710] <<https://twitter.com/CityofSunnyvale>>  
[cid:image004.png@01D686CA.E975B710] <<http://www.linkedin.com/company/city-of-sunnyvale>>

George Schroeder  
Senior Planner  
Community Development Department

Phone: 408-730-7443  
Sunnyvale.ca.gov<<https://sunnyvale.ca.gov/>>

September 9, 2020

California High Speed Rail Authority  
Attn: Draft San Francisco to San Jose Project Section EIR/EIS  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113  
Sent via e-mail: [san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)

Re: Comments on the San Francisco to San Jose Project Section Draft Environmental Impact Report/Environmental Impact Statement

To Whom It May Concern:

Thank you for the opportunity to review the Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the proposed San Francisco to San Jose High Speed Rail Project Section. The City of Sunnyvale's general comments on significant topics in the EIR/EIS are listed first, followed by specific comments organized by chapter/section, with page number references.

In general, we find that the EIR/EIS does not adequately address the impacts resulting from High-Speed Rail operations, including train noise and vibration; effects of gate down times on traffic congestion and emergency response times; visual changes resulting from new infrastructure; and the extent of impacts to private property. The EIR/EIS is also deficient on addressing construction impacts, including construction traffic, noise, vibration, and air quality during the daytime and nighttime hours. The City is concerned these operational and construction impacts would affect the quality of life and character of neighborhoods along the corridor, which warrants analysis of additional mitigation measures.

We request a virtual meeting be held to discuss these comments in detail and further participate in the project's development.

**I. GENERAL COMMENTS**

- **Inadequate Transportation Analysis and Grade Separation Mitigation Needed.**  
Introduction of high-speed trains at the proposed frequency will increase the number of instances that gate crossings will be closed, and with longer durations. This may cause ancillary congestion and public safety impacts at nearby intersections that were not studied. The transportation analysis should further study the impacts to adjacent traffic signals and cross streets that may be impacted due to extended traffic queues and intersections that may be blocked. For example, at the Mary Avenue crossing, southbound queues will extend back to Central Expressway

1131-708

1131-709

Heart of Silicon Valley™

## Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued



- 1131-709 | potentially resulting in intersection blockages and failures due to movement not clearing. This intersection (Mary Avenue/Central Expressway) was not included in the list of near at-grade intersections analyzed. Other examples of inadequate analyses include:
- 1131-710 | ○ Section 3.11 not addressing impacts to emergency vehicle access and response times due to gate-down times. Figure 3.11-15 shows an increase in response time by the Mary Avenue at-grade crossing, but does not acknowledge the existing at-grade crossing nor mention the seconds delay in the discussion. Impact S&S#6 is deficient by neglecting to address emergency vehicle access and response times in Sunnyvale, particularly at the Mary Avenue at-grade crossing. The City is concerned the gates at this intersection will continuously be down.
- 1131-711 | ○ Section 3.2 not addressing spillover to adjacent Sunnyvale intersections near at-grade crossings, when the document does list gate-down times as ranging anywhere from six to 175 seconds in the Mountain View to Santa Clara Subsection.
- 1131-712 | ○ The impact criteria is not clear in Appendix 3.2-A (Transportation Data on Intersections), nor is there data showing the specific intersection impacts.
- 1131-713 | ○ The Highway Capacity Manual (HCM) 2010 methods for analysis is not consistent with Caltrans/VTA/Sunnyvale guidelines using the most current HCM (6<sup>th</sup> Edition, 2016).
- 1131-714 | ○ Not following VTA guidelines to include intersections for study if it is expected to add 10 or more peak hour vehicles per lane to any intersection movement, regardless of roadway type.
- 1131-715 | With increased frequency and duration of gate-down times, the City finds there will be further impacts to traffic congestion and local jurisdictions' emergency response times. As a mitigation measure, the project should offer funding for grade separation projects to help address the impacts.
- 1131-716 | ● **Operational Noise and Quiet Zones.** With the increased number of trains operating in the corridor once construction is complete, there will be a significant increase in the amount of train noise and trains sounding their horns at crossings and when they are passing through the existing Sunnyvale stations. This will adversely impact residents and businesses located nearby the crossings and stations. To help alleviate noise concerns, it is more appropriate for the project to designate and implement Quiet Zones for all at-grade rail crossings rather than support efforts by local jurisdictions to establish Quiet Zones (as identified in Mitigation Measure NV-MM#4).
- 1131-717 | ● **Construction Impacts/Nighttime Construction Activities.** The City does not concur with statements in the EIR/EIS that construction impacts would not substantially affect neighborhoods along the corridor because of their existing

- 1131-717 | adjacency to an active rail corridor. The project would result in construction traffic, impeded access, noise, vibration, visual, and air quality impacts that would adversely affect these neighborhoods. The City is also concerned with the prospect of nighttime work, especially when it is noted that the nighttime construction noise would affect residences within 140-500 feet of activities. The City's Municipal Code prohibits nighttime construction activity as to prevent disruption to residents and businesses. Additional discussion on this topic is requested.
- 1131-718 | ● **Radio Communications Towers.** It is noted that the project would require permanent acquisitions in Sunnyvale for installation of radio communication towers. Approximate locations of the towers with 20 feet by 15 feet footprints are described, but there is no information as to specific site locations, tower heights, visuals/renderings, radiofrequency (RF) reports, and whether there are any backup generators for the communications facilities that list time and duration of testing. It is also unclear whether a tower would be located near Sunnyvale Station. Additional discussion on this topic is requested.
- 1131-719 | ● **Impacts to Private Property.** Several permanent and temporary easements are shown on Sunnyvale private property, particularly on pages 50-56 of Appendix 3.1-A. The City would like to understand the outreach process to the property owners, the use limitations on the easements, and the estimated time needed for temporary easements.

### II. COMMENTS ON SPECIFIC AREAS OF THE EIR/EIS

#### Chapter 2 - Alternatives

- 1131-720 | ● Page 2-57: Mountain View to Santa Clara Subsection
- The Moffett Towers II project was completed in 2019.
  - Include the City of Sunnyvale in the sentence regarding development plans surrounding the Lawrence Caltrain Station, as the Caltrain station is actually in Sunnyvale and the City has its own Lawrence Station Area Plan (LSAP) in effect (and currently undergoing an update).
- 1131-721 | ● Page 2-59: Mary Avenue Extension across SR-237
- Identify that this project is for the City of Sunnyvale.
  - SR-237 includes US-101, so it should be identified as "US-101/SR-237."
  - This project does not add an interchange connection. Would this not consider the project as a "highway improvement project?"

#### Section 3.2 – Transportation

- 1131-722 | ● Page 3.2-4: Update the Transportation Research Board reference on the last paragraph to HCM, 6<sup>th</sup> edition, published in 2016 per Caltrans guidance.

Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued



- 1131-723 | • Page 3.2-24: The at-grade crossings of Evelyn Avenue/Mary Avenue and Evelyn Avenue/Sunnyvale are in the City of Sunnyvale, not Mountain View.
- 1131-724 | • Page 3.2-42: Mountain View to Santa Clara Subsection
  - There is no Evelyn Station.
  - There is no underpass or overpass at Sunnyvale Station.
- 1131-725 | • Page 3.2-53: In the Mountain View to Santa Clara Subsection, add the planned Mary Avenue Overcrossing, identified in Figure 3-10 of the Sunnyvale General Plan - <https://sunnyvale.ca.gov/civicax/filebank/blobload.aspx?BlobID=23980>.
- 1131-726 | • Page 3.2-54: In the Mountain View to Santa Clara Subsection, does the N/A value in 2029 No Project indicate that it was not analyzed in 2029?
- 1131-727 | • Page 3.2-87: In the last paragraph of the Impact TR #15 discussion regarding temporary construction impacts on pedestrian and bicycle access, include specific mitigation measures to maintain bicycle/pedestrian access during construction. Detour signage alone is not acceptable to the City. ADA-compliant bicycle/pedestrian features or amenities at work zones in accordance with Chapter 6 of the CA MUTCD should be included as mitigation measures.
- 1131-728 | **Section 3.8 – Hydrology and Water Resources**
  - Page 3.8-54: In an undefined area of the Sunnyvale Super Planning Watershed in the Mountain View to Santa Clara Subsection, a proposed HSR access road is identified, but there is no information on the specific location or details. Without identifying the location, potential impacts cannot be properly evaluated and mitigated.
- 1131-729 | **Section 3.11 – Safety and Security**
  - Page 3.11-1: Include Sunnyvale in the fifth bullet in the Primary Safety and Security Benefits and Impacts inset.
  - Page 3.11-26: Change “Sunnyvale Police Department” to “Sunnyvale Department of Public Safety.”
  - Page 3.11-60: On Figure 3.11-15, the at-grade crossing at Mary Avenue is missing. It also appears that there is an increase in fire station response time at Mary Avenue.
- 1131-730 |
- 1131-731 |
- 1131-732 | **Section 3.12 – Socioeconomics and Communities**
  - Page 3.12-24: Mountain View to Santa Clara Subsection
    - In the first paragraph where Sunnyvale is mentioned as the most populous city in the RSA, is this in reference to the Mountain View to Santa Clara Subsection, as San Jose is along the entire RSA?
    - In the last sentence of the last paragraph, add that there is also an at-grade pedestrian crossing at the north end of the station platform leading to Angel Avenue across the platform connecting to Evelyn Avenue.

- 1131-733 | • Page 3.12-78: In the School Bus Transportation Costs paragraph, last sentence, vehicle queuing is expected to increase, which would increase GHG emissions and fuel consumption due to longer gate down times and increased frequency.
- 1131-734 | **Section 3.13 – Station Planning, Land Use, and Development**
  - Page 3.13-27: In Footnote 2 of Table 3.13-3, change “Sunnyvale” to “Sunnydale,” as the footnote is in reference to San Francisco’s Sunnydale Avenue near the Bayshore Station.
  - Page 3.13-30: Same comment as the one for Page 3.13-27.
  - Page 3.13-40: In Table 3.13-7, identify the entity that would own the communication radio towers.
- 1131-735 |
- 1131-736 |
- 1131-737 | **Section 3.18 – Cumulative Impacts**
  - Page 3.18-7: Please address how the project decreases VMT. The project would facilitate travel from farther distances as there are no land use changes associated with the project.
  - Page 3.18-8: Please address whether the project could induce additional vehicle trips from HSR stations to employment centers due to the project enabling persons to relocate further out of the area for housing.
  - Page 3.18-10: The project appears to reference an older version of the Caltrain Business Plan that assumes a different number of trains than Caltrain’s 2040 Service Vision described in the current business plan.
- 1131-738 |
- 1131-739 |
- 1131-740 | **Chapter 4 Section 4(f)/6(f) – Evaluation**
  - Page 4-41: In Map ID# 121, Agency with Jurisdiction, delete “Elementary” so it reads “Sunnyvale School District.”
  - Page 4-41: In Map ID# 122, 123, 124, Agency with Jurisdiction, delete “Community Services” so it reads “City of Sunnyvale Department of Library and Recreational Services.”
  - Page 4-123: For the Stevens Creek Trail Use Assessment, delete Sunnyvale from the cities managing the trail since the existing trail does not go through Sunnyvale.
  - Page 4-124: Plaza del Sol Use Assessment paragraph
    - Change “City of Sunnyvale Community Services” to “City of Sunnyvale Department of Library and Recreational Services.”
    - There should be additional noise analysis for construction impacts and operational noise due to additional train frequency.
- 1131-741 |
- 1131-742 |
- 1131-743 |
- 1131-744 | **Chapter 10 – Draft EIR/EIS Distribution**
  - Page 10-20: Delete “Elementary” from Sunnyvale School District.

## Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued



- 1131-745 | **Appendix 2-E**
- Page 2-E-28: In the seventh bullet under TR-IAMF#2, update the sentence so it reads "Provisions for safe, ADA-compliant pedestrian and bicycle passage or convenient nearby detour."
- 1131-746 |
- Page 2-E-29:
    - TR-IAMF#3 – The first sentence conflicts with Sunnyvale policy that prohibits construction vehicles or worker parking on-street.
    - TR-IAMF#4 – The last sentence should delete "where feasible," because bicycle access or detour in proximity must be maintained during construction.
- 1131-747 | **Appendix 2-I**
- Page 2-I-12: In the Sunnyvale General Plan Land Use and Transportation Element, add the following policies:
    - Policy LT-1.1 Participate in coordinated land use and transportation planning in the region.
    - Policy LT-1.6 Integrate land use planning in Sunnyvale and the regional transportation system.
    - Policy LT-1.7 Emphasize efforts to reduce regional vehicle miles traveled by supporting active modes of transportation, including walking, biking and public transit.
    - Policy LT-1.8 Actively participate in discussions and decisions regarding transportation between regions, including regional airport and regional rail planning, to ensure benefit to the community.
    - Policy LT-1.10d Work with regional agencies on land use and transportation issues that affect the human environment, such as air, water, and noise, for Sunnyvale residents and businesses.
    - Policy LT-3.1 Use land use planning, including mixed and high intensity uses, to support alternatives to the single-occupant automobile such as walking and bicycling and to attract and support high investment transit such as light rail, buses, and commuter rail.
    - Policy LT-3.6 Promote modes of travel and actions that provide safe access to city streets and reduce single-occupant vehicle trips and trip lengths locally and regionally. The order of consideration of transportation users shall be:(1) Pedestrians(2) Non-automotive (bikes, three-wheeled bikes, scooters, etc.)(3) Mass transit vehicles(4) Delivery vehicles(5) Single-occupant automobiles.
    - Policy LT-3.28 Support statewide, regional, and subregional efforts that provide for a safe, effective transportation system that serves all travel models consistent with establishes service standards.
    - Policy LT-3.30 Support regional and cross-regional transportation improvements and corridors while minimizing impacts to community form and intracity travel.
- 1131-748 |
- Page 2-I-55: In the Sunnyvale General Plan, add the following policy:
    - Policy SN-10.1b Regulate the location, design, and capacity of local roadway improvement projects to mitigate their noise impacts.

- 1131-749 | **Appendix 3.13-A**
- Please update the Sunnyvale General Plan Land Use map based on the 2017 update of the Land Use and Transportation Element (Figure 3-10) - <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23980>.
- 1131-750 | **Appendix 3.2-B**
- Page 1-16: Does the Caltrain data consider the increase in frequency due to electrification?
- 1131-751 |
- Table 2.1: Specify whether the first column is "from" and the second column is "to."
- 1131-752 |
- Table 2.2: In the "Percentage of HSR Ridership..." section, specify whether the Auto column is for all trip purposes. This diversion percentage seems very high, especially from MTC region to MTC region, and location for the HSR stops.
- 1131-753 |
- Table 2.4: Same comment as for Table 2.2.
- 1131-754 | **Appendix 3.6-A**
- Page 3.6-A-10: In the Mountain View to Santa Clara Subsection, the Sanitary Sewer's provider is the City of Sunnyvale. For the 12" cmp, the right-of-way agent will need to secure a new public sewer easement for the new location on private property.
- 1131-755 | **Appendix 3.11-A**
- Page 3.11-A-3: In Table 3 of the At-Grade Crossing Accidents/Incidents in the Region, please specify the location of the "North Pedestrian Crossing" in Sunnyvale. It is unclear where this is located.
- 1131-756 | **Appendix 3.18-A**
- Table 17: Please also include the Downtown Specific Plan, Peery Park Specific Plan, Moffett Park Specific Plan, El Camino Real Precise Plan, and Lawrence Station Area Plan. These plans can be accessed at: <https://sunnyvale.ca.gov/business/planning/permit/standards.htm>
- 1131-757 | **Volume 3 General Information**
- Drawing No. GE-B0101:
    - In Track General Notes #3, specify the entity that will verify.
    - In Civil General Notes #1, specify why "FHWA MUTCD" rather than "CA-MUTCD."
- 1131-758 |
- Drawing No. GE-R0101:
    - In Application B, is this the Caltrans standard traffic loop layout?
    - In the Existing Conditions/Improvements table, for Station B2164+B6, the application does not match both options, A and B.

## Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued



1131-759

**Volume 3, Alternative A, Book A2 and Volume 3, Alternative B, Book B2**

- Drawing No. TT-D0123:
  - Address the advance preemption at the two Sunnyvale crossings.
  - Specify whether any work is occurring at the hashmark areas by the Sunnyvale Station.
  - Address how the existing traffic signal equipment will be impacted at the Sunnyvale Avenue intersection.
  - Specify whether any work is occurring at the Mary Avenue intersection.
  - Regarding the note for Quad Gate Application C at the Mary Avenue intersection, the General Information set shows Application A.
  - Address how the existing traffic signal equipment will be impacted at the Mary Avenue intersection.

The City of Sunnyvale appreciates your consideration of the comments described above. We would appreciate scheduling a meeting to go over these comments. To schedule the meeting, or for any questions or concerns about the items in this letter, please contact George Schroeder, Senior Planner, at (408) 730-7443 or [gschroeder@sunnyvale.ca.gov](mailto:gschroeder@sunnyvale.ca.gov).

Sincerely,

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

Andrew Miner, AICP  
Assistant Director, Community Development Department

cc: Kent Steffens, City Manager  
Trudi Ryan, Director, Community Development Department  
Chip Taylor, Director, Department of Public Works  
Jennifer Ng, Assistant Director/City Engineer, Department of Public Works  
Dennis Ng, Transportation/Traffic Manager, Department of Public Works  
Lillian Tsang, Principal Transportation Engineer/Planner, Dept. of Public Works  
Arnold Chu, Senior Engineer, Department of Public Works  
Amber Blizinski, Principal Planner, Community Development Department



## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020)

### 1131-708

The Authority appreciates the City of Sunnyvale's comments on the Draft EIR/EIS. In subsequent individual comments, the City of Sunnyvale provided specific suggestions regarding noise and vibration, traffic congestion, emergency response times, visual changes, impacts on private property, and construction impacts on communities. Each of these specific comments is addressed below.

The City of Sunnyvale is a key local agency, and the Authority has engaged and is committed to continuing engagement with the City, including during the final design and construction process. Please see Standard Response: FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations for additional information about outreach that has occurred and will continue to occur with the cities located along the project corridor. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-709

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The comment indicates that the project may cause ancillary congestion and public safety impacts at nearby intersections to at-grade rail crossings and indicates the Draft EIR/EIS should study the Mary Avenue/Central Expressway intersection. Table 3.2-1 in the Draft EIR/EIS describes the criteria for selecting transportation study intersections which includes critical intersections of access points and regionally significant roadways between a station or LMF and adjacent state highways, critical intersections near at-grade crossings, freeway segments that would serve 100 or more project-generated trips, and intersections classified as collector or above that would be physically modified by the project or would serve 50 or more project trips in either the AM or PM peak hour. The Authority distributed a memorandum in May 2016 to all jurisdictions in the corridor with a list of recommended study intersections. Additional study intersections were subsequently included in the list of study locations based on comments received from seven jurisdictions and application of the vehicle trip criteria. As a result, three study intersections were identified in the City of Sunnyvale where the rail corridor has two at-grade crossings (Mary Avenue, Sunnyvale Road) and four grade-separated crossings.

The Draft EIR/EIS evaluated and found adverse NEPA effects due to intersection operations at the Evelyn Avenue/Mary Avenue intersection that is adjacent to the Mary Avenue at-grade crossing where single train gate-down times of 40 seconds with HSR trains are forecast. The intersection is forecast to operate at LOS F under 2040 No Project conditions and intersection average delays are forecast to increase about 7 percent in the AM peak hour and 4 percent in the PM peak hour due to the project. As discussed in Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, the Authority developed site-specific mitigation for the Final EIR/EIS for certain locations where adverse traffic effects were identified. However, no feasible mitigation was identified that could address the effects at the Evelyn Avenue/Mary Avenue intersection due to increased gate-down time at the Mary Avenue at-grade crossing. The intersection of Mary Avenue/Central Expressway is located 1,300 feet from the Mary Avenue at-grade crossing and the adjacent Evelyn Avenue/Mary Avenue intersection. The HSR project would not add any vehicle trips to the Mary Avenue/Central Expressway intersection. For the above reasons, a LOS assessment of the Mary Avenue/Central Expressway intersection was not conducted. The comment did not

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-709

result in any revisions to the Draft EIR/EIS.

### 1131-710

Refer to Standard Response FJ-Response-SS-2: Emergency Vehicle Response Times, FJ-Response-TR-3: Gate-Down Time Calculation Details.

The comment notes that the Draft EIR/EIS does not address delays at the Mary Avenue at-grade crossing in the analysis of emergency vehicle response times. The analysis of emergency vehicle response times in Section 3.11, Safety and Security, of the Draft EIR/EIS included all of the at-grade crossings, including those in Sunnyvale. Based on the screening analysis of project impacts on emergency vehicle response times presented under Impact S&S#6 in Section 3.11, Safety and Security, of the Draft EIR/EIS there were no locations in Sunnyvale that were identified as experiencing a substantial increase in emergency vehicle response times due to project operations. As described in greater detail in Standard Response FJ-Response-SS-2: Emergency Vehicle Response Times, a substantial increase in emergency vehicle response times was defined as greater than 30 seconds for the purposes of this analysis. Figure 3.11-15 in the Draft EIR/EIS did not depict an increase in fire station response times in Sunnyvale that would be greater than 30 seconds. Accordingly, no mitigation is required for emergency vehicle response times in Sunnyvale.

With respect to the City's concern regarding gate-down times at Mary Avenue, please refer to Standard Response FJ-Response-TR-3: Gate-Down Time Calculation Details, which provides gate-down time values for each at-grade crossing in the project corridor.

### 1131-711

The comment states that the Draft EIR/EIS does not address spillover to adjacent Sunnyvale intersections near at-grade crossings. Gate-down times for HSR trains at at-grade crossings in the Mountain View to Santa Clara Subsection would range from 40 to 46 seconds. The average single gate-down time for the at-grade crossings in Sunnyvale would be approximately 40 seconds at Mary Avenue and 44 seconds at Sunnyvale Avenue. Intersections that were evaluated in Sunnyvale include Evelyn Avenue/Mary Avenue, Evelyn Avenue/Sunnyvale Avenue, and Hendy Avenue/Sunnyvale Avenue. The intersection LOS analysis methodology employed in the Draft EIR/EIS takes into account the effect of queues created by added gate-down time at the at-grade crossings on the operations/LOS of intersections adjacent to the at-grade crossing. As discussed in Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic, the Authority developed site-specific mitigation for the Final EIR/EIS for certain locations where adverse traffic effects were identified. However, no feasible mitigation was identified that could address the effects at the Evelyn Avenue/Mary Avenue intersection due to increased gate-down time at the Mary Avenue at-grade crossing or at the intersections of Evelyn Avenue/Sunnyvale Avenue or Hendy Avenue/Sunnyvale Avenue due to increased gate-down times at the Sunnyvale Avenue at-grade crossing. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-712

The comment states that the impact criteria is not clear in the Draft EIR/EIS, and it does not provide data on specific intersection impacts. Please refer to Section 3.2.4.4, Method for Evaluating Impacts under NEPA, of the Draft EIR/EIS, which identifies the criteria used for identifying adverse NEPA effects in evaluating LOS effects on the roadway network. The Authority identified a single LOS criterion to identify adverse effects under NEPA that is applied for intersections in all jurisdictions along the corridor, and for other corridors throughout the state, to provide a fair and consistent evaluation of project impacts. The Draft EIR/EIS evaluated three intersections in Sunnyvale adjacent to at-grade crossings and identified an adverse LOS effect under NEPA for the Evelyn Avenue/Mary Avenue intersection. As discussed in Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic, the Authority developed site-specific mitigation for the Final EIR/EIS for certain locations where adverse traffic effects were identified. However, no feasible mitigation was identified that could address the effects at the Evelyn Avenue/Mary Avenue intersection due to increased gate-down time at the Mary Avenue at-grade crossing. Please refer also to Appendix 3.2-A, Transportation Data on Intersections, for the LOS effects for each intersection analyzed for the project. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-713

The comment states that the Draft EIR/EIS analysis used methods that are not consistent with Sunnyvale guidelines. The Authority developed the methodology and significance criteria applied for the Draft EIR/EIS assessment in accordance with CEQA and NEPA guidelines. The HCM 2010 LOS methods applied to the impact analysis, as described in Section 3.2.4.3, Methods for Impact Analysis, were the most current available at the time of NOP/NOI publication. The Highway Capacity Manual 2016, an update to the 2010 version, was released in October 2016. Once an update of the HCM is released, it typically takes several years before the updated methodologies are applied in practice due to the time required to develop software to apply new methods and in some cases a reluctance for agencies to transition to the new methods as the prior method is deemed to more accurately reflect local conditions. This was particularly the case with the methodology for determining LOS for unsignalized intersections in HCM 2016. Many agencies still use the 2010 HCM method for unsignalized intersections. Given these factors, it is the judgement of the Authority that the 2010 HCM methods are the most appropriate for use in determining LOS for the study intersections. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-714

The comment states that the Draft EIR/EIS analysis does not follow VTA guidelines in the selection of study intersections. The study intersections evaluated in the Draft EIR/EIS include critical intersections located around HSR stations or maintenance facilities as well as critical intersections near at-grade crossings. The study locations include intersections that would be physically modified by the project or would serve 50 or more project trips in either the AM or PM peak hour.

A total of 158 intersections are evaluated in the Draft EIR/EIS based on this methodology. During project scoping in 2016, HSR submitted letters to each of the jurisdictions along the alignment with a proposed list of study intersections and the basis for selecting those locations. HSR added 15 study intersections based on requests from seven local jurisdictions.

The Authority, in its role as lead agency, developed the methodology and significance criteria applied for the Draft EIR/EIS assessment in accordance with CEQA and NEPA guidelines. The Authority identified a common methodology for identifying study intersections along the corridor, and for other corridors throughout the state, to provide a fair and consistent evaluation of project impacts. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-715

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The comment states that the project should offer funding for grade separation projects to address the traffic congestion and emergency response impacts. This comment is addressed by the standard response referenced above.

Please also refer to Impact S&S#6 in Section 3.11, Safety and Security, which addresses continuous permanent impacts on emergency access and response times due to station traffic and increased gate-down time. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-716

Please refer to NV-MM#4 in Section 3.4.7, Mitigation Measures, which states quiet zones can only be legally undertaken by local jurisdictions. The Authority cannot legally establish or require a quiet zone. However, this measure has been revised in the Final EIR/EIS to clarify that HSR would assist with the preparation of technical analysis and materials needed for the quiet zone application, which would then be provided to local communities for submittal to the FRA.

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-717

Without identifying any specific conclusion in the Draft EIR/EIS, the comment expresses disagreement that construction impacts would not substantially affect neighborhoods along the corridor and asserts that such conclusions were made on the basis of the proximity of such neighborhoods to the existing Caltrain corridor. The comment also expresses concern with the potential for nighttime work and such work's potential inconsistency with the City's Municipal Code.

The comment appears to take issue with the conclusions of Impact SOCIO#1 in Draft EIR/EIS Section 3.12, Socioeconomics and Communities. This impact is focused on the potential for construction activities to substantially disrupt or divide communities. Impact SOCIO#1 takes into consideration the potential for construction-related transportation changes, noise and vibration, and visual changes to adversely affect neighborhoods in proximity to active construction. The analysis underlying Impact SOCIO#1 takes into consideration specific construction activities and durations in each community along the project corridor along with numerous IAMFs the Authority would incorporate into the project to reduce the magnitude of construction-related impacts. Impact SOCIO#1 documents why construction effects would not result in a physical division of affected communities. Impact SOCIO#1 acknowledges the potential for temporary disruption of established community interaction patterns from the temporary circulation and access changes, but these impacts would be temporary and access would be maintained. Similarly, Impact SOCIO#1 notes that communities would be temporarily inconvenienced by construction-related noise and vibration, but that the noise and vibration would not cause division of an established community because the communities developed around the corridor and are currently exposed to high noise levels due to their proximity to the railroad corridor.

In addition to Impact SOCIO#1, which considered the potential for construction activities to affect communities in terms of disruption or division as a result of construction, the Draft EIR/EIS also considered the potential for construction activities to affect individual sensitive receptors in terms of noise/vibration and air quality impacts. Refer to Draft EIR/EIS Section 3.3, Air Quality and Greenhouse Gases, Impacts AQ#3 through AQ#6. Please also refer to Draft EIR/EIS Section 3.4, Noise and Vibration, Impacts NV#1 and NV#8.

### 1131-717

With regard to nighttime work, the Authority appreciates the concern expressed by the City but also the need for some construction work to take place during nighttime hours to minimize disruptions to rail operations. Please refer to Draft EIR/EIS Volume 2, Appendix 2-J, Policy Consistency Analysis, in which the Authority acknowledged that the project would not be consistent with Section 16.08.030 of the Sunnyvale Municipal Code, which, as cited by the commenter, does not permit construction work during nights and weekends. While most construction activities would occur primarily during the week between 7:00 a.m. and 7:00 p.m. to avoid noise effects during nighttime periods, as a state agency, the Authority is not required to adhere to local noise ordinances.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-718

The comment requests additional information on the standalone communication radio towers in Sunnyvale. As described in Section 2.4.7, Signaling, Train-Control Elements, and Communication Facilities, of the Draft EIR/EIS, the communication radio towers would consist of an 8- by 10-foot communications equipment shelter and a 6- to 8-foot-diameter communications tower extending 100 feet above top-of-rail at approximately 2.5-mile intervals. A cross-section illustration of a communication radio tower is provided on Figure 2-18. The locations of the communication radio towers in Sunnyvale are described under the Mountain View to Santa Clara Subsection discussion in Section 2.6.2.4, Alternative A. For detailed engineering drawings with the proposed locations, please refer to Book A2, sheets 22 through 24 of Volume 3, Preliminary Engineering Plans. Standalone radio towers may be powered from the OCS, battery backup, solar, wind, or from the nearest utility (Authority 2010). Refer to Section 3.5, Electromagnetic Fields and Electromagnetic Interference, and Section 3.15, Aesthetics and Visual Quality, of the Draft EIR/EIS for a discussion of the project's EMF/EMI and visual impacts, respectively. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-719

Construction of both project alternatives would require small amounts of temporary construction easements and permanent acquisition of property in Sunnyvale consisting primarily of minor sliver acquisitions. No full acquisitions are required.

No steps toward acquisitions would occur until after publication of the Final EIR/EIS, the Authority Board selects an alternative to approve, and issuance of a ROD. The Authority's Preferred Alternative, as indicated in the Draft EIR/EIS, is Alternative A.

The Authority would begin the outreach process for acquisition during the final design phase that would follow the steps above. For TCEs, the Authority would provide compensation to affected property owners for the temporary use of properties and would restore all properties used to pre-construction conditions. Durations for TCEs would vary by location and associated construction activity. Where acquisitions are needed, the Authority would hold community meetings to explain the acquisition process and answer questions. Individual affected property owners would receive an official communication from the Authority and be assigned a real property agent. All acquisition would be conducted in accordance with the Uniform Relocation Act (42 U.S.C. Chapter 61). The Uniform Relocation Act establishes minimum standards for the treatment of and compensation to individuals whose real property is acquired for a federally funded project. Information about acquisition, compensation, and relocation assistance is also available on the Authority's website: [hsr.ca.gov/programs/private-property/](https://hsr.ca.gov/programs/private-property/)

The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-720

The commenter noted errors in the description of planned land uses in Chapter 2, Alternatives, of the Draft EIR/EIS. To address this comment, updates were made to Section 2.6.1.2, Planned Land Uses, of the Final EIR/EIS to remove the Moffett Towers project from the description of planned development in Mountain View, and to add Sunnyvale to the description of development plans surrounding the Lawrence Caltrain Station.

### 1131-721

The comment identifies errors in the description and location of the Mary Avenue extension project in Table 2-9 in Chapter 2, Alternatives, of the Draft EIR/EIS and questions whether this project should be included in a list of highway improvement projects, as it does not include an interchange connection. To address this comment, the Mary Avenue extension across SR 237/US 101 project has been removed from Table 2-9 in Chapter 2, Alternatives of the Final EIR/EIS. Additionally, as explained in the response to submission FJ-1131, comment 725, the removal of Mary Avenue extension from Table 2-9 is consistent with the transportation analysis which did not consider the Mary Avenue extension under the No Project conditions because it was not programmed at the time of NOP/NOI publication in May 2016, and is still not fully funded.

### 1131-722

The comment requests that the Transportation Research Board reference on page 3.2-4 be updated to refer to the 6th edition of HCM. Please refer to the response to submission FJ-1131, comment 713, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-723

The comment notes that the Draft EIR/EIS incorrectly identified the intersections of Evelyn Avenue/Mary Avenue and Evelyn Avenue/Sunnyvale Avenue as being in city of Mountain View. To address this comment, the text under the Mountain View to Santa Clara Subsection within Section 3.2.5.2, Roadway and Intersections (Vehicle Circulation), was revised in the Final EIR/EIS to indicate that Evelyn Avenue/Mary Avenue and Evelyn Avenue/Sunnyvale Avenue are in the city of Sunnyvale.

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-724

The comment notes that there is no Evelyn Caltrain Station or underpass or overpass at Sunnyvale Station as referenced in the Draft EIR/EIS. To address this comment, Section 3.2.5.5, Nonmotorized Travel, was revised in the Final EIR/EIS to remove the reference to an Evelyn Station, which was intended to be another reference to the Mountain View Station. The reference to the Sunnyvale Station in Section 3.2.5.5 of the Draft EIR/EIS correctly describes an at-grade pedestrian crossing of the Caltrain right-of-way at the Sunnyvale Station near North Frances Street, and no revisions are required.

### 1131-725

The comment requests that Table 3.2-12 of the Draft EIR/EIS be updated to include the Mary Avenue overcrossing. Table 3.2-12 of the Draft EIR/EIS includes a list of programmed changes to the transportation network at the time of NOP/NOI publication in May 2016, which established the existing conditions baseline for the Draft EIR/EIS. At that time, the Mary Avenue overcrossing was not programmed. The project is still not fully funded. For this reason, the Mary Avenue Overcrossing has not been added to Table 3.2-12 in the Final EIR/EIS. Implementation of the Mary Avenue Overcrossing eliminate the at-grade crossing and would thereby reduce the HSR project's adverse effects that would occur as a result of added gate-down time. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-726

The comment asks if the N/A value in Table 3.2-13 of the Draft EIR/EIS indicates that the analysis for the Mountain View to Santa Clara Subsection was not conducted for 2029. As explained under the Baseline Operational Analysis subsection in Section 3.2.4.3, Methods for Impact Analysis, of the Draft EIR/EIS, the Authority evaluated intersections around the 4th and King Street Station in San Francisco for 2029 conditions only, as it is an interim station that will not be operable when the DTX is complete and rail service is provided to the SFTC in San Francisco by 2040. All of the other study intersections, including within the Mountain View to Santa Clara Subsection, were evaluated for existing and 2040 conditions. The response to the question is that yes, N/A in the table means that the intersection was not analyzed for the reasons described here and in Section 3.2.4.3. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-727

The comment requests that mitigation be added to address Impact TR#15 by adding ADA-compliant bicycle and pedestrian features or amenities at work zones. As discussed in Section 3.2, Transportation, of the Final EIR/EIS, Impact TR#15 includes a description of IAMFs, which are project features the Authority has committed to implement during project design and construction. The Authority requires the contractor to develop a CMP that would maintain pedestrian and bicycle access where feasible (i.e., meeting design, safety, and ADA requirements). ADA requirements for pedestrian and bicycle access are specifically addressed in TR-IAMF#2, TR-IAMF#4, and TR-IAMF#5 in the Final EIR/EIS Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features. As a result of these project features, the Final EIR/EIS concludes that the project would not conflict with adopted policies, plans, or programs regarding bicycle or pedestrian facilities, or otherwise materially decrease the performance of such facilities. Accordingly, no mitigation is required. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-728

The proposed access road is located in the city of Sunnyvale east of Calabazas Creek and north of the railbed at alignment station 2290+00. The access road would allow maintenance vehicles to access a proposed stand-alone radio antenna site. This access road is part of the project footprint and was included in evaluating potential impacts on hydrology and water resources, as shown in Table 3.8-18 in the Draft EIR/EIS. Please refer to Book A2, sheet 25 of the Volume 3, Preliminary Engineering Plans, in the Draft EIR/EIS for the preliminary plans for this access road. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-729

The comment requests a text revision in a summary inset box, specifically requesting that Sunnyvale be included in a list of cities where the project operations are expected to increase emergency vehicle response times for fire stations and first responders.

Based on a screening analysis of project impacts on emergency vehicle response times presented under Impact S&S#6 in Section 3.11, Safety and Security, of the Draft EIR/EIS there were no locations in Sunnyvale that were identified as experiencing a substantial increase in emergency vehicle response times due to project operations. For the purposes of this analysis, a substantial increase in emergency vehicle response times was defined as greater than 30 seconds. Accordingly, no revisions have been made to the inset box in Section 3.11.1, Introduction.

Please also refer to the response to submission FJ-1131, comment 710.

### 1131-730

The commenter noted that the Draft EIR/EIS incorrectly refers to the Sunnyvale "Police Department". Text in Table 3.11-2 was corrected in the Final EIR/EIS to refer to the Sunnyvale "Department of Public Safety".

### 1131-731

The comment asserts that a figure in the Draft EIR/EIS has incomplete information regarding the presence of an at-grade rail crossing in Sunnyvale and also asserts that the proposed project would result in an increase in fire station response time.

Because of the addition of other figures since publication of the Draft EIR/EIS, the figure referenced in the comment has been renumbered as Figure 3.11-18 in the Final EIR/EIS. In both the Draft EIR/EIS the Final EIR/EIS, the figure properly showed all rail/road crossings in the city of Sunnyvale. This includes the at-grade crossing at Mary Avenue (shown as a red circle), as well as grade separated crossings (green dots) at Bernardo Avenue, Fair Oaks Avenue, Wolfe Road, and Lawrence Expressway. Accordingly, the comment did not result in any revisions to the Draft EIR/EIS.

Regarding the project's impact on fire station response times at the Mary Avenue at-grade crossing, please refer to the response to submission FJ-1131, comment 710.

### 1131-732

Regarding the relative population of the City of Sunnyvale, Section 3.12.5.1, Existing Land Uses, has been revised in the Final EIR/EIS to clarify that within the RSA as a whole, only San Francisco and San Jose have populations larger than Sunnyvale.

Section 3.12.5.1 also has been revised as proposed by the commenter to include a reference to the existing at-grade crossing at Angel Avenue.

The above edits do not result in the need to change any of the conclusions of the Draft EIR/EIS.



## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-733

In response to this comment, the text of Impact SOCIO#11 concerning school bus transportation costs has been revised in the Final EIR/EIS to acknowledge that increased gate-down time and frequency could lead to increased fuel consumption, potentially resulting in a limited increase in fuel costs for school districts.

Other pertinent sections of the Draft EIR/EIS address operational impacts on traffic associated with the project, in particular longer delays at at-grade crossings. Please refer to Draft EIR/EIS Section 3.3, Air Quality and Greenhouse Gases, Impact AQ#9 and Impact AQ#15. Please also refer to Section 3.6, Public Utilities and Energy, where changes in fuel consumption are addressed in Impact PUE#13. Any increases in GHG emissions and fuel consumption due to longer delays at at-grade crossings would be minimal relative to the project benefits associated HSR operations as it relates to GHG emissions and energy consumption.

### 1131-734

The comment indicates that footnote 2 of Table 3.13-3 in Section 3.13.5.2, Planned Land Uses, of the Draft EIR/EIS should be revised to indicate that the roadway near the Bayshore Station is called “Sunnydale Avenue” and not “Sunnyvale Avenue.” To address this comment, the text in the Final EIR/EIS (Table 3.13-3) has been revised to correct the name of “Sunnydale Avenue.”

### 1131-735

The comment indicates that footnote 2 of Table 3.13-4 in Section 3.13.5.2, Planned Land Uses, of the Draft EIR/EIS should be revised to indicate that the roadway near the Bayshore Station is called “Sunnydale Avenue” and not “Sunnyvale Avenue.” To address this comment, the text in the Final EIR/EIS (Table 3.13-4) has been revised to correct the name of “Sunnydale Avenue.”

### 1131-736

The comment requests that the Draft EIR/EIS identify the owners of the communication radio towers referenced in Table 3.13-7. The communication radio towers would be owned by the Authority. Please refer to Section 2.4.7, Signaling, Train-Control Elements, and Communication Facilities, in the Draft EIR/EIS for additional information about these facilities. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-737

As explained in Section 3.2, Transportation, of the Draft EIR/EIS, the project would reduce VMT by diverting people to use the train who would otherwise use personal vehicles for their travel. While the project would make it possible for people to travel distances on the train quicker than they could via personal vehicle, there is no evidence to suggest that the project would induce people to travel farther distances by personal vehicle. While it is possible that some may make longer trips due to the convenience of travel by HSR train, this would not necessarily result in other people making those longer trips by car. Furthermore, the Authority estimated the VMT reduction using a statewide travel demand model that includes forecasted future growth and analyzed how future travel demand would be met variously by different modes (e.g., personal vehicles, train, airplanes) with and without the project and determined that the project would result in the VMT reductions as discussed in Impact TR#1 in Section 3.2. Please also refer to Volume 2, Appendix 3.2-B, Vehicle Miles Traveled Forecasting, in the Final EIR/EIS, which summarizes the methodology used to forecast the reduction in VMT due to project operations.

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-738

The comment requests that the cumulative impact analysis (Draft EIR/EIS Section 3.18, Cumulative Impacts) take into account the potential for the project to induce additional vehicle trips between HSR stations and employment centers as a consequence of the project's potential to enable people to relocate their residences out of the Bay Area but retain jobs with Bay Area companies and use HSR for commuting. The comment appears concerned with the potential for increased station-to-workplace travel associated with the phenomenon as described.

Refer to Draft EIR/EIS Section 3.17.6.3, Project Impacts, in which the Authority acknowledges the potential for such long-distance commuting to occur, but concludes that precise timing and quantification of such relocations are not possible given the complex mix of economic factors and personal preferences that would underlie any such relocations.

With employment growth projected in the Bay Area, without the HSR project, there would be continued growth in long-distance commuting to employment centers (such as in Sunnyvale) which is already occurring due to the continued availability of higher-paying jobs on the San Francisco Peninsula combined with the unaffordability and unavailability of housing on the San Francisco Peninsula. As such, the project provides an alternative for those long-distance commutes that would otherwise affect the transportation system throughout the Peninsula. The project would not offset all vehicle travel for employees to Peninsula employment centers or necessarily all portions of a trip, but it would divert some of these trips. In addition, by providing a transit mode and stations, there would be increased opportunities for both public and private transit services to carry employees to employment centers as they would be centralized at the transit stations.

Regarding increased vehicle activity emanating from project stations, the EIR/EIS takes into account such potential in its future year analyses. As explained in Draft EIR/EIS Section 3.2, Transportation, the project overall would result in a much greater diversion of trips from passenger vehicles to rail and transit that would result in a net reduction in area VMT. Moreover, the EIR/EIS also takes into account the potential for this increased traffic to result in detrimental effects on communities. As discussed in Draft EIR/EIS Section 3.12, Socioeconomics and Communities, the project would result in increases in vehicle congestion and delay at intersections from increased traffic generated by project trips at the 4th and King Street Station, Millbrae Station, Brisbane LMF, and San Jose Diridon Station. However, the conclusion of Impact SOCIO#3 is that the increase in

### 1131-738

congestion and delay would not result in the physical division of any community along the project corridor. Please also refer to the response to submission FJ-1131, comment 737.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-739

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-740

The comment requests that the Draft EIR/EIS delete "Elementary" from the title of the agency with jurisdiction. To address this comment, the Authority has revised the text to "Sunnyvale School District" throughout the Final EIR/EIS.

### 1131-741

The comment requests that the Draft EIR/EIS revise the title of the agency with jurisdiction over three parks. To address this comment, the Authority has revised the text to "City of Sunnyvale Department of Library and Recreational Services" throughout the Final EIR/EIS.

### 1131-742

The comment notes that the Stevens Creek Trail does not extend through the City of Sunnyvale. To address this comment, the Authority deleted the City of Sunnyvale from the discussion of the Stevens Creek Trail throughout the Final EIR/EIS.

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-743

The comment requests that the Draft EIR/EIS revise the title of the agency with jurisdiction over the park. To address this comment, the Authority has revised the text to “City of Sunnyvale Department of Library and Recreational Services” throughout the Final EIR/EIS.

The comment also requests that the Draft EIR/EIS provide additional analysis of noise during construction and operations affecting Plaza del Sol. The Draft EIR/EIS contained adequate analysis of noise impacts on Plaza del Sol consistent with the requirements of CEQA, NEPA, and Section 4(f), and no revisions were made to the Draft EIR/EIS in response to this part of the comment. Plaza del Sol is currently across from the existing Sunnyvale Caltrain Station. Construction activities near the plaza include co-location of a radio tower at the existing Sunnyvale Caltrain Station (200 feet south of the TCE) and installation of a four-quadrant gate at Sunnyvale Avenue (721 feet south of the TCE). Because of the distance from construction activities and as described in Section 4.6.1.38, Plaza del Sol Use Assessment (ID#124), of the Final EIR/EIS, construction noise could make use of the plaza less desirable during construction of the radio tower over 3–6 months, while indirect impacts from installation of the four-quadrant gate would be minor or avoided over a 2–4-week-period of active construction. Compliance with FRA and FTA guidelines would minimize construction noise (NV-IAMF#1), and the plaza would remain usable during construction.

Operations would increase the number of trains operating in the corridor and increase the frequency of train horn noise. Detailed discussions of operational noise impacts are included under the Operational Noise Impacts subsection in Section 4.6.1, Parks and Recreational Facilities, and under Impact PK#7 in Section 3.14, Parks, Recreation, and Open Space. As described in these sections, trains would sound the warning horns 0.25 mile before each at-grade crossing and station. Train passbys and associated horn noise would be most frequent during the morning and evening peak commute times (6:30 a.m. to 9:30 a.m. and 4:30 p.m. to 7:30 p.m.) when approximately 20 trains per hour (consisting of both Caltrain and HSR trains) would travel in either direction through the corridor. As noted, Plaza del Sol is currently across from the Sunnyvale Caltrain Station, so a quiet environment is not part of the protected activities, and it is anticipated that increased noise resulting from HSR operations would have a limited impact on the protected activities of Plaza del Sol.

The FRA noise impact criteria are based on the comparison of existing outdoor noise levels and future outdoor noise levels from the project. Noise-level increases are

### 1131-743

categorized as no impact, moderate impact, or severe impact—terminology defined in Section 3.4, Noise and Vibration. No noise impacts were identified at Plaza del Sol. The Authority would implement mitigation measures to minimize the impacts of operational noise (NV-MM#3, NV-MM#4, NV-MM#5, NV-MM#6). Temporary construction-related impacts and operational noise impacts would not substantially impair the protected activities, features, or attributes that qualify Plaza del Sol for protection under Section 4(f), and no constructive use would occur.

### 1131-744

The comment requests deletion of “Elementary” from the title of the school district. To address this comment, the Authority revised the text to “Sunnyvale School District” throughout the Final EIR/EIS.

### 1131-745

The comment requests that TR-IAMF#2 in the Draft EIR/EIS be amended to add “ADA-compliant”. To address this comment, the relevant bullet under TR-IAMF#2 was updated in Final EIR/EIS Appendix 2-E, Project Impact Avoidance and Minimization Features, to specify that the CPT would address “Provisions for Safe ADA-compliant pedestrian and bicycle passage or convenient nearby detour.”

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### **1131-746**

The comment states that TR-IAMF#3 conflicts with the City of Sunnyvale policy by allowing construction vehicles or workers to park on-street. As described in Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Draft EIR/EIS, TR-IAMF#3 calls for the contractor to identify adequate off-street parking for all construction-related vehicles throughout the construction period to minimize impacts on public on-street parking areas. If adequate parking cannot be provided on the construction sites, the contractor would designate a remote parking area and arrange for use of a shuttle bus to transfer construction workers to and from the job site.

The comment also requests that TR-IAMF#4 be amended to require bicycle access be maintained during construction. The comment may have intended to refer to TR-IAMF#5, which would require development of CMPs to address maintenance of bicycle access during construction. Every attempt would be made to minimize the removal of pedestrian and bicycle facilities, and shorten the length of time that these facilities are inoperable. Upon completion of construction, all pedestrian facilities and bicycle lanes would be restored. Under TR-IAMF#2, the contractor would develop a CTP, which would identify any temporary road closures or detours, including those that could temporarily affect bicycle access, and prepare it in close consultation with the local jurisdiction having authority over the site. The comment did not result in any revisions to the Draft EIR/EIS.

### **1131-747**

The comment requests that additional Sunnyvale General Plan policies be added to Appendix 2-I, Regional and Local Plans and Policies. Appendix 2-I provides a list of relevant regional and local plans and policies considered in the preparation of the consistency analysis that assessed whether the HSR project is inconsistent with local plans. For Sunnyvale, Appendix 2-I describes Goal LT-3 (An Effective Multimodal Transportation System) from the General Plan, which calls for a variety of transportation modes for local travel that are also integrated with the regional transportation system and land use pattern. Sub-policies LT-3.6 and LT-3.30 were analyzed with overarching Goal LT-3. The policy favors accommodation of alternative modes to the automobile. The policy consistency analysis as documented in Appendix 2-J in the Draft EIR/EIS did not identify an inconsistency or conflict with transportation policies in the Sunnyvale General Plan. The policies numbered LT-1, Policy 3.1, and Policy 3.28 in this comment relate primarily to coordinated regional and local land use planning, the city's role in external transportation planning efforts, and modal priorities for the local city street network, which are beyond the purview of the Authority and would not be affected by the project. Other policies related to reducing VMT or addressing travel impacts are addressed in the transportation assessment based on CEQA thresholds of significance or NEPA criteria developed by the Authority as described in the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### **1131-748**

The commenter's request to add Policy SN-10.1b to Appendix 2-I, Regional and Local Plans and Policies, is noted but no revisions have been made to the Final EIR/EIS because this policy is specific to local roadway improvement projects. As neither project alternative includes local roadway improvements in Sunnyvale, this policy is not relevant to the HSR project.

### **1131-749**

The commenter requests the Authority update Appendix 3.13-A, General Plan Land Use Maps, of the Draft EIR/EIS to reflect the 2017 update of Sunnyvale's Land Use and Transportation Element. The Authority did use the mapping in Sunnyvale's 2017 Land Use and Transportation Element. However, the source was incorrectly identified. In response to this comment, the source has been updated in the Final EIR/EIS to clarify that the data from 2017 was used to prepare the map.

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-750

Yes, the service frequencies assumed for Caltrain include the increase in frequency due to electrification. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-751

The comment requests clarification about the first two columns of Table 2.1 in Appendix 3.2-B of the Draft EIR/EIS. These columns do not indicate trips “to” or “from” specific markets, but instead indicate trips “between” the specified markets. For example, the second row of the table describes the model split for trips between the SACOG market and the SANDAG market. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-752

The comment requests clarification about Table 2.2 in Appendix 3.2-B of the Draft EIR/EIS. The columns under the header “Percentage of HSR Ridership Diverted from Each Mode” indicate the percentage of HSR riders that otherwise would have traveled between specific markets by auto, air, or conventional rail in the No Project condition. For example, the 88 percent shown under the “Auto” column for trips within the MTC market does not mean that 88 percent of auto trips within that market would be diverted to HSR; instead, this implies that 88 percent of HSR riders would have traveled within the MTC market via automobile under the No Project condition.

### 1131-753

Please refer to the response to submission FJ-1131, comment 752, which addresses this topic.

### 1131-754

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The Authority appreciates this clarification that the City of Sunnyvale is the provider of sanitary sewer services in the Mountain View to Santa Clara Subsection. Table 1 in Appendix 3.6-A, Public Utilities and Energy Facilities, of the Final EIR/EIS has been revised to reflect this update.

The comment also notes that a new public easement would be required for the relocated facility on private property. Please refer to Standard Response: FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, which describes the Authority’s process for coordinating with local agencies.

### 1131-755

The comment requests clarification about the location of the crossing listed as “North Pedestrian Crossing” in Sunnyvale. This location refers to a pedestrian crossing at the north end of the existing Sunnyvale Caltrain Station platforms. This has been clarified in Table 3 of Appendix 3.11-A, Safety and Security Data, in the Final EIR/EIS.

### 1131-756

To address this comment, Table 17 in Volume 2, Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, in the Final EIR/EIS has been revised as suggested. The Lawrence Station Area Plan was already listed in Table 17 in the Draft EIR/EIS.

### 1131-757

The comment requests revisions to notes in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. No revisions are required because the comment does not raise substantive issues about the engineering design. Civil General Notes #1 will be updated to “CA-MUTCD” as part of the final design.

## Response to Submission 1131 (Andrew Miner, City of Sunnyvale, September 9, 2020) - Continued

### 1131-758

The comment requests clarifying information about one of the four-quadrant gate applications. The four-quadrant gate applications are intended for general illustration only. The actual loop configuration will be developed during final design. The comment did not result in any revisions to the Draft EIR/EIS.

### 1131-759

The comment raises several questions about Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. With respect to advance preemption at at-grade crossings, Caltrain is the host railroad and is responsible for compliance with all FRA safety regulations related to track and warning systems and would be responsible for making any adjustments in gate activation and connection to preemption of nearby traffic signal systems. Caltrain has a policy of advancing signal preemption when warranted and when funding is available.

No modifications would occur to the Sunnyvale Station or platforms under either project alternative.

Signal modifications are not currently anticipated at Sunnyvale Avenue; however, if signal modifications were necessary, they would be identified during final design.

The only HSR project improvements at Mary Avenue would be the installation of four-quadrant gates. The specific application of four-quadrant gates to be applied at Mary Avenue would be refined during final design. Signal modifications are not currently anticipated at Mary Avenue; however, if signal modifications were necessary, they would be identified during final design.

The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020)

<b>San Francisco - San Jose - RECORD #1096 DETAIL</b>	
---	--

<b>Status :</b>	Unread
<b>Record Date :</b>	9/8/2020
<b>Interest As :</b>	Local Agency
<b>First Name :</b>	Sean
<b>Last Name :</b>	Charpentier
<b>Attachments :</b>	CCAG Draft HSR DEIR Ltr_Final.pdf (183 kb)

**Stakeholder Comments/Issues :**

California High Speed Rail Authority:

Thank you for the opportunity to comment on the DEIR. The City/County Association of Governments of San Mateo County appreciates the opportunity to comment on this segment of the project. I have attached our comment letter. The letter will also be submitted through the online portal. Please confirm receipt of our comment letter.

Best Regards,

Sean Charpentier, Program Director  
 C/CAG - City/County Association of Governments of San Mateo County  
 555 County Center, 5th Floor  
 Redwood City, California 94063  
 (650) 599-1462  
[scharpentier@smcgv.org](mailto:scharpentier@smcgv.org)<<mailto:scharpentier@smcgv.org>>

[C/CAG logo]

## C/CAG

### CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park • Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

September 4, 2020

Brian P. Kelly  
 Chief Executive Officer, California High Speed Rail Authority  
 Attn: San Francisco to San Jose Project Section: Draft EIR/EIS  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113  
[sanfrancisco\\_sanjose@hsr.ca.gov](mailto:sanfrancisco_sanjose@hsr.ca.gov)

**RE: Draft EIR/EIS Comment- San Francisco to San Jose Project Section**

Dear Mr. Kelly:

The City/County Association of Governments of San Mateo County (C/CAG) appreciates the opportunity to provide comments on the High-Speed Rail Draft EIR/EIS (DEIR). C/CAG is the County Transportation Agency (CTA) for San Mateo County and is also the designated Congestion Management Agency (CMA) for San Mateo County. In addition, C/CAG is the Airport Land Use Commission, and also plays a key role in Storm Water Pollution Prevention, and Energy Efficiency. C/CAG's Board of Directors is composed of 21 members, including one San Mateo County Supervisor and one councilmember from each incorporated City and Town in San Mateo County. San Mateo County has 21 jurisdictions, a population of 774,00, and is an integral part of the dynamic Silicon Valley/San Francisco economic region. San Mateo County is home to 16 of the top 100 employers and 26 of the top 50 biopharma employers in the Bay Area.

1096-817

The High-Speed Rail project (Project) consists of constructing improvements that would allow High Speed Rail (HSR) operation between San Jose and San Francisco. Specifically, the Project will construct significant track modifications, modifications to up to 7 Caltrain stations in San Mateo County, and 29 modifications to at-grade crossings in San Mateo County. The HSR alignment directly impacts 11 of the 20 cities in the County representing approximately 60% of the total County population. As such, the Project will be one of the most transformative capital projects in San Mateo County. The Project also has the potential to be one of the most potentially disruptive capital projects in the history of San Mateo County unless the Project sponsor closely collaborates with local jurisdictions to minimize the construction impacts.

We have prepared comments on the DEIR that focus on C/CAG's mission and authority. See Attachment 1. We look forward to your responses to our comments. If you have any questions, contact Sean Charpentier, C/CAG Program Director, at [scharpentier@smcgv.org](mailto:scharpentier@smcgv.org).

Thank you,

Sandy L. Wong  
 Executive Director

Enclosure:

- Attachment #1: C/CAG HSR DEIR Comments

555 County Center, 5<sup>th</sup> Floor, Redwood City, CA 94063 PHONE: 650.599.1406 FAX: 650.361.8227  
[www.ccag.ca.gov](http://www.ccag.ca.gov)

# Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

## Attachment #1: C/CAG HSR DEIR Comments

### #1. Traffic and Transportation:

- 1096-818 C/CAG is the designated Congestion Management Agency for San Mateo County. In accordance with State statute, C/CAG prepares and adopts the Congestion Management Plan (CMP) for San Mateo County, which includes 16 signalized intersections and 53 roadway segments in the County. The CMP identifies performance measures for all network segments and intersections. Pursuant to Government Code Section 65089 (b)(1)(A), the determinative thresholds for CMP's Roadway System are Level of Service (LOS). Please refer to the C/CAG CMP document for information on LOS thresholds. A copy of the most recent CMP is available at: <https://ccag.ca.gov/programs/transportation-programs/congestion-management/>; and is incorporated by reference. The intersection analysis in DEIR Section 3.2 includes 103 intersections in San Mateo County, including 3 intersections included in the C/CAG CMP Network ( El Camino Real/Millbrae Avenue, El Camino Real/Whipple Avenue, Bayshore Boulevard/Geneva Avenue).
- C/CAG has the following transportation related comments.
- a) Update the DEIR to include reference to C/CAG's role as the County Congestion Management Agency and the role of the Congestion Management Plan, and that the threshold for Congestion Management Agencies is LOS, not VMT.
- 1096-819 b) Identify the DEIR analyzed intersections that are part of the CMP, and, for those intersections, whether there is an impact under the CMP's adopted LOS threshold.
- 1096-820 c) SB 743 shifted the CEQA threshold from LOS to VMT. It is encouraging to see the projected reductions in VMT generated by the Project. Cities often include LOS thresholds and standards in General Plans and other planning and regulatory documents. Did the DEIR analyze the intersection impacts based on LOS thresholds included in the impacted cities' General Plans or other planning or regulatory documents?
- 1096-821 d) The Potential Mitigation Measure (TR-MM#1; p3.2-96) states that there are potential right of way impacts that might require displacement of residential development. Project EIRs typically include detailed location and designs of roadway mitigations that identify the estimated right of way acquisition so the Lead Agency and the public have sufficient information to determine if the mitigations are feasible. Why were the potential right of way impacts not identified for this mitigation? Would these potential right of way impacts exceed the projection of the displacement of up to 62 units and 181 individuals? See comments under Section #5 regarding potential impact to housing.
- 1096-822 e) There are 29 at-grade crossings in San Mateo County. The Project's increase in trains and train speeds will also increase the transportation, noise, and public safety impacts at each at-grade crossing. The Project's planned service will benefit tremendously from decades of investment in grade separations made by San Mateo County (and its voters). The High-Speed Rail Authority provided funding for the 25<sup>th</sup> Ave grade separation in the City of San Mateo. The Project should make similar investments for additional grade separations in San Mateo County.

## #2. Bicycle and Pedestrian Improvements

- 1096-823 C/CAG prepares and manages the San Mateo County Comprehensive Bicycle and Pedestrian Plan (SMC CBPP). See the following link for the current version of the Plan: <https://ccag.ca.gov/programs/transportation-programs/active-transportation/>. For updates on the current planning effort, please visit [bikewalkccag.com](http://bikewalkccag.com). The SMC CBPP includes 6 programs intended to expand bicycle and pedestrian facilities and encourage more bicycle and pedestrian trips. Increasing bicycle and pedestrian trips is especially critical for connecting transit riders with bus, Caltrain, and the future HSR stations. C/CAG is in the process of updating the SMC CBPP and will have a final adopted SMC CBPP in early 2021. As station improvements, at-grade crossings, and all other Project elements are designed and constructed, it is critical that they include the relevant planned bicycle and pedestrian improvements.
- C/CAG has the following Bicycle and Pedestrian Improvement related comments.
1. Add the SMC CBPP to the list of referenced plans and documents.
  2. The Project alignment presents a barrier to many communities in San Mateo County. The residents experience limited mobility due to the lack of bicycle and pedestrian crossings of the Project right of way. The Project will exacerbate this separation through increased rail frequencies. The Project should provide technical and financial support to the planning, design, and construction of dedicated bicycle and pedestrian overcrossings along the alignment, for example like the one proposed by the North Fair Oaks Community Plan.
  3. Ensure that existing bicycle and pedestrian facilities and infrastructure that are demolished for the Project are not just replaced in kind, but improved and expanded through being designed and constructed based on the most recent bicycle and pedestrian plans, designs, and specifications.
  4. C/CAG suggests adding a policy that the Project design and construction shall incorporate the following:
    - a) All applicable bicycle and pedestrian improvements identified in the most current local city Bicycle and Pedestrian plans and the SMC CBPP; and
    - b) The recommendations in the most current version of the Federal Transit Administration Manual on Pedestrian and Bicycle Connections to Transit (see: <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/64496/ftareportno0111.pdf>); and
    - c) Adequate station and on-transit accommodations for bicycle parking and storage, and the provision of bike share programs.

## #3. Storm Water

C/CAG manages the NPDES permit for the County, including managing the following storm water/water quality programs:

- Support C/CAG member jurisdictions' compliance with the Municipal Regional Stormwater Permit (MRP).
- Local support – support municipalities in direct compliance with the MRP, including municipal staff training, public participation and involvement, trash load reduction actions, water quality monitoring.
- Countywide support – provide support to municipalities at countywide level, including developing guidance and tools for green infrastructure design and implementation, modeling pollutant load reductions, pursuing grant funds, etc.
- Regional support – fund the San Francisco Estuary Institute Regional Monitoring Program and



# Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

contribute to regional stormwater planning, scientific studies and implementation projects via participation in the Bay Area Stormwater Management Agencies Association.

The Project will add up to 188 acres of impervious surface; and have permanent impacts on 27 waterway resources (pages 3.8-53 and 3.8-54).

- 1096-827 C/CAG has the following Hydrology and Water Resources related comments.
- 1096-828 a) Page 3.8-4. Provide additional information on Municipal Regional Stormwater Permit (MRP) Phase I co-permittee requirements under Provision C.12 to address polychlorinated biphenyls (PCBs) and associated pollutant load reductions via stormwater control measures, including PCBs source identification and abatement via local municipality stormwater discharge regulation authority and/or in coordination with the San Francisco Regional Water Quality Control Board. Railroads are a known source of PCBs and the specific requirements for identifying and managing potential sources PCBs are relevant to this Project. At a minimum, a plan to test for and abate any PCBs in areas that will see construction activities within old industrial land use areas should be incorporated to prevent mobilization and discharge of PCBs via wind dispersal to adjacent areas or via storm water runoff to the storm drain system and downstream receiving water bodies.
  - 1096-829 b) Page 3.8-20. C/CAG recommends that the Project design any updated drainage systems or creek/drainage channel conveyance systems to account for future climate change impacts on precipitation and resultant stormwater runoff volumes, and for future climate change impacts from sea level rise and rising shallow groundwater tables. C/CAG has done countywide modeling for future precipitation impacts using downscaled global climate models from the State's Cal-Adapt website. The results of this modeling indicate future precipitation values for typical storm recurrence frequencies may significantly increase, with a future 10-year six-hour storm event providing similar precipitation as today's 25-year event. Similarly, a future 100-year event would exceed today's 200-year event. (See technical memorandum included in Item 5, Draft Climate Adaptation Risk Analysis for the San Mateo Countywide Sustainable Streets Master Plan of the May 21, 2020 C/CAG Stormwater Committee [agenda](#), which is incorporated by reference.) As such, and while all drainage improvements will have to be coordinated with the relevant local agencies, it is imperative that significant improvements be built to accommodate increased intensity of storm events and, where relevant, the compounding impact of future sea level rise.
  - 1096-830 c) Page 3.8-46. Please provide more detail on how the Project will permanently impact up to 27 waterway resources and add up to 188 acres of impervious surface and nonetheless result in a less than significant impact (Temporary Impacts on Drainage Patterns and Stormwater Runoff during Construction and Impact HYD#2 (Permanent Impacts on Drainage Patterns and Stormwater Runoff). Mitigation for impacts to waterway resources should be implemented as close as possible to where the impacts occur, and ideally within the same jurisdiction. The mitigations must be provided within the relevant county. In addition, given the potential challenge in providing mandated stormwater treatment for all added/replaced impervious acres within the HSR rights-of-way, C/CAG recommends close coordination with local jurisdictions on opportunities to implement alternative compliance outside the HSR boundaries and in support of local Green Infrastructure Plans to more sustainably manage stormwater runoff in compliance with the Municipal Regional Permit. In addition, C/CAG's forthcoming Sustainable Streets Master Plan should be referenced for integrated bike/ped/green infrastructure project opportunities that could serve to meet any treatment obligations of HSR.
  - 1096-831 d) Page 3.8-55. The design of all replacement, new, or expansion drainage improvements should be consistent with the San Mateo Countywide C.3 Regulated Projects Guide and Green Infrastructure Design Guide, as well as all associated green infrastructure and drainage plans and requirements adopted

555 County Center, 5<sup>th</sup> Floor, Redwood City, CA 94063 PHONE: 650.599.1406 FAX: 650.361.8227  
www.ccag.ca.gov

- 1096-832 by the impacted city.
- 1096-833 e) Page 3.8-55. The process for determining if the existing drainage system has sufficient capacity is not clear. The DEIR should specify that drainage engineering analysis shall occur early enough in the design process for consultation with the local jurisdiction that has authority of the drainage system, that the analysis shall be based on the established design parameters and thresholds in each community, and that the determination of whether upgrades are necessary should secure the concurrence of the relevant City Engineer. HSR should also consider results from C/CAG's climate change analysis referenced above to evaluate the potential need for increased drainage capacity in future climate change scenarios.
- 1096-834 f) Page 3.8-63 (Temporary Impacts on Surface Water Quality during Construction); and page 3.8-66 (Impact HYD#5 Permanent Impacts on Surface Water Quality). The DEIR identifies Significant Unavoidable Impacts for Temporary and Permanent Impacts on Surface Water Quality. The Project will permanently impact up to 27 waterway resources and add up to 188 acres of impervious surface. San Mateo County has limited waterways remaining, especially in the more urbanized areas, and these impacts could significantly jeopardize the County's ability to prevent further hydrologic and water quality impacts to urban creeks. It is critical that the mitigations be as geographically close to the impact as possible, preferably within the same jurisdiction. The mitigations must be provided within the relevant county. Given the linear nature of the Project, and the multitude of jurisdictions, C/CAG recommends that the Project explore creating a mitigation fund by County to address permanent waterway resource and stormwater treatment mitigation requirements.
- 1096-835 g) Page 2-I-106 through 2-I-121 C/CAG recommends adding the San Mateo Countywide Stormwater Resource Plan as a countywide watershed-based plan for identifying and prioritizing regional, right-of-way and parcel-based stormwater capture projects as well as local municipal Green Infrastructure Plans for impacted San Mateo County municipalities to support coordination with local jurisdictions on alternative compliance stormwater treatment projects as needed (see comment c) above).

#### #4. Airport Land Use Compatibility Plans

C/CAG is the designated Airport Land Use Commission (ALUC) for airports within San Mateo County. Within the Project study area there are adopted Airport Land Use Compatibility Plans (ALUCPs) for the San Carlos Airport and the San Francisco International Airports (SFO). The ALUCPs include policies and a review process for potential use impacts, height impacts, and impacts to airports' navigation facilities and equipment. The DEIR references Electromagnetic Interference with Airports (EMF/EMI#9, p3.5-45).

Both the SFO ALUCP (Policy AP-4(d)) and the San Carlos ALUCP include the following policy regarding potential obstructions to Navigation Equipment:

- Other Flight Hazards are Incompatible – Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar" (SFO ALUCP Airspace Protection Policy AP-4(d) and San Carlos Airport ALUCP Airspace Protection Policy 6, Section 5.)

C/CAG has the following ALUCP related comments.

- a) C/CAG suggests adding the following policy: Where applicable, the Project shall comply with adopted SFO ALUCP and the San Carlos ALUCP policies and procedures, including but not limited to addressing potential construction impacts and potential impacts to navigation equipment.

555 County Center, 5<sup>th</sup> Floor, Redwood City, CA 94063 PHONE: 650.599.1406 FAX: 650.361.8227  
www.ccag.ca.gov

## Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

### #5. Displacement and Community Disruption

San Mateo County and the rest of the Bay Area are in the middle of a severe housing crisis. The number of homeless in the County increased by 20% between 2017 and 2019. The housing crisis has become so severe that many local jurisdictions, including San Mateo County, have imposed moratoriums on residential evictions in response to the housing crisis and the COVID-19 Crisis.

1096-837

The Project estimates the displacement of up to 62 units, housing up to 181 people. For residential tenants, displacement often results in either moving out of the region or homelessness. Housing instability threatens the public peace, health and safety as eviction from one's home can lead to homelessness; loss of community; stress and anxiety caused by the experience of displacement; interruption of the education of any children in the home; increased incidence of families moving into overcrowded conditions creating greater risk for the spread of COVID-19; as well as increased difficulty in complying with the Shelter-in-Place Orders and a corresponding increased risk to public health and safety. C/CAG has the following Displacement, Land Use, and Environmental Justice comments.

- a) Impact SOCIO#7 (p 3.12-93). Please confirm if any of the residential properties identified for potential acquisition are deed restricted affordable housing or affordable housing with a regulatory agreement. The displacement of up to 181 people is a major negative impact to those each of those individuals and their communities.

1096-838

- b) P 3.12-68 (CEQA Conclusion). The CEQA conclusion is that the displacement is less than significant. This seems contrary to the multi-year housing and homeless crisis. Please provide analysis for why a "Last Resort Housing" finding was not made and why contributions to replacement housing are not suggested.

1096-839

- c) The property acquisition process is difficult for both residential owners and residential tenants. The owners tend to have resources, including legal support, to assist them. The tenants often lack access to independent legal or support resources to represent and assist them during the process. Has the Project considered funding independent tenant support services such as the Legal Aid Society of San Mateo County?

1096-840

- d) The Project proposes using 42 months of rental differential for relocation benefits. There is precedent for large public projects providing up to 48 months of rental differential. Given the severe housing crisis, has the Project considered extending the months of relocation payments from 42 months to 48 months?

1096-841

- e) P 5-8, Figure 5-2. The methodology of the scope of the Environmental Justice Study Resource Area (EJSRA) is logical, but the application produces geographically incongruous results that might create negative perception issues. The challenge arises from using the Census tracts, which are based on population density. For example, the EJSRA excludes East Palo Alto and the Bell Haven neighborhood of Menlo Park, but includes parts Redwood City to the Baylands and Census tracts along and west of Highway 280. A possible solution might be to expand the EJSRA to the Bay.

1096-842

- f) Underserved neighborhoods are often disproportionately impacted by the construction of large projects. Ensure that underserved communities are protected during construction. In particular, that the relocation of transit stops or other temporary construction impacts does not negatively impact the residents' mobility or safety. The Project should consider operating shuttles to assist with construction closures.

#

555 County Center, 5<sup>th</sup> Floor, Redwood City, CA 94063 PHONE: 650.599.1406 FAX: 650.361.8227  
[www.ccag.ca.gov](http://www.ccag.ca.gov)

## Response to Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020)

### 1096-817

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The City/County Association of Governments of San Mateo County is a key local agency, and the Authority has engaged and is committed to continuing to engage with the agency, including during the construction process. As explained in Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, the Authority establishes a working relationship with each jurisdiction through which it will construct using MOUs and cooperative agreements. These agreements set forth the mutual expectations of the parties as to the consultation and review role of the local government over the course of design development. Such agreements with local jurisdictions detail the engineering plan submittal and review process. These agreements also address reviewing and approving actions by the local jurisdiction for design plans, including detour routes and construction staging.

In subsequent individual comments, the commenter provided specific comments and recommendations on traffic and transportation, bicycle and pedestrian improvements, stormwater, airport land use compatibility plans, and displacements and community disruption. Each of these specific comments is addressed below. The comment did not result in any revisions to the Draft EIR/EIS.

### 1096-818

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment requests that the EIR/EIS clarify that C/CAG is the designated Congestion Management Agency for San Mateo County. Appendix 2-I, Regional and Local Plans and Policies, in Volume 2 of the Draft EIR/EIS provides a list of relevant regional and local plans and policies considered in the preparation of the consistency analysis. Table 1 in Appendix 2-I notes that the City/County Association of Governments of San Mateo County serves as the Congestion Management Agency and is responsible for developing and adopting a congestion management plan for the county.

The comment also requests that the EIR/EIS clarify that the threshold for congestion management agencies is LOS. To address this comment, a statement has been added to Table 1 of Appendix 2-I, in the Final EIR/EIS to clarify that state laws that govern congestion management plans still reference and require the use of LOS standards.

## Response to Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

### 1096-819

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment requests that intersections that are part of the CMP be evaluated based on the adopted LOS threshold in the C/CAG congestion management plan.

The study intersections evaluated in the Draft EIR/EIS include critical intersections located around HSR stations or maintenance facilities as well as critical intersections near at-grade crossings. The study locations include intersections that would be physically modified by the project or would serve 50 or more project trips in either the AM or PM peak hour.

A total of 158 intersections are evaluated in the Draft EIR/EIS based on this methodology. During project scoping in 2016, the Authority submitted letters to each of the jurisdictions along the alignment with a proposed list of study intersections and the basis for selecting those locations. The Authority added 15 study intersections based on requests from seven local jurisdictions.

As lead agency, the Authority developed the methodology and significance criteria applied for the Draft EIR/EIS assessment in accordance with CEQA and NEPA guidelines. As CEQA was amended in 2018 to eliminate the use of LOS as a threshold to identify significant CEQA transportation impacts, the Draft EIR/EIS addresses LOS for NEPA purposes only. The Authority identified a single LOS criterion to identify adverse effects under NEPA that is applied for intersections in all jurisdictions along the corridor to provide a fair and consistent evaluation of project impacts.

Four of the 158 study intersections are among the 16 intersections identified by C/CAG for monitoring on the C/CAG CMP Roadway System. C/CAG has identified LOS standards for each of the CMP intersections. The forecast LOS, under both the 2040 No Project and 2040 plus Project scenarios, would exceed the CMP LOS standard at two intersections: El Camino Real (SR 82)/Millbrae Avenue and El Camino Real (SR 82)/Whipple Avenue. The Draft EIR/EIS also identifies NEPA LOS effects at each of these two intersections. The Final EIR/EIS has been revised to identify an inconsistency with the C/CAG CMP based on exceeding the CMP LOS standards at these two

### 1096-819

locations.

Please refer to Sections 3.2.4.4, Method for Evaluating Impacts under NEPA, and 3.2.4.5, Method for Determining Significance under CEQA, of the Draft EIR/EIS for a description of the methods and impact criteria used in the transportation assessment. Please also refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, regarding how the Authority identified mitigation for LOS impacts.

### 1096-820

Please refer to the response to submission FJ-1096, comment 819, which describes the methods and impact criteria used to identify adverse intersection effects under NEPA for the Draft EIR/EIS, as well as the approach to mitigate LOS effects. The Draft EIR/EIS identified inconsistencies with LOS standards in local General Plans in Section 3.2.3, Consistency with Plans and Laws, and Volume 2, Appendix 2-J, Policy Consistency Analysis. Although the Draft EIR/EIS describes the project's inconsistency with local plans to provide a context for the project, inconsistency with such plans is not considered in itself an environmental impact. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

### 1096-821

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

In response to comments on the Draft EIR/EIS, the Authority conducted further analysis and developed site-specific mitigation measures for consideration that could reduce some of the adverse NEPA effects on LOS identified in the Draft EIR/EIS. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects. Since one of the screening criteria is that mitigation measures for consideration should not result in unmitigable secondary environmental impacts, the mitigation measures presented in the Final EIR/EIS would not result in new significant impacts nor substantially more severe impacts than presented in the Draft EIR/EIS.

### 1096-822

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1096-823

The comment notes that C/CAG prepares and manages the San Mateo County Comprehensive Bicycle and Pedestrian Plan and requests that the 2011 plan be added to the list of referenced plans and documents. To address this comment, this plan has been added to Appendix 2-I, Regional and Local Plans and Policies, of the Final EIR/EIS, which summarizes relevant regional and local plans and policies considered in the preparation of the plan consistency analysis by resource area. As indicated in Section 3.2.3 and Appendix 2-J, Policy Consistency Analysis, in the Final EIR/EIS, the Authority did not identify an inconsistency or conflict with transportation policies in the San Mateo County Comprehensive Bicycle and Pedestrian Plan.

### 1096-824

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-TR-3: Gate-Down Time Calculation Details.

The comment suggests that the HSR project would exacerbate existing community divisions and worsen bicycle and pedestrian mobility due to increased rail frequencies and requests that the Authority provide technical and financial support for dedicated bicycle and pedestrian overcrossings of the rail corridor. The gate-down time for HSR trains at at-grade crossings in San Mateo County would range from 39 to 54 seconds, depending on location. The addition of eight HSR trains during weekday peak hours would not have an effect on travel by pedestrians or bicyclists about 90 percent of the time during peak hours when the crossing gates are not affected by HSR trains. For pedestrians or bicyclists arriving at the at-grade crossings during the times when the gate is down for an HSR train, the wait time of up to 54 seconds is less than the wait at many traffic signals and is not considered a significant impact. Accordingly, CEQA does not require mitigation.

Please also refer to Impact SOCIO#3 in Section 3.12, Socioeconomics and Communities, of the Draft EIR/EIS, which addresses issues of operational noise and vibration, and traffic circulation in the context of understanding the potential for disruption or division of established communities.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

### 1096-825

The comment requests that existing bicycle and pedestrian facilities affected by construction of the project be replaced by facilities that are improved and expanded. Impact TR#17 in Section 3.2, Transportation, of the Draft EIR/EIS identifies permanent impacts on pedestrian and bicycle access, and TR-MM#4 and TR-MM#5 would mitigate those impacts for the project alternatives. This mitigation includes construction of pedestrian improvements at the San Carlos Caltrain Station. For bicycle and pedestrian facilities built by the project, the Authority would meet federal standards (e.g., ADA compliant) and apply recommended standards and specifications for traffic control devices that are documented in the California MUTCD. Additional enhancements to pedestrian or bicycle facilities are not necessary to address project environmental impacts. If a local agency is planning improvements to a facility affected by the project, and the relative timing of the projects allow, the Authority and the local agency may collaborate on the coordination of those project construction activities. The comment did not result in any revisions to the Draft EIR/EIS.

### 1096-826

The comment requests that the project design and construction incorporate all applicable bicycle and pedestrian improvements identified in the most current version of the San Mateo County Comprehensive Bicycle and Pedestrian Plan, and provide adequate station and on-transit bicycle parking and storage.

The Authority is committed to prioritizing accessibility and safety for pedestrians and bicycles crossing the HSR corridor, traveling to and from stations, and on station property (TR-IAMF#12). Impacts TR#16 and TR#17 in Section 3.2, Transportation, of the Draft EIR/EIS identify permanent effects on pedestrian and bicycle access, and TR-MM#4 and TR-MM#5 would mitigate those impacts for the project alternatives. This mitigation includes contributions to pedestrian improvements at the 4th and King Street Station (Alternatives A and B) and construction of pedestrian improvements at the San Carlos Caltrain Station (Alternative B). Additional enhancements to pedestrian or bicycle facilities are not necessary to address project environmental impacts. If a local agency is planning improvements to a facility affected by the project, and the relative timing of the projects allow, the Authority and the local agency may collaborate on the coordination of those project construction activities.

Bicycle parking and storage would be provided for HSR riders at all HSR stations. However, bike share programs are not included as an HSR station element and the Authority has no current plans for providing bicycle parking on trains. For design of pedestrian and bicycle facilities associated with the project, the Authority would apply recommended standards and specifications for traffic control devices that are documented in the California MUTCD. The FTA Manual on Pedestrian and Bicycle Connections to Transit may be consulted where relevant to the project and associated improvement or mitigation measures, but the California MUTCD would govern the design of pedestrian and bicycle improvements. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

### 1096-827

Please refer to Section 3.8.2, Laws, Regulations, and Orders, of the Draft EIR/EIS, which includes this information. As addressed in this section, the Authority is designated as a nontraditional permittee under the Phase II MS4 permit. Although the Phase II MS4 permit does not require compliance with the TMDL for PCBs, studies have shown that standard treatment BMPs reduce PCB loads in treated effluent (Bay Area Stormwater Management Agencies Association 2017). Therefore, the Authority believes that compliance with the Phase II MS4 permit would reduce PCB loads in stormwater discharges into receiving waterbodies and drainage systems from the Authority's drainage systems. The Authority also understands that it may be necessary to discharge collected stormwater into the storm drain systems of local jurisdictions that are regulated under the MRP. In these areas, the Authority would comply with local criteria, including Provision C.12 of the MRP. As described in Impact HMW#9 in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS, there is potential for PCBs to be present below electrical transformers within the project area; the Caltrain corridor was not found to be a source of PCBs. Phase I and Phase II ESAs are not done during the environmental review process but would be performed in subsequent phases of project development to identify areas with potential contaminants. A specific testing and abatement plan for PCBs is not anticipated because this information would be included in the Phase I and Phase II ESAs. The testing results done for the ESAs would then determine the abatement requirements based on the regulatory permits. If soils are found to contain PCBs above relevant guideline values, they would be required to be removed or contained prior to soil disturbance in the area. The comment did not result in any revisions to the Draft EIR/EIS.

### 1096-828

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

The Authority understands that adapting to climate change will be a necessity, and San Mateo County has been a leader with respect to identifying and implementing adaptation strategies. The Authority is committed to incorporating climate change adaptation measures into the HSR system design. New or modified drainage systems within the statewide HSR corridor would comply with Authority's Hydraulic and Hydrology Design Guidelines (TM2.6.5) (Authority 2011b), which were adopted to protect the track and associated infrastructure and facilities from stormwater damage, eliminate nuisance stormwater run-on and runoff, expedite drainage flow, and maintain drainage capacity. During the final design phase, the Authority would also consider any updated local hydrology standards and increased storm intensities due to future sea level rise and climate change, including San Mateo County's hydrology guidelines, in the design or modification of drainage systems that would discharge into the local jurisdiction's storm drain system. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

### 1096-829

The comment requests more detail on waterway impacts. Please refer to Impacts HYD#1 and HYD#2 in Section 3.8, Hydrology and Water Resources, of the Draft EIR/EIS, which address this topic. As described in these sections, the Draft EIR/EIS found temporary and permanent impacts on water quality to be less than significant and that mitigation is not required under CEQA. HYD-IAMF#1 is included as part of the project; this project feature would require the preparation and implementation of a stormwater management and treatment plan to comply with applicable MS4 permits. This plan would include measures to manage runoff from new and reconstructed impervious surfaces in compliance with the CWA to avoid substantial water quality impacts in receiving waterways. As described in Standard Response FJ-PUE-2: Coordination with Local Government Entities and Utilities Owners, the Authority will coordinate with local government entities and utility owners throughout the final design and engineering phase of the project. As part of this, the Authority would consider working with local jurisdictions to implement regional stormwater management projects to meet stormwater treatment obligations.

Certain impacts on biological and aquatic resources have mitigation measures that would also reduce temporary and permanent impacts on water quality. Mitigation was incorporated into Section 3.7, Biological and Aquatic Resources, of the Draft EIR/EIS to reduce impacts on aquatic resources and riparian areas, including BIO-MM#1, BIO-MM#35, BIO-MM#36, and BIO-MM#37. Temporary impacts on aquatic resources outside the permanent right-of-way would occur on-site. Off-site mitigation would be via mitigation bank, preservation through property acquisition, establishment/restoration/enhancement of resources, or in-lieu fees, all of which would be subject to approval by resources agencies. While location criteria for off-site compensatory mitigation were not established in these mitigation measures, the resources agencies would have the ability to review and approve the proposed locations of off-site compensatory mitigation.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1096-830

The Authority appreciates this comment from City/County Association of Governments of San Mateo County. The Authority believes it is both highly practical and prudent logical to coordinate with local jurisdictions to achieve its stormwater treatment obligations and would consider doing so during the final project design phase. The comment did not result in any revisions to the Draft EIR/EIS.

### 1096-831

The comment requests that the Authority reference the San Mateo Countywide Sustainable Streets Master Plan (C/CAG 2021) for project opportunities to meet stormwater treatment obligations for the HSR project. In response to this comment, the Authority has added a reference to and summary of the San Mateo Countywide Sustainable Streets Master Plan to Appendix 2-I, Regional and Local Plans and Policies, of the Final EIR/EIS. If full on-site stormwater management and treatment is not feasible, the Authority would consider off-site stormwater management and treatment, such as those identified in the San Mateo Countywide Sustainable Streets Master Plan.

### 1096-832

The comment states that all drainage improvements should comply with San Mateo County regulations in their jurisdiction. Please refer to Section 3.8.2, Laws, Regulations, and Orders, of the Draft EIR/EIS, which discusses this topic. The Authority is designated as a nontraditional permittee under the Phase II MS4 permit. Drainage facilities within the Authority's dedicated right-of-way would be designed in accordance with the Authority's Hydraulic and Hydrology Guidelines (TM2.6.5) (Authority 2011b). However, the Authority understands that it may be necessary to discharge collected stormwater into the storm drain systems of local jurisdictions that are regulated under the MRP. In these areas, the Authority will comply with local criteria, including provision C.3 of the MRP, and local design guidelines referenced in Section 3.8.2. Please refer to Table 3.8-1 for the list of the MRP permittees and permit requirements in San Mateo County. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

### 1096-833

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

Based on experience from other project sections of the HSR system that are currently in the final design phase, final drainage design would include close coordination with local jurisdictions. During the detailed design phase, the design-build contractor would prepare drainage plans and drainage reports describing modifications to and impacts on existing drainage systems, entirely new drainage systems, calculations used to develop the drainage design, and applicable local design criteria. Drainage plans and drainage reports would be prepared and submitted to local agencies for review and comment. Where proposed drainage systems would connect with local drainage systems or modifications to local drainage systems are required, the design would comply with local design standards, including any adopted hydrology guidelines relevant to climate change. Otherwise, drainage systems would be designed according to the Authority's Hydraulic and Hydrology Guidelines (TM 2.6.5) (Authority 2011b). The Authority has reviewed the results presented in Appendix A, Climate Adaptation Risk Analysis for the San Mateo Countywide Sustainable Streets Master Plan Technical Memorandum, of the San Mateo Countywide Sustainable Streets Master Plan (C/CAG 2021). However, the design of drainage systems would be in accordance with the Authority's design guidelines or with local design standards. Please refer to the response to submission FJ-1096, comment 828 for more information. The comment did not result in any revisions to the Draft EIR/EIS.

### 1096-834

The commenter incorrectly states that the Draft EIR/EIS identifies a significant and unavoidable impact associated with temporary and permanent impacts on surface water quality. As described in Section 3.8.9, CEQA Significance Conclusions, of the Draft EIR/EIS, the Authority concluded under Impacts HYD#4 and HYD#5 that both temporary and permanent impacts on surface water quality would be less than significant with the application of biological and aquatic resources mitigation measures identified in Section 3.8.7, Mitigation Measures.

A mitigation fund to address stormwater treatment mitigation requirements within the same jurisdiction would not be necessary to mitigate for project impacts. The stormwater management and treatment plan required by HYD-IAMF#1 would comply with the treatment requirements of applicable MS4 permits and would manage runoff from new and reconstructed impervious surfaces. If full on-site treatment is not feasible, the project would comply with the Phase II MS4 permit and the MRP for alternative post-construction stormwater management (i.e., alternative compliance, off-site treatment). Alternative post-construction stormwater management would be based on geographical location and coordinated with the respective local jurisdictions. Please refer to the response to submission FJ-1096, comment 829 for more information.

A mitigation fund is also not required to address project impacts related to the permanent conversion or loss of aquatic resources or riparian habitat. Mitigation was incorporated into Section 3.7, Biological and Aquatic Resources, of the Draft EIR/EIS to reduce impacts on aquatic resources and riparian areas, including BIO-MM#1, BIO-MM#35, BIO-MM#36, and BIO-MM#37. Off-site mitigation would be via mitigation bank, preservation through property acquisition, establishment/restoration/enhancement of resources, or in-lieu fees. The resources agencies would have the ability to review the proposed locations of off-site compensatory mitigation.

### 1096-835

The Authority believes it is both highly practical and prudent to coordinate with local jurisdictions to achieve its stormwater treatment obligations and would consider doing this during the in final project design phase. The San Mateo Countywide Stormwater Resource Plan was added to Appendix 2-1, Regional and Local Plans and Policies, in the Final EIR/EIS.

## Response to Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

### 1096-836

The comment requests that the adopted San Mateo County ALUCPs for San Carlos Airport and SFO be included in the EIR/EIS analysis, and that the project comply with the applicable plans and the policies contained within the ALUCPs, including but not limited to addressing potential construction impacts and potential impacts on navigation equipment.

In response to this request, San Mateo County's ALUCPs for San Carlos Airport and SFO as well as Santa Clara County's ALCUP for SJC have been reviewed and considered in the preparation of the EMF/EMI analysis in the Final EIR/EIS. Volume 2, Appendix 2-1, Regional and Local Plans and Policies, in the Final EIR/EIS has been updated to reflect this. As noted in Section 3.5.3, Consistency with Plans and Laws in the Final EIR/EIS, the policies and procedures in these plans restate existing FAA requirements and do not create any new or unique requirements. Given this, all analysis of FAA requirements and conclusions drawn in Section 3.5, Electromagnetic Fields and Electromagnetic Interference, of the EIR/EIS demonstrates compliance with the requirements of the adopted ALUCPs for San Carlos Airport, SFO, and SJC. As a result, additional commitments to comply with the adopted ALUCPs, and the policies and procedures they contain, is not required.

In connection to this comment, the Authority has identified that while SFO was documented as a sensitive receptor in Table 3.5-11 of the Draft EIR/EIS and analyzed, the San Carlos Airport was not. The San Carlos Airport has been added to the list of sensitive receptors in Table 3.5-11 of the Final EIR/EIS and the potential impacts have been analyzed in Impact EMF/EMI#9. The addition of San Carlos Airport as a sensitive receptor has not changed any of the impact conclusions previously drawn in the Draft EIR/EIS.

### 1096-837

The Authority acknowledges the challenges that can accompany displacement and relocation of residents that may be affected by construction of the HSR system. As described in the Draft EIR/EIS Section 2.5.2, Alternatives Consideration Process and Chronology, the transition from a fully-grade separated four-track system to the current proposed two-track blended system was driven in part to minimize the need for additional right-of-way acquisition and corresponding displacements and relocations.

The comment is correct with regard to Alternative B's potential to acquire up to 62 residential properties, which would result in the displacement of up to 181 people.

As noted in the Final EIR/EIS's discussion of Impact SOCIO#7, Alternative B (Viaduct to Scott Boulevard) would require the acquisition of a 25-unit residential property adjacent to the south side of the existing Caltrain tracks and south of De La Cruz Boulevard in Santa Clara. These multifamily residential buildings are managed by Charities Housing, and provide subsidized, affordable housing and on-site childcare for survivors of domestic abuse and their children. Alternative B (Viaduct to I-880) would not displace any affordable housing. The Authority's Preferred Alternative is Alternative A, which would require acquisition of 14 residential units and displacement of an estimated 41 people. Alternative A would not displace any affordable housing.

As discussed throughout Chapter 8, Preferred Alternative, Alternative A's significantly lower number of residential displacements was a key factor in the Authority's identification of Alternative A as the Preferred Alternative.

The discussion of Impact SOCIO#7 has been revised in the Final EIR/EIS to clarify the above points.

Please also refer to the response to submission FJ-1096, comment 839, which describes the relocation resources that the Authority would provide for displaced individuals.

## Response to Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

### 1096-838

The comment asserts the CEQA conclusion is contrary to the current housing and homeless situation and suggests a “Last Resort Housing” analysis be conducted.

As discussed under Impact SOCIO#7, the Authority conducted a gap analysis to compare the number of displaced units against the number of units available in the affected real estate markets. This analysis is consistent with the CEQA thresholds used (refer to Section 3.12.4.5, Method for Determining Significance under CEQA). The CEQA thresholds indicate that a significant environmental impact would occur if a project would displace a substantial number of existing housing units and/or people, necessitating the construction of replacement housing. As a means of determining whether the number of displaced people/units was significant, gap analysis compared the number of units available to the number displaced. As discussed in Impact SOCIO#7, the overall number of available residential units for sale and for rent under Alternatives A and B (2,145 and 2,874, respectively) substantially exceeds the 14 displaced residential units under Alternative A, the 42 displaced residential units under Alternative B (Viaduct to I-880), and the 62 displaced residential units under Alternative B (Viaduct to Scott Boulevard). Moreover, the Draft Relocation Impact Report (Authority 2019d) documents that there is variety in the sizes and prices of replacement housing units available for sale and for rent in the RSA as of October 2018.

Accordingly, the gap analysis conducted for the Draft EIR/EIS provides support for the CEQA conclusion that there would likely be sufficient relocation resources in the relocation RSA and in the specific cities where displacements would occur for displaced residents to relocate within the same city and that no replacement housing would need to be constructed for displaced people.

Regarding Last Resort Housing, the Authority must comply with the Uniform Act, as amended. The Authority would provide relocation benefits as required by federal and state law. Volume 2, Appendix 3.12-A, Relocation Assistance Documents, provides further information on relocation resources. This appendix also states that that if the supply of available housing is ultimately found insufficient to provide the necessary housing for displaced persons, the Authority will consider Last Resort Housing. However, based on the gap analysis, the Authority concluded that the need for Last Resort Housing was not reasonably foreseeable.

### 1096-838

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

### 1096-839

The Authority agrees with the assessment that the relocation process can be difficult. To this end, the Authority takes seriously its obligations under federal and state law to ensure fair and equitable treatment of any people displaced by the project.

As discussed under Impact SOCIO#7, the Authority must comply with the Uniform Act, as amended, as identified in SOCIO-IAMF#2. The Uniform Act provides benefits to displaced individuals to assist them financially and with advisory services related to finding a new replacement residence or relocating their business operation.

As stated in Volume 2, Appendix 3.12-A, Relocation Assistance Documents, a key objective of the Uniform Act is to ensure that persons displaced by federal projects receive "uniform and equitable treatment." Accordingly, in carrying out any relocations, the Authority is bound by the Uniform Act to provide equitable treatment to anyone displaced, owner or tenant. The Authority's relocation specialists are similarly bound by these requirements and will thus provide benefits to both owner occupants and tenants of either residential or business properties.

In addition, before any acquisitions occur, the Authority would develop a relocation mitigation plan, in consultation with affected cities, counties, and property owners (SOCIO-IAMF#3). The relocation mitigation plan would provide affected property and business owners and tenants a high level of individualized assistance when acquisition is necessary and the property owner desires to relocate. These provisions are anticipated to provide both sufficient and fair resources for both owners and tenants.

Notwithstanding, the Authority notes the suggestion to consider funding independent tenant assistance services and will take the suggestion under advisement.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1096-840

The Authority would provide relocation benefits as outlined in Appendix 3.12-A, Relocation Assistance Documents. The Authority believes that 42 months of rental differential for relocation benefits both meets regulatory requirements and is sufficient for those who would be relocated. The comment did not result in any revisions to the Draft EIR/EIS.

### 1096-841

The RSA for direct and indirect effects on minority populations and low-income populations is defined as the census tracts partially or fully within the project alternatives' footprints and a 0.5-mile buffer zone from the project footprints. This is the area in which direct impacts on communities associated with noise, transportation, and property displacement are most likely to occur. The analysis was based on census tracts, rather than block groups, because of the increased statistical reliability of ACS 5-year estimates at this geographic scale. Because the RSA is established based on census tracts—the size of which can vary based on the population density—some census tracts within the RSA are large and extend for miles beyond the project alternatives' footprints. Minority populations and low-income populations within the environmental justice RSA but farther than 0.5 mile from the project footprints would be unlikely to experience adverse environmental or community effects. Consequently, the environmental justice RSA includes a larger area and greater population than would likely be affected by the project alternatives. While this may lead to the appearance of a geographically incongruous boundary as the commenter suggests, expanding the boundary to include areas that are more distant from the project footprint would include areas that are outside the geographic extent of project impacts, and would not change the conclusions of this analysis. Therefore, the suggestion to expand the RSA for the environmental justice analysis has not been incorporated. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1096 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2020) - Continued

### 1096-842

As explained in Chapter 5, Environmental Justice, of the Draft EIR/EIS, project construction would result in temporary disruption to bus services, including the temporary closure of parking areas, bus stops, transit stations, or roadway travel lanes, which would contribute to temporary interference with bus transit along roadways immediately adjacent to the Caltrain corridor and at the 4th and King Street, Millbrae, and San Jose Diridon Stations; at the Brisbane LMF sites; and at affected Caltrain stations. The Authority would implement project features (IAMFs) during construction to minimize disruption to transit and transit users, including disadvantaged communities. For example, a traffic control plan (TR-IAMF#2) and a CMP for maintenance of transit access (TR-IAMF#11) would require that the contractor maintain safe and adequate transit access during construction, provide temporary transit facilities and signage for the temporary facilities, and minimize transit schedule disruptions. IAMFs relevant to the maintenance of residents' mobility and safety include TR-IAMF#1, TR-IAMF#2, TR-IAMF#4, TR-IAMF#5, TR-IAMF#11, and TR-IAMF#12. IAMFs would be included in the MMEP to enhance implementation tracking, identify the responsible party, and clarify implementation timing. The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020)

**San Francisco - San Jose - RECORD #1140 DETAIL**

**Status :** Unread  
**Record Date :** 9/10/2020  
**Interest As :** Local Agency  
**First Name :** Steve  
**Last Name :** Monowitz  
**Attachments :** SMC Comments re SF to SJ HSR (2020-09-01)\_SM\_CS.pdf (513 kb)

**Stakeholder Comments/Issues :**

Dear High Speed Rail Authority,  
 The County of San Mateo hereby submits its comments on the Draft EIR/EIS for the High Speed Rail Project segment between San Francisco and San Jose. Thank you for your consideration of these comments.  
 Sincerely,  
 Steve Monowitz  
 Community Development Director  
 San Mateo County Planning and Building Department



September 9, 2020

Brian P. Kelly  
 Chief Executive Officer  
 California High-Speed Rail Authority  
**Attn: Draft San Francisco to San Jose Project Section EIR/EIS**  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113  
[san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)

County Government Center  
 455 County Center, 2nd Floor  
 Redwood City, CA 94063  
 650-363-4161 T  
[planning.smcgov.org](http://planning.smcgov.org)

RE: Draft EIR/EIS Comment - San Mateo County Comments on San Francisco to San Jose Project Section Draft Environmental Impact Report/Environmental Impact Statement for the California High Speed Rail System

Dear Mr. Kelly,

San Mateo County (County) appreciates the opportunity to submit the following comment on the Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) for the California High-Speed Rail Authority (CHSRA) San Francisco to San Jose Project Section (Project). The County has submitted similar comments in response to previous environmental documents for the project, including in letters submitted to CHSRA dated June 30, 2010 and June 10, 2016. The comments and concerns identified by those letters continue to apply and have been exacerbated by changed circumstances. For instance, growing social inequities have underscored the importance of addressing the needs of disadvantaged communities and correcting injustices of the past. CHSRA’s proposed use of the segment of railway within the community of North Fair Oaks without mitigating the impacts that the project will have on the community fails to meet this need, as intensified use of the tracks will reduce the safety and efficiency of the one grade separated crossing in this community, and thereby further divide neighborhoods and access to resources. These and other comments and concerns regarding the Draft EIR/EIS are summarized below and detailed by Attachment A.

1. Impacts on the North Fair Oaks Community

The County is concerned about several findings of “no significant impact” due to assumptions inherent in assessing the baseline condition and by the lack of mitigation when there is a stated impact. North Fair Oaks is an environmental justice community and the only community mentioned that has the highest percentage of both low-income populations and minority populations in the cumulative resource study area (RSA) (p.5-94). In its June 2016 letter, the County detailed North Fair Oaks’ community members concerns, existing conditions, described relevant policies and potential mitigation strategies based on the adopted 2011 North Fair Oaks Community Plan (<https://planning.smcgov.org/north-fair-oaks-community-plan>), and requested the Draft EIR/EIS rigorously study noise, vibration, and other impacts due to North Fair Oak’s status as a community of concern.

CHSRA documented community concerns during its own outreach efforts in North Fair Oaks, similar to those described by the County, where stakeholders expressed concern regarding: “community cohesion and connectivity impacts due to impaired pedestrian access, disruption of community functions, and division of neighborhoods...access to community, health, family and children services as the train tracks

1140-2601

# Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

1140-2601

form a dividing line for their community...the limited number of grade-separated crossings of the tracks, which require community members to walk or take transit for unreasonably long distances to access services across the tracks...[and] noted that although there is an existing underpass on Woodside Road, it is not safe for pedestrians or bicyclists due to the fast-moving traffic and heavy congestion on that road" (p.5-55).

Throughout the Draft EIR/EIS, CHSRA states that as a state agency leading a federal and state undertaking it is not required to comply with local plans and policies, but endeavors to be consistent (for example, p.3.2-6, p.3.3-11, 3.4-11, and others) and address community concerns. The County believes that the Draft EIR/EIS does not adequately address community concerns or the County's requests in its June 2016 letter, and fails in its endeavor to comply with local plans and policies. The analysis provided by the Draft EIR/EIS inappropriately dismisses the significance of project impacts on circulation, noise, vibration, air quality, and environmental justice. It also yields an analysis of climate change impacts that lacks the level of specificity necessary to effectively address these challenges.

Although the increase in traffic congestion and delay that will be caused by project construction and operations are no longer evaluated as impacts under CEQA, they are concerning for their secondary impacts on localized air quality, transit service, emergency response, and bicycle and pedestrian access. Rather than address these impacts with a holistic mitigation strategy, CHSRA treats each issue individually and inadequately. The County believes that the installation of grade-separated crossings, improvements to the impacted portions of the bicycle and pedestrian network, and support of local bus service are required to mitigate these impacts to a less than significant level.

The Draft EIR/EIS states, "During the environmental justice engagement process, community members in North Fair Oaks raised concerns about the existing physical divisions of the community and limited number of grade separations, which limit access to community resources on the other side of the railroad tracks. While the project would not contribute to further division or disruption of communities, the project also would not build any new grade separations that would improve community cohesion. The Authority supports a regional effort to identify funding and implement crossing improvements" (p.5-61). Rather than defer this work and rely on other entities to address these needs, CHSRA should lead, fund, coordinate, and implement improvements, like grade-separated crossings, that address the impacts and inequities that this project will create and exacerbate. This County believes this to be a legal and moral imperative, given the proposed use of a rail right-of-way that has unfairly divided and burdened the North Fair Oaks community.

1140-2602

2. Climate Change Impacts and Adaptation

Climate change and adaptation are of significant importance statewide and to the County; reducing vehicle miles traveled and GHG emissions are noted as important reasons for implementing the proposed Project. The County has engaged in climate action planning and recommends incorporating relevant recent research and findings into the Draft EIR/EIS. This includes addressing extreme heat and sea level rise and their intersection with impacts to vulnerable communities, ability to run HSR service during these events, and project design. The County has provided suggestions to augment the Draft EIR/EIS analysis (Attachment A).

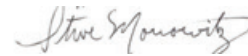
3. Draft EIR/EIS Format and Organization

1140-2603

The format of the Draft EIR/EIS is challenging to navigate and requires the reviewer to follow embedded references to different chapters and appendices to understand the full scope of impacts and associated mitigations. It is difficult to search the document electronically as it is split across three volumes, with 20+ documents in Volume 1 alone. Further, identifying impacts by specific geographies is challenging due to maps that are blurry when enlarged (for example, Figure 3.4-10 2040 Plus Project Noise Impacts – Alternative A on p.3.4-50). Although CHSRA has produced an interactive San Francisco to San Jose Project webmap (<https://mapshrnorcal.org/sanfrancisco-sanjose/>), the detailed impact maps available in the Draft EIR/EIS do not appear in the viewer. The County recommends additional efforts to clarify project impacts and associated mitigations to allow for in-depth public review.

The County appreciates the opportunity to provide comments on CHSRA's San Francisco to San Jose Project Section Draft EIR/EIS and we look forward to working with CHSRA to implement actions that address our concerns.

Sincerely,



Steve Monowitz  
Community Development Director

Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

1140-2604

**ATTACHMENT A: San Mateo County Detailed Comments on Draft San Francisco to San Jose Project Section Draft EIR/EIS**

**Compounded circulation impacts and insufficient mitigations**

Due to SB 743, delay and congestion increases by themselves are not significant impacts on the environment under CEQA and would not require mitigation; however, delay and congestion caused by a project can lead to significant secondary impacts (p.3.2-2, p.3.2-19). Accordingly, the Draft EIR/EIS notes that the Project will cause level of service (LOS) deterioration and delays due to added gate-down-time at existing at-grade rail crossings, but these will not be considered significant impacts under CEQA (TR#5, page 3.2-108). The Draft EIR/EIS also describes impacts to community-serving resources due to the increased delay and congestion and states that impacts would be less than significant after mitigation. These include:

- **Transit:** The Draft EIR/EIS details bus service disruption that will impact County residents, including those of North Fair Oaks. These include continuous permanent impacts with performance delays for SamTrans ECR and SamTrans Route 296 (p.3.2-80). SamTrans Route ECR would be adversely affected “by increased delays at intersections because of added vehicle trips generated by HSR passengers traveling to and from the Millbrae Station” (p.3.2-80). SamTrans Route 296 would be “affected by increased delays...because of increased gate-down time from added HSR trains” (p.3.2-80).The Draft EIR/EIS states that the project would have no permanent impacts (TR#9: Permanent Impacts on Bus Transit, p.3.2-109) by implementing bus transit priority treatments at traffic signals to reduce the impact of permanent delays as a mitigation strategy (TR-MM#2 Install Transit Priority Treatments).
- **Emergency Response:** The project proposes to include four quadrant gates and median separators to reduce conflicts with automobiles and pedestrians at the at-grade crossings. The Draft EIR/EIS acknowledges delay for emergency access and response times (Continuous Permanent Impacts on Emergency Access and Response Times Due to Station Traffic and Gate-Down Time, starts on p.3.11-60), stating that where impacts are identified based on monitoring, CHSRA would prepare an emergency vehicle priority treatment plan in conjunction with local agencies for at-grade crossing locations with an increase in emergency response times of 30 seconds or more between the baseline travel time and subsequent HSR project travel times after the initiation of HSR service (SS MM#4: Install Emergency Vehicle Priority Treatments Related to Increased Gate Down-Time Impacts, p.3.11-84). The Draft EIR/EIS discusses various strategies, from emergency vehicle pre-emption equipment and queue bypass lanes (also accessible for transit) to the construction of new fire stations.
- **Active Transportation and Community Cohesion:** Section 3.12 Socioeconomics and Communities addresses impacts that could weaken community cohesion, including longer trip times for vehicles, bicycles and pedestrians crossing the right of way (Impact SOCIO#3: Permanent Disruption or Division of Established Communities from Project Operations, p.3.12-55). The Draft EIR/EIS states that the project would make it longer for vehicles, bicycles and pedestrians to cross the right of way, increasing congestion and delay and weakening cohesion between communities divided by the right of way. However, it also states that the project alternatives would not physically divide communities because the project would operate with the existing Caltrain corridor and access would be maintained or improved to neighborhoods, businesses and community and public facilities.

*Discussion*

San Mateo County has the most at-grade crossings of the three counties in this HSR segment, yet disproportionately shoulders the burden of potential adverse impacts from increased train trips that will run through the heart of numerous communities bifurcated by the Caltrain corridor.

1140-2695

It is unclear how transit or emergency priority treatments will be effective on roads that are already congested and are projected to experience future increases in delay. While the provision of queue jump lanes for emergency access and transit vehicles is discussed as a mitigation, there is no discussion regarding impacts where existing road right-of-way may be constrained as is the case for most at-grade crossings.

1140-2605

The analysis appears to focus on high frequency bus service, as opposed to less frequent local-based service, which largely serves our transit-dependent population. There is also no discussion of impacts from increased roadway congestion and delays to the existing robust private commuter shuttle program which connects numerous Caltrain stations to major employment centers.

1140-2606

Although the Project will cause significant delay and concerns for bus transit, the project relies on the existing and future transit and an incomplete active transportation network to facilitate connections to HSR stations. The Draft EIR/EIS states that the Project would “not conflict with adopted policies, plans, or programs regarding bicycle and pedestrian facilities. For all reconstructed roadways, all bicycle and pedestrian facilities would be replaced upon completion of construction to maintain nonmotorized access” (p.3.2-89, p.3.18-9). CHSRA should further regional efforts to shift trips to active transportation by implementing high quality bicycle and pedestrian facilities, rather than replacement or maintenance alone.

1140-2607

Active transportation is a critical strategy to reduce GHG emissions by shifting trips from vehicles to foot or bike. Volume 2, Appendix 3.18-B does not list the adopted City/County Association of Governments of San Mateo County (C/CAG)'s 2011 Comprehensive Bicycle and Pedestrian Plan as part of its assessment of impacts, and CHSRA does not study building out any of the active transportation network as a potential mitigation for local delay and level of service impacts in 2040. CHSRA should study local active transportation implementation as a mitigation strategy and contribute toward the implementation of local bike/ped infrastructure to their fullest extent by 2040.

1140-2608

Fifth Avenue in North Fair Oaks is the only crossing of the railroad tracks in the North Fair Oaks community and is grade-separated. In their outreach, CHSRA heard from North Fair Oaks community members that the tracks bifurcate the community and there are limited crossings. Woodside Road was noted for being unsafe: it prohibits pedestrians on the section over the railroad tracks and has fast moving traffic and little shoulder width, putting cyclists in danger. Residents have to go significantly out of their way when crossing the tracks, as the Woodside and Fifth Avenue crossings are over 1 mile apart. For example, the Target at 2485 El Camino Real and a resident living at MacArthur and Middlefield are separated by about 1,500 feet as the crow flies. In order to reach the Target, the resident has a choice of walking 1.1 miles via Woodside or 1.6 miles via Fifth Avenue. The Draft EIR/EIS does not study impacts to the Fifth Avenue grade-separated crossing in its traffic impact analysis due to increased gate down times at other at-grade crossings, nor does it propose any improvements to the roadway or Woodside to address existing community concerns about active transportation access and safety.

1140-2609

The County is concerned that there could be additional safety impacts to pedestrians and bicyclists if drivers choose to route through Fifth Avenue due to increased delay at other at-grade crossings.



## Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

1140-2610 | Providing additional crossings of the rail corridor are key elements of the North Fair Oaks Community Plan and critical for the County to reduce local vehicle miles traveled and improve access for this environmental justice community. It is unclear whether the proposed project would preclude the County from implementing a grade-separated crossing and/or whether the Project would increase the cost of providing a grade-separated crossing in the future due to an increase in crossing width or height, materials required or design standards.

1140-2611 | In spite of the above issues highlighted due to the increased gate-down time and number of at-grade crossings in the Peninsula, the Draft EIR/EIS does not study the impact of providing additional grade-separated crossings as a mitigation for transit, emergency response, and bicycle and pedestrian impacts. This fails to address the specific request from the County's June 2016 letter to study and/or provide grade-separated crossings in North Fair Oaks at Pacific and Berkshire Avenues (NFO Plan, Appendix C, p.16 and p.25) and design guidance (NFO Plan Appendix C, p.8). CHSRA states as an alternative, it may reach an agreement with a local agency to make an-in lieu payment toward other infrastructure projects, including nearby grade separations (Section 3.11 Safety & Security pages 3.11-84, SS-MM#4). Many jurisdictions on the Peninsula have expressed an interest in grade separations and have proactively started work to prepare for grade separation projects to improve safety and reduce adverse impacts from increased train service.

1140-2612 | CHSRA should work with local agencies and the County to become a funding partner in the implementation of these projects as there is a lack of existing available sources to bring these projects to fruition. The funding partnership that CHSRA entered into with the City of San Mateo toward the 25<sup>th</sup> Avenue Grade Separation project should be viewed as a model toward other grade separations on the Peninsula. In order to mitigate the disproportionate impact the project will have on disadvantaged communities, these communities should receive priority for grade separated crossings. Disadvantaged communities such as North Fair Oaks should also receive priority consideration since the mid-Peninsula station was dropped from consideration (p.2-33 and p.2-44). Without the benefits of a station, disadvantaged communities are less likely to reap economic benefits that would have been derived from the project.

1140-2613 | **Potential adverse impacts to Caltrain local service and coordination with Peninsula Corridor Joint Powers Board**  
  
The Draft EIR/EIS describes the "blended system" model with high-speed rail operating on the Caltrain corridor. Section 3.2 of the Draft EIR/EIS (p.3.2-13) discusses the assumptions for baseline operational analysis of which to evaluate projected impacts, including existing and projected Caltrain service. Table 3.2-7 (p.3.2-15) summarizes the existing and planned future train service levels: existing conditions states that Caltrain operates 10 weekday peak hour trains (5 in each direction) and the 2040 Plus Project conditions scenario assumes 20 weekday peak hour trains along the project corridor, including 12 Caltrain trains (6 in each direction) and 8 High-Speed Rail trains. Chapter 8 details the Staff-Recommended Preferred Alternative (Alternative A), and references the Caltrain Business Plan (p.8-16), stating, "The operating parameters for the 2040 baseline scenario are consistent with Alternative A, confirming that passing tracks would not be needed in order to add four HSR trains per hour to the corridor. Furthermore, while the Caltrain Business Plan has identified various passing track options to

1140-2613 | accommodate growth in Caltrain service in the medium and high growth scenarios, those passing track options are all different from the passing track option evaluated in Alternative B. As such, there is a strong correlation between Alternative A and the assumptions in the forthcoming Caltrain Business Plan, which is anticipated to be adopted in mid-2020." The proposed project's impacts also include significant disruptions to Caltrain services during construction (TR#10 p.3.2-79); continuous permanent impacts on rail system capacity resulting in increased Caltrain operational service times (TR #14 p.3.2-110); and cumulative significant impacts to Caltrain service (p.3.18-81).

1140-2614 | There is no Caltrain station in North Fair Oaks; the closest stations are in Atherton and Redwood City. The Peninsula Corridor Joint Powers Board (PCJPB) is proposing to [close the Atherton Caltrain Station](#), and if so, will further limit North Fair Oaks residents' rail access. The County aims to maintain and expand high quality transit service in North Fair Oaks (North Fair Oaks Community Plan, 2011), which means high quality local Caltrain service to Atherton (if it remains open) and Redwood City.

1140-2615 | The Draft EIR/EIS demonstrates a lack of blended system planning, which is required to accurately assess the proposed project impacts. The 2040 Caltrain Long Range Service Vision (adopted in 2019) projects 16 Caltrain trains per hour (8 in each direction) in 2040, which is at odds with the conditions stated in the Draft EIR/EIS (p.3.2-15). As stated above, Alternative B does not match the various scenarios and assumptions in the Caltrain Business Plan in order to provide increased Caltrain service; however, neither does Alternative A.

1140-2616 | CHSRA will be operating service on a right-of-way operated by PCJPB and further coordination will be required to ensure that both existing and future planned Caltrain service, which is of significant benefit to residents, employees and visitors countywide (as an alternative to the highly congested 101 Corridor) is not adversely impacted. It is unclear in the Draft EIR/EIS what the specific impacts on local train service will be, nor how *not* providing passing tracks (per Preferred Alternative A) will impact *future* Caltrain local service to Redwood City and Atherton. Further, it is unclear if there is a need to provide passing tracks for Caltrain in the future, whether they would be precluded or prohibitively expensive if not built now. There would also likely be significant disruption to both train schedules if passing tracks are not provided or addressed now. It is unclear how the continuous permanent impacts on passenger rail system capacity (TR#14) have been deemed less than significant because "a regular interval schedule could be maintained" (p.3.2-110) without addressing the specific Caltrain 2040 Plus Project Conditions schedule and local service. CHSRA should address and analyze these inconsistencies to fully assess impacts, especially to disadvantaged residents of North Fair Oaks.

1140-2619 | **Environmental justice transportation impacts**

Environmental justice for transportation projects is defined as the fair treatment and involvement of all people from the early stages of planning and investment decision through construction, operations and maintenance (p.5-1) and that it is an important consideration within the resource study area. The Draft EIR/EIS notes that the North Fair Oaks Community (NFO) has the:

- greatest percentage of low-income households (48.7%, page 5-19),
- 3<sup>rd</sup> highest percentage for communities with households receiving a supplemental nutrition assistance program (9.7%, page 5-21),
- highest concentration of Hispanic or Latino minority population (71.4%, page 5-30), and
- 3<sup>rd</sup> highest percentage of linguistically isolated neighborhoods (21.3%, page 5-39).

## Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

1140-2619

It also notes during prior rounds of outreach, NFO community members expressed concern over safety due to the close proximity of train tracks to their homes, and community cohesion and connectivity due to impaired pedestrian access, disruption of community functions, and the division of neighborhoods. A primary concern mentioned was the limited number of grade-separated crossings of the tracks that require community members to walk or take transit for unreasonably long distances to access services across the tracks (p.5-55).

The Draft EIR/EIS states “Operation of the project would change regional and statewide travel patterns...Shifts and changes in travel patterns would result in a benefit through a reduction in vehicle miles traveled (VMT) on roadways, freeways, and intersections...By 2040, both project alternatives would reduce annual VMT in San Francisco County by 24 million miles, in San Mateo County by 90 million miles, and in Santa Clara County by 230 million miles. These transportation benefits would benefit the region as a whole...While the project alternatives may result in transit delay during operations within certain areas proximate to HSR stations and at-grade crossings, the overall effect of the project on transportation and transit resources in the region and state would be beneficial through substantial reductions in VMT, increased transit connectivity, and reduction in the need to expand freeways and airports.” (p.5-78) and concludes: “The minority and low-income populations in the RSA would benefit from the transit improvements in the San Francisco to San Jose Project Section, including safety improvement along the Caltrain corridor, substantial reductions in VMT, increased transit connectivity, and reduction in the need to expand freeways and airports” (p.5-95).

The County disagrees with the characterization of the Project’s benefits to environmental justice communities. The Draft EIR/EIS’s historical context description (Section 3.18.4.1) does not discuss the rail right-of-way in terms of historical displacement and takings or acknowledge the implicit inequities fostered by past decisions: communities like North Fair Oaks have been bifurcated and experience disproportionate impacts *by design*. CHSRA as a key user of the rail corridor is benefiting and building upon these past inequities with little contribution to rectify documented community challenges.

1140-2620

The Draft EIR/EIS states that construction of permanent HSR infrastructure, which is largely contained within the existing Caltrain corridor, would not create a new physical barrier in any of the communities along the rail alignment. During a meeting the County had with CHSRA staff and consultants, they indicated the Caltrain corridor through NFO is already a four-track section and no significant track additions would be occurring in this area. The Draft EIR/EIS further states that, “While the project would not contribute to further division or disruption of communities, the project would not build any new grade separations that would improve community cohesion” (p.5-61). Section 3.12 addresses impacts that could weaken community cohesion including longer trip times for vehicles, bicycles and pedestrians crossing the right of way (Impact SOCIO#3: Permanent Disruption or Division of Established Communities from Project Operations, starting on page 3.12-55). The Draft EIR/EIS states that the project would make it longer for vehicles, bicycles and pedestrians to cross the right of way, increasing congestion and delay and weakening cohesion between cities that cross the right of way.

The County disagrees with the reoccurring statement that the project alternatives would not physically divide communities because the project would operate in the existing Caltrain corridor (p.3.12-57). While significant infrastructure improvements may not be proposed through the NFO-corridor segment, there will be a significant increase in the number (4 trains per peak hour in each direction) and speed (up to 110 miles per hour) of trains. Further, in conversation with CHSRA staff, they noted that

1140-2620

additional at-grade crossings to support connectivity in areas like North Fair Oaks cannot be done due to Federal Railroad Administration safety guidelines advising against at-grade crossings due to the existing four-track configuration and speed of the trains.

1140-2621

CHSRA should prevent the perpetuation of inequities in one of the most disadvantaged communities in the resource study area. As previously noted in this correspondence, the Caltrain Corridor bifurcates many communities on the Peninsula and this includes NFO. The following access improvements should be included as equity goals for this project:

- Implementation or funding contribution toward a bicycle and pedestrian grade-separated crossing as called out in the NFO Community Plan,
- Implementation or funding contribution toward additional crossings in the North Fair Oaks community plan if at-grade crossings are no longer feasible, and
- Pedestrian and bicycle access improvements, consistent with the Draft Unincorporated San Mateo County Active Transportation Plan and C/CAG Comprehensive Bicycle and Pedestrian Plan, to facilitate improved access to the nearest Caltrain Station so that residents of NFO will be able to better access HSR through direct rail service on the Caltrain Corridor.

1140-2624

### Noise, vibration, air quality, and other impacts due to construction and operations

As noted in the June 2016 letter, the County provided data on conditions in North Fair Oaks, including its status as a community of concern. The County requested a rigorous analysis of impacts and benefits on residents of North Fair Oaks, including health, safety, and additional noise and vibration from construction and operations. The Draft EIR/EIS details these impacts in several chapters.

### Noise

The Draft EIR/EIS states that project construction would occur at night to avoid disruption to the train corridor, and even with the project features and mitigation measures, there would be locations where it is not technically feasible to meet noise limits and permitted construction hours established by local jurisdictions, including San Mateo County (p.3.4-12). It also describes varying durations and intensity of construction activities from 2 weeks to 9 months (p.3.4-42), and exposure of sensitive receptors as close as 24 feet to 792 feet for nighttime construction activities (p.3.4-46). In another section, the Draft EIR/EIS states that sensitive receptors would experience temporary noise levels in exceedance of the FRA noise impact criteria for up to 2 years at any given location (p.3.12-42). Once implemented due to project operations, nighttime operations would increase the number of trains from 8 to 28 from 2029 to 2040 (p.2-116), and the San Mateo to Palo Alto subsection will have the greatest number of 2040 Plus Project Noise Impacts; including an increase from 0 severe noise impacts in residential land uses in the 2040 No Project condition to 769 severe noise impacts in the 2040 Plus Project condition for either Alternative A or B, with more moderate noise impacts in Alternative A than Alternative B because “Alternative A has a greater number of existing at-grade crossings at which trains horns would sound” (p.3.4-47 and Table 3.4-16, p.3.4-48). The Draft EIR/EIS also notes (without specific quantification) that communities developed around the corridor already experience high noise levels due to their existing proximity to the railroad (3.12-57).

## Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

1140-2625 | The potential mitigations proposed include noise barriers (Table 3.4-21 on p.3.4-89) with scenarios where local jurisdictions adopt quiet zones (Figures 3.4-34, 3.4-39, 3.4-46, and 3.4-51 show impacts and the efficacy of mitigation for the area including North Fair Oaks). Tables 3.4-23 and 3.4-24 show that nearly half of all moderate noise impacts and about a quarter of severe noise impacts will occur in the San Mateo to Palo Alto section even with proposed mitigations in place.

The County requests:

- Additional impacts analysis on the 0 to 5 population (sensitive receptors) which are often at home-based daycares. The San Mateo County Childcare Coordinating Council website has resources on locations. <https://www.smc-connect.org/locations/child-care-coordinating-council-of-san-mateo-county-4cs>
- Providing a graphic that shows the cumulative number and severity of noise impacts, both during the day and at night, and associated timeline. The County is not clear whether there will be areas that experience both construction and operations impacts at the same time and what the cumulative impacts would be, and if regular track maintenance is incorporated into the assessment of noise impacts due to operations.
- The Draft EIR/EIS states on p.3.4-84, "If noise barriers are not proposed for receptors with severe impacts or if proposed noise barriers would not reduce exterior sound levels to below a severe impact, the Authority would consider providing sound insulation as a potential additional mitigation measure on case-by-case basis." It is unclear when this would be decided or how renters would be impacted if homeowners choose not to participate; please clarify the decision-making process and why this would not be offered broadly.
- Additional explanation on how CHSRA would work with local jurisdictions to adopt and enact quiet zones, and any potential cost implications due to any change in liability.
- Additional analysis to show the potential impact of providing grade-separated crossings on noise.

1140-2626 |

1140-2627 |

1140-2628 |

1140-2629 |

1140-2630 |

*Vibration*

The Draft EIR/EIS finds temporary exposure of sensitive receptors and buildings to construction vibration including nighttime construction work associated with track realignment, which would impact residences within 140 feet for Alternative A (p.3.4-66) and similar impacts for Alternative B, but for a longer period of time for building of passing track from San Mateo to Redwood City (p.3.4-66); mitigation measures cannot fully address the impacts (p.3.4-67). It also states there will be intermittent permanent exposure of sensitive receptors to vibration from operations. The San Mateo to Palo Alto section under either project alternative would have 1,137 ground-borne vibrations impacting residences, which is about twice what other sections will experience (p.3.4-68, Table 3.4-19). Ground-borne vibration impacts are significant under either Alternative (p.3.4-81). Section 3.12 also states that vibration impacts could disrupt established communities by reducing student learning or outdoor recreational activities (p.3.12-85). The Draft EIR/EIS states that further studies during the subsequent engineering phase would be needed to determine which mitigations would be feasible and appropriate based in site-specific conditions for project vibration mitigation measures because it would be "premature to assess the specific potential secondary impacts of vibration measures at this time" (p.3.4-86 and 3.4-121).

1140-2631 |

The County requests:

- Additional impacts analysis on the 0 to 5 population (sensitive receptors) which are often at home-based daycares. The San Mateo County Childcare Coordinating Council website has resources on locations. <https://www.smc-connect.org/locations/child-care-coordinating-council-of-san-mateo-county-4cs>
- Providing a graphic that shows the cumulative number and severity of vibration impacts, both during the day and at night, and associated timeline. The County is not clear whether there will be areas that experience both construction and operations impacts at the same time and what the cumulative impacts would be and if regular track maintenance is incorporated into the assessment of vibration impacts due to operations.
- Additional analysis to show the potential impact of providing grade-separated crossings on vibration.

1140-2632 |

1140-2633 |

1140-2634 |

*Air Quality*

The Draft EIR/EIS notes that the project alternatives would be inconsistent with certain provisions of the Play Bay Area 2040 target #3, which requires a 10% reduction in health impacts associated with air quality. During construction, both alternatives would contribute to new violations of PM 2.5 NAAQS (p.3.3-11). The Draft EIR/EIS states, "Air pollution potential is highest along the southeastern portion of the Peninsula, where the high winds and fog of the marine layer are obstructed, resulting in accumulated concentrations of pollutants. Pollutant transport from upwind sites is common. In the southeastern portion of the peninsula, air pollutant emissions are relatively high because of motor vehicle traffic as well as stationary sources" (Section 3.3.5.1). The Draft EIR/EIS describes both temporary and continuous permanent direct impacts on air quality. Impact AQ#3: Temporary direct impacts on localized air quality notes that criteria pollutants are significant for both alternatives due to construction with no mitigation measures available (p.3.3-97). Impacts AQ#7, 9, 10, 11 and 15 describe Continuous Permanent Direct Impacts on Air Quality SBAAB (beginning on p.3.3-74) state that the impacts on air quality will be less than significant because project operations are anticipated to result in a net reduction of criteria pollutant emissions.

The County requests:

- Additional analysis regarding the 0 to 5 population. As noted in the Draft EIR/EIS, exposing sensitive receptors to substantial pollutant concentrations would result in a significant impact on air quality (p.3.3-22). The Draft EIR/EIS does not appear to include impacts on the 0 to 5 population (sensitive receptors) due to home-based daycares. The San Mateo County Childcare Coordinating Council website has resources on locations. <https://www.smc-connect.org/locations/child-care-coordinating-council-of-san-mateo-county-4cs>.
- Addressing permanent emission impacts in the immediate vicinity of at-grade crossings from congestion associated with additional gate down time and from traffic that diverts through local neighborhoods; it is unclear why this would not be considered significant.
- Including an assessment of occupational health risks for construction workers and Millbrae station workers. A majority of receptors near the Millbrae Station are medical providers that are

1140-2635 |

1140-2636 |

Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

1140-2636 | more likely than average to have medically-sensitive persons on the premises during working hours. Please clarify how the concentration of medical facilities is addressed.

1140-2637 | • As noted in Section 3.3.5.1, air pollution potential is highest in the southeastern section of the Peninsula. Please clarify how this more vulnerable area will be affected by High Speed Rail and what addition mitigation will be employed to prevent additional emissions in this area.

1140-2638 | • Require contractors to use Tier 4 or better engines for all off-road construction equipment.

1140-2639 | *Environmental Justice*  
Section 3.12.5.3 describes property displacements and relocations. As noted on page 3.12-17, the San Mateo to Palo Alto section has the most schools, childcare and faith facilities (many of which host schools). The County requests additional analysis of the displacement risk to vulnerable groups including low-income, language-isolated residents, people with disabilities, seniors, minority residents, and small business owners. Displacement should be minimized and avoided, especially given current circumstances with COVID-19 due to shelter-in-place, financial strain, and the related economic impacts to local businesses. Greater caution should be taken to prevent impacts to schools, childcare, and faith facilities. Further, the CEQA conclusion (p.3.12-68) notes that displacement is less than significant: CHSRA should provide analysis for why a “Last Resort Housing” finding was not made and why contributions to replacement housing are not suggested. In addition, impacts to renters/tenants (vs. owners) are not adequately characterized. CHSRA should address support resources necessary to assist tenants for relocation and displacement.

1140-2640 |

1140-2641 |

1140-2642 | The Draft EIR/EIS indicates nearly 20% of the nearby population in Brisbane is linguistically isolated (p.5-17). Table 5-11 Other Sensitive Populations within the Resource Study Area (RSA) also indicates over 20% linguistically isolated populations in the RSA in Daly City and South San Francisco. Aggregating all unincorporated areas obscures that there is also significant linguistic isolation in North Fair Oaks; the County recommends disaggregating this information to fully understand impacts. CHSRA must assure languages are identified and all public communications and public processes are accessible to these community members, especially disclosures related to 3.10 Hazardous Materials. If safety relies on compliance of proactive practices by community members and construction workers, assure that the material is in the appropriate languages and accessible to the general public. The County requests that local jurisdictions be involved in these efforts. As Section 5 is incorporated by reference into 3.18 Cumulative Impacts, please prioritize efforts to reduce or eliminate additional risk which will increase cumulative impacts for Environmental Justice communities.

1140-2643 | Page 5-95 states “Construction of planned projects in the cumulative RSA could result in temporary and permanent disruptions to minority populations and low-income populations during construction.” It is extremely difficult for minority or low-income residents to relocate in this housing market. They are likely to have financial and logistical impediments, which can be disproportionate and arbitrary as well as impossible to overcome for unemployed people or people who do not have funds for rental deposits; higher rents, disruption to minority and low-income residents should be avoided or minimized to the greatest extent possible.

1140-2644 | **Community benefits agreement and provisions to ensure low-income residents can access and use High-Speed Rail**  
  
The County supports CHSRA for its commitment to establish Community Benefits Agreements (CBA), including goals that 30% of all work hours be filled by disadvantaged workers, 30% small business

1140-2644 | participation for construction, and for partnering with skilled craft unions and contractors to promote and help implement training programs designed to increase ability of local workers to compete for these jobs. The County looks forward to partnering with CHSRA to further refine the CBA to ensure residents from North Fair Oaks benefit. As noted on p.3.12-29, North Fair Oaks is notable for its high rate of female heads of household, which was 20% in 2014. The County supports CHSRA hiring local community-based organizations to promote participation and design engagement materials, to host trainings locally in North Fair Oaks, and broaden the types of jobs available to encourage participation from a broad cross section of demographics.

1140-2645 | The Draft EIR/EIS states: “HSR would not offer a below-market, subsidized passenger rail service, but instead would provide rapid long-distance travel, priced at commercial market rates. The pricing structure for HSR fares would be expected to be similar to typical airline fares but would fluctuate based on a variable pricing strategy (Authority 2018a). The cost of the HSR fares would discourage a daily commute to and from the Bay Area and Los Angeles basin” (p.1-17). As detailed above, this project has limited benefits for residents of North Fair Oaks and the proposed project relies heavily on the first/last mile connections provided by other transit providers (Caltrain, SamTrans) to facilitate station connections. In addition to increasing accessibility to High-Speed Rail stations through physical improvements, the County recommends CHSRA examines whether low-income residents will be able to afford and use HSR service and provide a fare structure (such as means-based fares) that increases opportunities for low-income residents to benefit from the project.

1140-2646 | **Address impacts of increasing extreme heat as a result of climate change**  
  
Climate Ready SMC, an initiative of County of San Mateo, recently conducted modeling projecting increases in extreme heat due to climate change, including projections for 2030 and 2070. These results are summarized in a forthcoming “Climate Ready SMC Extreme Heat Factsheet.” Climate Ready SMC also conducted transportation scenario modeling for the same time periods and developed adaptation strategies summarized in a memorandum entitled “Transit Slowdown – Extreme Heat.” The report is currently being finalized and County staff can provide the report to CHSRA upon request.

1140-2647 | The County urges CHSRA to add a standalone section analyzing the environmental impact of increasing extreme heat as a result of climate change, much like section 3.11.5.4 Wildfire Hazards, as part of Section 3.11 Safety and Security, and that incorporate the findings of the reports mentioned above.

1140-2648 | On page 3.11-76, the Draft EIR/EIS states: “As part of SS-IAMF#3, the HSR contractor would conduct a supplemental PHA and a threat and vulnerability assessment (TVA) to identify potential collision hazards and other facility hazards and vulnerabilities, including security vulnerabilities in rail vehicles, that then could either be eliminated or minimized by the HSR design.” Please include a specific requirement for risk reduction standards to be included in track purchase and repair to assure materials are rated to withstand increasing heat projections due to climate change.

On page 3.11-76, the section continues “The provisions in SS-IAMF#3 would apply to the dedicated HSR facilities but would not apply to the blended system. The Authority would implement SS-IAMF#3 in its entirety for dedicated HSR facilities, including HSR station facilities, the LMF, and dedicated HSR track. The dedicated HSR track in the San Jose Diridon Station Approach Subsection under Alternative B (3.3

## Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

1140-2648

miles for Alternative B [Viaduct to I-880] and 5.9 miles for Alternative B [Viaduct to Scott Boulevard]) would include a hazard detection system, where supported by hazard analyses, that would alert the HSR system operating control center of natural events such as seismic activity, excessive wind speeds, high water levels, and excessive ambient temperature levels that could result in conditions that could cause an accident. The hazard detection system would also include systems for detection of trespassers (Authority 2013b).” Given the greater heat impacts projected for the area from City of San Mateo to City of East Palo Alto please include an assessment of highest area of risk and monitor in that area.

1140-2649

Excerpts from Climate Ready SMC reports:

*Climate Ready SMC Extreme Heat Factsheet*

Extreme heat events occur when air temperatures reach or exceed 100° Fahrenheit (F). Across San Mateo County, air temperatures are expected to increase by an average of 5°F between 1995 and 2070 due to climate change. For example, from 1995 to 2070, Redwood City is projected to experience an increase of four additional annual high heat days. Similar impacts are expected for the corridor between San Mateo and East Palo Alto. These and other areas at higher risk for heat impacts should be prioritized for mitigation and adaptation measures. These heat impacts may increase travel times (due to softened pavement and railways). Sustained periods of extreme heat can cause the softening and expansion of asphalt surfaces, resulting in potholed and rutted roads. Sustained temperatures above 100°F may cause train tracks to expand, resulting in the buckling of rail lines and the derailing of trains. Impacts to roadways and rail lines can lead to closures and travel delays in the short term and accelerate the breaking down of infrastructure in the long term. Bay Area Rapid Transit (BART) and Caltrain cannot operate at full speed or capacity during high-heat events due to these risks. For example, Caltrain will slow train speeds from the standard 80 miles per hour during sustained 90 to 100°F temperatures to prevent softened tracks from buckling. This can result in increased wait times at transit stations, increasing the exposure of commuters to high temperatures. Extreme heat events will have disproportionate impacts on individuals who rely on public or multi-modal means of transportation.

1140-2650

*Transit Slowdown – Extreme Heat Memorandum*

The purpose of the memorandum is to describe the modeled effects of a major climate related scenario on the transportation network in the greater Bay Area, San Mateo County and locally to the event. Sections of the report are included below which include heat impacts which are increasing due to climate change and County of San Mateo recommendations for extreme heat resilience for the Caltrain line.

During extreme heat events, steel rail lines can warp, resulting in potential train derailment. The model used the following assumptions for Caltrain: To approximate the delays expected due to a heat-related slow down, travel times between Caltrain stations were increased to reflect the reduction of maximum operating speeds from 79 to 60 miles per hour. Implied speeds on route segments were reduced by approximately 24 percent, resulting in travel time increases of approximately one to four minutes for each segment. In addition, frequencies for most service patterns were adjusted from 60 to 70 minutes during peak periods while the Gilroy shuttle headway was increased from 30 to 35 minutes. The level of service impacts caused by a heat-related slowdown would result in approximately a \_\_ percent drop in peak period boardings in San Mateo County and an approximately 13 percent decrease system wide. Hazard mitigation and adaptation strategies cannot happen in isolation and at the highest level must

1140-2650

include coordination between multiple cities, counties, and agencies. The strategies identified for this scenario are focused on minimizing the effects of extreme heat occurrence on commuters, especially those who ride transit, and increasing resiliency of critical heavy rail infrastructure.

Recommended strategies:

- Infrastructure:
  - Upgrade fleet, software, and rails to be more heat-resistant systemwide.
  - Planting vegetation to decrease direct sunlight on above-ground rails will also provide some protection.
  - Federal and academic research can fund the development and implementation of monitoring technologies like 5G-enabled real-time monitors installed along rail beds to provide advance warning of pending rail distortion leading to transportation failures from extreme heat before there is any risk at further rail degradation.
  - Provide comfort in transit shelters and the first/last mile area around each by providing shade or waiting areas with cooling systems for waiting commuters or (heat slow down or stoppage) stranded commuters. Caltrain stations are currently more exposed than BART stations.
- Communications:
  - Provide multilingual real time communication on how to deal with transit interruptions.
  - Provide improved communication to the public about rail slowdowns during extreme heat. This includes what they should expect and alternative transportation options. This can include a resilient communication chain that includes trusted multilingual community organizations, schools, community centers, and common destinations like corner stores.
- Policy
  - As these events occur, policies should be put in place to develop metrics to evaluate transit performance and usage based on resiliency categories and community needs. This will allow for better understanding of the how services are affected and the effectiveness of resilience strategies.

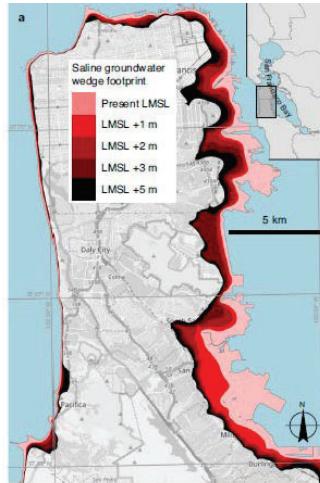
1140-2651

**Incorporate County findings related to HSR vulnerability and adaptation to sea level rise**

In reference to Section 3.8.10 Vulnerability and Adaptation to Sea Level Rise, the County appreciates the use of the Ocean Protection Council’s (OPC) Sea Level Rise Guidance, as this is what the County uses in planning for and adapting to sea level rise. The County is in general agreement with this approach; however, recent work has shown that using total water level and storms alone are insufficient. The impacts of sea level rise will be exacerbated by additional challenges: (1) rising shallow groundwater tables, (2) subsidence, and (3) changes in precipitation due to climate change and its impacts on creek flooding and stormwater runoff, both of which can become trapped behind levees. We recommend CHSRA take into account these factors in their assessment and adaptation of the proposed alternative and further describe (4) infrastructure design elements to address concerns. The County and its partners have also identified (5) additional plans that should be referenced in the Draft EIR/EIS and used in the assessment of impacts. Additional information is provided below.

Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

1140-2652



(1) Groundwater

The United States Geological Survey (USGS) published a study with accompanying data in August 2020 showing the impacts of sea level rise on shallow groundwater levels in the San Francisco Bay. This slow but chronic threat can flood communities from below, damaging buried infrastructure and building foundations, flooding below-grade (underground) structures, and emerging aboveground as an urban flood hazard — even before seawater overtops the shoreline. Rising groundwater can result in increased roadway fatigue, reduced sewer and septic drainage, and the potential for mobilizing contaminants in soils currently above the water table will eventually be triggered farther inland as the water table rises with higher sea levels.

Befus, K.M., Barnard, P.L., Hoover, D.J., Finzi Hart, J.A. and Voss, C.I., 2020. Increasing threat of coastal groundwater hazards from sea-level rise in California. *Nature Climate Change*, 16 pp., <https://doi.org/10.1038/s41558-020-0874-1>

1140-2653

(2) Subsidence

SamTrans considered subsidence or land settling in their [Sea Level Rise Vulnerability Assessment and Adaptation Plan](#) along the bay shoreline. They reference a recent study by Shirzaei and Bürgmann (2018) that used historical aerial photography and elevations data to evaluate land subsidence in the Bay Area. The data shows that the majority of the San Francisco Bay coastal area experiences less than 2 mm per year of subsidence, but that some areas underlain by compacting artificial landfill and Holocene mud deposits (such as the San Francisco Airport) experience subsidence of over 10mm per year.

1140-2654

(3) Creek Flooding and Stormwater

Creek flooding and stormwater runoff will combine at the shoreline to make the impacts of sea level rise and flooding worse. The County of San Mateo developed a 2D HEC RAS model that evaluated the combined impacts of sea level rise and creek flooding in 2030 and 2070. The model is currently in draft form and can be shared with CHSRA once it becomes publicly available. At a broader scale, C/CAG analyzed the impacts of climate change on stormwater looking at the changes in runoff at the watershed scale (<https://www.flowstobay.org/2020/08/10/adapting-to-climate-change-with-green-streets/>). Both studies show a significant increase in runoff and flows with a changing climate. The impact of this on HSR will be significant, especially where sea level rise and creek/stormwater flooding combine.

1140-2655

(4) Accessibility and Infrastructure

1140-2655

The County appreciates that the Draft EIR/EIS uses grade elevation (versus rail elevation) to assess vulnerability. However, the Draft EIR/EIS notes that between 1 and 10 miles of track will be impacted by sea level rise. The Draft EIR/EIS should consider the impacts of this on accessibility to stations. This is critical to public understanding, including impacts health and safety, environmental justice, and revenue.

1140-2656

The Draft EIR/EIS should also consider the impacts of HSR on movement of water during flood events and sea level rise. For instance, currently flooding and stormwater can create unsafe conditions on Highway 101 during storm events. If flooding from current and future increases in precipitation are not accounted, the rail could contribute to flooding of nearby communities, and any chemicals used or stored by the HSR could create additional risks. Understanding these impacts and addressing them in the HSR implementation will be important.

1140-2657

The County recommends using a flexible or an adaptation pathways approach to address these issues. An adaptation pathways approach is where actions are taken as needed based on the timing and extent of when impacts occur. Los Angeles County Metropolitan Transportation Authority (Metro) developed an adaptation approach for their system that highlights this approach:

[https://media.metro.net/projects\\_studies/sustainability/images/Climate\\_Action\\_Plan.pdf](https://media.metro.net/projects_studies/sustainability/images/Climate_Action_Plan.pdf)

1140-2658

We encourage CHSRA to consider nature based strategies (<https://seachangesmc.org/current-efforts/nature-based-shoreline-protection-strategies/>) for shoreline and engineering solutions to address stormwater and flooding. SeaChange SMC worked in partnership with [Stanford's Natural Capital Project](#) (NatCap) and the [San Francisco Estuary Institute](#) (SFEI) to explore and evaluate a menu of nature-based sea level rise strategies for the County's Bay shoreline. This science-based approach focused on identifying the feasibility of nature-based strategies along the Bayshore and evaluating the trade-offs between different approaches. The project builds off the work SFEI has done to establish shoreline planning areas for sea level rise, or 'Operational Landscape Units' (OLUs). Potential nature-based adaptation options were identified along the entire shoreline.

1140-2659

(5) Lastly, the Draft EIR/EIS does not reference San Mateo County resources related to Sea Level Rise Vulnerability and Adaptation. Please incorporate:

- [Sea Change Burlingame](#): The County partnered with Burlingame to assess the vulnerability of the Bayfront, located between Highway 101 and the San Francisco Bay. The project built upon the policies and programs outlined in the Burlingame's new Draft General Plan, with additional specificity and focus on identifying a range of implementation options to address sea level rise resulting in a range of adaptation concept plans.
- [Coyote Point Recreation Area Adaptation Plan](#): The Coyote Point Recreation Area (Recreation Area) is managed by the San Mateo County Parks Department and is a popular destination with more than 500,000 visitors annually. The Recreation Area was identified as an area at risk from Sea Level Rise during the Sea Change SMC Vulnerability Assessment. To prepare for future sea level rise risks, the County of San Mateo developed a Sea Level Rise Vulnerability Assessment and Adaptation Plan for Coyote Point Recreation Area (Assessment). The Assessment highlights flood risks for 2030, 2050, and 2100 plus the 1%-annual-chance flood and the market and non-market economic impacts of flooding to the site. A series of adaptation strategies have been identified to protect the area from sea level rise risks anticipated by 2050 and 2100, some of

## Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

1140-2659

which are in the implementation phase. The Parks Department anticipates implementing the Eastern Promenade project in the summer of 2020. The City of San Mateo is planning pump and levee upgrades. Both projects will protect facilities and residences from sea level rise impacts identified in this Assessment. Additional activities needed to protect the Recreation Area from Sea Level Rise impacts that would occur by 2050 include enhancing the tidal marsh, raising the trail along the marina, and implementing stormwater backflow prevention devices. To prepare for 2100, regional shoreline protection measures would need to be put in place, including raising levees, trails, portions of the marina, and breakwaters and expanding the tidal marsh to protect the marina from wave action.

- Millbrae Climate Adaptation Assessment: Millbrae used the County’s Vulnerability Assessment as a building block to identify and understand the risk of climate change to key assets and identify actions the City can incorporate into regional and local planning efforts. The project culminated in a Sea Level Rise Adaptation Assessment, which should inform the Draft EIR/EIS’ assessment and Millbrae station planning.

**Hazardous materials**

1140-2660

In referencing Cumulative Impacts related to Hazardous Materials, the County is using the same definition as the EIR in Section 3.18:

*Federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.; 40 C.F.R. Parts 1500–1508) Pursuant to the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations, a lead agency must consider cumulative impacts in addition to direct and indirect impacts. The CEQ regulations define a cumulative impact as an impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 Code of Federal Regulations [C.F.R.] § 1508.7).*

Page 5-64 the Draft EIR/EIS states, “Because mitigation would be applied equally to all schools within 0.25 mile of construction activities and would substantially reduce the risk of a hazardous materials spill, the project would not adversely affect populations, including minority populations and low-income populations.” The County requests the Draft EIR/EIS address reducing or eliminating any risk to school-age children in schools and residences to the greatest extent possible. Schools in low-income and majority minority communities would likely have a baseline of increased impacts; although cumulative impacts would not accrue unequally to these areas, the baselines are different. Equal treatment of environmental justice communities to non-environmental justice communities would not result in equal cumulative exposure; further mitigation should be undertaken to address disproportionate baselines and effects.

1140-2661

Please use cumulative toxic impacts for a minimum 30-year period and reduce impacts in areas with higher than average baseline human health and environmental risk thresholds for contaminants in the air, surface and groundwater and in soils, as defined by Department of Toxic Substances Control.

1140-2662

Given that toxic chemicals are used in the maintenance of HSR infrastructure, please consider eliminating the use of non-essential chemicals such as pesticides for landscaping.

1140-2663

A risk mitigation for landfill or near landfill excavation is detailed under “Impact HMW#10: Temporary Direct Impacts from Soil-Disturbing Activities near Landfills during Construction.” Please plan for local oversight by City of Brisbane and County of San Mateo to assure risk reduction plans and implementation will protect the local community and prevent risk of methane leaks, explosions, and infiltration of toxic materials into groundwater, waterways, soil and air. CEQA analysis assumes there will be no error in any of the safety procedures. Please plan for local oversight by the County and relevant Cities throughout project efforts in San Mateo County.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020)

### 1140-2601

As noted in the comment, the Draft EIR/EIS identified the presence of minority populations and low-income populations in North Fair Oaks, as well as community concerns related to community cohesion and connectivity, pedestrian access, and disruption and division of neighborhoods. These concerns were raised in light of existing conditions that include a limited number of grade-separated crossings of the tracks, which require community members to walk, bike, drive, or take transit for long distances to access services across the tracks. There are two existing grade-separated crossings in the vicinity of North Fair Oaks at Woodside Road and 5th Avenue and no at-grade crossings. Proposed improvements for HSR in the vicinity of North Fair Oaks are limited to minor track realignments within the existing Caltrain corridor. While operation of the HSR would add train trips, there would be no resulting increase in vehicle delay due to gate-down time or added train horn noise at crossings because crossings in North Fair Oaks are already grade separated. Therefore, while the Authority recognizes that existing conditions are a concern to the North Fair Oaks community, the addition of HSR trains to the corridor in this area would not substantially change existing conditions, cause further division of the community, or cause significant environmental impacts. Therefore, mitigation for project effects is not warranted and tailored mitigation for North Fair Oaks is not proposed.

The Draft EIR/EIS acknowledges that there would be adverse construction impacts related to construction air emissions, construction noise, temporary road closures and detours, and impacts on transit. These impacts would be limited in scale in North Fair Oaks given that only minor track realignment within the existing Caltrain right-of-way is proposed in this area. Accordingly, construction-related impacts, which would occur throughout the length of the Project Section, would not disproportionately affect the community of North Fair Oaks or the minority populations and low-income populations that reside in this community.

The Authority disagrees with the commenter's assertion that the Draft EIR/EIS inadequately evaluates project impacts and mitigation associated with air quality, transportation, noise and vibration, hazardous materials, and climate change. The commenter provided more detailed comments on each of these resource topics in subsequent comments. Each of these specific comments is addressed below.

### 1140-2601

Please refer to the Standard Response FJ-Response-GS-1: Requests for Grade Separations, which addresses requests for grade separations as part of the project or as project mitigation.

### 1140-2602

The Authority appreciates the County's concerns regarding climate change and the need for adaptation strategies. The Authority is committed to assessing climate change risks and vulnerabilities, and proactively planning for them by incorporating climate change adaptation measures into system design. Refer to Chapter 5, Sustainability Infrastructure, of the Authority's 2020 Sustainability Report for additional information regarding the Authority's approach to climate adaptation planning for the HSR system as a whole (Authority 2020a). Please refer to Standard Response FJ-HYD-1: Sea Level Rise and Climate Change Adaptation, for a discussion of how the San Francisco to San Jose Project Section would adapt to sea level rise and climate change. In addition, operation of the project would reduce VMT and GHG emissions and therefore would contribute to reducing the climate impacts noted by the commenter. This comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS; however, in subsequent comments, the County of San Mateo provided specific suggestions regarding extreme heat and sea level rise. Each of these specific comments is addressed below.



## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2603

As noted by the commenter, the Draft EIR/EIS is comprised of three volumes--Volume 1, Report, the main report on environmental impacts; Volume 2, Technical Appendices; and Volume 3, Preliminary Engineering Plans. The Summary provides an overview of the substantive chapters of the main report. It includes a table listing the potential environmental impacts for each environmental resource topic and directs the reader to where additional information can be found elsewhere in the document. A Volume 3 User Guide was developed to assist the public with navigating Volume 3.

The purpose of an EIR/EIS is to disclose information to decision makers and the public. While the science and analysis can be complex, this document is intended for the general public. Every attempt has been made to limit technical terms and the use of acronyms. Where this cannot be avoided, the terms and acronyms are defined the first time they are used, and a list of acronyms and abbreviations is provided in Chapter 15, Acronyms and Abbreviations, of this document.

In response to the commenter's concern about the scale of the noise impact figures in Section 3.4, Noise and Vibration, a new appendix, Appendix 3.4-C, Noise Impact Locations (located in Volume 2), has been added to the Final EIR/EIS. These figures illustrate the location of noise impacts and proposed noise barriers in greater detail.

### 1140-2604

The comment summarizes information from the Draft EIR/EIS and provides an introduction to a more detailed discussion that is the subject of subsequent comments focused on the effects of delay on high-frequency bus service, emergency response, and active transportation and community cohesion. Each of these specific comments are addressed below.

### 1140-2695

The commenter asks how transit or emergency priority treatments will be effective on roads that are already congested and are projected to experience future increases in delay.

Transit priority treatments are identified in mitigation measure TR-MM#2 in the Draft EIR/EIS Section 3.2, Transportation, to address Impact TR#11 (Continuous Permanent Impacts on Bus Services). Impact TR#11 concludes that operational impacts from added gate-down time at at-grade rail crossings and added vehicle traffic in station areas that would affect nine high-frequency bus routes. The Draft EIR/EIS indicates that impacts in San Francisco where congestion levels are among the highest in the corridor would be significant and unavoidable for Muni Routes 30 and 45 due to added vehicle traffic in the 4th and King Street Station area and to Muni Route 55 due to added gate-down time at the 16th Street at-grade crossing. Impacts to SamTrans routes in the Millbrae Station area and in Menlo Park at the Ravenswood at-grade crossing as well as to VTA routes in the San Jose Diridon Station area were deemed to be offset by transit priority treatments that would reduce the impacts to a less-than-significant level. This was largely due to the fact that project impacts are isolated to small segments of the affected transit routes and that application of transit priority treatments to longer portions of the routes would offset added project delays in those small segments. Transit priority treatments that can be applied as a result of TR-MM#2 include transit signal priority treatments that typically involve extending green time for the bus directional movement during congested peak periods, queue jump lanes that allow buses to bypass queues using turn lanes or exclusive bus lanes on congested intersection approaches, boarding islands, and/or curb extensions.

Emergency vehicle priority treatments are identified in mitigation measures SS-MM#3 and SS-MM#4 in Draft EIR/EIS, Section 3.11, Safety and Security to address Impact S&S#6 (Continuous Permanent Impacts and Emergency Access and Response Times due to Station Traffic and Increased Gate-Down Time). Impact S&S#6 concludes that the project would result in a potential delay of 30 seconds or more for emergency access and response times to fire station vehicles or first responder ambulances at eight at-grade crossings in five fire station response areas due to increased gate-down times and at the three HSR station areas due to added station traffic. The Draft EIR/EIS indicates that impacts to emergency vehicles at the eight at-grade crossings due to

---

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2695

added gate-down time would be significant and unavoidable. Impacts to emergency vehicles in the three HSR station areas were deemed to be offset by emergency vehicle priority treatments in SS-MM#3 that would reduce the impacts to a less-than-significant level. Candidate emergency vehicle priority treatments near the HSR stations include the construction of new dedicated traffic signals to facilitate access to the network at affected fire stations as well as the installation of both isolated intersection emergency vehicle preemption and corridor route-based preemption systems. Corridor route-based preemption systems would be designed at a network level to identify the best network route for emergency vehicles in affected areas and create preemption for emergency vehicles heading toward an incident location through a network of signalized intersections that would be set to provide green indications along the path of travel. This may include routing vehicles through affected at-grade rail crossings or through adjacent grade-separated rail crossings. The corridor contains 41 at-grade rail crossings and 70 grade-separated rail crossings of roadways along the track. Mitigation measure SS-MM#4 identifies emergency vehicle priority treatments to address effects at at-grade crossings due to increased gate-down time impacts. Emergency vehicle priority treatments at the eight affected at-grade crossings include a range of potential strategies that would go beyond emergency vehicle preemption at isolated intersections including corridor route-based preemption systems as described above, emergency vehicle and transit queue bypass lanes, road capacity and operational improvements to facilities paralleling the rail line to improve access to adjacent grade-separated crossings, construction of new fire stations to reduce fire station response times in affected areas, expansion of existing fire stations to reduce fire station response times in affected areas, and increasing the contracted fire responder ambulance services in affected areas. As an alternative to the above strategies, the Authority and a local agency may reach a mutual agreement to have the Authority make an in-lieu payment towards other infrastructure projects including nearby grade-separation projects. The in-lieu payment would be the capital contribution that the Authority would have otherwise made to one or more of the above emergency vehicle priority treatment strategies.

### 1140-2605

The comment states that the Draft EIR/EIS addresses impacts on high-frequency bus service but not on local buses and shuttles that serve Caltrain stations. Please refer to Impact TR#11 of Section 3.2, Transportation, of the Draft EIR/EIS for a description of the effects on all high-frequency bus routes that operate near the HSR stations, maintenance facilities, or cross at-grade rail crossings. Significant effects due to added vehicle traffic in station areas or added gate-down time at at-grade rail crossings are identified for nine high-frequency bus routes. TR-MM#2 addresses the effects identified in Impact TR#11. Regarding delay impacts on local bus transit and shuttles, please refer to Impact TR#5 of Section 3.2 in the Draft EIR/EIS, which incorporates impacts on local bus transit and shuttles into the analysis of vehicle congestion/delay. Local bus routes and shuttle services are part of the vehicle volumes that are evaluated to identify continuous permanent congestion/delay consequences on intersection operations. In San Mateo County, this includes locations identified near the Millbrae Station, the Brisbane LMF, and intersections adjacent to at-grade crossings that would experience significant NEPA effects due to congestion/delay. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse intersection LOS effects under NEPA. Please also refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, regarding how the Authority analyzed and identified mitigation for LOS impacts.

### 1140-2606

The comment requests that the Authority implement new bicycle and pedestrian improvements to facilitate connections to HSR stations. Impact TR#17 in Section 3.2, Transportation, of the Draft EIR/EIS identifies permanent effects on pedestrian and bicycle access, and TR-MM#4 and TR-MM#5 address those impacts for the project alternatives. This mitigation includes construction of pedestrian improvements at the San Carlos Caltrain Station. Additional enhancements to pedestrian or bicycle facilities are not necessary to address project environmental impacts. If a local agency is planning improvements to a facility affected by the project, and the relative timing of the projects allow, the Authority and the local agency may collaborate on those project construction activities. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2607

The comment requests that the City/County Association of Governments of San Mateo (C/CAG)'s 2011 Comprehensive Bicycle and Pedestrian Plan be included as part of the assessment of impacts and that the Authority construct bicycle and pedestrian infrastructure in San Mateo County as mitigation for traffic delay identified in Impact TR#5.

To address this comment, the C/CAG 2011 Comprehensive Bicycle and Pedestrian Plan has been added to Appendix 2-I, Regional and Local Plans and Policies, in Volume 2 of the Final EIR/EIS, which lists local plans considered in the consistency assessment. The project is consistent with relevant goals and policies in the 2011 Plan.

Regarding the construction of bicycle and pedestrian infrastructure as a mitigation for traffic delay, a review of Quantifying Greenhouse Gas Mitigation Measures (California Air Pollution Control Officers Association, 2010), which quantifies the effect of mitigation measures on both VMT and GHG, indicates that the implementation of pedestrian and bicycle network improvements would be expected to reduce VMT by approximately 1-2 percent. This level of VMT reduction would not reduce the LOS effects identified for most intersections in Impact TR#5 to a level below the significance threshold. Impact TR#17 in Section 3.2, Transportation, of the Draft EIR/EIS identifies permanent effects on pedestrian and bicycle access, and TR-MM#4 and TR-MM#5 address those impacts for the project alternatives. This mitigation includes construction of pedestrian improvements at the San Carlos Caltrain Station. Additional enhancements to pedestrian or bicycle facilities are not necessary to address project environmental effects. If a local agency is planning improvements to a facility affected by the project, and the relative timing of the projects allow, the Authority and the local agency may collaborate on those project construction activities. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2608

Refer to Standard Response FJ-Response-TR-3: Gate-Down Time Calculation Details.

The comment notes that the Draft EIR/EIS does not study impacts to the North Fair Oaks community Fifth Avenue grade-separated crossing from increased gate down time at other adjacent at-grade crossings. The standard response referenced above provides gate-down time values for at-grade crossings adjacent to the Fifth Avenue grade-separated crossing. The nearest at-grade crossings to Fifth Avenue are Chestnut Street to the north and Fair Oaks Lane to the south. The gate down time for a HSR train at these two at-grade crossings would be 41-43 seconds. The Chestnut Street at-grade crossing is located approximately 1.2 miles north of Fifth Avenue, about 0.15 miles north of the grade-separated crossing at State Route 84/Woodside Road. Traffic is not expected to divert from the Chestnut Street at-grade crossing to the Fifth Avenue crossing because the SR 84/Woodside Road grade-separated crossing is much closer (0.15 vs 1.2 miles) and the travel time of approximately 5-10 minutes from the Chestnut Street at-grade crossing to the Fifth Avenue crossing would exceed the gate down time duration of 41 seconds. The Fair Oaks Lane at-grade crossing is 0.55 miles south of the Fifth Avenue grade-separated crossing. Traffic is not expected to divert from the Fair Oaks Lane at-grade crossing to the Fifth Avenue grade-separated crossing because the travel time of approximately 3-6 minutes from the Fair Oaks Lane at-grade Crossing to the Fifth Avenue crossing would exceed the gate down time duration of 43 seconds. The walking distance between rail crossings is an existing condition that would not be affected by the project.

### 1140-2609

The comment notes that the Draft EIR/EIS should address the additional safety impacts to pedestrians and bicyclists if drivers divert to Fifth Avenue from adjacent at-grade crossings. Please refer to response to submission FJ-1140, comment 2608, which addresses this topic.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2610

The crossings proposed in the North Fair Oaks Community Plan at Berkshire and Pacific Avenues would not be affected by or precluded by the HSR project, as no track modifications or other project elements are proposed at these locations. Additionally, the HSR project would have no effect on the cost of providing grade-separated crossings at these locations in the future. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2611

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The comment notes that the Draft EIR/EIS fails to study the impact of providing new grade-separated crossings as a mitigation for transit, emergency response, and bicycle and pedestrian impacts including new grade separated crossings in North Fair Oaks at Pacific and Berkshire Avenues. Pacific Avenue and Berkshire Avenue are short east-west local streets in North Fair Oaks that terminate at the rail corridor, located near the center of a one-mile segment of the rail corridor between grade-separated crossings at Fifth Avenue and SR 84. Berkshire Avenue is located approximately 0.25 mile north and Pacific Avenue approximately 0.4 miles north of the grade-separated crossing at Fifth Avenue.

The project does not have any impacts related to transit, emergency response, or bicycle and pedestrian safety impacts in the North Fair Oaks area because the project is within the Caltrain right-of-way, there are no existing at-grade crossings in this segment of the rail corridor in North Fair Oaks, and the project would not change roadway conditions in the adjacent area. As a result, there is no nexus for mitigation to consider adding new grade-separated crossings at Pacific or Berkshire Avenues. While such crossings would be of benefit to the North Fair Oaks community, the HSR project does not create adverse effects that would warrant such mitigation. Finally, the HSR project does not create any physical impediments to the actions of local jurisdictions in pursuing grade-separated crossings at North Fair Oaks or other locations. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2612

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The Authority does not concur that the Project Section would result in disproportionately high and adverse effects on disadvantaged communities. Please refer to Chapter 5, Environmental Justice, of the Draft EIR/EIS for the Authority's conclusions regarding impacts on environmental justice populations.

Economic benefits for disadvantaged communities are not limited to economic development in the vicinity of HSR stations. As explained in Chapter 5, the Authority has made a commitment through a cooperative partnership with skilled craft unions and contractors to promote and help implement education, apprenticeship training, advanced communication about hiring opportunities, and contractor networking opportunities for local workers. The program, referred to as the Community Benefits Agreement, is intended to help disadvantaged workers, such as those who are lower-income, veterans, single parents, have no high school or General Educational Development diploma, or suffer from chronic unemployment. The commitment includes setting a hiring goal that 30 percent of all work hours be filled by disadvantaged workers. The Authority also has committed to a 30 percent small business participation goal for all of the Authority's construction. The employment opportunities created by construction of the project alternatives, in combination with the Authority's employment commitments and training programs designed to increase the ability of local workers to compete for these jobs, has the potential to result in economic benefits for the communities affected by the project, including minority populations and low-income populations.

Additional discussion of these benefits has been added to Section 5.9, California High-Speed Rail Authority's Draft Environmental Justice Determination, of the Final EIR/EIS.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2613

The comment primarily describes information presented in Section 3.2, Transportation, and Chapter 8, Preferred Alternative, of the Draft EIR/EIS. The comment correctly notes that Alternative A does not include passing tracks, that the passing tracks in Alternative B are not identical to passing track options discussed in the Caltrain Business Plan, and that the project would result in disruption to Caltrain service during construction. This comment does not raise specific comments or questions concerning the adequacy of the environmental analysis in the EIR/EIS. However, it should be noted that the significant disruption to Caltrain during construction would be mitigated to a less-than-significant level under CEQA through implementation of a railway disruption control plan as part of TR-MM#3. While the Draft EIR/EIS discusses potential HSR project impacts on Caltrain system capacity under Impact TR#14, it concludes that the project would not result in significant impacts on that capacity. The HSR project would result in increased ridership for Caltrain, which is considered a benefit for transit service. Caltrain average operational service times would be nearly the same with the HSR project as under No Project conditions for Alternative A, while Alternative B would result in 2 to 3 minutes delay to Caltrain average service times. While cumulative effects to Caltrain are noted in Table 3.18-6 in Section 3.18, Cumulative Impacts, as explained in Section 3.18.6.1, Transportation, the project's contribution to cumulative impacts would be less than significant under CEQA and the project would not have significant operational effects on Caltrain service.

### 1140-2614

The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS.

### 1140-2615

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The comment states that the Draft EIR/EIS lacks blended system planning and suggests that the EIR/EIS should evaluate the Caltrain Business Plan including the 2040 Service Vision.

As explained in Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan, the Authority and Caltrain collaborated on a number of blended service studies that evaluated the levels of service agreed to by the Authority and the PCJPB, along with seven other transportation agencies, to include up to 6 Caltrain trains pphpd and up to 4 HSR trains pphpd. As explained in Draft EIR/EIS Section 3.2, Transportation, the Authority use those studies to evaluate potential impacts on Caltrain service. As explained in the standard response, the San Francisco to San Jose Project Section Draft EIR/EIS does not evaluate the impacts of the Caltrain Business Plan (including the Caltrain Service Vision) because the Caltrain Business Plan does not represent an approved "project", is not fully funded, the specific design of contemplated improvements has not been done, and the Caltrain Business Plan improvements are not necessary to provide HSR service (which has independent utility from the Caltrain Business Plan). Also, as explained in the standard response, the HSR project alternatives would not preclude the ability in the future to implement track alignment, track, and station improvements or other infrastructure necessary to support the increased service levels in the Caltrain Business Plan/2040 service Vision over time.

This comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2616

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The HSR project includes trackway improvements that will allow HSR and Caltrain trains to operate up to 110 mph in certain parts of the corridor (the current top speeds along the Caltrain corridor are 79 mph). These improvements would shorten service times which helps in overall system planning. As noted in Table 3.2-20 in Section 3.2, Transportation, of the Draft EIR/EIS, the HSR project would result in increased ridership for Caltrain. As explained under Impact TR#14, the Authority completed an operational analysis of blended service that showed a very limited effect of Alternative A on Caltrain average operational service time (Alternative B would result in several minutes of additional average operational service time) and both project alternatives would maintain a "clock-face" regular internal service for Caltrain. Caltrain, as the host railroad, will work with the Authority on joint scheduling for both Caltrain and HSR service to optimize both Caltrain and HSR service, including Caltrain's local service. The comment does not identify any inadequacies in the analysis and no revisions to the Draft EIR/EIS are necessary.

### 1140-2617

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

Please refer to the response to submission FJ-1140, comment 2616, which addresses impacts on Caltrain service. The HSR project is not expected to significantly affect service to the Redwood City Caltrain Station. Caltrain ended service to the Atherton Caltrain Station in December 2020 due to low ridership and will be removing the platforms there, so the HSR project will have no effect on Atherton service. Regarding passing tracks, Alternative A does not include them because they are not needed to accommodate the agreed upon levels of service for Caltrain (6 trains in peak hour per direction) and HSR (4 trains per peak hour per direction) based on prior agreements between Caltrain and the Authority, as demonstrated in the operational analysis summarized in Section 3.2, Transportation, in the Draft EIR/EIS. Regarding future passing tracks that may be necessary to achieve increases in Caltrain service beyond 6 trains per peak hour per direction, the HSR project would not preclude their construction. Regarding potential disruption or cost for future passing tracks to accommodate future increases in Caltrain service, Caltrain would be responsible for assessing the additional infrastructure development and the future environmental analysis for any passing tracks (Caltrain has not yet obtained funds or commenced environmental review of such passing tracks). The comment does not identify any inadequacies in the analysis and no revisions to the Draft EIR/EIS are necessary.

### 1140-2618

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

It is premature to assess the specific impacts of Caltrain's future plans given the preliminary nature of funding and of design for future infrastructure development. Instead, it will be Caltrain's responsibility to assess the additional infrastructure development necessary to achieve future increases in Caltrain service, including assessment of environmental impacts along the corridor. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2619

Please refer to the responses to submission FJ-1140, comments 2601 and 2612, which address these topics.

The comment also notes that the historical context description in Section 3.18.4.1, Historical Context of the Project, does not discuss the rail right-of-way in terms of historical displacement or takings. As noted in that section, the discussion is intended to provide an overview of the history of cultural development across San Francisco, San Mateo, and Santa Clara Counties. The content and level of detail currently provided in this section is appropriate given its purpose; accordingly, no revisions were implemented to this section of the Draft EIR/EIS.

### 1140-2620

Impact SOCIO#3 in Section 3.12, Socioeconomics and Communities, of the Draft EIR/EIS acknowledges that increases in vehicle congestion and delay at intersections would result from increases in train service due to increased gate-down time at at-grade crossings. Because there are no at-grade crossings in North Fair Oaks (the two existing crossings are grade separated), this impact would not apply in this specific area, but is instead a description of impacts that could be seen at various specific locations along the corridor where there are at-grade crossings. The two crossings near North Fair Oaks are grade separated and would not result in delay at intersections due to increased gate-down time. Accordingly, the Draft EIR/EIS concludes that the project's permanent impacts on disruption or division of communities would be less than significant under CEQA based on the effects analysis and evidence presented. This conclusion also applies to the project impacts within North Fair Oaks. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2621

As explained in greater detail in the response to submission FJ-1140, comment 2601, division of the North Fair Oaks community by the Caltrain corridor is an existing condition and operation of the Project Section in the same corridor would not further divide the community. Proposed improvements for HSR in the vicinity of North Fair Oaks are limited to minor track realignments within the existing Caltrain corridor. While operation of the HSR would add train trips, there would be no resulting increase in vehicle delay due to gate-down time or added train horn noise at crossings because crossings in this area are already grade separated. Adverse construction impacts related to air quality, noise and vibration, transportation and transit would occur throughout the Project Section and would not disproportionately burden the North Fair Oaks community. Therefore, tailored mitigation for North Fair Oaks is not warranted based on the project impacts. The comment did not result in any revisions to the Draft EIR/EIS.

Please refer to the Standard Response FJ-Response-GS-1: Requests for Grade Separations, which addresses requests for grade separations as part of the project or as project mitigation.

### 1140-2624

This comment summarizes information in the Draft EIR/EIS related to noise. Refer to Impact NV#1 in Section 3.4, Noise and Vibration, of the Draft EIR/EIS for detailed information about the duration and intensity of construction activities, which varies by location and the type of construction proposed. The reference to "temporary noise levels in exceedance of FRA noise impact criteria for up to 2 years at any given location" in Section 3.12, Socioeconomics and Communities, has been revised in the Final EIR/EIS for consistency with the more nuanced discussion in Impact NV#1. The statement in Section 3.12 regarding communities along the Caltrain corridor experiencing high noise levels due to their existing proximity to the railroad is supported by detailed information on existing noise levels in Section 3.4 and Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2625

The noise impact assessment in Section 3.4, Noise and Vibration, of the Draft EIR/EIS follows FRA guidelines, including those related to the identification of noise-sensitive land uses. Table 3.4-6 summarizes the land use categories considered to be noise-sensitive receptors, and includes all residential and institutional uses, such as schools. Home-based daycares in residential buildings were analyzed as residences in the project noise impact assessment because the noise impact criteria are more conservative for residential land uses with nighttime use; impacts on these facilities were evaluated in Section 3.4.6, Environmental Consequences. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2626

Section 3.4, Noise and Vibration, and its Appendix 3.4-A, Noise and Vibration Technical Report, discuss the methodology and criteria used to assess project noise impacts from both construction and operations. The FRA operations noise impact criteria are a comparison of the existing noise levels to the future noise levels with the project. The noise metric for residences is the day-night sound level, L<sub>dn</sub>, which represents the cumulative noise exposure over a 24-hour period with a 10-dB penalty for noise events that occur at night (between 10 p.m. and 7 a.m.). Additional detail regarding the specific noise impacts, levels, and locations before mitigation can be found in Tables 5-9 and 5-10, of Appendix 3.4-A. A new appendix, Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, with new figures showing the location of noise impacts and proposed noise barriers in greater detail.

Construction noise is assessed separately because it would not occur simultaneously with operations. Additionally, as stated in Section 4.1.5.2, Operations Noise, of Appendix 3.4-A the noise impact assessment included both revenue service trains and non-revenue service trains. Non-revenue service trains include the operation of trains entering or leaving service at a terminal station to and from a maintenance facility, test runs, and operation of on-track maintenance equipment.

### 1140-2627

Additional information on the Authority's noise and vibration mitigation guidelines is available in Appendix 3.4-B, Noise and Vibration Mitigation Guidelines. Consistent with standard noise abatement practices adopted by transportation agencies, the Authority's mitigation guidelines consider factors such as cost, number of affected receptors, and effectiveness to determine the best approach to noise mitigation for a particular location. Where noise barriers are not proposed, building sound insulation would be considered as a potential mitigation measure. If substantial noise reduction cannot be completed through installation of noise barriers or sound insulation, the Authority would consider acquiring a noise easement. The Authority would conduct outreach to identify if homeowners who qualify would want sound insulation treatments. Outreach would be to homeowners and not renters. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2628

Please refer to Section 3.4.7, Mitigation Measures, NV-MM#4, that states quiet zones can only be legally undertaken by local jurisdictions. The Authority cannot legally establish or require a quiet zone. However, this mitigation measure has been revised in the Final EIR/EIS to clarify that HSR would assist with the preparation of technical analysis and materials needed for the quiet zone application, which would then be provided to local communities for submittal to the FRA.

### 1140-2629

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2630

This comment summarizes information in the Draft EIR/EIS related to vibration but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS. The comment did it result in any revisions to the Draft EIR/EIS.



## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2631

The vibration assessment in Section 3.4, Noise and Vibration, of the Draft EIR/EIS follows FRA guidelines. Vibration-sensitive land uses are summarized in Table 3.4-9. The assessments include all residential and institutional land uses, such as schools. Home-based daycares in residential buildings were analyzed as residences in the project vibration impact assessments because the vibration impact criteria are more conservative for residential land uses with nighttime use; impacts on these facilities were evaluated in Section 3.4.6, Environmental Consequences. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2632

A new appendix, Appendix 3.4-C, Noise and Vibration Impact Locations (located in Volume 2, Technical Appendices), has been added to the Final EIR/EIS, with new figures showing the location of vibration impacts in greater detail.

Section 3.4, Noise and Vibration, and its Appendix 3.4-A, Noise and Vibration Technical Report, discuss the methodology and criteria used to assess project vibration impacts from both construction and operations. Impact NV#8 summarizes the construction-related vibration impacts. Impact NV#9 summarizes the predicted vibration impacts due to project operations. Additional detail regarding the specific vibration impacts, existing and future levels, and locations before mitigation can be found in Tables 5-19 and 5-20 of Appendix 3.4-A. Construction and operations impacts would not occur at the same time. Regular track maintenance is not expected to cause vibration in excess of that caused by train operations and therefore was not assessed.

### 1140-2633

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations.

The commenter's request for additional analysis of the potential impact of grade-separated crossings on vibration is noted. Grade separations are not identified as a potential mitigation for vibration impacts in the Draft EIR/EIS because grade separations would not affect the vibration levels at adjacent sensitive locations. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2634

Section 6.4.8.2, Air Dispersion Modeling, of Appendix 3.3-A, Air Quality and Greenhouse Gases Technical Report, of the Draft EIR/EIS discusses the modeling approach. The modeling approach follows the OEHHA and CAPCOA methods and is consistent with BAAQMD guidance. In the modeling, analysts spaced receptors along the right-of-way boundary to ensure that the maximum impacts would be estimated. (For ground-level construction equipment and vehicles, impacts are greatest at the receptors nearest the construction activity and decrease with increasing distance.) Analysts also modeled all receptors with "residential" exposure parameters, assuming exposure to construction-generated pollution would begin during the third trimester of gestation. Defining all receptors as "residential" is conservative (i.e., tending to overestimate impacts) because it combines the longest exposure duration (third trimester through end of construction) with the highest age-sensitivity factors and exposure frequencies (as defined by OEHHA guidance). This approach yields a conservative assessment of potential impacts for all other receptor types, including home-based daycare. Therefore, the impact analysis is conservative (health-protective) with respect to exposure of the 0–5 population at home-based daycares. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2635

The project would result in a reduction in VMT and the associated emissions. The CO hot-spot analysis (Table 3.3-24) presented under Impact AQ#9 of the Draft EIR/EIS demonstrates that CO concentrations with the project would be well below the CAAQS and NAAQS. Any additional emissions due to incremental increases in gate-down time or congestion would not increase concentrations to levels that could exceed the CAAQS or NAAQS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2636

Occupational health risks are not an impact addressed under CEQA or NEPA but are regulated by OSHA. The project would comply with all OSHA and NIOSH requirements. The Authority has developed a Millbrae Station Reduced Site Plan Design Variant that minimizes impacts with planned development, which has been evaluated in a Revised/Supplemental Draft EIR/EIS and has been incorporated in the Final EIR/EIS. The Authority clarified the identification of receptors in both the Revised/Supplemental Draft EIR/EIS and the Final EIR/EIS. Please refer to Figure 3.3-5 in Section 3.3, Air Quality and Greenhouse Gases, of the Final EIR/EIS for receptor locations and identification, and Tables 3.3-14 through 3.3-20 for estimated air quality and health risk impacts for these receptors.

### 1140-2637

The Mountain View to Santa Clara and San Jose Diridon Station Approach Subsections of the project would traverse the southeastern section of the Peninsula. Section 3.3.6.2, Air Quality, of the Draft EIR/EIS discusses project impacts in this area. The ambient concentration impacts are shown in Tables 3.3-14 through 3.3-19 and 3.3-24. The estimated health risks are shown in Tables 3.3-20, 3.3-25, and 3.3-26. These impact estimates are maximums and occur close to the project alignment; impacts at greater distances would be less. The project includes all feasible measures to reduce emissions: AQ-IAMF#1 through AQ-IAMF#6, which are discussed in Section 3.3.6, Environmental Consequences, under Impact AQ#1, and AQ-MM#1 and AQ-MM#2, which are discussed in Section 3.3.7, Mitigation Measures, of the Final EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2638

As described under Impact AQ#1 in Section 3.3, Air Quality and Greenhouse Gases, of the Draft EIR/EIS, the Authority has committed to project features that would minimize emissions from construction equipment. AQ-IAMF#4 requires that all heavy-duty off-road construction diesel equipment meet Tier 4 engine requirements. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2639

Chapter 5, Environmental Justice, of the Draft EIR/EIS describes the displacements of residences, businesses, and community facilities by alternative for each subsection and city/community. Figures 5-16 and 5-17 depict these displacements by city/community in relation to census tracts with higher percentages of minority populations and/or low-income populations than the reference community. Additional information on these displacements and the analysis of available replacement properties is provided in the San Francisco to San Jose Project Section Draft Relocation Impact Report (Authority 2019d). While details on the specific property displacements are known, the demographics of owners or occupants of displaced residences, businesses, and facilities are not. Census data used to define population demographics in affected areas (e.g., income, race and ethnicity, English proficiency, age, and disability) are aggregated to the level of census tracts or census block groups and cannot be used to identify the demographics of owners or occupants of specific properties that would be displaced. Therefore, a more detailed analysis of displacement risk to vulnerable populations is not feasible.

The Uniform Act (42 U.S.C. §61) stipulates that persons displaced from homes, businesses, and farms as a result of a federal action or by an undertaking involving federal funds must be treated fairly, consistently, and equitably. The objectives of the Uniform Act are to: (1) provide uniform, fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects, (2) make certain that relocation assistance is provided to displaced persons to lessen the emotional and financial impact of displacement, and (3) make certain that no individual or family is displaced unless decent, safe, and sanitary housing is available within the displaced person's financial means. The Authority would comply with federal and state laws that require that relocation assistance be provided to any person displaced because of the acquisition of real property by a public entity for public use. Relocation resources available to displaced residents include relocation assistance and counseling, direct financial assistance, and sufficient government funding to carry out all relocation processes and forms of assistance.

As described in Section 2.5, Alternatives Considered during Alternatives Screening Process, of the Draft EIR/EIS the alternatives development process considered and was responsive to concerns raised by communities along the Caltrain corridor related to

### 1140-2639

community impacts. The two alternatives evaluated in the Draft EIR/EIS minimize displacement impacts to the extent feasible. Alternative A would result in fewer displacements of residences, businesses, and community and public facilities than Alternative B, and would not displace any schools, childcare, or faith facilities. Alternative B would displace a greater number of residences, businesses, and community facilities due to the construction of the passing track and would displace the Universe of Colors Preschool in San Mateo. As described in Chapter 8, Preferred Alternative, of the Draft EIR/EIS, the Authority identified Alternative A as the Preferred Alternative because it minimizes impacts on communities and natural resources while maximizing the transportation and safety benefits of the HSR system at the lowest cost. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2640

The comment questions why the CEQA conclusion regarding residential displacement did not include a “Last Resort Housing” finding and why the Draft EIR/EIS does not include contributions to replacement housing.

The analysis associated with Impact SOCIO#7 explains that Alternative A would displace 14 residential units and Alternative B would displace 42 to 62 residential units. Impact SOCIO#7 discusses the gap analysis approach taken to assess the impact of these displacements. This analysis found that the overall number of available residential units for sale and for rent under Alternative A and B (2,145 and 2,874, respectively) substantially exceeds the 14 displaced residential units under Alternative A, the 42 displaced residential units under Alternative B (Viaduct to I-880), and the 62 displaced residential units under Alternative B (Viaduct to Scott Boulevard).

The Final EIR/EIS has been revised to provide clarification on the number of affordable housing units that would be displaced. Impact SOCIO#7 has been revised to note that neither alternative would displace mobile homes, while neither Alternative A nor Alternative B (Viaduct to I-880) would displace affordable housing. Alternative B (Viaduct to Scott Boulevard) would, however, displace 25 units of affordable housing. As noted in Chapter 8, Preferred Alternative, the Authority has identified Alternative A as its Preferred Alternative; one of the key factors in the identification is the lower number of residential displacements associated with Alternative A.

This analysis supports that there would likely be sufficient relocation resources in the relocation RSA and in the specific cities where displacements would occur for displaced residents to relocate within the same city. Accordingly, no “Last Resort Housing” finding was made. Notwithstanding, the Authority must comply with the Uniform Act, as amended. As noted in Volume 2, Appendix 3.12-A, Relocation Assistance Documents, the Authority would provide relocation benefits and would, if the supply of available housing at the time is insufficient to provide the necessary housing for those persons being displaced, provide Last Resort Housing. As stated in Appendix 3.12-A, Last Resort Housing allows the Authority to construct, rehabilitate, or modify housing in order to meet the needs of the people displaced from a project. The Authority can also pay above the statutory limits of \$5,250 (for rental assistance) and \$22,500 (for replacement housing) in order to make available housing affordable.

### 1140-2641

The comment asserts the Draft EIR/EIS does not adequately characterize the displacement impacts on renters and owners. Please refer to Draft EIR/EIS Section 3.12, Socioeconomics and Communities, Table 3.12-12. This table presents displacements of both single-family properties as well as units associated with multifamily properties. It is assumed both renters and owners are present in both single-family and multifamily properties.

As discussed under Impact SOCIO#7, the Authority must comply with the Uniform Act, as amended, as identified in SOCIO-IAMF#2. In compliance with the Uniform Act, the Authority would provide relocation benefits to displaced individuals. Appendix 3.12-A, Relocation Assistance Documents, summarizes the Authority’s relocation approach and benefits available to displaced individuals. Additional information is also available on the Authority’s website: [hsr.ca.gov/programs/private-property/](http://hsr.ca.gov/programs/private-property/). These benefits include financial assistance as well as professional advisory services related to relocating homes or businesses. Benefits are available to both owner occupants and tenants of acquired residential and business properties. In addition, before any acquisitions occur, the Authority would develop a relocation mitigation plan, in consultation with affected cities, counties, and property owners (SOCIO-IAMF#3). The relocation mitigation plan would provide affected property and business owners and tenants a high level of individualized assistance when full acquisition is necessary and the property owner desires to relocate. These provisions would provide sufficient resources for both owners and tenants. Impacts on renters/tenants and owners are fully disclosed under Impact SOCIO#7.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2642

Disaggregation of unincorporated areas in San Mateo County is not needed to understand the demographics of North Fair Oaks. Table 5-11 of the Draft EIR/EIS reports that 21.3 percent of households in North Fair Oaks are linguistically isolated, which exceeds the percent of households that are linguistically isolated in the reference community (11.3 percent). To aid populations with limited English proficiency, the Authority translates public notices regarding the availability and circulation of the environmental document and select public outreach materials (including public notices and handouts) and provides interpreters at public meetings for languages commonly spoken in each community. Languages commonly spoken in each community are identified as languages that 5 percent or more of the population speaks as its first language. Languages commonly spoken in communities in the Project Section include Spanish, Mandarin, Vietnamese, and Tagalog.

In accordance with the provisions of California Public Resources Code Section 21151.4, in July 2020, a letter and NOA of the Draft EIR/EIS were distributed by direct mail to school districts with schools within 0.25 mile of the project alternatives and to schools with facilities within 0.5 mile of the project alternatives. The letter notified these schools and school districts of the project and the circulation of the Draft EIR/EIS for public review; summarized the potential impacts of the project on schools within 0.25 mile and the proposed mitigation measures; and initiated the consultation required by Section 21151.4. The letter included brief summary statements and contact information translated into Spanish, Mandarin, Vietnamese, and Tagalog.

The Authority will continue to evaluate the need for interpretation and translation of public outreach materials throughout the planning process for the Project Section and translate important public communications into languages commonly spoken in each community. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2643

Other projects considered in the cumulative effects analysis are outside the jurisdiction of the Authority, and the Authority cannot dictate avoidance and minimization measures for actions outside its jurisdiction. However, the Authority has strived to minimize disruption to minority populations and low-income populations due to the HSR project. Please refer to the response to submission FJ-1140, Comment 2639, which addresses how the alternatives development process and the design of the two project alternatives evaluated in the Draft EIR/EIS minimize displacement impacts to the extent feasible. Where acquisition and displacements are unavoidable, the Authority would acquire land from property owners whose land is directly affected by the project in accordance with the Uniform Act (42 U.S.C. Chapter 61). The Uniform Act provides benefits to displaced individuals to assist them financially and with advisory services related to relocating their residence or business operation. These benefits are available to both owner occupants and tenants of either residential or business properties and may include replacement housing payments that consider the price differential between an individual's current and replacement property. Volume 2, Appendix 3.12-A, Relocation Assistance Documents, of the Draft EIR/EIS outlines these relocation benefits in greater detail. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2644

The Authority appreciates the County of San Mateo's support and participation. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS and did not result in any revisions to the Draft EIR/EIS.

### 1140-2645

HSR would not offer a below-market subsidized passenger rail service. In addition to the benefits for transportation and transit and safety improvements along the Caltrain corridor that are described in the Draft EIR/EIS, benefits for low-income residents in the RSA include economic benefits associated with direct, indirect, and induced spending and employment, and a program that directs employment to disadvantaged workers. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2646

The comment requests that the Draft EIR/EIS address extreme heat as a result of climate change as a standalone section within Section 3.11, Safety and Security. The Authority appreciates this comment, understanding the importance of adaptation and resilience to climate change, and is committed to incorporating climate change adaptation measures into system design. Refer to Chapter 5, Sustainability Infrastructure, of the Authority's 2020 Sustainability Report for additional information regarding the Authority's approach to climate adaptation planning for the HSR system as a whole (Authority 2020a).

Regarding the request that the Draft EIR/EIS address extreme heat, please note that the project would not substantially change existing infrastructure, as it would primarily operate on existing Caltrain facilities; accordingly, the project would not exacerbate extreme heat conditions. Because the project would not exacerbate extreme heat conditions and because the focus of CEQA is evaluation of the impacts of a project on the environment, extreme heat conditions is not a CEQA issue. Accordingly, the comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2647

The comment requests that the Authority add procurement conditions for materials to ensure heat tolerance. The comment is noted, and the Authority will take this feedback into consideration in its future procurements. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2648

Please refer to the response to submission FJ-1140, comment 2646, which addresses the consideration of extreme heat and explains why extreme heat conditions is not addressed in the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2649

The comment summarizes information regarding extreme heat from recent reports on this topic prepared by San Mateo County. The Authority will consider this information as it incorporates climate change adaptation measures into system design. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2650

The comment summarizes information regarding extreme heat from recent reports on this topic prepared by San Mateo County. The Authority will consider this information as it incorporates climate change adaptation measures into system design. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2651

The Authority appreciates your comments on the Draft EIR/EIS. In subsequent individual comments, the County of San Mateo provided specific suggestions regarding sea level rise and climate change. Each of these specific comments is addressed either below or in Standard Response: FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation, as indicated.

### 1140-2652

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

Section 3.8.10, Vulnerability and Adaptation to Sea Level Rise, was updated in the Final EIR/EIS, and it now includes reference to rising groundwater levels when considering long-term adaptation measures.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2653

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

Section 3.8.10, Vulnerability and Adaptation to Sea Level Rise, was updated in the Final EIR/EIS, and it now includes reference to regional subsidence when considering long-term adaptation measures. Please refer to Impact GEO#1 in Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources, of the Draft EIR/EIS for a discussion of how the project would manage construction activities on soft/compressible soil.

### 1140-2654

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

The Authority will perform the hydraulic analysis with the San Mateo County model when the model is publicly available for the Authority's use during the final design phase. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2655

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

The PCJPB owns and operates Caltrain as well as the existing railroad corridor within which Caltrain and HSR would operate under both project alternatives. Accordingly, the Authority would be a tenant within the railroad corridor on the tracks owned by the PCJPB. As the property owner, the PCJPB has the primary responsibility for ensuring the overall rail corridor adapts to and remains resilient in the face of sea level rise and climate change, including the mainline tracks between San Francisco and San Jose, stations, and associated infrastructure. Therefore, no analysis was done for impacts related to station accessibility due to sea level rise in the Draft EIR/EIS. That said, the Authority would consider participating and funding Caltrain's future climate change adaptation efforts to ensure shared facilities are resilient, such as the multimodal Millbrae Station that would serve Caltrain, BART, and HSR. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2656

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

As described under Impact HYD#14 in Section 3.8, Hydrology and Water Resources, of the Draft EIR/EIS, operation of HSR trains on blended system infrastructure and intermittent maintenance activities would not alter water flow during flood events and high tide events. Additionally, as described under Impacts HYD#6 and HYD#7, material and chemical storage at the LMF, TPFs, and stations would be designed to avoid the risk of pollutant discharges during floods, and the use of electric locomotive and regenerative braking technologies would minimize the types and quantities of pollutants released during train operations. Therefore, there would be no anticipated contamination concerns during flood events and high tide events. Refer also to Impact HMW#1 in Section 3.10, Hazardous Materials and Wastes, which explains that storage and handling areas would be located away from watercourses and storm drains consistent with the requirements of HMW-IAMF#6. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2657

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

As described in Section 3.8.10, Vulnerability and Adaptation to Sea Level Rise, the Authority will prepare a sea level rise vulnerability assessment and adaptation plan for dedicated HSR facilities. Where coordinated regional planning would be necessary to protect other private and public assets, the Authority would coordinate with local jurisdictions on adaptation strategies identified in existing planning programs and documents, as well as other stakeholders, such as Caltrans and San Mateo County, to develop feasible long-term adaptation strategies for sea level rise. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2658

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

The Authority has reviewed the nature-based strategies mentioned in the comment and concluded these strategies would not apply to the project. The project is not subject to wave attacks because the US 101 corridor provides protection from flooding. The Authority would consider partnering with local jurisdictions on local and regional sea level rise adaptation measures, including the construction of nature-based shoreline adaptation strategies where applicable, as well as the projects identified in documents such as Sea Change Burlingame, Coyote Point Sea-Level Rise Vulnerability Assessment (County of San Mateo 2019), and Millbrae Climate Adaptation Assessment (City of Millbrae 2020) where they would protect dedicated HSR facilities. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2659

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

To address this comment, Section 3.8.10, Vulnerability and Adaptation to Sea Level Rise, was updated in the Final EIR/EIS, to reference existing planning programs and documents developed by local jurisdictions relevant to sea level rise.

### 1140-2660

The Authority has implemented HMW-MM#1 to mitigate potential impacts on schools within 0.25 mile of the project footprint. This mitigation measure specifies that prior to construction, the contractor would prepare a memorandum regarding hazardous materials BMPs related to construction activity for approval by the Authority. The memorandum would confirm that the contractor would not handle or store an extremely hazardous substance (as defined in Cal. Public Res. Code §21151.4) or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code within 0.25 mile of a school, unless within the designated staging area with appropriate procedures and protocols in place. The memorandum would acknowledge that prior to construction activities, signage would be installed to delimit all work areas within 0.25 mile of a school, informing the contractor not to bring extremely hazardous substances into the area. The contractor would be required to monitor all use of extremely hazardous substances. HMW-MM#1 would be effective in avoiding or minimizing the potential effect on schools throughout the Project Section, including in areas with minority populations and low-income populations, and no additional mitigation is warranted. Section 3.18.6.9, Hazardous Materials and Wastes, of the Draft EIR/EIS considers the cumulative baseline condition for hazardous materials and wastes in the Project Section and concludes that the project alternatives in combination with other cumulative projects would not result in a significant cumulative impact under CEQA with respect to hazardous materials and wastes because cumulative projects, including the project alternatives, would be subject to strict federal, state, and local regulatory requirements to protect human health, avoiding the potential for cumulative accumulation or release of hazardous materials. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1140 (Steve Monowitz, County of San Mateo, September 9, 2020) - Continued

### 1140-2661

The project would not contribute in any substantive way to cumulative toxic exposure other than due to emissions during construction (construction equipment emissions) and operations (shift of freight tracks, and station and LMF operations). Thus, the EIR/EIS analysis focused on air quality and used BAAQMD guidance for the evaluation. As explained in Section 3.3.4.3, Methods for Impact Analysis, of the Draft EIR/EIS, the health risk assessment for residences assumed exposure for 30 years per OEHHA guidance. As noted therein, the approach is conservative (i.e., tending to overestimate impacts). Because the project's contributions to toxic exposure are limited to air quality, use of the BAAQMD guidelines is the appropriate method of evaluation because BAAQMD is the recognized expert agency on air quality in the region, and a multimedia health risk assessment is not warranted.

A cumulative health risk assessment was developed and the modeled health risks were compared to BAAQMD cumulative thresholds. As shown in Tables 3.18-1 through 3.18-4 of the Draft EIR/EIS, construction and freight track shifts would contribute to significant cumulative health risks above the BAAQMD thresholds, but existing ambient health risks already substantially exceed the BAAQMD thresholds. The project contributions are relatively small and well below BAAQMD project-level thresholds. Nevertheless, this is considered a cumulative significant and unavoidable impact because the BAAQMD thresholds would be exceeded. Project station and LMF operations would not contribute to significant cumulative health risks because ambient risk levels are below the BAAQMD thresholds and the combined level is still well below the thresholds. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2662

The Authority's Sustainability Policy includes commitments to make the use of non-hazardous materials a priority and minimize the use of those harmful to human health or the environment. Additionally, as described in Section 3.10, Hazardous Materials and Wastes, of the Draft EIR/EIS the Authority would use an Environmental Management System (HMW-IAMF#9) to conduct an annual review of hazardous materials used during construction and operation and assess whether there are acceptable nonhazardous material substitutes. The comment did not result in any revisions to the Draft EIR/EIS.

### 1140-2663

The Authority is committed to constructing the project in a manner that is protective of the natural environment and public safety. For this reason, the Authority has incorporated a number of features into the project that govern the disturbance, use, storage, disposal, and transport of hazardous materials encountered at the East or West Brisbane LMF site, including HMW-IAMF#1, HYD-IAMF#3, HMW-IAMF#7, and HMW-IAMF#8. As noted in HMW-IAMF#1, remediation or other corrective action (e.g., removal of contamination, in-situ treatment, or soil capping) would be conducted with state and local agency officials (as necessary) and in full compliance with applicable state and federal laws and regulations. The comment did not result in any revisions to the Draft EIR/EIS.

## Submission 1153 (Kristine Zortman, Port of Redwood City, September 9, 2020)

**San Francisco - San Jose - RECORD #1153 DETAIL**

**Status :** Unread  
**Record Date :** 9/10/2020  
**Interest As :** Business and/or Organization  
**First Name :** Kristine  
**Last Name :** Zortman  
**Attachments :** HSR EIR Comment Letter September 9 2020.pdf (595 kb)

650-306-4150 and destroy the original transmission and its attachments without reading them or saving them to disk.

**Stakeholder Comments/Issues :**

Dear Sir or Madam,

At the request of Executive Director Kristine Zortman, attached please find the Port of Redwood City's comment letter on the HSR Draft EIR/EIS, Peninsula Project Section.

Thank you!

Regards,  
Cathy

[cid:image001.jpg@01D422A3.7D442AA0]<<http://www.redwoodcityport.com/>>

Catherine Kirkman  
Executive Assistant/Clerk of the Board  
Port of Redwood City  
675 Seaport Boulevard, Redwood City, CA 94063  
(650) 306-4150  
[ckirkman@redwoodcityport.com](mailto:ckirkman@redwoodcityport.com)<<mailto:ckirkman@redwoodcityport.com>>  
[www.redwoodcityport.com](http://www.redwoodcityport.com/)<<http://www.redwoodcityport.com/>>  
[cid:image007.png@01D0E0E0.03CB5DE0]<<http://facebook.com/redwoodcityport/>>  
[cid:image003.jpg@01D422A3.7D442AA0] <<https://twitter.com/RedwoodCityPort>>

The Port Administration Office hours are Monday-Thursday 7:30 a.m. to 5:30 p.m. and every other Friday<<https://www.redwoodcityport.com/alternativeworkschedule>> from 8 a.m. to 5 p.m.  
For more details and Friday closure dates, go here<<https://www.redwoodcityport.com/alternativeworkschedule>>.

**Confidentiality Notice:**

This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have received this transmission in error, please immediately notify me by replying to this e-mail or by telephone

Submission 1153 (Kristine Zortman, Port of Redwood City, September 9, 2020) - Continued




**PORT OF REDWOOD CITY**  
Serving Silicon Valley

Port Commissioners  
Richard S. Claire  
Richard "Dick" Dodge  
R. Simms Duncan  
Ralph A. Garcia, Jr.  
Lorianna Kastrop



**PORT OF REDWOOD CITY**  
Serving Silicon Valley

Port Commissioners  
Richard S. Claire  
Richard "Dick" Dodge  
R. Simms Duncan  
Ralph A. Garcia, Jr.  
Lorianna Kastrop

	<p>September 9, 2020</p>	1153-1146	<p>Any loss of freight rail capacity has substantial negative impacts on the public interest. Industry may be required to divert to trucks, thereby increasing both shipping costs and the price of those products to businesses and end-consumers. In effect, the public may be paying twice for the high-speed rail.</p>
	<p>Northern California Regional Office California High-Speed Rail Authority 100 Paseo De San Antonio, Suite 300 San Jose, CA 95113</p> <p>Via email: <a href="mailto:san.francisco_san.jose@hsr.ca.gov">san.francisco_san.jose@hsr.ca.gov</a></p> <p>Re: HIGH SPEED RAIL (HSR), Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) – San Francisco to San Jose Project Section</p> <p>Dear Sir or Madam:</p>	1153-1147	<p>Significant impacts on freight rail would severely impact the overall system of freight transportation on the Peninsula, which depends on an integrated approach to goods movement. Rail efficiencies offer a decrease in trucking volumes by a factor of 5, in most cases. Conversely, the cost per ton of goods movement can be expected to double for those volumes that may be removed from rail. The EIR does not quantify the amount of rail moves that may be removed or impacted during both construction and passenger operations.</p>
	<p>1153-1144</p> <p>Please allow this letter to serve as the Port of Redwood City's (Port) formal comment letter to the above referenced project. The project description of the Draft EIR/EIS states the following: <i>The project section would modernize the rail corridor between San Francisco and San Jose and would provide service between the Salesforce Transit Center in San Francisco and the San Jose Diridon Station.</i></p> <p>The Port supports the HSR, however further analysis is required as it relates to any impacts, whether temporary or operational, to freight rail operations. The EIR/EIS understates the impacts on freight rail and therefore understates the environmental, economic, and social impacts of the project, nor does it adequately mitigate the impacts of the project on freight rail.</p>	1153-1148	<p>Furthermore, beyond cost impacts, if this mode of transportation infrastructure is effectively crippled, the likely consequences on the Peninsula, in terms of potentially irreparable impact on the overall reliability and hence security to the region's economic infrastructure, are nontrivial (e.g., historical removal of Los Angeles rail system's long-term impact on region).</p>
	<p>1153-1145</p> <p>The International Association of Port and Harbors states, "A Port cannot be planned or designed as an arbitrary arrangement of independent terminals. It cannot even be planned as an independent whole, because the arteries connecting the Port to the sea and to the hinterland are as important as the Port itself. A Port should always be studied and planned in its true node in a complex system." The Port of Redwood City is a strategic intermodal economic engine for the Silicon Valley region and beyond. Freight rail operations serve as a key arterial for goods movement, job creation, cost competitiveness, and are an environmentally sound mode of transportation.</p> <p>In January of 2020, the Port adopted the 2020 Vision which outlines a strategic vision and framework for the next 20-years of Port operations. The 2020 Vision cargo demand for waterborne dry-bulk commodities is anticipated to grow from 3.8 million metric tons to 4.5 million metric tons. This cargo forecast further comports with the San Francisco Bay Conservation and Development Commission's (BCDC) Seaport Plan, as it relates to the Port's Priority Use designation in the Seaport Plan. This growth projection is based upon the Port's existence as an intermodal port.</p> <p>The growth of the Silicon Valley region is a direct result of the goods movement that occurs through the Port and its supply chain utilizing freight rail. The EIR/EIS assumes that freight rail volume and rail use is insignificant, therefore any inconvenience to service would not have any significant impact. This assumption, whether during construction/temporary (impact) or during passenger operations, is factually incorrect. The Port is a working waterfront that drives the regional economy creating jobs, supplying raw construction materials and recycling of both liquid bulk and metals. These industries rely on timely freight operations and open freight corridors.</p>	1153-1149	<p>There is a long-term competitive advantage with intermodal cargo operations. A region's competitiveness is built upon the cost of goods movement within that region. The projected time horizon for the EIR/EIS is 2040. This timeline does not align with other projected planning horizons for policy makers, including sea level rise and climate change. How can the EIR/EIS assume that 2040 offers long-term analysis and adequate mitigation measures? Cargo flows (literally) to the lowest cost service provider that offers the best service. Intermodal ports offer that competitive advantage to the region. Policy makers should question how devastating a disruption of freight rail service on the Caltrain corridor may be to multi-modal shipping networks served from both the Port of San Francisco and the Port of Redwood City. The answer to this question may exceed a 2040 planning horizon.</p>
	<p>1153-1146</p> <p>The Port is supportive of the HSR as a valuable alternative mode of transportation, however at this time the EIR/EIS lacks the appropriate analysis to adequately evaluate impacts on freight rail operations.</p>	1153-1150	<p>Furthermore, while social and economic impacts might not be included within the scope of EIR/EIS certification, it is essential for policy makers to understand and consider broader impacts before approving a project. As stated, the cost to the public for disruptions to freight rail may be significant as well as produce unintended consequence of increased truck emissions for the surrounding community.</p>
	<p>1153-1147</p> <p>Sincere Regards,</p>  <p>Kristine A. Zortman Executive Director</p> <p>Cc: Board of Port Commissioners</p>	1153-1151	<p>The Port is supportive of the HSR as a valuable alternative mode of transportation, however at this time the EIR/EIS lacks the appropriate analysis to adequately evaluate impacts on freight rail operations.</p>

675 Seaport Boulevard, Redwood City, CA 94063 | 650-306-4150 | info@redwoodcityport.com

675 Seaport Boulevard, Redwood City, CA 94063 | 650-306-4150 | info@redwoodcityport.com

## Response to Submission 1153 (Kristine Zortman, Port of Redwood City, September 9, 2020)

### 1153-1144

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment provides introductory material on the Port of Redwood City and an overview of more detailed comments that follow. Each of these more detailed comments is addressed below.

### 1153-1145

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment provides description of operations and future planning for the Port of Redwood City and reliance on timely freight operations and service. These comments are noted.

The comment also asserts that the Draft EIR/EIS describes the freight rail volume and rail use as “insignificant”. Section 3.2, Transportation, of the Draft EIR/EIS describes the amount of existing freight operations based on dispatch data from Caltrain and then makes an assumption for analytical purposes about potential growth in freight volumes over time. The Draft EIR/EIS does not describe freight service as “insignificant”. To the contrary, Impact TR#18 discloses the potential disruption to freight operations due to project construction, concludes that there would be a significant impact on freight rail operations, and identifies TR-MM#3 to minimize the disruption of freight rail services during construction. Impact TR#19 addresses permanent operations impacts on freight rail and discloses that while the addition of HSR service will likely result in a narrowing of available work windows for freight, existing and potential future freight service will be maintained through use of overnight hours. No revision to the Draft EIR/EIS is required.

### 1153-1146

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment expresses concern about potential negative impacts if freight is diverted from rail to trucks. As explained in the standard response and in revisions to the Final EIR/EIS Section 3.2, Transportation, the project is not expected to result in substantial diversion of rail freight to trucks.

### 1153-1147

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The analysis of impacts during construction focuses on the locations and durations of freight access disruptions during construction of the project. As explained in the standard response, the analysis was updated in the Final EIR/EIS to provide more specific durations for construction access constraints and freight facility impacts during construction. As shown in the revisions to the Final EIR/EIS Section 3.2, Transportation, in Tables 3.2-24 through 3.2-27, the effects to freight rail operations and facilities will be limited to specific periods of short duration over the years of construction.

As explained in the standard response, the Authority modified Mitigation Measure TR-MM#3 in the Final EIR/EIS to incorporate additional consultation requirements with respect to coordination between the Authority and freight operators and shippers. The Authority will coordinate with freight operators and shippers prior to and during construction and will provide advanced notification months in advance of disruptions to access to facilities, among other measures to minimize effects during construction. Consequently, substantial diversion of freight from rail to truck is not expected during construction.

Regarding quantifying the number of rail moves, the specific number cannot be estimated without speculation because of the following factors: (1) the specific construction schedule for the Project Section has not been established; (2) the specific timing of disruption to freight has not been determined (only the expected durations); and (3) the specific amount of freight operations that would be scheduled during the disruption period despite advanced notification and coordination between the Authority and freight operators and shippers cannot be known at this time. Instead, the analysis focuses on the locations and durations of potential disruption to characterize the potential effects, which is feasible and is considered adequate for disclosure under NEPA and CEQA.

In regards to operations, no routine freight moves are expected to be removed due to compression of freight operating hours in the early evening due to increased HSR service.

As explained in Standard Response FJ-Response-TR-4, there may be infrequent periods of anomalous freight operations above the forecasted routine freight levels and thus infrequent accommodation through potential longer trains, additional trains, and staggered deliveries, all of which are strategies that have been used in the past to

## Response to Submission 1153 (Kristine Zortman, Port of Redwood City, September 9, 2020) - Continued

### 1153-1147

address varying freight demands on occasion and can be feasibly done in the future. Because these contingency strategies have been done under baseline conditions and are considered to be only infrequently applied in the future for non-routine conditions, there is no need to quantify the number of freight moves potential affected.

### 1153-1148

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment expresses concern about the economic effects if freight is diverted from rail to trucks. As explained in the standard response and in Final EIR/EIS Section 3.2, Transportation, the project is not expected to result in substantial diversion of rail freight to trucks. This comment is noted, but no specific comments are provided about the adequacy of the analysis in the Draft EIR/EIS, so no further response is required.

### 1153-1149

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in the standard response and in Section 3.2, Transportation, of the Final EIR/EIS, the Authority relied on the latest information in the 2018 State Rail Plan regarding future freight growth, and the 2018 State Rail Plan forecasts future freight demand out to 2040. While one could project growth beyond 2040, such long-term forecasts of economic conditions and goods movement demand would be highly speculative and subject to substantial uncertainty. As a result, the Authority determined it was appropriate to conduct the analysis of future freight conditions based on the timeframe that Caltrans evaluated in the 2018 State Rail Plan.

### 1153-1150

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in the standard response, the project is not expected to result in substantial diversion of rail freight to trucks.

### 1153-1151

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment summarizes the commenter's concerns about the analysis in the Draft EIR/EIS. As described in the standard response, the Authority updated the analysis of freight rail impacts in the Final EIR/EIS. The analysis is based on data on existing freight conditions and operations; incorporates the latest forecasts of freight operations; considers the timing and location of potential construction disruptions; evaluates operational track capacity for freight in light of potential compressed operational windows; determines that with mitigation, construction impacts would be less than significant under CEQA; and determines that operational effects would not result in significant impacts and operational mitigation is not warranted. This analysis is adequate for CEQA and NEPA, and the Authority disagrees with the commenter's assertion that the EIR/EIS lacks the appropriate analysis.

## Submission 1134 (Andre Coleman, Port of San Francisco, September 9, 2020)

**San Francisco - San Jose - RECORD #1134 DETAIL**

Status : Unread  
Record Date : 9/10/2020  
Interest As : Local Agency  
First Name : Andre  
Last Name : Coleman  
Attachments : Port of SF Freight Rail Support Letter 9.9.20.pdf (410 kb)

**Stakeholder Comments/Issues :**

Attached are comments from the Port of San Francisco on the HSR EIR/EIS.



September 9, 2020

Mr. Brian Kelly  
Chief Executive Officer  
California High-Speed Rail Authority (CHSRA)  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113

Re: High-Speed Rail project

Dear Mr. Kelly,

This letter is in support of the Peninsula Freight Users Group (PFRUG) which the Port of San Francisco is an executive member. The Port has a long history of using the peninsula rail line for freight activity and continues to see this line as an important part of our strategic plan for the Southern Waterfront.

1134-465

Freight rail is an important part of the industrial identity of the Port of San Francisco and continues to provide numerous benefits to the city and wider region including local jobs, alleviating congestion on local roadways, eliminating emissions from additional truck traffic and providing future potential cargo movement opportunities.

The Port requests a clear analysis to clarify any potential impact to freight rail traffic during and after the project. If there is no planned impacts please formally confirm that finding.

Sincerely,

Andre Coleman  
Deputy Director of Maritime, Port of San Francisco

## Response to Submission 1134 (Andre Coleman, Port of San Francisco, September 9, 2020)

### 1134-465

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment asks for a “clear analysis” of potential project impacts on freight rail service. Standard Response FJ-Response-TR-4 describes the freight analysis completed in depth, including updates to the analysis of freight impacts in Section 3.2, Transportation, of the Final EIR/EIS. With the updates implemented to the Final EIR/EIS (see discussion of potential effects to freight under Impacts TR-18, TR-19, and TR-20 in Section 3.2), the document provides a thorough discussion and analysis of the potential for impacts to freight service during construction and during operations.

# Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020)



BOARD OF DIRECTORS 2020  
 DAVE PINE, CHAIR  
 DEVORA "DEV" DAVIS, VICE CHAIR  
 JEANNIE BRUINS  
 CINDY CHAVEZ  
 RON COLLINS  
 STEVE HEMINGER  
 CHARLES STONE  
 SHAMANN WALTON  
 MONIQUE ZILDA  
 JIM HARTNETT  
 EXECUTIVE DIRECTOR

Boris Lipkin  
 September 9, 2020  
 Page 2 of 13

September 9, 2020

Mr. Boris Lipkin  
 Northern California Regional Director  
 California High-Speed Rail Authority  
**Attn: Draft San Francisco to San Jose Project Section EIR/EIS**  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113

RE: Caltrain Comments on the Draft San Francisco to San Jose Project Section EIR/EIS

Dear Mr. Lipkin,

The Peninsula Corridor Joint Powers Board (PCJPB), which operates the Caltrain commuter rail service, commends the California High-Speed Rail Authority (CHSRA) on the release of its Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the San Francisco to San Jose High-Speed Rail project section – this is a major milestone for CHSRA’s program.

1138-1291

The purpose of this letter is to provide formal comments on the Draft EIR/EIS, pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency, based to the extent possible on scientific and factual data. This letter addresses issues specific to CHSRA’s analysis of the San Francisco to San Jose project section while also building and expanding upon general comments already made by Caltrain on CHSRA’s Draft EIR/EIS for the San Jose to Merced project section. Comments in this letter explain where the data is inaccurate and must be corrected, where updated and relevant plans must be incorporated into the impact assessment, or where clarifications are needed. In all cases, we are requesting that our comments be fully addressed in the Final EIR/EIS and have provided a reasonable means and approach to do so in the following paragraphs, as coordination with the PCJPB will be required.

The PCJPB is the owner and manager of the Peninsula Corridor—the railroad right-of-way between San Francisco and Tamien Station/CP Lick in San Jose, and the San Mateo County Transit District (District) is the co-owner of the corridor within San Mateo County. The PCJPB has the ultimate responsibility for the overall planning, development and maintenance of the

1138-1292

**Caltrain 2040 Service Vision and Service Plan Assumptions**

Beginning in 2011, our two agencies have worked together to develop initial agreements and concepts for the operation of a blended system on PCJPB-owned corridor and infrastructure between San Francisco and San Jose. The commitment to the blended system has resulted in a significant investment by CHSRA into the ongoing Peninsula Corridor Electrification Project<sup>1</sup>. As CHSRA is aware, planning for the future of service on the corridor has advanced substantially since that time. In 2018, the PCJPB kicked-off a robust long-range planning effort (the “Caltrain Business Plan”) to articulate a comprehensive plan for the build-out of the Peninsula Corridor, including future high-speed rail service. This work was developed based on extensive joint service planning work conducted with CHSRA in 2017 that was then refined as part of the Business Plan process in 2018 and 2019 with full transparency to and participation by CHSRA staff. In October 2019, the PCJPB adopted the 2040 Long Range Service Vision as the blueprint for buildout and expansion of rail services on the Peninsula Corridor<sup>2</sup>. The Service Vision was developed with broad participation by communities and public agencies throughout the Peninsula Corridor and Caltrain service area and is now the official policy of the PCJPB. This document provides the foundational guidance that will be needed to develop the more detailed plans for investments and phasing required on the Peninsula Corridor to realize both increased Caltrain service as well the introduction of high-speed rail service.

1138-1293

In Chapter 8 of the Draft EIR/EIS, CHSRA represents that, “*[f]urther outreach, consultation, and alternatives refinement between 2016 and 2019 following re-initiation of scoping in 2016 for a two-track blended system using the existing Caltrain track and remaining substantially within the existing Caltrain right-of-way*” occurred as part of the selection of the preferred alternative and evaluation of community and environmental impacts. Despite this coordination and acknowledgement from CHSRA, the service plan assumptions included in the Draft EIR/EIS are inconsistent with the PCJPB’s adopted Service Vision. Instead, the service plan assumptions used to support the evaluation of impacts in the Draft EIR/EIS are based on now stale blended planning work conducted between Caltrain and CHSRA in 2015 and 2016 and that was never

<sup>1</sup> <https://www.caltrain.com/Assets/Caltrain+Modernization+Program+High+Speed+Rail+MOU+2016+JPB+CHSRA+Agreement.pdf>  
<sup>2</sup> <https://caltrain2040.org/wp-content/uploads/Caltrain-Business-Plan-Final-Service-Vision.pdf>



## Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

Boris Lipkin  
September 9, 2020  
Page 3 of 13

1138-1293 | formally accepted or endorsed by the PCJPB. Specifically, Chapter 2 of the Draft EIR/ EIS (and Appendix 2-C) assume the following service levels and styles:

- Up to 6 Caltrain trains per peak hour per direction + 2 high-speed trains in 2029
- Up to 6 Caltrain trains + 4 high-speed trains in 2040

1138-1294 | In both instances, the 6 Caltrain trains are assumed to operate a fully skip-stop style pattern (with no local or express trains). Further, Caltrain trains have been “bunched” unevenly within the hour to create space on the line for high-speed rail trains. The preferred infrastructure to accommodate this assumed service is evaluated in the Draft EIR/EIS as Alternative A (the Preferred Alternative), which does not include passing tracks.

In contrast, the PCJPB’s adopted Service Vision specifically calls for the following:

- A mixture of express and local Caltrain services operated in an evenly spaced, bidirectional pattern
- Minimum peak hour frequencies of 8 Caltrain trains per hour per direction on the PCJPB-owned corridor between Tamien Station in San Jose and San Francisco, extended to Salesforce Transit Center at such time as the Downtown Extension is completed

1138-1295 | While there are a reasonable range of blended service patterns that could be operated on the Peninsula Corridor in the future, the service assumptions used to support the analysis in the Draft EIR/EIS are not “prototypical,” in that they are not representative of likely service outcomes, and run contrary to policies and plans expressly adopted by the PCJPB. This is true both in terms of the total volume of train service considered (with the PCJPB having adopted a Vision to consider at least 8 Caltrain trains per hour per direction by 2040) as well as the style and arrangement of service patterns (with the PCJPB having adopted a Vision that assumes both local and express services as well as even, regular distribution of trains throughout the hour).

1138-2674 | Additionally, Caltrain’s extensive analysis over the last several years has clearly shown that passing tracks will be required in the corridor to support Blended Service. Specifically, to accommodate CHSRA’s use of the corridor without fundamentally compromising the quality of Caltrain service, short passing tracks will be needed in two places:

- The San Mateo area (consistent with a portion of the passing track evaluated in Alternative B)
- North Santa Clara County (located at some point between Palo Alto and Mountain View stations)

1138-1296 | These passing tracks are needed for high-speed rail service and are required to ensure that Caltrain has both the ability to grow its service in the long term and to operate an evenly spaced, market appropriate Caltrain service even at lower service levels of 6 trains per hour.

Boris Lipkin  
September 9, 2020  
Page 4 of 13

1138-1296 | The implicit assumption in the Draft EIR/EIS is that Caltrain will wholly rearrange its service plan to create spaces or “slots” for CHSRA trains in a manner that both compromises the quality of local and regional service and undercuts the ability to grow service on the corridor over the long term. While this assumption obviates the need for passing tracks, it is not a reasonable assumption for the Draft EIR/EIS or any associated environmental analysis in that it is not based in any agreements between the two railroads, runs contrary to adopted PCJPB policy and significantly understates the extent of physical infrastructure that will foreseeably be required to support blended operations. To illustrate this point, were Caltrain to want to operate a local train at any point in the future while sharing the corridor with CHSRA trains, passing tracks would be required.

1138-1297 | CHSRA’s Draft EIR/EIS thus erroneously provides that high-speed rail service on the Peninsula as evaluated would not preclude Caltrain growth as laid out in its Business Plan. This error affects the impact analysis and associated determination of severity of impact for all sections related to the Peninsula Corridor, associated facilities, and tenant and freight rail operations on the PCJPB-owned mainline rail corridor. Without an evaluation of impacts that considers a foreseeable range of Caltrain service patterns as well as the potential for Caltrain service growth on the Peninsula, the CEQA conclusions/NEPA determination of effect on operations, capacity, connected actions, growth, and cumulative effects is not accurate and therefore does not provide the public and decision makers with the information needed to fully understand the environmental impacts of the project. We acknowledge the dynamic nature of the blended service planning with CHSRA and the difficulties of doing this kind of work in parallel with the completion of an environmental document. Nonetheless, the Caltrain plans and policy developed through the Business Plan have been undertaken with full participation by CHSRA staff, have been publicly available for some time, and were formally adopted by the Board in October of 2019. CHSRA’s environmental documents must appropriately evaluate reasonably foreseeable impacts of CHSRA’s service on the PCJPB and Caltrain service.

1138-1298 | Please note that for the purposes of this letter we assumed the details provided in Appendix 2-C of the Draft EIR/EIS are the intended service assumptions; however, in our review of the EIR/EIS, we also found inconsistent service assumptions in various locations that include but are not limited to Chapters 2, 3, 8 and Appendix 2-C. As example, Chapter 3.2 (Transportation) provides details that suggest the project was evaluated in terms of effect on traffic level of service for the following horizons/service plans:

**2029 Plus Project conditions**—Evaluates the potential effects of the project on 2029 baseline conditions with project ridership anticipated in the 2029 for initial Silicon Valley to Central Valley operations, for the 4th and King Street Station area, which is the interim northern HSR terminus for 2029. By 2040, with the Downtown Extension (DTX) project, the northern HSR terminus would be at the Salesforce Transit Center (SFTC). The Millbrae Station would not be operational in 2029. All transportation network modifications necessary to build the project along with HSR service and ridership at stations are reflected in this scenario. This scenario assumes operation of a total of 16

Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

Boris Lipkin  
September 9, 2020  
Page 5 of 13

Boris Lipkin  
September 9, 2020  
Page 6 of 13

1138-1298

*weekday peak hour trains along the project corridor, including 12 Caltrain trains and 4 HSR trains.*

and

**2040 Plus Project conditions**—Evaluates the full potential effects of the project on 2040 baseline conditions for all study locations, other than the interim 4th and King Street Station area that is evaluated only for 2029 conditions. All transportation network modifications necessary to build the project along with HSR service and ridership at the Millbrae and San Jose Diridon Stations are reflected in this analysis scenario. This scenario assumes operation of a total of 20 weekday peak hour trains along the project corridor, including 12 Caltrain trains and 8 HSR trains.

It is unclear, from the above descriptions, exactly what service levels and patterns CHSRA has considered and used in different portions of their analysis. We recommend that CHSRA engage with Caltrain staff to ensure that the appropriate service inputs and assumptions are being used throughout the document. As described above, these inputs and assumptions are fundamental to the accurate assessment of impacts and it is critical that CHSRA use the correct information.

1138-1299

**Stations and Facilities**

Modifications to Caltrain’s facilities, systems, stations or yards, are a significant concern. As noted in the Draft EIR/EIS, the PCJPB owns the passenger stations from San Jose Diridon to San Francisco 22<sup>nd</sup> Street and holds a permanent rail operating easement for San Francisco 4<sup>th</sup> and King. Further, Caltrain currently owns and/or operates two yards at the Central Equipment and Maintenance Operation Facility (CEMOF) in San Jose and the yard at San Francisco 4<sup>th</sup> and King for maintenance and storage. Chapter 2 of the Draft EIR/EIS describes how CHSRA would add high-speed rail service to some Caltrain stations and make modifications to others with varying levels of significance. The PCJPB has significant concern with the description of improvements as discussed below:

**San Francisco 4<sup>th</sup> and King Station**

San Francisco 4<sup>th</sup> and King Station is the current end-of-line passenger station serving San Francisco. The associated rail yard is also used for storage and light maintenance of the Caltrain fleet. 4<sup>th</sup> & King is an operationally significant asset for the Peninsula Corridor. The implications for the changes suggested in the Draft EIR/EIS are significant.

1. This station is considered as serving as interim station for CHSRA’s service through the 2029 horizon year, and thereafter the DTX would be in place to allow service to the Salesforce Transit Center. While described as “interim,” the contemplated changes to 4th and King will have a significant effect on Caltrain service as this is a land-limited station location where Prologis is the landowner and Caltrain holds certain rights to the property to provide for passenger rail service.

1138-1300

2. At this time, the PCJPB has significant overall concerns with the inclusion of 4<sup>th</sup> & King as an interim terminus for CHSRA as part of the Draft EIR/EIS. By law, the northern terminus of the High-Speed Rail System is the Salesforce Transit Center, and CHSRA has contributed both federal and state funding to the development of this facility. At this time the DTX project has been fully environmentally cleared and there is little basis in either CHSRA’s own business plans or in the planning for the DTX to assume that high-speed rail service will require an interim terminal facility at 4<sup>th</sup> & King. Under most timelines, this facility should not be needed for high-speed rail service or would, at most, be needed for an interval of time that is so brief it raises significant questions about what scale of modifications to 4<sup>th</sup> & King would be prudent and appropriate. Ultimately, the PCJPB is committed to working with CHSRA to ensure that facilities are in place to enable their full use of the corridor. To the extent that high-speed rail facilities are needed at 4<sup>th</sup> & King, the PCJPB will work with CHSRA to closely coordinate planning for any modifications with the constellation of other projects that overlap and intersect around the railyard (including the construction of DTX, the construction of the Pennsylvania Avenue Extension, and the potential reconfiguration and development of the 4<sup>th</sup> & King Terminal and rail yard). We recommend CHSRA first focus its efforts on ensuring the timely completion of the DTX, with any planning for interim facilities at 4<sup>th</sup> & King undertaken in close coordination with the PCJPB through a larger set of comprehensive planning work related to the north terminal.

1138-1301

3. The document does not demonstrate that the configuration assumed by CHSRA at 4<sup>th</sup> & King results in adequate capacity at the station since the service assumptions in the Draft EIR/EIS are out of date. Once the PCJPB and CHSRA mutually agree to the service parameters, the PCJPB can render an opinion as to the sufficiency of the capacity proposed for San Francisco 4th and King Station.

1138-1302

**Millbrae Station**

Millbrae Station is one of two major multi-modal hubs in San Mateo County. This station has been the subject of a CHSRA-awarded contract for station area planning to develop a comprehensive transportation plan among BART, Caltrain/PCJPB, CHSRA, and the City of Millbrae; although this work is not discussed in the Draft EIR/EIS.

4. The Draft EIR/EIS acknowledges use of land outside of the Caltrain ROW to accommodate improvements deemed necessary for high-speed rail. Specifically, temporary use of 8 acres and permanent conversion of 7.8 acres including easements and displacement of two commercial businesses.
5. It is important that CHSRA continue to work with the rail partners (BART and Caltrain) and the City of Millbrae to complete planning for this station area in order to ensure adequate capacity for blended service, appropriate station access facilities, and compatibility with local land use goals.

1138-1303

# Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

Boris Lipkin  
September 9, 2020  
Page 7 of 13

Boris Lipkin  
September 9, 2020  
Page 8 of 13

1138-1304

**San Jose Diridon Station**

Diridon Station is a regional transit hub, a highly important station within the Caltrain system, and an operationally sensitive portion of the Peninsula Corridor. The implications for the changes suggested in the Draft EIR/EIS are serious and the PCJPB has already provided comments on this subject as part of our letter on CHSRA's Merced to San Jose Project Section Draft EIR/EIS.

6. As shown in Figure 2-41, it appears that one or both alternatives propose to add CHSRA platforms to the center of the existing station, thereby reducing Caltrain platform capacity to 4 faces (2 platforms). This graphic should specify which project alternative is being shown. Further, the Draft EIR/EIS does not demonstrate that this configuration results in adequate capacity at the station for either the PCJPB or its tenant operators since the service assumptions in the Draft EIR/EIS are out of date. Once the PCJPB and CHSRA mutually agree to the service parameters, the PCJPB can render an opinion as to the sufficiency of the capacity proposed for San Jose Diridon Station.

1138-1305

7. Chapter 2 describes the physical changes required to San Jose Diridon Station to accommodate high-speed rail. These modifications are understood to support *only* CHSRA's project and may conflict with overall rail planning efforts to accommodate all providers to Diridon Station. As CHSRA is aware, there are extensive active planning processes underway to fully explore the future vision for San Jose Diridon Station. CHSRA should continue to participate in these efforts so that future improvements to the Diridon station can be planned and implemented in a manner that satisfies the full range of rail operator rights and needs at this station and so that a rational and measured approach to phasing in high-speed rail service at the station can be developed.

1138-1306

8. The Draft EIR/EIS appears to assume that up to four CHSRA trains per hour may terminate at San Jose Diridon Station, in addition to four trains per hour continuing through San Jose Diridon to San Francisco. While the number of trains is not inconsistent with the CHSRA's Business Plans, the notion of up to eight high-speed trains per hour utilizing PCJPB-owned infrastructure falls outside of the foundational blended system agreements between the PCJPB and CHSRA. In particular, pursuant to Section 6.1.1 of the Project Management and Funding Agreement, dated December 5, 2018 (PMFA)<sup>3</sup> CHSRA recognized and agreed that upon completion of corridor electrification and the positive train control system, CHSRA will be guaranteed a maximum of four train slots per hour per direction for San Jose to San Francisco service. Shared access to San Jose Diridon and other corridor stations authorized by Section 6.1.2 of the PMFA is tied to the aforementioned high-speed rail service level.

1138-1307

9. The San Jose Diridon Station Integrated Station Planning process is referenced inconsistently within the Draft EIR/EIS, and there are several specific references throughout the document to outdated planning documents or processes related to San

<sup>3</sup> See letter enclosure

1138-1307

Jose Diridon Station. These need to be addressed to ensure that the Final EIR/EIS is consistent with current planning processes.

1138-1308

10. The Alternative 4 design variant proposed in the Draft EIR/EIS for Diridon North Subsection needs considerable additional analysis and coordination with the PCJPB. It is both concerning and disappointing that this variant was inserted into the Draft EIR/EIS just prior to publication - while at the same time that CHSRA has consistently declined to modify other, stakeholder-requested aspects of its environmental analysis and has failed to incorporate publicly available plans and decisions into its document. The PEPP (preliminary engineering for project delivery) associated with this variant is not included in the Draft EIR/EIS for the PCJPB to validate or review. We would remind CHSRA that all modifications to the infrastructure on the Peninsula Corridor will require the PCJPB's approval. We also note that Section 7.4 of the PMFA requires CHSRA to offer to the PCJPB the ability to contract with CHSRA for compensation to perform any CHSRA-needed improvements on the Peninsula Corridor prior to offering such work to potential contractors.

1138-1309

**Grade Separations**

Substantial grade separation of the Peninsula Corridor is included in Caltrain's Long Range Service Vision and is a high priority for both the railroad as well as many communities along the corridor. While CHSRA's previous plan to grade separate the entire corridor (pre-2012) was eliminated from further consideration as a result of Senate Bill 1029, CHSRA remains a key partner to the PCJPB in corridor-wide strategic planning for these improvements and we request CHSRA's ongoing support and engagement in these efforts. Further, while the Peninsula Corridor will remain a primarily two-track railroad, the ultimate requirement for grade separation in certain parts of the corridor will be based on the number of tracks required to fully support blended operations and the growth of tenant rail services. As noted previously, fully specifying the necessary rail infrastructure and associated number of tracks and grade separations that may be required in all locations requires the advancement and completion of blended system planning beyond the inadequate prototypical assumptions used in the Draft EIR/EIS. Similar to CHSRA's partnership role in the PCEP project as laid out in the PMFA, advancing the necessary grade-separation throughout the Peninsula Corridor for the future service levels of both Caltrain and high-speed rail services should aim to reduce throw-away costs to public funders from poorly timed infrastructure investments. While no one agency has the funds to solely pay for the grade-separations, the infrastructure decisions for the corridor should consider the costs and benefits of the timing of the grade separation projects, minimizing re-work or throw-away costs for improvements to the rail line. Per our recommendation above, that CHSRA engage with Caltrain staff to ensure that the appropriate service inputs and assumptions are being used, we will also discuss the corridor-wide grade separation strategy.

1138-1310

**Peninsula Corridor Joint Powers Board Ownership**

The way corridor and facility ownership are described throughout the document needs to be consistent. The Peninsula Corridor Joint Powers Board (PCJPB) is a joint exercise of powers

## Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

Boris Lipkin  
September 9, 2020  
Page 9 of 13

Boris Lipkin  
September 9, 2020  
Page 10 of 13

1138-1310

agency formed by means of a Joint Powers Agreement among three entities: the City and County of San Francisco, the San Mateo County Transit District (District) and the Santa Clara County Transportation Authority (VTA). The District is the Managing Agency of the PCJPB pursuant to the Joint Powers Agreement and other agreements among the three entities. The PCJPB owns the rail right-of-way from Tamien Station (CP Lick) to San Francisco 4th and King Station, sharing that ownership within San Mateo County with the District. For its operations south of Tamien, Caltrain utilizes trackage rights it holds over the UPRR-owned right-of-way and stations owned by VTA. The PCJPB has trackage rights agreements in place with UPRR regarding freight operations over the PCJPB-owned right-of-way from Tamien Station to San Francisco. On a portion of that right-of-way, between CP Coast (near Santa Clara) and Tamien/CP Lick, UPRR owns its own track, known as Main Track 1. The PCJPB also has agreements in place for tenant railroads Altamont Corridor Express (ACE), Capitol Corridor, and Amtrak. These agreements govern their usage of the PCJPB-owned tracks and stations. The Draft EIR/EIS must accurately and clearly describe the ownership of the PCJPB territory in order to evaluate impacts and assign appropriate mitigation.

1138-1313

modernize the Caltrain corridor including replacement of the aging diesel fleet. PCEP will only convert 75 percent of the fleet to EMU. Conversion to a fully EMU fleet is currently unfunded. Further, full electrification of the Caltrain fleet is required prior to initiation of high-speed rail in order to meet operational requirements for blended service. The Draft EIS/EIR should instead indicate that PCEP infrastructure benefits Caltrain service and provides some of the infrastructure that would be ultimately be utilized for high-speed rail service on the corridor.

1138-1314

**Connection between EIRs**

The San Jose Diridon Station Approach Subsection was analyzed as part of the San Jose to Merced Project Section Draft EIR/EIS and the analysis has been incorporated into this Draft EIR/EIS to support a station-to-station evaluation with logical termini for the San Francisco to San Jose Project Section; However, the decision on selection of alternatives between Scott Boulevard in Santa Clara and West Alma Avenue in San Jose would occur as part of the environmental approvals process for the San Jose to Merced Project Section. Please refer to comments provided to CHSRA on the San Jose to Merced Project section under separate cover dated June 23, 2020 from the PCJPB.

1138-1311

**Communications and Systems**

Chapter 2 of the Draft EIR/EIS contains the assumptions that the Caltrain Modernization Program, including electrification of the Caltrain corridor between San Francisco and San Jose as part of the PCEP are implemented prior to high-speed rail service on the Peninsula Corridor. Therefore, these programs are part of the baseline condition evaluated in the EIR/EIS (Chapters 3 and beyond). However, CHSRA indicates additional changes would occur in order to operate high-speed rail service included in the analysis of impacts, including new and different trainsets, track modifications to allow for increased speeds, potential realignment of the OCS in certain locations, new radio communications facilities, and potential equipment upgrades to the traction power systems installed by Caltrain as part of PCEP (co-located at existing sites). The PCJPB expects to work with CHSRA on the further refinement of plans for communications and systems needed to support blended service through the process of joint planning and agreements referenced in this letter.

1138-1315

**Impact Analysis, Avoidance, Minimization, and Mitigation:**

With regards to Impact Avoidance and Minimization Features (IAMFs), preparing memoranda for station planning and not requiring CHSRA or its contractor to coordinate or consult with local agencies for planning along the corridor and at stations prior to high-speed rail operations does not align with the existing agreements between the PCJPB and CHSRA (see Appendix 2-E, Land Use, Development and Station Planning IAMFs). The authoring of future memos would not avoid or minimize impacts at stations with multiple providers and ownership structure. IAMFs like this should include a mechanism for approval or statement of no harm among affected agencies/entities, timelines for development of information, and action items for each affected agency/entity to ensure success of the minimization or avoidance feature. Additionally, there is no reference within the IAMFs to coordinate with the PCJPB. As the corridor-owner, implementation of IAMFs need to be closely coordinated prior to implementation.

1138-1312

Technical Appendix 3.18-B: Cumulative Transportation Plans and Projects Lists, includes the Caltrain Communications Based Overlay Signal System Positive Train Control Project (CBOSS) as part of the list of projects included in the Resource Study Area for cumulative effects. While PTC is a key component of the Caltrain Modernization Program, the CBOSS specification is no longer the project that is being implemented. Please remove reference to this project from the Draft EIR/EIS entirely. The PTC system being installed is Interoperable Electronic Train Management System (I-ETMS), which is an advanced signal system that will equip the corridor with federally mandated safety technology and increase system capacity to help accommodate future increases in ridership demand.

1138-1316

In the case of some resources, despite a lack of updated information on service/operations plans, and plans guiding the decisions on the Caltrain corridor (2040 Service Vision), there is already an anticipated significant effect on the resource. In these cases, it seems prudent to (1) provide the CEQA/NEPA clarification for the Final EIR/EIS, but also (2) provide a constructive outlet for resolution. This could include creating a structure for future coordination of specific design elements before they are ready for procurement (prior to completion of CHSRA's PE4P), or it could be achieved by providing the PCJPB a seat at any Change Order Review Committee, for example.

1138-1313

**Peninsula Corridor Electrification Project (PCEP)**

In multiple sections, the Draft EIS/EIR inaccurately characterizes the purpose of PCEP to "facilitate the blended Caltrain and High-Speed Rail System." PCEP has a discrete purpose to

1138-1317

The Draft EIR/EIS also states repeatedly that because CHSRA's project is an undertaking of state and federal agencies, conflicts with applicable regional and local plans and policies are not environmental impacts for determining significance under CEQA. Neither CEQA nor NEPA

# Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

Boris Lipkin  
September 9, 2020  
Page 11 of 13

1138-1317

provide any such exemption from environmental review and analysis. Specifically, the project must evaluate whether it conflicts with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. State, regional, and local land use plans must also be considered for purposes of identifying substantive environmental impact areas including, but not limited to, air resources, biological resources, cultural resources, transportation, greenhouse gas, and mineral resources. Further, this does not give CHSRA the ability to ignore legal mandates such as SB 1029, which directed the agencies to advance blended corridor planning and investment that would suit both the PCJPB and CHSRA and preclude a high-speed rail only, 4-track system. An impact analysis that is agnostic to the impacts it causes on the local and regional system would ignore the purpose of SB 1029 funding, and would fail to provide important information to the public and decision makers regarding the potential impacts of the project.

1138-1318

**Mitigation Measures**

Overall, the PCJPB finds that the CEQA Conclusions for mitigation measures included in the Draft EIR/EIS are vague and difficult to follow. The document should clearly assign and state the identified mitigation measures for impacts, rather than general assumptions that the Mitigation Measure section addresses all impacts. The Draft EIR/EIS also currently omits reference to specific mitigation measures for identified significant impacts under CEQA, in contravention of applicable requirements. Further, many CEQA conclusion sections are treated as afterthoughts, with little to no detail of the impact discussion above. For example:

*The project would affect known archaeological resources under all alternatives and could affect unknown archaeological resources. Any archaeological resource within the APE is assumed eligible for the NRHP or CRHR, and therefore any impact is considered significant under CEQA. Through the implementation of the mitigation measures presented in Section 3.17.8, Mitigation Measures, such impacts may be mitigated or otherwise addressed if possible.*

A more effective section would clearly tie the mitigation measure to the impact for the reader's understanding such as:

*California Environmental Quality Act Significance Conclusion  
Project X operational noise impacts would be significant given noise levels would exceed noise impact criteria at the Noise RSA's nearest noise-sensitive receivers. This impact requires mitigation. Therefore, N&V-MM#1 has been identified to reduce idling noise impacts. N&V-MM#1 requires the construction of noise barriers for Project X idling areas within 500 feet of residential uses. Despite implementation of N&V-MM#1, idling noise levels would still exceed the County's 45 dBA nighttime noise standard at the nearest residential receivers. There are no other feasible mitigation measures to reduce this impact. Therefore, a significant and unavoidable impact under CEQA would occur.*

Boris Lipkin  
September 9, 2020  
Page 12 of 13

1138-1318

Additionally, we suggest the Draft EIR/EIS should include a brief discussion of any associated IAMFs that would help minimize delays. This information is not currently included in the document.

1138-1319

**Agreements Necessary for High-Speed Rail Operations**

Planning for the future of the San Francisco to San Jose corridor has substantially advanced during the time CHSRA has been engaged in their environmental process and the project description contemplated within the Draft EIR/EIS is now a snapshot in time—out of step with plans and policy decisions made by both the PCJPB as well as various local jurisdictions along the corridor. Going forward, it is essential that CHSRA fully engage with the PCJPB, and with regional and local planning processes, to complete blended system planning as it was originally envisioned in the 2013 agreement signed by both agencies and further addressed in subsequent agreements between the agencies that are described in this letter.<sup>4</sup> While we have appreciated CHSRA's ongoing willingness to engage at a technical level in corridor planning work (including their engagement in the development of the Caltrain Business Plan and the Diridon Integrated Station Concept Plan), we note that technical participation is not fully meaningful if it fails to result in the incorporation of these planning processes and outputs into CHSRA's own plans, policies and decisions. Further, several assumptions have not been agreed to among the PCJPB and CHSRA such as engineering standards, level boarding of platforms and equipment. Thus, the PCJPB looks forward to engaging further with CHSRA on the completion of blended system planning and the development of the more detailed legal, financial and operational agreements as the essential next steps that will be required for CHSRA's services to ultimately use the PCJPB-owned corridor.

1138-1320

The Draft EIR/EIS is also largely silent on agreements to date between the PCJPB and CHSRA, including the Agreement Regarding Funding Commitments Towards Peninsula Corridor Electrification Project, dated August 9, 2016<sup>5</sup>, the Project Management and Funding Agreement, dated December 5, 2018 (PMFA)<sup>6</sup>, and the to-be-negotiated "Shared Use Agreement" as well as other agreements expressly referenced in those documents that will govern the joint use of the Caltrain corridor by CHSRA and Caltrain. Similarly, the Draft EIR/EIS also does not appropriately connect mitigation measures to the PCJPB as corridor owner and manager, particularly regarding constructing CHSRA improvements on the PCJPB mainline rail corridor or at PCJPB-owned stations, particularly San Jose Diridon, Millbrae, and San Francisco 4<sup>th</sup> and King.

1138-1321

CHSRA's 2020 Business Plan cites agreements necessary for operations in blended segments to cover a range of comprehensive and very specific issues, including: coordinated

<sup>4</sup> <https://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/Executed+CHSR-JPB+2013+Agreement.pdf>

<sup>5</sup> <https://www.caltrain.com/Assets/Caltrain+Modernization+Program/High+Speed+Rail+MOU/2016+JPB+CHSRA+Agreement.pdf>

<sup>6</sup> See letter enclosure

## Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

Boris Lipkin  
September 9, 2020  
Page 13 of 13

1138-1321

implementation timelines and milestones; funding agreements; station development; service plans; and infrastructure lease agreements. The PCJPB affirms that these agreements are necessary for the entry of high-speed rail service to the Peninsula Corridor and should supersede the vague statements in IAMFs and mitigation measures included in the Draft EIR/EIS.

1138-1322

The PCJPB expects CHSRA to continue to participate in the Caltrain Business Plan process, and to work jointly with the PCJPB and other regional and local partners to complete legal, financial and operational agreements needed for the introduction of high-speed rail service to the Peninsula Corridor. The PCJPB envisions that this work will be a multi-step endeavor that will begin by completing blended system planning related to:

- The completion of further planning and design work related to terminal operations and improvement phasing at and around the San Jose Diridon Station and San Francisco 4<sup>th</sup> and King Station as well as at other PCJPB-owned facilities;
- Advancement of plans for the full electrification of Caltrain system and the development of actionable plans for other necessary rail infrastructure and systems required for CHSRA's operation on the Peninsula Corridor;
- The development of a corridor-wide grade separation strategy;
- Developing a framework approach to blended system agreements and negotiations that will allow for planning work identified in prior bullets to be translated into a framework of legal, financial and operational agreements.

We appreciate the opportunity to provide our comments on CHSRA's San Francisco to San Jose Draft EIR/EIS and look forward to resolution of the issues identified in this letter. Ultimately, we look forward to advancing and completing necessary blended system planning work with CHSRA and with our local and regional partners so that we can meaningfully advance the operationalization of high-speed rail service on the Peninsula Corridor as outlined in Caltrain's Long Range 2040 Service Vision.

Sincerely,



Jim Hartnett  
Executive Director  
Peninsula Corridor Joint Powers Board

Enclosures:

- (1) Letter from PCJPB re California High Speed Rail San Jose to Merced DEIR/DEIS
- (2) Project Management and Funding Agreement, dated December 5, 2018 (PMFA)

## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020)

### 1138-1291

The Authority appreciates the comments on the Draft EIR/EIS. In subsequent individual comments, specific concerns were identified regarding inaccuracies, inconsistencies with relevant plans, priorities and decisions for the future of the Peninsula Corridor and the Caltrain service; describing the ownership of the Peninsula Corridor and its stations and facilities by the PCJPB and other entities; and considering the impacts on the San Jose Diridon Station. Each of these specific comments is addressed below.

### 1138-1292

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

This comment is noted but does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS.

### 1138-1293

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

### 1138-1294

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

### 1138-1295

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The comment states that the service assumptions in the Draft EIR/EIS are not "prototypical", not representative of likely train service, and not consistent with Caltrain's recently adopted policies and plans in terms of train service volumes and service patterns. Regarding overall Caltrain service levels, please refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

Regarding the use of a "prototypical" schedule for the purposes of environmental analysis, the Draft EIR/EIS used reasonable assumptions about future blended operations in its analysis. In fact, the approach for analysis of the HSR project and blended service in the Draft EIR/EIS is the same as that used by the PCJPB in its environmental analysis of the potential effects of the PCEP. For the Authority's Draft EIR/EIS, a "prototypical" schedule was used to conduct analyses for environmental purposes, such as analysis of potential effects of the project on traffic, noise, safety, passenger rail operations, and freight rail operations. The Draft EIR/EIS does not imply that the schedule of blended service used for the environmental analysis is the only possible schedule or that the Authority and PCJPB have agreed to that specific schedule for either HSR or Caltrain service. However, to complete an environmental analysis, one must make certain reasonable assumptions about future operations. As such, the Authority derived a prototypical schedule based on blended service evaluations at the outset of the environmental analysis for the HSR project (which formally began after the publication of the NOP and NOI in May 2016). The Authority shared the study of blended service (including the prototypical schedule) with the PCJPB throughout its Draft EIR/EIS preparation.

The impact analysis of HSR operations on Caltrain, other passenger rail operations, and freight operations presented in Section 3.2, Transportation, of the Draft EIR/EIS is based on the reasonable use of a prototypical schedule that would accommodate Caltrain service levels (as identified at the time based on the PCEP infrastructure), the proposed HSR service levels (as indicated in the San Francisco to San Jose Project Section Draft EIR/EIS), and the service levels of other rail operations. As described under Impact

## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-1295

TR#14 in Section 3.2, the Authority analyzed the effect of adding HSR trains on Caltrain service times as well as the ability to operate a “clock-face” regular interval schedule and found that this would be feasible without substantial bunching of trains close together.

### 1138-2674

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

As described in Section 2.5.2.3, Tier 2 Planning for Predominantly Two-Track Blended System (2013-2019), the Authority, working with Caltrain, evaluated multiple passing track alternatives throughout the Caltrain corridor from San Francisco to San Jose, and screened out several other alternatives due to inferior outcomes for Caltrain and/or HSR service times or due to community disruption and environmental effects of extensive new passing track construction. The Draft EIR/EIS includes analysis of one alternative without passing tracks (Alternative A) and one with passing tracks (Alternative B) and found that Alternative A would result in minor delays to Caltrain average service times (~0.3 minutes) and limited supplemental time, while Alternative B would result in 2.8 minutes of delay in average Caltrain service times and additional supplemental time compared to Alternative A. Of note, the Preferred Alternative (Alternative A) would have slower average HSR service times, but faster average Caltrain service times than Alternative B. Caltrain’s own analysis in 2018/2019 associated with the Caltrain Business Plan for the “baseline growth” scenario including 6 Caltrain trains pphpd only assumed new passing tracks in Millbrae (which would essentially be provided by the HSR project since the HSR project includes approximately 4,600 feet of four-track section from north of the station to south of the station). Although additional passing track alternatives beyond those analyzed in the Draft EIR/EIS may result in preferred or optimal outcomes (for both HSR and Caltrain services), the Draft EIR/EIS concludes that the effect on Caltrain service of either HSR project alternative would be less than significant under CEQA. If the Authority adopts Alternative A, which does not have passing tracks, the infrastructure included in Alternative A would not preclude the future construction of passing tracks should they be advanced in the future to accommodate expanded Caltrain service or for other purposes. If the Authority adopts Alternative B, the Authority would work with Caltrain in terms of the specific design of the passing tracks to serve the needs of both Caltrain and HSR. Caltrain’s recent analysis identifying the need for more extensive passing tracks to meet higher Caltrain service levels than the 6 trains pphpd included in the Caltrain Business Plan is noted, but the implementation of the Caltrain 2040 Service Vision is a separate project beyond the scope of the current HSR project and is not necessary to achieve the purpose and need/goals and objectives of the HSR project. The Authority will continue coordination



## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-2674

with PCJPB through planning, design, construction, and operation of the blended system, and with other regional agencies and local jurisdictions where appropriate. The operational assumptions utilized to support the project description in the Draft EIR/EIS are adequate to inform the analysis and disclosure of environmental impacts associated with the HSR project.

### 1138-1296

The comment states that passing tracks are needed even for blended service including only Caltrain service levels of 6 trains pphpd to support preferred Caltrain service patterns, that the service pattern used as the basis for the analysis in the Draft EIR/EIS is not based on any agreements between Caltrain and HSR, and that passing tracks are also needed to support future Caltrain service growth over time. Please refer to the response to submission-FJ-1138, comment 1295, which addresses the service assumptions and prototypical schedules used as the basis for the Draft EIR/EIS, explains why these assumptions are adequate to inform the impact analysis, and summarizes the conclusions of the impact analysis on Caltrain's operations.

Please also refer to the response to submission FJ-1138, comment 2674, which describes the evaluation of passing track alternatives. Although additional passing track alternatives beyond those analyzed in the Draft EIR/EIS may result in preferred or optimal outcomes (for both HSR and Caltrain services), the Draft EIR/EIS concludes that the effect on Caltrain services of either HSR project alternative would be less than significant under CEQA. If the Authority adopts Alternative A, which does not have passing tracks, the infrastructure included in Alternative A would not preclude the future construction of passing tracks should they be advanced in the future to accommodate expanded Caltrain service or for other purposes. If the Authority adopts Alternative B, the Authority would work with Caltrain in terms of the specific design of the passing tracks to serve the needs of both Caltrain and HSR.

The Authority will continue coordination with PCJPB through planning, design, construction, and operation of the blended system, and with other regional agencies and local jurisdictions where appropriate.

### 1138-1297

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The comment states that the Draft EIR/EIS does not analyze the Caltrain Business Plan and associated future service plans and patterns. As explained in Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan, the Caltrain Business Plan (including the Caltrain Service Vision) presents a long-term vision for increased Caltrain service but does not represent an approved and fully funded "project" and thus does not constitute the baseline conditions for environmental impact analysis for the HSR project. Please also refer to the responses to submission FJ-1138, comments 1295 and 2674. The Authority will continue coordination with PCJPB through planning, design, construction, and operation of the blended system, and with other regional agencies and local jurisdictions where appropriate. The operational assumptions utilized to support the project description in the Draft EIR/EIS are adequate to inform the analysis and disclosure of environmental impacts associated with the HSR project.

## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-1298

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The comment asserts there are inconsistent service assumptions in different parts of the Draft EIR/EIS. The proposed levels of service between San Francisco and San Jose analyzed in the Draft EIR/EIS are as follows: (1) Silicon Valley to Central Valley service is assumed to occur as early as 2029 with up to two HSR trains per peak hour per direction and stops at San Jose and 4th and King Street Station; (2) Phase 1 service is assumed to occur starting in 2033 with up to four HSR trains per peak hour per direction with stops in San Jose, Millbrae, and the SFTC in San Francisco. In all scenarios evaluated in the Draft EIR/EIS, Caltrain service is assumed to be six trains per peak hour per direction.

Volume 2, Appendix 2-C, Operations and Service Plan Summary, of the Draft EIR/EIS presents service plan assumptions for the entire HSR system and is consistent with the description above. Chapter 2, Alternatives, describes HSR service levels in Table 2-19 and Caltrain service levels that are consistent with the description above. Section 3.2, Transportation, describes assumed Caltrain and HSR service levels in Table 3.2-7 and Caltrain service level assumptions in Table 3.4-4, and these are consistent with the descriptions elsewhere in the document. Section 3.4, Noise and Vibration, analyzes volumes of daily trains and station stops (see Table 3.4-7) that are consistent with the peak hour revenue service assumptions between San Jose and San Francisco noted above but also includes the potential for one to two non-revenue trains to provide a conservative analysis. In Chapter 8, Preferred Alternative, the only reference to service levels is to up to four HSR trains per hour in the Caltrain corridor; this is a reference to four HSR trains per peak hour per direction, which has been clarified in the Final EIR/EIS. While the comment asserts there are inconsistencies, it does not actually identify any inconsistencies. As described above, the Draft EIR/EIS impact analysis is based on consistent HSR and Caltrain service plan assumptions. The comment did not result in any revisions to the HSR and Caltrain service plan assumptions used for the Draft EIR/EIS.

Please refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan, which addresses why the service

### 1138-1298

level in the approved PCEP is used as the basis for the analysis in the Draft EIR/EIS, rather than the 2040 Caltrain Service Vision.

### 1138-1299

The comment expresses concern about the effect of modifications proposed as part of the HSR project on Caltrain service and operations including HSR interim use of the existing 4th and King Street Station. The Draft EIR/EIS describes the construction and operational effects on Caltrain service under Impacts TR#10, TR#12, TR#13, and TR#14 in Section 3.2, Transportation. While there would be some disruption during construction, the HSR project would maintain operational platform capacity for Caltrain trains at the 4th and King Street Station. As shown in Figure 2-29, the proposed improvements would include two platforms (with 4 tracks) for HSR operations and 4 platforms (with 8 tracks) at the 4th and King Street Station. The Authority has reviewed platform capacity for Caltrain and HSR for blended service operations up to 6 Caltrain trains pphpd and 4 HSR trains pphpd and determined that the proposed platform configuration can accommodate it.

The HSR project would maintain other trackage used for Caltrain storage and maintenance activities. HSR would not use the 4th and King Street Station or associated yard for storage or maintenance of HSR trains, which would instead be done at the Brisbane LMF.

The comment does not describe specifically what “significant effect on Caltrain service” is of concern and thus further response cannot be provided.

As described in the response to submission FJ-1138, comment 1300, the Authority will continue to work with Caltrain regarding the design for improvements and proposed HSR interim service at the 4th and King Street Station should such interim service be necessary due to untimely delays in completion of the DTX project. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-1300

The comment states that the Authority should focus on advancing the DTX project instead of planning for an interim HSR station at the existing 4th and King Street Station since the ultimate terminus of the HSR system is the SFTC. The Authority would prefer to have DTX completed prior to the initiation of HSR service, which would allow for more full service to downtown San Francisco and would avoid the cost and disruption of modifying the 4th and King Street Station to accommodate interim HSR service. However, the DTX project has been delayed substantially in the past and is only partially funded for its current design. Furthermore, the City and County of San Francisco is advancing planning for the Pennsylvania Avenue Extension (a future project that would extend the underground tunnel alignment further south from 4th and Townsend along Pennsylvania Avenue), resulting in additional construction and substantially higher cost. The Pennsylvania Avenue Extension is not environmentally cleared. There is uncertainty as to when the DTX project will be completed. As such, as a contingency in which the HSR project is completed prior to completion of the DTX project (and potentially the Pennsylvania Avenue Extension as well), the Authority has analyzed a scenario in the Draft EIR/EIS in which interim operations at the 4th and King Street Station would be conducted. Modifications to the 4th and King Street Station would only occur if the DTX project is not in place at the time of HSR construction. The Authority will continue to work with Caltrain, TJPA, and the City of San Francisco to advance the DTX project because its earliest completion is in the interest of all the involved parties. The comment did not result in any revisions to the Draft EIR/EIS.

### 1138-1301

The comment states that the Draft EIR/EIS should have used service assumptions reflecting the Caltrain 2040 Service Vision when designing the configuration for the 4th and King Street Station. Please refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan. The Authority will continue coordination with PCJPB through planning, design, construction, and operation of the blended system, and with other regional agencies and local jurisdictions where appropriate. The operational assumptions utilized to support the project description in the Draft EIR/EIS are adequate to inform the analysis and disclosure of environmental impacts associated with the Authority's proposed project within the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1138-1302

The comment provides background information and summarizes information in the Draft EIR/EIS as context for subsequent comments on this topic. The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are required.

### 1138-1303

The comment is noted but does not indicate any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS. The Authority will continue engagement with BART, PCJPB, and the City of Millbrae through the planning, design, construction, and operation of the blended system.

## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-1304

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which addresses the Diridon Integrated Station Concept and the Google Development at the San Jose Diridon Station. The Authority will continue to engage PCJPB through the design process, construction, and operation of the HSR project. With respect to Figure 2-41 in Chapter 2, Alternatives, of the Draft EIR/EIS, the figure is specific to Alternative A, and accordingly is located in Section 2.6.2.4, Alternative A. However, to further clarify, the title of the figure has been revised in the Final EIR/EIS to specify that it is relevant to Alternative A. The ultimate implementation of the project (both physical and operation of services) on Caltrain-owned facilities will be subject to further joint blended system planning and agreement with Caltrain as governed through existing and future inter-agency agreements. Please refer to response to submission FJ-1138, comment 1306 for a discussion of the revisions to Section 3.2, Transportation, in the Final EIR/EIS to describe the Diridon Station platform analysis more explicitly in Impact TR#14. With the two proposed dedicated platforms for HSR, there would remain adequate platform capacity on the other four platforms to serve Caltrain, ACE, and Capitol Corridor. Amtrak can also be accommodated. Please also refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan, regarding the Caltrain service assumptions used for the analysis in the Draft EIR/EIS. The Authority is committed to continuing to work with Caltrain to mutually agree to service parameters.

### 1138-1305

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

As described in the standard response referenced above, the Authority is one of the DISC partner agencies and is committed to working with the other DISC agencies (City of San Jose, VTA, and Caltrain) to advance the separate planning processes for the HSR project and DISC. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS and did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-1306

The description of the 2018 PMFA requirements in regards to HSR service levels and infrastructure is accurate in that the PMFA only specifies up to four HSR train slots per hour for San Jose to San Francisco service. The Authority is not proposing more than four HSR train slots per hour north of San Jose Diridon Station (please refer to Table 2-19 in Section 2.8.1, High-Speed Rail Service, of the Draft EIR/EIS). In the San Jose to Merced Project Section, the Authority is proposing up to seven trains per peak hour per direction (see Table 2-14 in Section 2.8.1, HSR Service, of the San Jose to Merced Project Section Draft EIR/EIS). HSR service from San Jose to Merced under Alternative 4 would be within the Caltrain corridor from the Diridon Station to CP Lick and would be blended with Caltrain (and other rail service). This segment of the Caltrain corridor only contains two tracks at present: MT-1, which is owned by UPRR and MT-2, which is owned by PCJPB. The PCEP is only proposing to electrify MT-2 as UPRR has objected to electrifying MT-1, meaning that PCJPB electrified operations would be limited to MT-2 only. The Authority is proposing the installation of an additional electrified track to add capacity within the Caltrain corridor, which would double the capacity for electrified train service compared to PCEP. The third track will be used by freight rail, ACE, and other passenger rail. Thus, the HSR project would double the electrified track capacity available compared to that with PCEP alone, while not reducing any capacity available to freight and other passenger rail operations utilizing the UPRR-controlled MT-1. As explained in Section 3.2, Transportation, of the San Jose to Merced Project Section Draft EIR/EIS, the Authority analyzed the impact of blended operations on Caltrain passenger service between San Jose and Gilroy under Impact TR#16, which concluded that with the new infrastructure there would be a capacity for up to 12 trains per peak hour per direction on the two electrified tracks, although there would be need for some modifications to service schedules due to increased speed requirements for blended operations. The allocation of those slots between HSR and Caltrain service will need to be determined between the Authority and PCJPB because it is not specified in prior agreements. South of the San Jose Diridon Station, the UPRR corridor only has one track at present and the HSR project would add two additional tracks, which would substantially increase capacity for both HSR and Caltrain service between San Jose and Gilroy in the UPRR corridor as well. Since the HSR project would maintain a dedicated track for UPRR (MT-1), capacity for freight and other passenger rail operations would be maintained. The analysis of blended operations between San Jose and Gilroy also included an analysis of the capacity of San Jose Diridon Station to accommodate HSR

### 1138-1306

service, Caltrain service, and service for the other passenger railroads (ACE, Capitol Corridor, Amtrak, and ACE) (Authority 2018). With the two proposed dedicated platforms for HSR, there would remain adequate platform capacity on the other four platforms to serve Caltrain (up to six trains per hour per direction); ACE (up to four trains per hour per direction), and Capitol Corridor (up to two trains per peak hour). Amtrak only has two trains per day, does not have the same platform capacity needs as the peak hour services, and can also be accommodated. Section 3.2, Transportation, of the San Francisco to San Jose Project Section Final EIR/EIS, has been revised to describe the Diridon Station platform analysis more explicitly in Impact TR#14.

### 1138-1307

Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, for a discussion of the San Jose Diridon Station Integrated Station Planning Process and the Diridon Integrated Station Concept.

Regarding the comment that there are inconsistent references to the integrated station planning, the planning process is described in Section 2.1, Introduction, of the Draft EIR/EIS as a separate planning process. Decisions about future changes to the San Jose Diridon Station and the surrounding Caltrain-owned rail infrastructure and corridor are the subject of multiple planning and agreement processes that are proceeding independently from this environmental process. The comment does not provide specific reference to language regarding the integrated planning process that is inconsistent or needs to be updated, and therefore, a further response is not possible.

## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-1308

The Authority presumes that the commenter's reference to the Alternative 4 design variant is a reference to the Diridon Design Variant associated with Alternative A for the San Francisco to San Jose Project Section. A narrative description of the Diridon Design Variant was included in 3.19.2.1, Diridon Design Variant, of the Draft EIR/EIS. The preliminary engineering design drawings for the Diridon Design Variant were referenced in Section 3.19, Design Variant to Optimize Speed, of the Draft EIR/EIS and were available for review, upon request, from the Authority during the public comment period.

For the Final EIR/EIS, the Diridon Design Variant was incorporated into Alternative A. Accordingly, the description of the Diridon Design Variant was incorporated into Chapter 2, Alternatives, and the impact analysis of the Diridon Design Variant was incorporated into the relevant sections of Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures; Chapter 4, Section 4(f)/6(f) Evaluation; and Chapter 5, Environmental Justice, of the Final EIR/EIS. The preliminary engineering design drawings for the Diridon Design Variant have also been incorporated into Volume 3, Preliminary Engineering Plans, of the Final EIR/EIS.

The Authority recognizes that all modifications within the Caltrain corridor require the PCJPB's approval, and the Authority acknowledges the requirements on the PMFA cited in this comment. Regarding other stakeholder-requested modifications, the comment is non-specific as to what they may be, and no further response can be provided. However, the Authority will continue coordination with PCJPB through planning, design, construction, and operation of the blended system, and with other regional agencies and local jurisdictions where appropriate.

### 1138-1309

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan, FJ-Response-GS-1: Requests for Grade Separations.

Please also refer to the response to submission FJ-1138, comment 1295, regarding the commenter's assertion that the Caltrain service assumptions in the Draft EIR/EIS are inadequate. The comment's request for ongoing support and engagement for corridor-wide strategic planning is noted. The Authority will continue coordination with PCJPB through planning, design, construction, and operation of the blended system, and with other regional agencies and local jurisdictions where appropriate. The comment did not result in any revisions to the Draft EIR/EIS.

### 1138-1310

The Authority is aware of the PCJPB's ownership and trackage rights agreements as well as those of UPRR and VTA. Where relevant to the environmental analysis, ownership and agreements are referenced in the EIR/EIS. For example, in Section 3.2, Transportation, of the Draft EIR/EIS, relevant aspects of the trackage rights agreement between the PCJPB and the UPRR are described in the discussion of existing conditions for freight rail in Section 3.2.5.6, Freight Rail Service. The Authority recognizes that construction of improvements within the Caltrain corridor requires agreement and approval of the PCJPB, including the implementation of any environmentally required mitigation per the requirements of the relevant federal and state statutes.

To provide clarity for the EIR/EIS reader, the description provided by the PCJPB in this comment has been added to both Section 1.2.4.1, Travel Demand and Capacity Constraints, and Section 2.6.1.5, Planned Intercity Transit Improvements, of the Final EIR/EIS.

## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-1311

This comment is noted. The Authority will work with the PCJPB on joint systems as necessary and required. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS. The comment is noted and will be presented to Authority decision makers as part of the Final EIR/EIS when considering project approvals.

### 1138-1312

To address this comment, Volume 2, Appendix 3.18-B, Cumulative Transportation Plans and Projects, in the Final EIR/EIS has been revised as suggested.

### 1138-1313

To address this comment, text in Section 2.6.1.5, Planned Intercity Transit Improvements, and Section 3.2.5.4, Transit, of the Final EIR/EIS has been revised to clarify that PCEP is “part of a program to electrify and upgrade the performance, operating efficiency, capacity, and safety and reliability of rail service between San Jose and San Francisco” and that “approximately 75 percent of the existing diesel locomotive-hauled fleet will be replaced with EMU trains.”

### 1138-1314

This comment is noted, and the Authority confirms that the commenter has engaged in the public comment process on the San Jose to Merced Project Section Draft EIR/EIS. Please refer to the responses to submission JM-1695 within Volume 4, Responses to Comments, of the San Jose to Merced Project Section Final EIR/EIS, which address the June 23, 2020 comment letter from PCJPB. Any revisions to the description of project alternatives or evaluation of impacts in the San Jose Diridon Station Approach Subsection as a result of public comments on the San Jose to Merced Project Section Draft EIR/EIS have also been implemented in the San Francisco to San Jose Project Section Final EIR/EIS.

### 1138-1315

The comment asserts that writing memoranda on local agency coordination and planning at stations prior to HSR operations as laid out in the IAMFs will not result in impact avoidance or minimization. Importantly, the IAMFs will not supplant existing agreements between the PCJPB and the Authority or otherwise interfere with any commitments in those agreements related to coordination or consultation. The Authority has and will continue to coordinate with local agencies and jurisdictions during the design and operational phases of the project. The memoranda referred to in LU-IAMF#1 and LU-IAMF#2 will describe how the Authority’s station area development principles and guidelines are applied for each station, and the local agency coordination and station area planning conducted to prepare each station area for HSR operations. This coordination and planning process will require the Authority to have further discussion with stakeholders and agencies to achieve resolution of the issues raised by the commenter. The Authority’s commitment is to the application of station area principles and avoiding alterations of planned land uses, where possible.

Additionally, MOUs have been used throughout the design and environmental review process to provide the foundation and baseline understanding of each party’s obligations, responsibilities, and agreements on the implementation process. These MOUs would contain terms to ensure that impacts would be avoided and minimized at stations with multiple providers and ownership structure. There are no specific references to coordinating with PCJPB in the IAMFs because the IAMFs were developed at a statewide level to ensure consistency across all HSR project sections and to reflect uniformity in the commitment of the Authority to ensure environmental effects can be avoided or minimized throughout project design and planning.

## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-1316

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The operational assumptions used to support the project description in the Draft EIR/EIS are adequate to inform the analysis and disclosure of the project's environmental impacts. The comment did not result in any revisions to the Draft EIR/EIS.

HSR 18-40 (also known as the Project Management and Funding Agreement) governs the Authority's contribution toward the electrification of the Caltrain corridor, includes a number of rights and interests that were conveyed by PCJPB to the Authority, and lays the foundation for future agreements that will be necessary to deliver and operate HSR service in the corridor. Those agreements are anticipated to include processes and procedures for design review and concurrence, construction and construction management, operations and maintenance, and shared use, among others. As the owner of the corridor, PCJPB will maintain a critical role in the execution of the Authority's plans for construction or operations in the corridor as anticipated in existing agreements between the agencies.

### 1138-1317

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The Draft EIR/EIS states that as a state agency, the Authority is not required to comply with regional and local land use and zoning regulations. The Draft EIR/EIS did analyze consistency with relevant regional and local plans and policies. Consistent with CEQA and NEPA requirements, the Authority considered relevant regional and local plans and policies in the preparation of the Draft EIR/EIS, which are documented by resource topic in Volume 2, Appendix 2-I, Regional and Local Plans and Policies. The project's consistency with these local general plans and policies, as well as a description of how the Authority has attempted to reconcile the inconsistencies, is presented in Volume 2, Appendix 2-J, Policy Consistency Analysis.

Conflicts with regional and local plans and policies are not considered an environmental impact under CEQA unless they are adopted for the purpose of avoiding or mitigating an environmental impact and the project's conflict with such plans or policies is related to a significant physical impact on the environment. Many resource topics within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, include thresholds within the "Method for Determining Significance under CEQA" subsection that consider conflicts with applicable regional or local plans to be significant under CEQA if the project would:

Section 3.2, Transportation—Conflict with a program, plan, ordinance, or policy regarding public transit [ . . . ].

Section 3.3, Air Quality and Greenhouse Gases—Conflict with or obstruct implementation of the applicable air quality plan.

Section 3.6, Public Utilities and Energy—Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Section 3.7, Biological and Aquatic Resources—Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, state, or federal HCP.

Section 3.8, Hydrology and Water Resources—Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Section 3.11, Safety and Security—Conflict with adopted policies, plans, or programs



## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-1317

regarding safety of public transit, bicycle, or pedestrian facilities, or otherwise decrease the safety of such facilities.

Section 3.13, Station Planning, Land Use, and Development—Conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact.

Section 3.15, Aesthetics and Visual Quality—Conflict with applicable zoning and other regulations governing scenic quality in urbanized areas.

Accordingly, the Draft EIR/EIS sufficiently analyzed whether significant environmental impacts would result from the project's conflict with regional and local plans and policies adopted for the purpose of avoiding or mitigating an environmental impact. The environmental impact analysis is consistent with CEQA and NEPA requirements. The Authority disagrees with the commenter's assertions that the Authority ignored legal mandates such as SB 1029 and is agnostic to the impacts the project causes on the local and regional rail and transit systems. As described in Section 2.5, Alternatives Considered during Alternatives Screening Process, SB 1029 amended the Budget Act of 2012 to appropriate funds for HSR projects in the San Francisco to San Jose corridor, consistent with the blended system strategy identified in the Authority's 2012 Business Plan. Then in 2013, SB 557 provided that any bond funds appropriated pursuant to SB 1029 would be used solely to implement a blended system approach. The San Francisco to San Jose Project Section is predominantly a blended system, which is consistent with the intentions of SB 1029. Further, the Authority thoroughly evaluated and disclosed impacts on local and regional rail and transit systems in the Draft EIR/EIS. Please refer to Section 3.2.6.4, Transit, for the analysis of project construction and operations impacts on bus transit and passenger rail operations. Where significant CEQA impacts on transit were identified, the Authority proposed mitigation measures (including TR-MM#2, TR-MM#3, TR-MM#4) to avoid, reduce, or minimize impacts.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1138-1318

Regarding the example provided in the comment, the cultural resources text referenced is from Section 3.16.7.2, Archaeological Resources, of the Draft EIR/EIS. Section 3.16.7.2 refers to Section 3.16.8, Mitigation Measures, of the Draft EIR/EIS, which provides the language of each cultural resources mitigation measure. Table 3.16-6 provides a summary of the alternatives and resources each mitigation measure is applicable to. Further, Table 3.16-6 presents CEQA significance conclusions and the applicable mitigation measures for each impact. The above example was drawn from Section 3.16, Cultural Resources, but all resource sections follow the same format: for any impact that is identified as significant prior to mitigation, there is a narrative following the table that explains how the mitigation avoids or reduces the impacts and the resulting CEQA level of significance after mitigation.

As to the example provided in the comment concerning noise mitigation, Section 3.4, Noise and Vibration, of the Draft EIR/EIS follows the same document organization and approach to identifying and discussing mitigation as Section 3.16 described above; text and tables clearly identify which mitigation applies to which impacts and whether that mitigation reduces the impacts to a less-than-significant level or whether a significant and unavoidable impact would remain.

Regarding the level of detail of mitigation measures generally, refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The mitigation measures are identified in the Draft EIR/EIS in relation to the impacts to which they apply. The commenter may prefer a different style in which to present or discuss the mitigation measures, but that preference does not indicate any inadequacy in the analysis and identification of mitigation in the EIR/EIS.

The commenter also suggests the Draft EIR/EIS include a discussion of IAMFs that would help minimize traffic delays. Section 3.2.4.2, Impact Avoidance and Minimization Features, of the Draft EIR/EIS lists IAMFs applicable to the transportation analysis, while Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, provides the full text of the IAMFs applicable to the project. An example of an IAMF that would minimize construction-related traffic delays is TR-IAMF#2, which requires the preparation of and compliance with a detailed CTP, for the purpose of minimizing the impact of construction and construction traffic on adjoining and nearby roadways, in close consultation with the local jurisdiction having authority over the site.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-1319

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The comment notes the need to continue blended service planning and to complete detailed agreements regarding blended service especially considering recent service planning by Caltrain. The Authority is committed to working with Caltrain to continue blended service planning and complete the necessary agreements related to adding HSR service in the Caltrain corridor, including resolution of any matters regarding engineering standards, level boarding, and equipment. However, this comment does not raise any specific concerns about the adequacy of the analysis in the EIR/EIS.

Regarding service levels and the comment's assertion that the Draft EIR/EIS represents a snapshot in time that is out of step with more recent planning, please refer to the Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan. With respect to DISC, please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, which addresses the consideration of the Diridon Integrated Station Concept and the Google Development at the San Jose Diridon Station in the Draft EIR/EIS.

### 1138-1320

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

Regarding the August 9, 2016, Agreement (Authority and PCJPB 2016), that agreement requires the Authority to dedicate \$600 million in Prop 1A funding for the PCEP, requires additional Authority and/or other state funding of \$113 million for the PCEP, and established certain terms of cooperation between the Authority and the PCJPB to cooperate in realizing blended service in the Caltrain corridor. The 2016 Agreement does not reference the 2040 Service Vision or the current Business Plan, as the vision and plan were not in preparation at the time. The 2016 Agreement does not describe a specific Caltrain or HSR level of service. Instead, it references PCJPB sharing train slots consistent with the Authority's 2014 Business Plan (Authority 2014) and the simulations deemed feasible in the prior 2012 Caltrain/Authority Blended Operations Analysis (Caltrain 2012). The 2016 Agreement does not require or imply an Authority responsibility for funding of, or environmental review of, an increased level of Caltrain service beyond that envisioned in the PCEP or agreed upon between Caltrain and the Authority in prior agreements.

Regarding the 2018 PMFA (Authority and PCJPB 2018), that agreement provides further detail concerning the \$600 million in Prop 1A funding and further detail regarding the obligations of PCJPB in completing the PCEP and of the Authority in regard to the HSR project and both parties' obligations and responsibilities concerning implementing blended service. The 2018 PMFA recognizes that, after completion of the PCEP, any associated electrification elements, and Positive Train Control system, there would be 8 electric train slots per hour per direction, including 2 guaranteed HSR train slots per hour per direction (implying 6 Caltrain train slots per hour per direction). The 2018 PMFA recognizes that HSR may occupy 2 additional train slots per hour per direction (for a total of 10 train slots, including 4 HSR train slots and 6 Caltrain train slots per hour per direction), with the understanding that, through the blended system planning process, PCJPB and the Authority would determine whether additional capital investments in the Caltrain corridor would be necessary or not. The 2018 PMFA describes that allocation of train slots beyond the 10 slots addressed in the PMFA would be determined through the blended system planning process and future agreements, which may include the Shared Use Agreement.

## Response to Submission 1138 (Jim Hartnett, SamTrans/ Caltrain/ TA, September 9, 2020) - Continued

### 1138-1320

Regarding the yet-to-be-negotiated Shared Use Agreement, it would be inappropriate to reference an agreement that is not yet completed. These agreements concern funding and cooperation between the Authority and the PCJPB to realize the PCEP and HSR/Caltrain blended service. These agreements are consistent with the assumptions in the Draft EIR/EIS concerning prior understanding of blended system planning, which to-date has only agreed on a total of 6 Caltrain train slots per hour per direction and up to 4 HSR train slots per hour per direction. Nevertheless, reference to the 2016 Agreement and the 2018 PMFA have been added to Chapter 1, Project Purpose, Need, and Objectives, of the Final EIR/EIS as background information.

Regarding mitigation that may occur within the Caltrain corridor, the Draft EIR/EIS appropriately recognizes that the PCJPB is the corridor owner and manager. The Authority is responsible for implementing identified feasible mitigation related to significant impacts identified in the EIR/EIS per the requirements of CEQA and any other mitigation the Authority deems as required relative to the NEPA analysis. The Authority recognizes that construction of improvements within the Caltrain corridor requires agreement and approval of the PCJPB, including the implementation of any environmentally required mitigation per the requirements of the federal and state statutes.

Please also refer to the revised Mitigation Measure TR-MM#3 in Section 3.2, Transportation, of the Final EIR/EIS which specifically requires coordination with Caltrain in advance of construction and throughout construction to minimize disruption to Caltrain facilities, service, and operations.

### 1138-1321

The Authority agrees that there are a range of future agreements to be negotiated and other implementation actions necessary for building and operating the HSR project, including those related to cooperation between PCJPB and the Authority regarding implementing blended service in the Caltrain corridor. In connection with the Authority's environmental review for the Project Section, NEPA and CEQA require the Authority to identify mitigation to address environmental effects. Under CEQA, the Authority is required to adopt feasible mitigation for identified significant impacts unless it makes specific findings based on overriding considerations, and also to implement commitments that are documented in its final mitigation documents (including a Mitigation Monitoring and Enforcement Plan). Under NEPA, the Authority is obligated to identify feasible mitigation measures in its EIS and to implement commitments made in its Record of Decision. The comment does not identify any specific IAMFs or mitigation measures as infeasible or otherwise inconsistent with prior agreements between the PCJPB and the Authority. The Authority recognizes that its construction and operations must comply with the existing agreements between the PCJPB and the Authority and any future agreements that the two parties may complete. The comment did not result in any revisions to the Draft EIR/EIS.

### 1138-1322

The comment is noted and does not indicate any specific concern regarding any of the conclusions in the Draft EIR/EIS. The Authority will continue engagement with PCJPB through the planning, design, construction and operation of the blended system. The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1174 (Val Menotti, San Francisco Bay Area Rail Transit District (BART), September 23, 2020)



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

September 23, 2020  
 Subject: BART Letter to HSR – Draft EIS/EIR Comments on SF-SJ Section  
 Page 2

2020

September 23, 2020

Lateefah Simon  
 PRESIDENT

Mr. Mark A. McLoughlin,  
 Director of Environmental Services  
 ATTN: San Francisco to San Jose  
 California High-Speed Rail Authority  
 100 Paseo De San Antonio, Suite 206  
 San Jose, CA 95113

Mark Foley  
 VICE PRESIDENT

Robert Powers  
 GENERAL MANAGER

DIRECTORS

Debra Allen  
 1ST DISTRICT

Re: Draft Project Environmental Impact Report/Environmental Impact Statement for the San Francisco to San Jose Section, Blended System Project (State Clearinghouse No. 2016052019)

Mark Foley  
 2ND DISTRICT

Dear Mr. McLoughlin:

Rebecca Saltzman  
 3RD DISTRICT

This letter provides the comments of the San Francisco Bay Area Rapid Transit District (BART) in conjunction with Capitol Corridor Joint Powers Authority (CCJPA) on the Draft Project Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) for the San Francisco to San Jose Section, Blended System Project (The Project) proposed by the California High Speed Rail Authority (Authority). BART appreciates the opportunity to comment on the proposed Draft EIR/EIS for this important project for the state and our region, and look forward to continuing to work closely with the Authority.

Robert Raburn, Ph.D.  
 4TH DISTRICT

John McPartland  
 5TH DISTRICT

Elizabeth Ames  
 6TH DISTRICT

Lateefah Simon  
 7TH DISTRICT

Janice Li  
 8TH DISTRICT

Bevan Duffy  
 9TH DISTRICT

Previously, BART submitted a set of comments on the NOP/NOI for the high-speed rail (HSR) system in a letter dated June 10, 2016. These comments remain relevant and a copy is attached to this letter. We believe that the potential impacts discussed in our earlier comments, and those below, may be addressed, avoided or mitigated through collaborative efforts between the Authority, BART, CCJPA, and other affected agencies, both during the environmental review process and during the design and construction of the Project.

New Transbay Rail Crossing

In addition to the important connections between the future HSR system and BART's current system, an important consideration for this DEIR/DEIS is the relationship between development of HSR and the New Transbay Rail Crossing (NTRC) program. The NTRC, a joint undertaking of BART and CCJPA, is studying the future rail investments needed to better connect people and places throughout the Northern California megaregion.

At the core of the NTRC is a new San Francisco Bay rail crossing for BART and also for regional rail services, which could potentially accommodate any of the rail operators using the standard gauge rail system. The New Transbay Rail Crossing will serve two main purposes:

- Increase BART's transbay capacity so that overcrowding is reduced and future ridership – which is expected to double by 2050 – can be accommodated.

www.bart.gov

- Create a brand-new link for regional rail so that travelers can enjoy direct train trips between many Northern California locations.

The NTRC is in the early stages of development, and has been included by the Metropolitan Transportation Commission (MTC) in the Final Blueprint (adopted Sept. 23, 2020) for the regional transportation plan, Plan Bay Area 2050, that is being advanced. Future work through the NTRC will include potential connections and synergies with the HSR system, including at the Salesforce Transit Center (STC). Although the STC is not included in this DEIR/DEIS, we look forward to working with the Authority to ensure coordination in the development and eventual operation of expanded regional rail service throughout the megaregion.

With that context, BART and CCJPA provide the following comments:

1. General Support & Response to Previous Comments

BART and CCJPA support the HSR program as an important addition to the state's transportation system, and especially the connection to downtown San Francisco, and the STC. We would like to see the DEIR/DEIS acknowledge the need for connecting the rail infrastructure on the two sides of the Bay, as described in the MTC's Core Capacity Transit Study (Sept. 2017). Additionally, we reiterate our scoping comment that BART should be listed as a CEQA responsible agency, particularly with respect to future shared facilities. Primarily, our focus as a responsible agency would be to ensure coordination in design at the points where BART and HSR intersect, namely Millbrae and Diridon Stations, as well as areas along the alignment where the systems are in close proximity. As BART is the owner of Millbrae Station, BART approval will be needed for the modifications and improvements there.

Any modifications of or connections to existing BART-owned and/or operated facilities as part of the Project will necessarily affect the BART system and will require BART's approval. In addition, BART has entered into various agreements regarding use and maintenance of property in the Project corridor, including specifically the February 18, 2005 Use, Operating and Maintenance (UOM) Agreement for the Millbrae Station between BART, the Peninsula Corridor Joint Powers Board and the San Mateo County Transit District. The Authority, BART and other signatories to these agreements will need to work together regarding any amendments and/or implementation as necessary for the Project.

2. Mega-regional Service Consistency and Planning

Given the interconnected economies of the entire Bay Area region, we want to ensure that future regional rail operations from the East Bay into STC and potential through operation onto the Peninsula down the Caltrain alignment, as outlined in State Rail Plan, are not precluded. Both HSR and the NTRC will be an important part of future regional mobility, and we want to make sure that our systems are complementary and coordinated.

Some of the new transbay regional rail services that will be enabled by the NTRC program will likely need to turnback in San Francisco or on the northern Peninsula. HSR should account for this potential future operational need by identifying operational issues and constraints, as well as potential turnback locations (such as at the HSR storage facility in Brisbane, or an as-yet-to-be-defined location in San Francisco).

1174-2664

1174-2665

1174-2666

1174-2667

# Submission 1174 (Val Menotti, San Francisco Bay Area Rail Transit District (BART), September 23, 2020) - Continued

September 23, 2020  
 Subject: BART Letter to HSR – Draft EIS/EIR Comments on SF-SJ Section  
 Page 3

September 23, 2020  
 Subject: BART Letter to HSR – Draft EIS/EIR Comments on SF-SJ Section  
 Page 4

1174-2667 While we understand that the Caltrain Downtown Extension (DTX) and STC are not part of this DEIR/DEIS, it is important to ensure that this infrastructure will function effectively for the various operators that intend to use it. As an added note, as part of the TJPA's efforts to establish a phasing plan for the DTX construction, BART is working with the TJPA to establish a phasing plan for the pedestrian connector between STC and Embarcadero Station.

1174-2668 3. Millbrae Station: Sustainable Alternative Access  
 The design with all tracks on one-level now is a strong improvement over previous vertically-stacked designs. However, the access and areas surrounding the station must be carefully considered.

Currently the Draft EIR/EIS contemplates adding a passenger loading facility to the first floor of the existing BART parking garage. The drawing included does not reflect the most recent design of the first floor of the garage, which BART recently remodeled to include a pick-up drop off area, short term parking, and taxi spaces. It could be that adding additional passenger loading capacity for HSR would not need to eliminate as much parking as currently contemplated and therefore could reduce the amount of parking that needs to be replaced, which is shown in this document as surface parking between the station and El Camino Real. Operationally it would be very difficult for BART to have parking on the west side of the station.

1174-2669 BART has an Access Policy which guides decisions on access investments. Millbrae Station is intended to be a "Balanced Intermodal" station, which prioritizes investments in walking, biking, drop off, and transit infrastructure. Therefore, we urge HSR to continue working with BART to see if the need to replace parking spaces that may be lost due to changes planned in the parking garage could be mitigated by increasing investment in other access modes and/or by exploring district transit parking. BART and HSR have been coordinating through the Intermodal Working Group (IWG) that also includes representatives from SFO, Caltrain, Samtrans, and the City of Millbrae. The IWG work has focused on access solutions that consider all modes and serve the needs of all transit agencies serving Millbrae Station. BART urges HSR to continue coordinating with the IWG to adequately address the access needs of the station.

BART is very supportive of increasing transit-oriented development at all of our stations and would support the needed replacement transit parking being incorporated into a future TOD on the west side of the station. Although BART recognizes parking as one of the necessary access modes, it should not be prioritized over other more sustainable access modes or negatively impact TOD.

1174-2670 Currently it is contemplated that the Millbrae Station west side entrance will need to be modified to accommodate the addition of HSR. BART will need to be engaged in the design of the new station to ensure passenger flows and connections between the modes is as efficient, intuitive, and safe as possible. HSR should work with all Millbrae Station transit providers to ensure the access facilities on the west side of the station meet the demand of the entire station. The proposed west side connection towards El Camino Real should be designed to feel safe at all hours and include adequate wayfinding for all transit providers. Vertical circulation should be provided on both sides of California Avenue.

1174-2671 4. San Jose Diridon Station  
 There are a significant number of expected transfers between HSR and BART at the San Jose Diridon Station. As such, the passenger experience and quality of the transfer are of high importance. As the design of the project moves forward, we encourage the Diridon partners (HSR, Santa Clara Valley

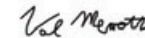
1174-2671 Transportation Authority (VTA), City of San Jose, Caltrain and MTC) to work together to provide a safe, easy and direct transfer between the boarding areas at San Jose Diridon Station. The design should ensure that long distance travelers connecting between HSR and BART at San Jose Diridon Station are able to easily navigate any vertical transitions with luggage.

1174-2672 5. Alignment Alternatives  
 From a BART perspective, Alternatives A and B are not appreciably different in terms of affecting BART property. However, we note that this document uses the Blended System service and operations plan as a basis for the engineering and for analysis of the alternatives. As you know, Caltrain has advanced their Business Plan significantly over the last few years past the Blended System service plan, with participation from the Authority. This document should reflect that more recent work, and include the infrastructure needed to provide the level of service in the Business Plan.

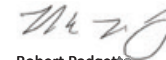
1174-2673 6. Right-of-way  
 We could not find any mention of BART ROW in the tunnel underneath or next to the Caltrain right-of-way between San Bruno and Millbrae. We would like to make sure that HSR acknowledges and labels all major BART facilities, such as tunnel structures, vent structures, etc. In the construction section, please note that HSR may not infringe on BART ROW or structures without prior coordination.

Thank you for consideration of our comments. Please feel free to contact me at vmenott@bart.gov if you require further information or have any questions or concerns.

Sincerely,



Val Joseph Menotti  
 Chief, Planning & Development Officer  
 BART



Robert Padgett  
 Managing Director  
 Capitol Corridor Joint Powers Authority

cc: C Tsao, CCJPA  
 S Graham, BART  
 H Lindelof, BART  
 K Koempel, BART  
 S Poliwka, BART  
 D Watry, BART  
 M Wilke, BART

## Response to Submission 1174 (Val Menotti, San Francisco Bay Area Rail Transit District (BART), September 23, 2020)

### 1174-2664

The Authority appreciates BART's support for the HSR program. The comment requests that the Draft EIR/EIS acknowledge the need to connect rail on the two sides of the San Francisco Bay. The Authority agrees that there are substantial potential benefits to improved connections between rail infrastructure on the west and east sides of the Bay. However, making that connection is not part of the purpose and need for the San Francisco to San Jose Project Section, which is based on the Authority's decision as part of the Tier 1 EIR/EIS process to advance for Tier 2 study an HSR corridor over the Pacheco Pass that would travel north to San Francisco via San Jose along the Caltrain Corridor. As such, the comment did not result in any revisions to the Draft EIR/EIS.

### 1174-2665

The Authority acknowledges that modifications to the BART system require BART's involvement and approval. The Authority will work with BART regarding potential modifications to BART facilities in Millbrae or associated with the extension of the BART system to San Jose, including any amendments to existing agreements, as necessary. The comment requests that BART be listed as a CEQA responsible agency. To address this comment, the Authority has updated Table 2-26 in Section 2.11, Permits, and Section 1.1.5, Lead Agencies, Cooperating Agencies, and Responsible Agencies, of the Final EIR/EIS to include BART as a CEQA responsible agency.

### 1174-2666

The comment notes that modifications to the BART system will require BART's involvement and approval. The comment is noted, and the Authority will work with BART regarding potential modifications to BART facilities in Millbrae or associated with the extension of the BART system to San Jose, including any amendments to existing agreements, as necessary. The comment did not result in any revisions to the Draft EIR/EIS.

### 1174-2667

The comment describes the importance of coordination of the HSR project and planning for future transit investments including the new transbay regional connection (now known as Link 21) and service connections from the East Bay and connections to the BART system. While it is too preliminary at this time to consider future transit improvements associated with Link 21 in the analysis in the San Francisco to San Jose Project Section EIR/EIS, the Authority will work with BART, TJPA, Caltrain, and the City of San Francisco (and other parties) during implementation of the HSR project to advance both the HSR project and the improvement projects of other transportation agencies. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1174 (Val Menotti, San Francisco Bay Area Rail Transit District (BART), September 23, 2020) - Continued

### 1174-2668

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment states that the Draft EIR/EIS engineering drawings do not have the latest configuration of the ground floor of the BART parking garage at Millbrae Station and that since BART has already added a pick-up/drop-off area, short-term parking, and taxi spaces, that it may be possible for HSR to reduce displacement of parking and have less replacement parking. The comment also notes that replacement parking west of the station would be operationally difficult for BART.

The comment is noted. The Authority will work with BART in terms of the need for, design, and configuration of HSR pick-up and drop-off areas and intermodal center in the garage at ground level. It is possible that due to the prior BART improvements, the area needed for HSR will be different and this may reduce the amount of replacement parking needed. As a conservative estimate of potential effects, the Draft EIR/EIS accounts for displacement of up to 113 BART parking spaces and their replacement in surface parking west of the station, but the actual amount of displacement parking may be less. If fewer parking spots are displaced than disclosed in the Draft EIR/EIS, the amount of replacement surface parking could be reduced, resulting in a smaller project footprint and slightly lower levels of construction activity. There would be no change to BART ridership because displaced parking would be replaced on a 1:1 basis, such that the current amount of BART parking spaces would be preserved. The information in this comment does not indicate a potentially greater environmental impact than disclosed in the Draft EIR/EIS, therefore, no revisions have been implemented to the preliminary engineering plans or analysis; however, these updates will be reflected in the final design.

Regarding replacement parking on the west side of the station, while this may be a little further from the BART portion of the station, parking is feasible and not overly far from the BART area. Any infrastructure needed relative to BART replacement parking (signage, parking machines, etc.) would be addressed in coordination with BART. As discussed in greater detail in Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, the Authority has developed a RSP Design Variant that would eliminate replacement parking. This design variant was evaluated in a

### 1174-2668

Revised/Supplemental Draft EIR/EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1174-2669

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment notes that modifications to the BART system will require BART's involvement and approval. The comment is noted. The Authority will work with BART and the Intermodal Working Group regarding potential modifications to the Millbrae Station. As described in Draft EIR/EIS Chapter 2, Alternatives, the HSR station design includes access via walking, bicycle, transit, and vehicle drop-offs and only includes limited parking (37 spaces) for HSR parking demand. Thus, the HSR station design is relying more heavily on access modes other than park and ride in terms of on-site station improvements. Nearly all HSR parking demand being met by other off-site existing commercial parking. As shown in Figure 2-34, the design for the Millbrae HSR station includes proposed bus stops, bicycle parking, a Class I cycle track, and pick-off/drop-off areas. In combination with the limited on-site parking approach for meeting HSR parking demand, these improvements will make access modes other than park and ride more attractive and amenable for riders.

The HSR project would not preclude a future TOD project on the surface parking lots west of Millbrae Station, as explained in the discussion of Impact LU#4 in Section 3.13, Station Planning, Land Use, and Development.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1174 (Val Menotti, San Francisco Bay Area Rail Transit District (BART), September 23, 2020) - Continued

### 1174-2670

The comment states that BART and other transit providers need to be involved in the design of the Millbrae Station to ensure adequate, efficient, and safe passenger flows, ensure access meets all station needs. The comment also states that vertical circulation should be provided on both sides of California Avenue. This comment is noted, and the Authority will work with BART and other transit providers concerning station and access design during the final more detailed design phase.

Regarding vertical circulation and California Drive, as shown on Book A3, sheet 44 of Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, the Millbrae Station design evaluated in the Draft EIR/EIS provides vertical circulation to both sides of California Avenue. Vertical circulation on both sides of California Avenue would also be provided with the RSP Design Variant, which was evaluated in a Revised/Supplemental Draft EIR/EIS and was subsequently incorporated into this Final EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1174-2671

The comment states that to manage passenger experience and quality of transfers at the San Jose Diridon Station, the Diridon partners need to work together on planning and implementation. The comment is noted, and the Authority intends to work with the Diridon partner agencies to facilitate efficient and quality transfers between HSR and other transit systems. The comment did not result in any revisions to the Draft EIR/EIS.

### 1174-2672

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The comment notes that Alternatives A and B are not appreciably different in terms of affecting BART property. Regarding Alternatives A and B, there are no differences in the design at Millbrae Station. South of Scott Boulevard in Santa Clara, Alternative A would be at-grade and include an at-grade station at the Diridon Station, whereas Alternative B would transition to a viaduct and an aerial station at Diridon. The Authority has been coordinating with BART concerning the HSR project alternatives and the BART designs for its extension to San Jose and Santa Clara to ensure compatibility; the HSR project will not adversely affect the BART extension project.

The comment separately suggests that the Draft EIR/EIS should include the infrastructure needed to accommodate the level of Caltrain service in the Caltrain Business Plan. Please refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan, which addresses this topic.

The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1174 (Val Menotti, San Francisco Bay Area Rail Transit District (BART), September 23, 2020) - Continued

### 1174-2673

The comment states that the BART right-of-way tunnel underneath or next to the Caltrain right-of-way between San Bruno and Millbrae does not appear to be mentioned in the Draft EIR/EIS and notes the need for coordination with BART regarding any effect on the BART right-of-way or structures.

From the Millbrae Station to approximately San Felipe Avenue (~1.6 miles north of the station), the project improvements would be primarily within the Caltrain right-of-way or in private land/SFPUC land west of the Caltrain right-of-way. In this area, the BART tunnel and associated facilities are within the eastern part of Caltrain right-of-way or east of the Caltrain right-of-way and east of the area of HSR construction. North of San Felipe Avenue, the HSR project improvements would be in the Caltrain right-of-way to north of the San Bruno Caltrain Station. In this area, the BART tunnel is east of the project area but then transitions under the Caltrain mainline from east of the tracks to west of tracks by approximately Sylvan Avenue and then parallels the Caltrain right-of-way under Huntington Avenue until departing from the Caltrain right-of-way just south of I-380. The mainline tracks would not be above the tunnel except at the location where the BART tunnel crosses under the Caltrain mainline tracks in San Bruno. A review of the BART facilities and the HSR proposed improvements between Millbrae and San Bruno does not indicate any apparent conflicts with the tunnel, vent structures or other BART structures. No proposed HSR improvements are identified in the preliminary design for the area where the BART tunnel crosses under the Caltrain mainline tracks. The Authority will work with Caltrain and BART during the detailed design phase to confirm the HSR design relative to the BART right-of-way or structures to ensure avoidance of adverse effects on either. The Authority would not infringe upon the BART right-of-way or structures without prior coordination and agreement from BART.

While the Authority acknowledges the request to label BART facilities in Draft EIR/EIS Volume 3, Preliminary Engineering Plans, these revisions have not been made because they would not enhance the value of the document as an informational tool for the public or decision makers to understand the project or the project's impacts.

The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1067 (Ivar Satero, San Francisco International Airport, September 1, 2020)



San Francisco International Airport

**San Francisco - San Jose - RECORD #1067 DETAIL**

**Status :** Unread  
**Record Date :** 9/1/2020  
**Interest As :** Business and/or Organization  
**First Name :** Joanna  
**Last Name :** Au (AIR)  
**Attachments :** SFO Ltr. to California High Speed Rail Authority RE SF to San Jose Project Draft EIR-EIS Comment Letter 8-31-2020.pdf (1 mb)

August 31, 2020

California High Speed Rail Authority  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113

*Transmitted via email*  
[san francisco\\_san jose@hsr.ca.gov](mailto:san francisco_san jose@hsr.ca.gov)

**Stakeholder Comments/Issues :**

Attached please find San Francisco International Airport's comment letter.

Thank you.

[[http://media.flysfo.com.s3.amazonaws.com/images/SFO-Email-Logo\\_100px.png](http://media.flysfo.com.s3.amazonaws.com/images/SFO-Email-Logo_100px.png)]

Joanna Au  
 Executive Secretary | Planning, Design & Construction  
 674 West Field Road, 2nd Floor (package deliveries) | P.O. Box 8097 (mailing address)  
 San Francisco International Airport | San Francisco, CA 94128  
 Tel 650-821-6678 | [flysfocom](mailto:flysfocom)<<http://www.flysfo.com/>>

Facebook<<https://www.facebook.com/flySFO>> | Twitter<<https://twitter.com/flySFO>> |  
 YouTube<<https://www.youtube.com/user/SFOIntlAirport>> | Instagram<<https://www.instagram.com/flysfo/>> |  
 LinkedIn<<https://www.linkedin.com/company/san-francisco-international-airport>>

**Subject: San Francisco to San Jose Project Section Draft EIR/EIS Comment Letter**

Dear California High Speed Rail Authority,

San Francisco International Airport (SFO or the Airport) has been a strong and vocal supporter of California High Speed Rail (HSR) since the original state enabling legislation in 2008. *Plan Bay Area's* population growth forecast necessitates HSR service via the Peninsula from San Francisco to San Jose with an ongoing connection to the statewide Phase 1 system. Serving passengers via rail from the Bay Area to Los Angeles is an environmentally superior mode of travel and will provide much needed aviation capacity for SFO.

SFO's linkage to a Millbrae-SFO station would become the nation's first intermodal HSR station and would provide a direct airport connection to the HSR system, vastly improving the Airport's operational efficiency. This connectivity will expand economic opportunity, reduce roadway congestion on Northern California roadways, and support the success of the entire project.

SFO supports the project objectives of the California High Speed Rail Authority's (the Authority) San Francisco to San Jose Project Section Draft Environmental Impact Report (Draft EIR). SFO shares this objective to provide an interface with commercial airports, mass transit, and the highway network to relieve capacity constraints of the existing transportation system (p. S-7), as well as providing intercity travel capacity to supplement critically overused interstate highways and commercial airports as consistent with the Passenger Rail Vision in the California State Rail Plan (p. S-8).

As the Authority considers its Draft EIR review and approval, the Airport would appreciate the Authority's consideration of the following comments.

As mentioned in the Draft EIR, Section 2.6.1.4 Planned Aviation Improvements, the 2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP) includes future plans for the Airport and enhancements to runway safety areas to comply with Federal Aviation Administration (FAA) standards. The ALUCP also addresses compatibility between airport operations and surrounding proposed land use development, comparing noise impacts, safety of persons on the ground and in flight, height restrictions/airspace protection, and overflight notification.

1067-130

1067-131

**AIRPORT COMMISSION** CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR	LARRY MAZZOLA PRESIDENT	ELEANOR JOHNS VICE PRESIDENT	RICHARD J. GUGGENHIME	EVERETT A. HEWLETT, JR.	MALCOLM YEUNG	IVAR C. SATERO AIRPORT DIRECTOR
--------------------------	----------------------------	---------------------------------	-----------------------	-------------------------	---------------	------------------------------------

Post Office Box 8097 San Francisco, California 94128 Tel 650.821.5000 Fax 650.821.5005 www.flysfo.com

# Submission 1067 (Ivar Satero, San Francisco International Airport, September 1, 2020) - Continued

Comment Letter to California High Speed Rail Authority  
August 31, 2020  
Page 2 of 3

Comment Letter to California High Speed Rail Authority  
August 31, 2020  
Page 3 of 3

1067-131

Much of the project section within the cities of South San Francisco, San Bruno, Millbrae, and Burlingame have interfaces with the Airport Influence Area as defined by the ALUCP, as well as Runway Safety Zones and Federal Aviation Regulation (FAR) Part 77 height restrictions related to airspace safety criteria. The Airport recommends that the Authority incorporate these safety criteria when planning and constructing rail track infrastructure and radio towers along this corridor.

1067-133

Further, the Airport agrees with the FAA study (FAA 2015b) cited, which found SFO is “among the most capacity-constrained airports in the nation” and “consideration of high-speed ground travel modes will be needed to alleviate the demand and capacity constraints” at SFO and similar airports.

The Airport’s specific comments regarding the Draft EIR are noted below:

1067-134

At SFO, the physical constraints of the San Francisco Bay and Highway 101 prohibit runway expansion, and HSR will accommodate future aviation growth by providing an effective alternative to air travel within California. Bringing HSR to the Bay Area Peninsula and seamlessly linking Millbrae Intermodal Station with SFO would provide a critical connection that will allow for passengers to transfer between planes and trains. As SFO continues to grow closer to its maximum yearly capacity of 71 million passengers, offloading inter-state air traffic to rail is a sustainable option for the Airport to maximize its operations.


1067-132

P. S-46 Under *Impact S&S#11: Permanent Interface with Airport Safety* it is noted that Alternative A (the preferred alternative) would require nine (9) radio towers that would exceed height limits and require notification to the FAA under FAR Part 77. The Airport appreciates the Authority working with the FAA on any mitigation measures that may be requested on any of these nine radio towers that may be located around SFO. It is imperative for the height restrictions of these towers to be considered around Millbrae Station, which is at the ends of runways 1L and 1R where the maximum allowable height is the most restrictive of the entire HSR corridor within this project section. The Airport recommends that these towers be sited in collaboration with SFO to ensure height restrictions are met and reduce operational impacts near the Millbrae/SFO station.

The Airport appreciates the Authority’s consideration of these comments. I look forward to continuing to work toward making HSR within the Bay Area and California a reality. If you have any questions, please do not hesitate to contact me.

1067-133

P. 1-26 *Table 1-6 Commercial Air Travel in the San Francisco to San Jose Project Section Region* highlights SFO, Norman Y. Mineta San Jose International Airport (SJC), and Metropolitan Oakland International Airport (OAK) enplanement numbers and in-state airports served from 2014 to 2016. SFO would like to provide updated numbers for all three Bay Area airports from 2018. Strong growth in passenger air traffic over the last two decades speaks to the Bay Area’s demand. Even the recent events causing a significant decline in airline traffic will not impact overall long-term growth in the region, with passenger air traffic expected to rebound and exceed 2018-2019 levels in the coming years.

Very truly yours,  
  
Ivar C. Satero  
Airport Director

Airport	Total 2018 Enplanements	# of Carriers Providing In-State Service in 2018	In-State Airports Served in 2018
SFO	27,794,154	6	Bakersfield, Burbank, Eureka, Fresno, Long Beach, Los Angeles, Monterey, Ontario, Orange County, Palm Springs, Redding, Sacramento, San Diego, San Luis Obispo, Santa Barbara, Santa Rosa
SJC	7,140,616	5	Burbank, Long Beach, Los Angeles, Ontario, Orange County, San Diego
OAK	6,798,321	7	Burbank, Crescent City, Long Beach, Los Angeles, Merced, Ontario, Orange County, San Diego

Sources: ACAIS FAA Airports; OAG Aviation Worldwide Ltd, accessed July, 2020, for September, 2018 data.

## Response to Submission 1067 (Ivar Satero, San Francisco International Airport, September 1, 2020)

### 1067-130

Refer to Standard Response FJ-Response-GEN-2: General Support of the Project and the California High-Speed Rail System.

Thank you for your comment.

### 1067-131

The comment proposes the Authority incorporate certain airspace-related safety criteria in its future planning and construction of rail track infrastructure and radio towers in the Airport Influence Area. Please refer to Section 3.11.5.2, Community Safety and Security, of the Draft EIR/EIS, which identifies the airports within the RSA and the relevant CLUPs. In this section, please also refer to the discussion of Impact S&S#11, which notes that the heights of proposed structures would exceed FAR Part 77 height notification limits and as such, the Authority will duly notify FAA of the height exceedances for communications towers shown in Table 3.11-12.

During final design, the Authority would conduct additional analysis of proposed structure locations potentially associated with an FAA application. Registration for proposed project structures would be undertaken for communications structures, lighting / communication poles and catenary lines, power substations, and station roofs. During this project phase, the Authority also would contact FAA regarding individual site-specific assessment of proposed project structures requiring FAR Part 77 notification, including identification of potential alternative locations for consideration in FAA's site-specific aeronautical study for each structure. Impact S&S#11 further notes that the Authority anticipates the FAA will not identify any safety hazards but acknowledges that the FAA may recommend minor modifications to the proposed structures.

Volume 2, Appendix 3.11-B, Airport Obstructions, provides an assessment of potential encroachment of the project alternatives into protected aviation airspace pursuant to Federal Aviation Administration (FAA) FAR Part 77 regulations. The Authority has and will continue to consider airspace safety criteria when planning and building the HSR project and radio towers.

The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are required.

## Response to Submission 1067 (Ivar Satero, San Francisco International Airport, September 1, 2020) - Continued

### 1067-132

The comment recommends siting of radio towers near Millbrae Station in collaboration with SFO.

The Authority is having ongoing discussions with Caltrain on the train control system(s) to be implemented. It is possible that not all of the radio communication towers identified in the Draft EIR/EIS would be required. However, assuming they are all required, the Draft EIR/EIS identified proposed locations for the radio communication towers and conducted a preliminary evaluation consistent with FAA Part 77 to identify potential impacts related to radio communications towers. The analysis, shown in the Draft EIR/EIS within Appendix 3.11-B, Airport Obstructions identified three radio communications towers near SFO that would exceed the FAA height restrictions (Table 2).

Once the Authority has completed discussions with Caltrain and number and proposed placement of the required radio towers is determined, the Authority will work with FAA and provide notification for required approval of radio towers and other structures near SFO. During final design, additional analysis of proposed structure locations potentially associated with an FAA application and registration for proposed project structures would be undertaken for communications structures, lighting / communication poles and catenary lines, power substations, and station roofs. During this phase, the Authority also would contact FAA regarding individual site-specific assessment of proposed project structures requiring FAR Part 77 notification, including identification of potential alternative locations for consideration in FAA's site-specific aeronautical study for each structure.

Based on assessment of the proposed locations of the communications towers and the airport locations and AIA boundaries, the Authority expects the aeronautical studies that the FAA would conduct under the FAR Part 77 notification process would not identify safety hazards that would result in the FAA recommending the relocation of a proposed communications tower location. The Authority also expects that in some cases the FAA may recommend some form of mitigation (e.g., attaching specific types of lighting or other visual markings to the communication tower poles) that could be implemented without affecting the location or the function of the communications tower. The Authority would work with the FAA to implement FAA-proposed (if any) mitigation measures for FAR Part 77 notification structures. The comment did not result in any revisions to the

### 1067-132

Draft EIR/EIS.

### 1067-133

To address this comment, Table 1-6 in Section 1.2.4.1, Travel Demand and Capacity Constraints, of the Final EIR/EIS has been updated to reflect data from 2019 instead of 2014. The updated data did not change the regional or statewide need for the project.

### 1067-134

Refer to Standard Response FJ-Response-GEN-2: General Support of the Project and the California High-Speed Rail System.

Thank you for your comment.

## Submission 1171 (Anna (CPC) Harvey, San Francisco Planning Department, September 21, 2020)

**San Francisco - San Jose - RECORD #1171 DETAIL**

**Status :** Unread  
**Record Date :** 9/22/2020  
**Interest As :** Local Agency  
**First Name :** Anna (CPC)  
**Last Name :** Harvey  
**Attachments :** SF Planning - Historic and Cultural Resources Map 1.pdf (1 mb)  
SF Planning - Historic and Cultural Resources Map 4.pdf (2 mb)  
SF Planning - Historic and Cultural Resources Map 2.pdf (855 kb)  
SF Planning - Historic and Cultural Resources Map 3.pdf (1 mb)

**Stakeholder Comments/Issues :**

1171-1851 | Here are the four maps referenced in comment #32. Apologies for the omission.

From: Harvey, Anna (CPC) <anna.harvey@sfgov.org>  
Sent: Monday, September 21, 2020 12:11 PM  
To: san.francisco\_san.jose@hsr.ca.gov <san.francisco\_san.jose@hsr.ca.gov>  
Subject: Re: Draft EIR/EIS Comment

1171-1852 | Thank you for the opportunity to revise our comment. The substance of the referenced attachment was incorporated into comment #24, so we'd like to revise #23 to read:

Archaeological Resources - Request to consult on MOA: San Francisco Planning Department archaeologists (cpc.archeology@sfgov.org) request to be a consulting party on the MOA for the identification and treatment of cultural resources within the APE boundary in San Francisco. In addition, please consider the modifications to the mitigation measures in the EIR/S suggested in comments #24. We look forward to the consultation.

Regards,

Anna Harvey, PE  
Rail Program Manager, Citywide Planning Division

San Francisco Planning Department

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

415.672.2852 (c)  
|www.sfplanning.org<https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.sfplanning.org%2F&data=02%7C01%7Cnile.ledbetter%40flysfo.com%7C76549402c1ac4694733008d82f39345c%7C22d5c2cfce3e443d9a7fdcc0231f73f%7C0%7C0%7C637311270021164785&sdata=lf17BUyMSKeOuC1FFYNIVKinCz8ubA8fwpj2X9dyE7Q%3D&reserved=0>

Due to COVID-19, San Francisco Planning is not providing any in-person services, but we are operating

remotely. Our staff are available by e-mail<https://sfplanning.org/staff-directory>, and the Planning and Historic Preservation Commissions are convening remotely. The public is encouraged to participate<https://sfplanning.org/node/1978>. Find more information on our services here<https://sfplanning.org/covid-19>.

From: California High-Speed Rail Authority <san.francisco\_san.jose@hsr.ca.gov>  
Sent: Friday, September 18, 2020 9:46 AM  
To: Harvey, Anna (CPC) <anna.harvey@sfgov.org>  
Subject: Draft EIR/EIS Comment

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Harvey,

Thank you for submitting your comments on the Draft EIR/EIS. In reviewing the comment document you submitted, we have found reference to an appendix, Attachment 1.A. Request to Consult on MOA, but we are unable to find such an appendix included in the comment submission. If an attachment was inadvertently excluded from your submission you may resubmit to us by September 21 and the environmental team will review your complete comments.

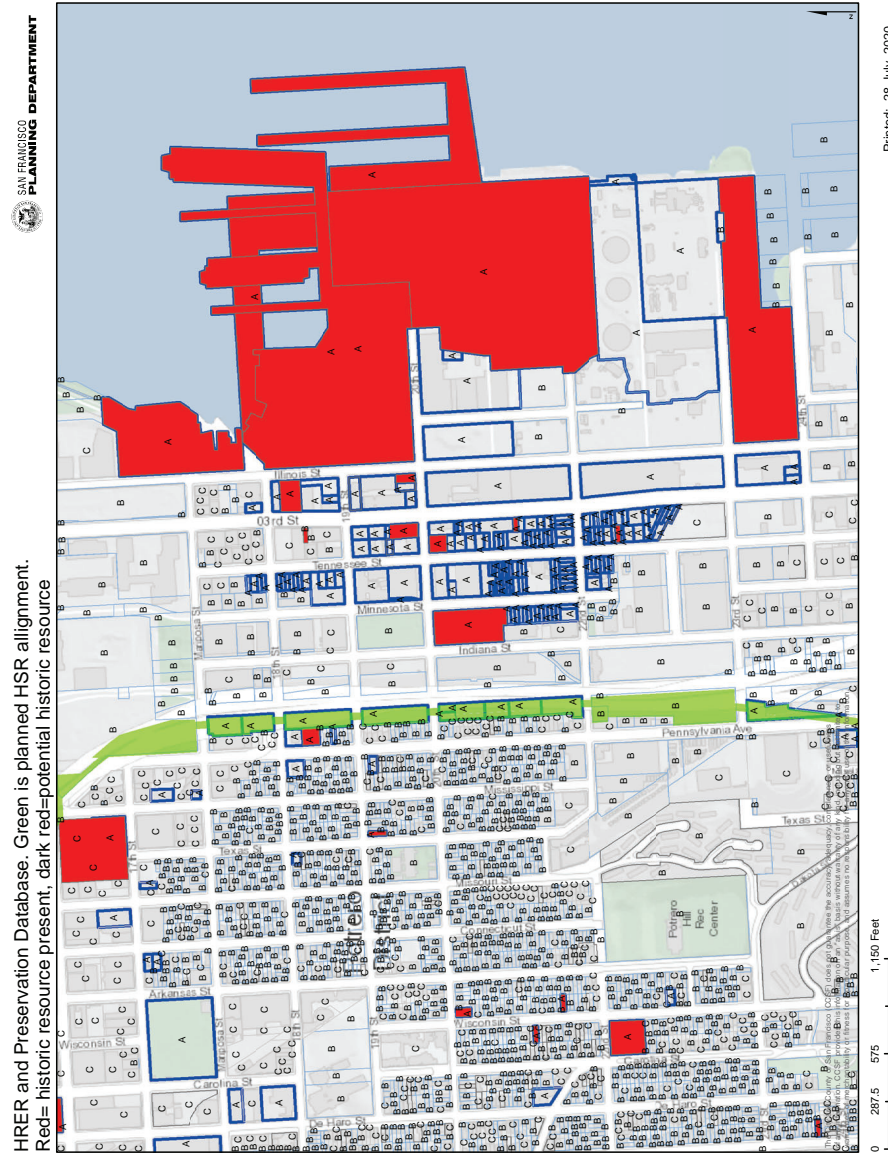
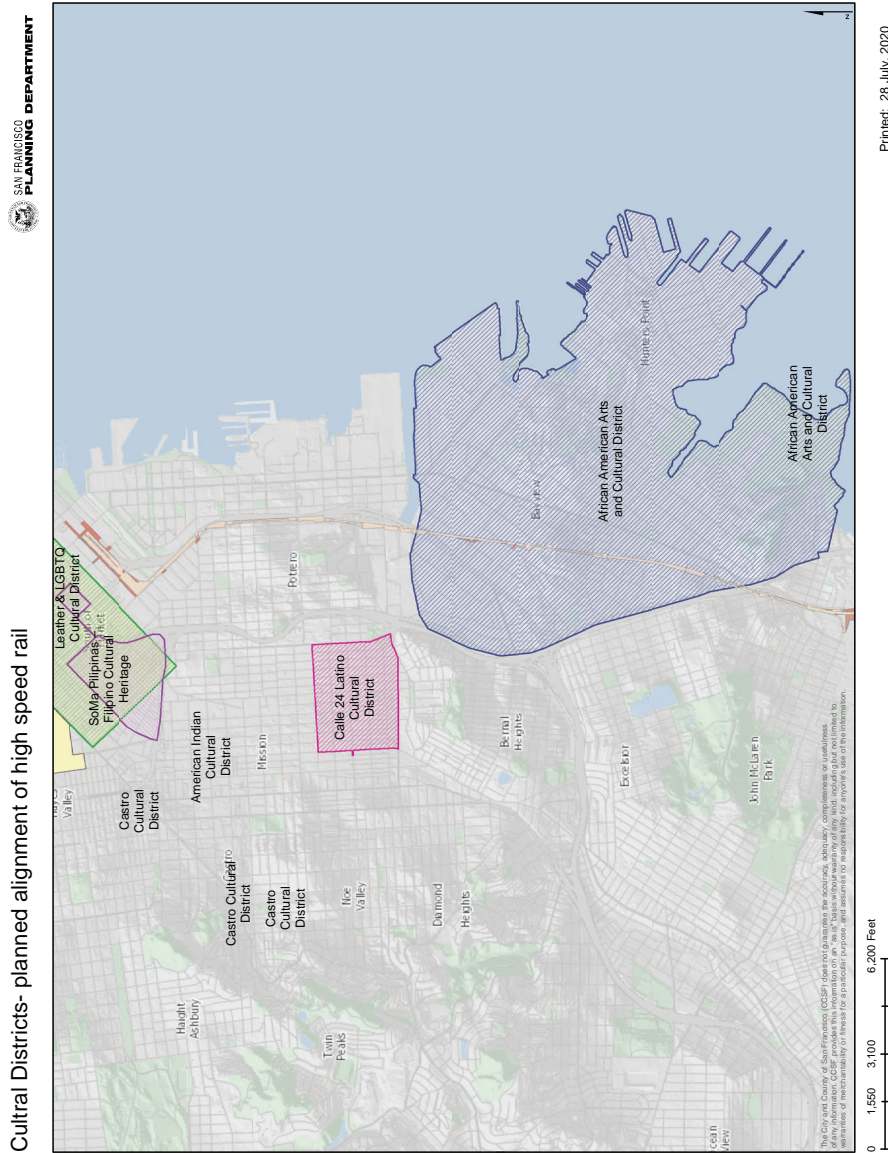
Thank you, and please let us know if you have any questions.

San Francisco to San Jose Project Team  
California High-Speed Rail Authority  
san.francisco\_san.jose@hsr.ca.gov  
(415) 963-6718

Submission 1171 (Anna (CPC) Harvey, San Francisco Planning Department, September 21, 2020) - Continued



Submission 1171 (Anna (CPC) Harvey, San Francisco Planning Department, September 21, 2020) - Continued



HRER and Preservation Database. Green is planned HSR alignment.  
 Red= historic resource present, dark red=potential historic resource



## Response to Submission 1171 (Anna (CPC) Harvey, San Francisco Planning Department, September 21, 2020)

### 1171-1851

Thank you for your comment to provide map submission and to note omission of the map submission as part of your prior comment. Response to the comment referenced as #32 corresponds with submission FJ-1139, comment 949 herein. The comment did not result in any revisions to the Draft EIR/EIS.

### 1171-1852

Thank you for your comment. This comment is noted as being a revision to clarify prior comment #23 and to reiterate a suggestion made in prior comment #24. Refer to the responses to submission FJ-1139, comments 930, 931, 932, and 933.

# Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020)

<b>San Francisco - San Jose - RECORD #1146 DETAIL</b>	
Status :	Unread
Record Date :	9/10/2020
Interest As :	Local Agency
First Name :	Steven
Last Name :	Ritchie
Attachments :	SFPUC_CommentLetter_DEIR_FINAL.pdf (2 mb)

**Stakeholder Comments/Issues :**

Enclosed please find comments from the San Francisco Public Utilities Commission (SFPUC) on the California High-Speed Rail Authority San Francisco to San Jose Project Section Draft Environmental Impact Report (DEIR) and Environmental Impact Statement (EIS).

We appreciate the opportunity to review and provide comments on the contents of the DEIR/EIS.

Please let me know if you have any questions.

Thank you,  
Anna

Anna Fedman  
 Environmental Compliance Planner  
 Natural Resources and Lands Management Division  
 Water Enterprise  
 San Francisco Public Utilities Commission  
 525 Golden Gate Avenue, 10th Floor  
 San Francisco, CA 94102  
 office: (415) 554-3281 (voicemail is intermittent)  
 fax: (415) 934-5770  
 email: [afedman@swater.org](mailto:afedman@swater.org)<<mailto:afedman@swater.org>>  
 website: [www.swater.org](http://www.swater.org)<<http://www.swater.org>>

\*Please note I am out of the office on Fridays\*



525 Golden Gate Avenue, 13th Floor  
 San Francisco, CA 94102  
 T 415.554.3155  
 F 415.554.3161  
 TTY 415.554.3488

September 9, 2020

Via Email to: [san.san.jose@hsr.ca.gov](mailto:san.san.jose@hsr.ca.gov)

Northern California Regional Office  
 California High-Speed Rail Authority  
 100 Paseo De San Antonio, Suite 300  
 San Jose, CA 95113

To Whom It May Concern:

The San Francisco Public Utilities Commission (SFPUC) received a notice of availability for the California High-Speed Rail Authority San Francisco to San Jose Project Section (project) Draft Environmental Impact Report (DEIR) and Environmental Impact Statement (EIS). Thank you for providing the opportunity to review and provide comments on the contents of the DEIR/EIS. The SFPUC is providing the following:

- General comments, including background information, about the SFPUC and its rights-of-way (ROW);
- SFPUC ROW site specific comments;
- Detailed comments about the contents of the DEIR/EIS;
- General information about the SFPUC Project Review Process; and
- Other attachments as referenced throughout this letter.

**General Comments**

The City and County of San Francisco, through the SFPUC, owns in fee or easement over 200-miles of water transmission pipeline ROW in the San Francisco Bay area. The primary use of SFPUC property is for the reliable delivery of high quality water to the SFPUC's 2.7 million customers. Secondary uses of SFPUC property may be permitted if those proposed uses do not in any way interfere with, endanger, or damage existing or future operations or the security of SFPUC lands and infrastructure.

The proposed rail corridor from San Francisco to San Jose crosses SFPUC water transmission lines at multiple locations. It is vital that SFPUC water transmission lines are protected at all phases of the project's development. To ensure the necessary protections are in place, the SFPUC requests the following:

- All engineering plans of proposed installation within SFPUC pipeline easements be submitted to SFPUC for review.
- All new utility lines be run parallel to SFPUC transmission pipelines and be kept outside of SFPUC pipeline easements.
- All new installations that require foundations be kept outside of SFPUC pipeline easements.

**OUR MISSION:** To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

1146-804

- London N. Breed  
Mayor
- Ann Moller Caen  
President
- Francesca Victor  
Vice President
- Anson Moran  
Commissioner
- Sophie Maxwell  
Commissioner
- Tim Paulson  
Commissioner
- Harlan L. Kelly, Jr.  
General Manager



# Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020) - Continued

1146-805

- Any proposed installation over or near an SFPUC transmission main obtain consent from SFPUC to pothole for pipeline depth prior to finalizing design.

Access  
It is also essential that the SFPUC maintain unimpeded access for operational and maintenance purposes, including for planned projects and emergency repairs. It is therefore vital that access to transmission pipelines be maintained. To facilitate ongoing access, the SFPUC requests:

- Appendix 3.6-A: Public Utilities and Energy Facilities* of the DEIR be updated to include SFPUC transmission pipelines as an existing major utility within the study area.

1146-806

Emergency Vehicle Access  
The SFPUC does not allow any primary Emergency Vehicle Access (EVA) to be located on SFPUC property. SFPUC-adopted policy states that “[a]n applicant may not use the ROW to fulfill a development’s open space, setback, emergency access or other requirements.” The SFPUC would like to request:

- Section 3.11 Safety and Security* of the DEIR be updated to include EVA locations for the project. Any locations within SFPUC ROW should either be relocated or be submitted to the SFPUC for review.

1146-807

Staging  
In some cases, the SFPUC can allow secondary use of its property for staging of construction materials, equipment and vehicles. The SFPUC invites the project sponsor to participate in the SFPUC Project Review process for any proposed use of SFPUC property (additional information on SFPUC Project Review is provided below). The SFPUC may issue a revocable license at fair market value for secondary uses approved by the SFPUC. Additionally, SFPUC requests:

- Appendix 3.1 A Parcels Within the HSR Project Footprint* of the DEIR be updated to provide enough detail to see the full scope of temporary construction easements. In some cases, the SFPUC property is in close proximity to the temporary construction easement locations, however, this cannot be assessed based on the Appendix provided.

1146-808

SFPUC ROW Site Specific Comments  
Projects on SFPUC property or near SFPUC infrastructure must be consistent with SFPUC-adopted policies and the SFPUC’s primary mission as a water utility. This includes planning for SFPUC scheduled or emergency engineering, operations, or maintenance requirements and needs.

1146-809

The following locations are examples of where SFPUC ROW and the proposed railway corridor intersect. Any proposed use or improvement at these sites, or other locations within the SFPUC ROW, would require review and approval by the SFPUC Project Review Committee.

Bay Division Pipelines #1, 2, 5 North Fair Oaks  
The SFPUC’s Bay Division Pipelines #1, 2, and 5 run under and across Southern Pacific RR tracks adjacent to 2736 Westmoreland Avenue, Redwood City, CA. The SFPUC holds a Right-of-Way easement for the

1146-809

construction, maintenance, operation of three (3) steel water pipelines, the parcel where the SFPUC’s improvements are located is referenced as SFPUC Parcel No. 2089. Any improvements proposed to be installed within the SFPUC easement must be reviewed and approved by the SFPUC’s Project Review Committee. A detailed map including approximate locations of existing pipelines and SFPUC easements in this area is provided as Exhibit A.

1146-810

Bay Division Pipelines # 3, 4 Mountain View  
The SFPUC’s Bay Division Pipelines #3 and 4 run under and across the tracks adjacent to Crisanto Ave. and Central Expressway. The SFPUC holds a Right-of-Way easement for the construction, maintenance, and operation of four (4) steel water pipelines, the parcel where the SFPUC’s improvements are located is referenced as SFPUC Parcel No. 205-A. Any improvements proposed to be installed within the SFPUC easement must be reviewed and approved by the SFPUC’s Project Review Committee. A detailed map including approximate locations of existing pipelines and SFPUC easements in this area is provided as Exhibit B.

1146-811

MUNI ROW San Bruno  
The SFPUC’s Crystal Springs No. 1 Pipeline runs under and across Southern Pacific RR tracks at the intersection of Huntington Avenue and San Mateo Avenue, San Bruno, CA. The SFPUC owns fee parcels to either side of San Mateo Avenue also known as SFPUC Parcel Nos. 10 and 11 of the Old MUNI ROW parcels. BART acquired easements (permanent subsurface and temporary surface easements) on both Parcel 10 and 11. Any proposed use of SFPUC Fee property must be reviewed and approved by the SFPUC’s Project Review Committee. A detailed map including approximate locations of existing pipelines and SFPUC fee owned parcels in this area is provided as Exhibit C.

1146-812

Detailed DEIR/EIS Comments  
There are several clarifications that the SFPUC requests be included in Section 3.8 - Hydrology and Water Resources of the DEIR/EIS. The requested changes are presented in the Table below.

Table: Section 3.8 Hydrology and Water Resources

DEIR/EIS Page #	Section Number	Beginning Text of Paragraph	Comment
Page 3.8-9	Section 3.8.2.2	The City and County of San Francisco...	SFPUC requests this paragraph be updated as follows:  The San Francisco Public Utilities Commission (SFPUC) is the designated groundwater sustainability agency for the Downtown, Marina, Lobos, and South San Francisco groundwater basins in San Francisco, as well as the northern portions of the Westside, Islais Valley, and Visitacion Valley groundwater basins in San Francisco. These basins have all been prioritized by DWR as “very low” priority during the 2019 SGMA basin prioritization process.
Page 3.8-9	Section 3.8.2.2	The Cities of San Francisco, Daly City, San Bruno...“although the Westside Basin	SFPUC requests this paragraph be updated as follows:  The Westside Basin is “very low” priority under SGMA.

1146-813

# Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020) - Continued

1146-813

1146-814

1146-815

1146-816

		has a low prioritization under the SGMA..."	
Page 3.8-32	Section 3.8.5.4	"Near Daly City, Colma, South San Francisco, and San Bruno in the South Westside Basin, groundwater is typically found at depths of up to 300 feet bgs because of the absence of an aquitard that is present elsewhere in the basin."	The SFPUC recommends striking this sentence as it is misleading. SFPUC has a groundwater monitoring well network that covers these portions of the basin both laterally and vertically. At these monitoring wells widely variable depth to water is measured, which is dependent on a number of hydrogeological factors, not solely due to the "absence of an aquitard that is present elsewhere in the basin."
Page   3.8-35	Section 3.8.5.4	"...none of these wells are in the project footprint."	SFPUC would like to clarify:  Although none of these wells are in the project footprint, the SFPUC has recently constructed thirteen (13) production wells throughout the southern portion of the Westside Basin as part of the Regional Groundwater Storage and Recovery Project, including one immediately adjacent to the project area in Millbrae.

**SFPUC Project Review**

All proposed projects and activities on SFPUC ROW must be reviewed by the SFPUC's Project Review Committee (committee) to determine whether a proposal is compatible with SFPUC adopted plans and policies prior to obtaining written authorization from the SFPUC. During Project Review, the committee may require modifications to the proposal and/or require implementation of avoidance and minimization measures to reduce negative impacts and to ensure that the proposal conforms to applicable plans and policies. Therefore, it is important to schedule projects for review at the earliest opportunity to address any potential project issues. To initiate the Project Review process, please visit [www.sfwater.org/projectreview](http://www.sfwater.org/projectreview) to download the Project Review application. Once the application is completed, please email your application and supporting attachments (project description, maps, drawings and/or plans) to [projectreview@sfwater.org](mailto:projectreview@sfwater.org).

If you have any questions or need additional information, please contact Anna Fedman, Environmental Compliance Planner, in the SFPUC's Natural Resources and Lands Management Division at [afedman@sfwater.org](mailto:afedman@sfwater.org).

Sincerely,



Steven R. Ritchie  
Assistant General Manager, Water

Attachments:

1. Exhibit A – Map of SFPUC Bay Division Pipelines #1, 2, 5 North Fair Oaks
2. Exhibit B – Map of SFPUC Bay Division Pipelines # 3, 4, Mountain View
3. Exhibit C – Map of SFPUC MUNI ROW, San Bruno
4. SFPUC Interim Water Pipeline ROW Use Policy

cc: *SFPUC / Natural Resources and Lands Management Division*

- (NRLMD):  
 Tim Ramirez, Division Manager  
 John Fournet, Acting Peninsula Watershed Manager  
 Emily Read, ROW Manager  
 Ellen Natesan, Planning and Compliance Manager  
 Casey Rando, Senior Environmental and Regulatory Compliance Planner  
 Scott Simono, Biologist

*SFPUC / Real Estate Services (RES):*

- Rosanna Russell, Real Estate Director  
 Dina Brasil, Acting Right-of-Way Manager  
 Christopher Wong, Principal Administrative Analyst  
 Heather Rodgers, Administrative Analyst

*SFPUC / Water Supply and Treatment Division (WSTD):*

- Angela Cheung, Division Manager  
 Ed Forner, Distribution and Maintenance Section Manager  
 Annie Li, Principal Engineer  
 Stacie Feng, Associate Engineer  
 Tracy Leung, Associate Engineer

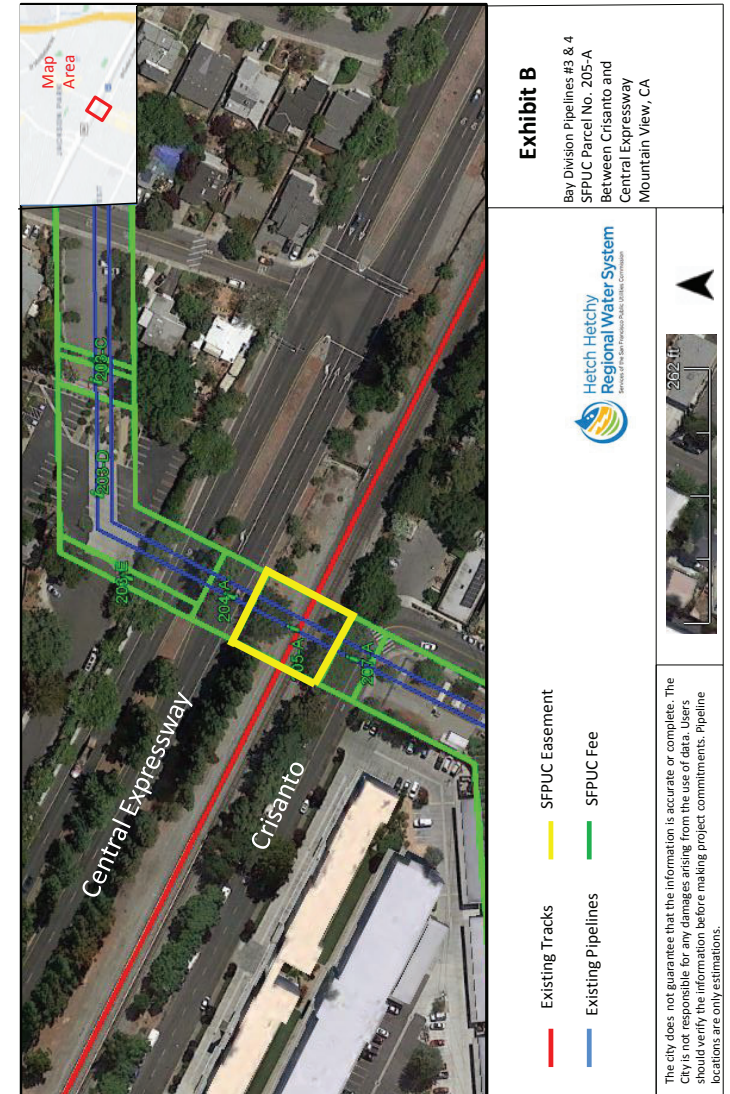
*SFPUC / Water Resources Division (WRD):*

- Paula Kehoe, Division Manager  
 Christopher Lyles, Regulatory Specialist

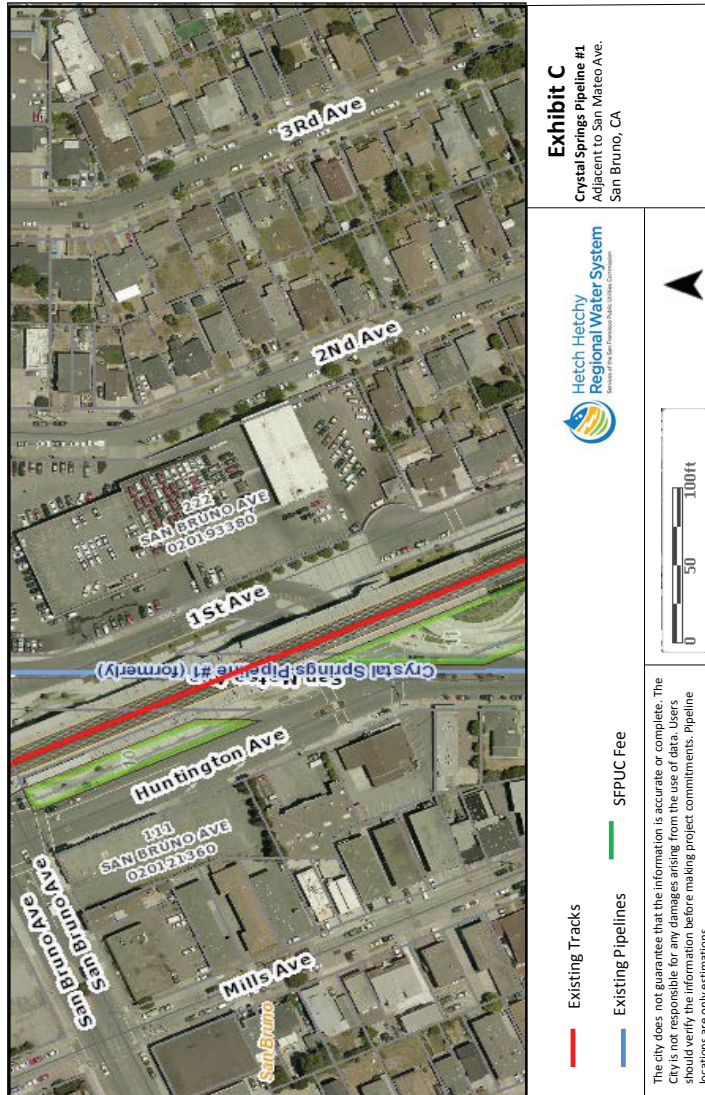
*SFPUC / Bureau of Environmental Management (BEM):*

- Irina Torrey, Bureau Manager  
 Lindsay Revelli, Environmental Planner

Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020) - Continued



Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020) - Continued



# Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

## SFPUC Interim Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties

Approved January 13, 2015

by

SFPUC Resolution No. 15-0014

as an amendment to the SFPUC Real Estate Guidelines

# Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020) - Continued

## SFPUC Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties

As part of its utility system, the San Francisco Public Utilities Commission (SFPUC) operates and maintains hundreds of miles of water pipelines. The SFPUC provides for public use on its water pipeline property or right of way (ROW) throughout Alameda, Santa Clara, and San Mateo counties consistent with our existing plans and policies. The following controls will help inform how and in which instances the ROW can serve the needs of third parties—including public agencies, private parties, nonprofit organizations, and developers—seeking to provide recreational and other use opportunities to local communities.

Primarily, SFPUC land is used to deliver high quality, efficient and reliable water, power, and sewer services in a manner that is inclusive of environmental and community interests, and that sustains the resources entrusted to our care. The SFPUC's utmost priority is maintaining the safety and security of the pipelines that run underneath the ROW.

Through our formal Project Review and Land Use Application and Project Review process, we may permit a secondary use on the ROW if it benefits the SFPUC, is consistent with our mission and policies, and does not in any way interfere with, endanger, or damage the SFPUC's current or future operations, security or facilities.<sup>1</sup> No secondary use of SFPUC land is permitted without the SFPUC's consent.

These controls rely on and reference several existing SFPUC policies, which should be read when noted in the document. Being mindful of these policies while planning a proposed use and submitting an application will ease the process for both the applicant and the SFPUC. These controls are subject to change over time and additional requirements and restrictions may apply depending on the project.

The SFPUC typically issues five-year revocable licenses for use of our property, with a form of rent and insurance required upon signing.<sup>2</sup>

*Note: The project proponent is referred to as the "Applicant" until the license agreement is signed, at which point the project proponent is referred to as the "Licensee."*

<sup>1</sup> SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

<sup>2</sup> SFPUC Guidelines for the Real Estate Services Division, Section 3.3.

### I. Land Use, Structures, and Compliance with Law

The following tenets govern the specifics of land use, structures, and accessibility for a project. Each proposal will still be subject to SFPUC approval on a case-by-case basis.

- A. SFPUC Policies. The Applicant's proposed use must conform to policies approved by the SFPUC's Commission, such as the SFPUC's Land Use Framework (<http://sfwater.org/index.aspx?page=586>).
- B. Americans with Disabilities Act Compliance. The Applicant must demonstrate that a Certified Access Specialist (CASp) has reviewed and approved its design and plans to confirm that they meet all applicable accessibility requirements.
- C. Environmental Regulations. The SFPUC's issuance of a revocable license for use of the ROW is subject to compliance with the California Environmental Quality Act (CEQA). The Applicant is responsible for assessing the potential environmental impacts under CEQA of its proposed use of the ROW. The SFPUC must be named as a Responsible Agency on any CEQA document prepared for the License Area. In addition, the Applicant shall provide to SFPUC a copy of the approved CEQA document prepared by the Applicant, the certification date, and documentation of the formal approval and adoption of CEQA findings by the CEQA lead agency. The SFPUC will not issue a license for the use of the ROW until CEQA review and approval is complete.
- D. Crossover and Other Reserved Rights. For a ROW parcel that bisects a third party's land, the Applicant's proposed use must not inhibit that party's ability to cross the ROW. The Applicant must demonstrate any adjoining owner with crossover or other reserved rights approves of the proposed recreational use and that the use does not impinge on any reserved rights.
- E. Width. The License Area must span the entire width of the ROW.
  - For example, the SFPUC will not allow a 10-foot wide trail license on a ROW parcel that is 60 feet wide.
- F. Structures. Structures on the ROW are generally prohibited. The Licensee shall not construct or place any structure or improvement in, on, under or about the entire License Area that requires excavation, bored footings or concrete pads that are greater than six inches deep.
  - i. Structures such as benches and picnic tables that require shallow (four to six inches deep) cement pads or footings are generally permitted on the ROW. No such structure may be placed directly on top of a pipeline or within 20 feet of the edge of a pipeline.
  - ii. The SFPUC will determine the permitted weight of structures on a case-by-case basis.

## Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020) - Continued

- *When the SFPUC performs maintenance on its pipelines, structures of significant weight and/or those that require footings deeper than six inches are very difficult and time-consuming to move and can pose a safety hazard to the pipelines. The longer it takes the SFPUC to reach the pipeline in an emergency, the more damage that can occur.*

G. Paving Materials. Permitted trails or walkways should be paved with materials that both reduce erosion and stormwater runoff (e.g., permeable pavers).

H. License Area Boundary Marking. The License Area's boundaries should be clearly marked by landscaping or fencing, with the aim to prevent encroachments.

I. Fences and Gates. Any fence along the ROW boundary must be of chain-link or wooden construction with viewing access to the ROW. The fence must include a gate that allows SFPUC access to the ROW.<sup>3</sup> Any gate must be of chain-link construction and at least 12 feet wide with a minimum 6-foot vertical clearance.

### II. *Types of Recreational Use*

Based on our past experience and research, the SFPUC will allow simple parks without play structures, community gardens and limited trails.

A. Fulfilling an Open Space Requirement. An applicant may not use the ROW to fulfill a development's open space, setback, emergency access or other requirements.<sup>4</sup> In cases where a public agency has received consideration for use of SFPUC land from a third party, such as a developer, the SFPUC may allow such recreational use if the public agency applicant pays full Fair Market Rent.

B. Trail Segments. At this time, the SFPUC will consider trail proposals when a multi-jurisdictional entity presents a plan to incorporate specific ROW parcels into a fully connected trail. Licensed trail segments next to unlicensed parcels may create a trail corridor that poses liability to the SFPUC. The SFPUC will only consider trail proposals where the trail would not continue onto, or encourage entry onto, another ROW parcel without a trail and the trail otherwise meet all SFPUC license requirements.

### III. *Utilities*

A. Costs. The Licensee is responsible for all costs associated with use of utilities on the License Area.

<sup>3</sup> SFPUC Right of Way Requirements.

<sup>4</sup> SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

B. Placement. No utilities may be installed on the ROW running parallel to the SFPUC's pipelines, above or below grade.<sup>5</sup> With SFPUC approval, utilities may run perpendicular to the pipelines.

C. Lights. The Licensee shall not install any light fixtures on the ROW that require electrical conduits running parallel to the pipelines. With SFPUC approval, conduits may run perpendicular to and/or across the pipelines.

- Any lighting shall have shielding to prevent spill over onto adjacent properties.

D. Electricity. Licensees shall purchase all electricity from the SFPUC at the SFPUC's prevailing rates for comparable types of electrical load, so long as such electricity is reasonably available for the Licensee's needs.

### IV. *Vegetation*

A. The Applicant shall refer to the SFPUC Integrated Vegetation Management Policy for the *minimum* requirements concerning types of vegetation and planting. (<http://www.sfwater.org/index.aspx?page=431>.) The Licensee is responsible for all vegetation maintenance and removal.

B. The Applicant shall submit a Planting Plan as part of its application.

*(Community garden applicants should refer to Section VII.C for separate instructions.)*

i. The Planting Plan should include a layout of vegetation placement (grouped by hydrozone) and sources of irrigation, as well as a list of intended types of vegetation. The SFPUC will provide an area drawing including pipelines and facilities upon request.

ii. The Applicant shall also identify the nursery(ies) supplying plant stock and provide evidence that each nursery supplier uses techniques to reduce the risk of plant pathogens, such as *Phytophthora ramorum*.

### V. *Measures to Promote Water Efficiency*<sup>6</sup>

A. The Licensee shall maintain landscaping to ensure water use efficiency.

B. The Licensee shall choose and arrange plants in a manner best suited to the site's climate, soil, sun exposure, wildfire susceptibility and other factors. Plants with similar water needs must be grouped within an area controlled by a single irrigation valve

<sup>5</sup> SFPUC Land Engineering Requirements.

<sup>6</sup> SFPUC Rules and Regulations Governing Water Service to Customers, Section F.



## Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020) - Continued

- C. Turf is not allowed on slopes greater than 25 percent.
- D. The SFPUC encourages the use of local native plant species in order to reduce water use and promote wildlife habitat.
- E. Recycled Water. Irrigation systems shall use recycled water if recycled water meeting all public health codes and standards is available and will be available for the foreseeable future.
- F. Irrigation Water Runoff Prevention. For landscaped areas of any size, water runoff leaving the landscaped area due to low head drainage, overspray, broken irrigation hardware, or other similar conditions where water flows onto adjacent property, walks, roadways, parking lots, structures, or non-irrigated areas, is prohibited.

### VI. **Other Requirements**

- A. Financial Stability. The SFPUC requires municipalities or other established organizations with a stable fiscal history as Licensees.
  - i. Applicants must also demonstrate sufficient financial backing to pay rent, maintain the License Area, and fulfill other license obligations over the license term.
- B. Smaller, community-based organizations without 501(c)(3) classifications must partner with a 501(c)(3) classified organization or any other entity through which it can secure funding for the License Area over the license term. Maintenance. The Licensee must maintain the License Area in a clean and slightly condition at its sole cost.<sup>7</sup> Maintenance includes, but is not limited to, regular weed abatement, mowing, and removing graffiti, dumping, and trash.
- C. Mitigation and Restoration. The Licensee will be responsible, at its sole cost, for removing and replacing any recreational improvements in order to accommodate planned or emergency maintenance, repairs, replacements, or projects done by or on behalf of the SFPUC. If the Licensee refuses to remove its improvements, SFPUC will remove the improvements at the Licensee's sole expense without any obligation to replace them.
- D. Encroachments. The Licensee will be solely responsible for removing any encroachments on the License Area. An encroachment is any improvement on SFPUC property not approved by the SFPUC. Please read the SFPUC ROW Encroachment Policy for specific requirements. If the Licensee fails to remove encroachments, the SFPUC will remove them at Licensee's sole expense. The Licensee must regularly patrol the License Area to spot encroachments and remove them at an early stage.

<sup>7</sup> SFPUC Framework for Land Management and Use.

- E. Point of Contact. The Licensee will identify a point of contact (name, position title, phone number, and address) to serve as the liaison between the Licensee, the local community, and the SFPUC regarding the License Agreement and the License Area. In the event that the point of contact changes, the Licensee shall immediately provide the SFPUC with the new contact information. Once the License Term commences, the point of contact shall inform local community members to direct any maintenance requests to him or her. In the event that local community members contact the SFPUC with such requests, the SFPUC will redirect any requests or complaints to the point of contact.

### F. Community Outreach.

- i. Following an initial intake conversation with the SFPUC, the Applicant shall provide a Community Outreach Plan for SFPUC approval. This Plan shall include the following information:
  1. Identification of key stakeholders to whom the Applicant will contact and/or ask for input, along with their contact information;
  2. A description of the Applicant's outreach strategy, tactics, and materials
  3. A timeline of outreach (emails/letters mailing date, meetings, etc.); and
  4. A description of how the Applicant will incorporate feedback into its proposal.
- ii. The Applicant shall conduct outreach for the project at its sole cost and shall keep the SFPUC apprised of any issues arising during outreach.
- iii. During outreach, the Applicant shall indicate that it in no way represents the SFPUC.

- G. Signage. The SFPUC will provide, at Licensee's cost, a small sign featuring the SFPUC logo and text indicating SFPUC ownership of the License Area at each entrance. In addition, the Licensee will install, at its sole cost, an accompanying sign at each entrance to the License Area notifying visitors to contact the organization's point of contact and provide a current telephone number in case the visitors have any issues. The SFPUC must approve the design and placement of the Licensee's sign.

## Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020) - Continued

### VII. *Community Gardens*

The following requirements also apply to community garden sites. As with all projects, the details of the operation of a particular community garden are approved on a case-by-case basis.

- A. The Applicant must demonstrate stable funding. The Applicant must provide information about grants received, pending grants, and any ongoing foundational support.
- B. The Applicant must have an established history and experience in managing urban agriculture or community gardening projects. Alternatively, the Applicant may demonstrate a formal partnership with an organization or agency with an established history and experience in managing urban agriculture or community gardening projects.
- C. During the Project Review process, the Applicant shall submit a Community Garden Planting Plan that depicts the proposed License Area with individual plot and planter box placements, landscaping, and a general list of crops that may be grown in the garden.
- D. The Applicant shall designate a Garden Manager to oversee day-to-day needs and serve as a liaison between the SFPUC and garden plot holders. The Garden Manager may be distinct from the point of contact, see Section VI.E.
- E. The Licensee must ensure that the Garden Manager informs plot holders about the potential for and responsibilities related to SFPUC repairs or emergency maintenance on the License Area. In such circumstances, the SFPUC is not liable for the removal and replacement of any features on the License Area or the costs associated with such removal and replacement.
- F. The Licensee must conduct all gardening within planter boxes with attached bottoms that allow for easy removal without damaging the crops.

## Response to Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020)

### 1146-804

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment notes that the proposed rail corridor from San Francisco to San Jose would cross SFPUC water transmission lines at multiple locations and asserts the need for protection of all infrastructure through all phases of construction. The comment further requests coordination with SFPUC regarding infrastructure and that any new utility lines avoid crossing SFPUC transmission pipelines and stay outside of SFPUC pipeline easements.

The Authority appreciates the importance of water infrastructure. The Draft EIR/EIS Volume 3, Preliminary Engineering Plans, identifies where the proposed project would cross existing major infrastructure (including water lines) and indicates preliminary plans to either protect such infrastructure in place or relocate it. Appendix 3.6-A, Public Utilities and Energy Facilities, of the Final EIR/EIS, summarizes the known conflicts with major utilities and the proposed disposition for each conflict. As identified in this appendix, for Alternative A (the Authority's Preferred Alternative), all existing major water infrastructure would be protected in place. For Alternative B, while most major water infrastructure would be protected in place, relocation of existing water infrastructure may be required in Brisbane, San Mateo, and San Carlos.

Neither project alternative would require utility lines or foundations within SFPUC pipeline easements. The Authority would coordinate all construction within SFPUC easements with SFPUC. Please refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, which addresses the Authority's process of coordinating with local government entities.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1146-805

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment states the need for SFPUC to maintain unimpeded access to its facilities. SFPUC would retain the ability to access its facilities during both construction and operation of the project. Please refer to Standard Response: FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners, The standard response addresses the Authority's process of coordinating with local government entities.

The comment also includes a request that Appendix 3.6-A, Public Utilities and Energy Facilities, be revised to present SFPUC transmission pipelines as an existing major utility within the RSA. Appendix 3.6-A does not include all existing major utilities within the RSA, but instead the known major utilities that would conflict with the project and require relocation or protection in place. Although not referenced in this comment, the Authority reviewed Exhibits A through C of submission FJ-1146, which showed several SFPUC pipelines. At San Bruno Station, proposed track and platform work is indicated north and south of San Mateo Avenue on the existing aerial guideway. There is no work proposed directly over San Mateo Avenue where the SFPUC pipeline is located. Accordingly, there is no need to revise Appendix 3.6-A. to address this comment.

## Response to Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020) - Continued

### 1146-806

The comment notes that the SFPUC does not allow any primary emergency vehicle access to be located on SFPUC property. HSR service would operate within the Caltrain corridor on the San Francisco Peninsula where the SFPUC has some property adjacent to the Caltrain right-of-way (such as in North Fair Oaks, Burlingame, Millbrae, and San Bruno). Emergency vehicle access to the Caltrain right-of-way would use the existing routes of access to the right-of-way, which includes the multiple at-grade crossing locations as well as other access locations controlled by Caltrain. The HSR project does not include any additional stand-alone emergency vehicle access improvements to the Caltrain corridor. Based on the current design, the project does not include any emergency vehicle access improvements that cross SFPUC property. Later in the design phase, the Authority would coordinate with the SFPUC for any temporary or permanent encroachments associated with the HSR project on SFPUC property. The comment did not result in any revisions to the Draft EIR/EIS.

### 1146-807

The comment provides information about the process for SFPUC's review of proposed uses of SPUC property. The Authority will engage with SFPUC regarding temporary construction uses during final design and prior to construction. The comment also requests revision to Volume 2, Appendix 3.1-A, Parcels within the HSR Project Footprint, of the Draft EIR/EIS, to provide greater detail about the extent of construction easements. The Authority believes that with the information provided in Appendix 3.1-A and in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, the public and key agencies have the information necessary to understand the extent of the project footprint and the parcels intersected by each of the project alternatives. An interactive online map is also available on the Authority's website, which depicts the footprint of the project alternatives in relation to parcel boundaries: <https://mapshnrcal.org/sanfrancisco-sanjose/>. The comment did not result in any revisions to the Draft EIR/EIS.

### 1146-808

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment states that projects on SFPUC property or near SFPUC infrastructure must be consistent with SFPUC-adopted policies and the SFPUC's primary mission as a water utility.

Please refer to the responses to submission FJ-1146, comments 804 and 805. Additionally, please note that the Authority fully anticipates that the HSR project would be consistent with SFPUC-adopted policies, including emergency engineering, operations, or maintenance requirements and needs. No interference with SFPUC facilities or uses that would be inconsistent with SFPUC's primary mission are anticipated. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020) - Continued

### 1146-809

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment states that the project could intersect with SFPUC's Bay Division Pipelines 1, 2, and 5, which run under and across the SPRR tracks adjacent to 2736 Westmoreland Avenue in Redwood City (SFPUC Parcel 2089). In reviewing project plans in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS as well as the map included as Exhibit A of submission FJ-1146, the Authority notes that no trackwork or project features are proposed at the indicated location of Bay Division Pipelines 1, 2, or 5. Accordingly, this location was not identified in Appendix 3.6-A, Public Utilities and Energy Facilities, as posing a conflict with a major utility.

Notwithstanding, the Authority understands the importance of SFPUC's water infrastructure and will work with SFPUC staff throughout the construction and operations phases to ensure adequate coordination and unimpeded access to SFPUC facilities. The standard responses referenced above address this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1146-810

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment states that SFPUC's Bay Division Pipelines 3 and 4 run under and across the tracks adjacent to Crisanto Avenue and Central Expressway. The comment states that at this location (SFPUC Parcel No. 205-A as shown in Exhibit B of submission FJ-1146), SFPUC holds a right-of-way easement for the construction, maintenance, and operation of four steel water pipelines. The comment adds that any improvements proposed within the SFPUC easement are subject to review and approval by SFPUC's Project Review Committee.

In reviewing project plans in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS as well as the map included as Exhibit B of submission FJ-1146, the Authority notes that the proposed project would use existing railroad tracks at the cited location (near Station 1963) and proposes no modifications to those tracks. Accordingly, this location was not identified in Appendix 3.6-A, Public Utilities and Energy Facilities, as posing a conflict with a major utility.

Notwithstanding, the Authority understands the importance of SFPUC's water infrastructure and will work with SFPUC staff throughout the construction and operations phases to ensure adequate coordination and unimpeded access to SFPUC facilities. The standard responses referenced above address this topic. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1146 (Steven Ritchie, San Francisco Public Utilities Commission, September 9, 2020) - Continued

### 1146-811

Refer to Standard Response FJ-Response-PUE-1: Major and High-Risk Utilities/Utility Infrastructure, FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The comment states that SFPUC's Crystal Springs No. 1 Pipeline runs under and across existing railroad tracks at the intersection of Huntington Avenue and San Mateo Avenue in San Bruno. The comment states that at this location (shown in Exhibit C of submission FJ-1146), SFPUC owns fee parcels (SFPUC Parcels 10 and 11) at which BART holds both permanent subsurface and temporary surface easements. The comment adds that any improvements proposed within SFPUC fee property are subject to review and approval by SFPUC's Project Review Committee.

In reviewing project plans in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS as well as the map included as Exhibit C of submission FJ-1146, the Authority notes that the approximate location of the Crystal Springs No. 1 Pipeline crosses the center of existing platforms of the San Bruno Caltrain Station. Work near the approximate location of the pipeline is limited to minor track work and platform modifications. Proposed HSR track and platforms at this location would be aerial, spanning the Crystal Springs No. 1 Pipeline. No surface or underground work is proposed over the Crystal Springs No. 1 Pipeline.

The Authority understands the importance of SFPUC's water infrastructure and will work with SFPUC staff throughout the construction and operations phases to ensure adequate coordination and unimpeded access to SFPUC facilities. The standard responses referenced above address this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1146-812

To address this comment, the Authority has added the groundwater basins applicable to the Project Section, their appropriate groundwater sustainability agency(ies), and revised the prioritizations for the groundwater basins to "very low" in Section 3.8.2.2, State, in the Final EIR/EIS.

### 1146-813

In response to this comment, the prioritization for the groundwater basin referenced in the comment has been revised to "very low" in Section 3.8.2.2, State, in the Final EIR/EIS.

### 1146-814

The sentence in Section 3.8.5.4, Groundwater, was deleted in the Final EIR/EIS per SFPUC's suggestion.

### 1146-815

The Drinking Water Supply subsection in Section 3.8.5.4, Groundwater, was revised in the Final EIR/EIS to include the clarifying information in SFPUC's comment.

### 1146-816

Refer to Standard Response FJ-Response-PUE-2: Coordination with Local Government Entities and Utility Owners.

The SFPUC is a key local agency, and the Authority is committed to continuing engagement with SFPUC.

The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS.

Submission 1047 (Chris Morrisey, San Jose Arena Authority, August 17, 2020)

San Jose Arena Authority

P.O. BOX 90207  
SAN JOSE, CA 95109-520  
TEL 408.977.4784  
TEL 408.977.4780  
TTY 408.977.4779

California High-Speed Rail Authority  
Attn: San Francisco to San Jose Draft Environmental Impact Report/  
Environmental Impact Statement (EIR/EIS)  
August 13, 2020  
Page 2

August 13, 2020

California High-Speed Rail Authority  
Attn: San Francisco to San Jose Draft Environmental Impact Report/  
Environmental Impact Statement (EIR/EIS)  
770 L Street, Suite 620  
Sacramento, CA 95814

To Members of the California High-Speed Rail Authority:

This letter is in response to the issuing of the California High-Speed Rail Authority's Draft Environmental Document for the San Francisco to San Jose Project Section. Please note that the points contained in this letter specifically relate to the High-Speed Rail project and the operations of SAP Center at San Jose and the San Jose Diridon Station.

Recognizing the significance of this extraordinary statewide rail project planned for San Jose, please consider the following points:

1047-113

Create a Community Oversight Committee

That the California High-Speed Rail Authority (CHSRA), working in conjunction with the City of San Jose, establishes a standing High-Speed Rail community oversight committee to monitor the progression of the planning, design, construction and operation associated with the new rail line. It is imperative to establish this public oversight committee prior to any significant milestones reached in relation to the design and construction of the rail line in San Jose. Representation on the community oversight committee could include the appropriate City departments, the Santa Clara Valley Transportation Authority, Caltrain, the San Jose Arena Authority, the San Jose Downtown Association, the Silicon Valley Organization, Sharks Sports & Entertainment (the operator of SAP Center at San Jose), The Alameda Business Association, the Bay Area Rapid Transit (BART), area commercial and residential neighborhood associations and other prominent area stakeholders impacted by the planning, construction and operation of the High-Speed Rail line in San Jose.

1047-114

Collaborative Engagement

That the CHSRA works cooperatively with the City of San Jose, the Santa Clara Valley Transportation Authority and the Bay Area Rapid Transit as the City, VTA and BART are currently working cooperatively in completing the new BART rail line with service in Downtown San Jose and SAP Center at San Jose. As you know, the introduction of both BART and High-Speed Rail into the western section of Downtown San Jose will have significant, generational impacts from construction to completion and operation of these two new forms of public transit. Along with the modernization of Caltrain, efforts to work cooperatively will aid in mitigating the significant impacts of these three transformative urban transit projects.

1047-114

Engagement with SAP Center Management, the operator of SAP Center at San Jose, is paramount for the success of both the High Speed Rail line and the operations of the Center. Please note that SAP Center at San Jose is an active, regional sports and entertainment venue, conducting approximately 150-175 events each year. A cooperative effort to establish a foundation for the uninterrupted operation of the Center is critical to the successful, regular functioning of the facility as well as the successful delivery of the new rail line.

1047-115

Parking and Operational Elements

That through dialogue with the City and SAP Center Management, the on-site and off-site parking inventories in and around SAP Center at San Jose are not negatively impacted by the preparation, construction or the operation of the High-Speed Rail. Thoughtful discussion among all parties will need to occur to ensure that parking inventories for SAP Center at San Jose fully support the day-to-day operation of the facility. Please note that the City is obligated to make available agreed-upon parking levels to ensure the successful operation of the Center.

1047-116

Vehicular and Pedestrian Movement Efforts

That the CHSRA works in concert with the City, the VTA and SAP Center Management to establish comprehensive, agreed-upon plans for vehicular, public transit and pedestrian movements in the vicinity of the SAP Center at San Jose. This plan would include all vicinity streets as it relates to vehicular, public transit and pedestrian movements, including uninterrupted access to SAP Center at San Jose (including access to parking lots and pedestrian routes), construction detours, construction equipment staging areas, street closures, heavy equipment routes, residential and commercial street access, and maintaining the integrity of the area neighborhoods and Downtown San Jose.

1047-117

San Jose Diridon Rail Station Development

That an inclusive, collaborative effort be undertaken to address the anticipated transformation of the San Jose Diridon Station area. This may be the most critical element in the preparation of the arrival of High-Speed Rail to San Jose, as the San Jose Diridon Station will eventually be refigured from a regional transit destination into a world-renowned, multimodal transit center. Once again, with a dedicated team of essential stakeholders (including representatives from Google) and expert station designers involved in the planning, design, construction and function of the new San Jose Diridon Station, the results could truly be transformative. San Jose could be widely lauded for a 21<sup>st</sup> century transit centerpiece that beautifully complements Downtown San Jose and the adjacent residential and commercial neighborhoods.

Submission 1047 (Chris Morrisey, San Jose Arena Authority, August 17, 2020) - Continued

California High-Speed Rail Authority  
Attn: San Francisco to San Jose Draft Environmental Impact Report/  
Environmental Impact Statement (EIR/EIS)  
August 13, 2020  
Page 3

1047-118

Community-Based Collaboration

That the CHSRA establishes a regular community meeting schedule in an effort to keep San Jose City officials, residents, and businesses apprised of regular activity on the High-Speed Rail project. These community meetings should begin as soon as practical - long before project construction commences near the Downtown core - and should continue on a regular basis through the introduction and operation of the rail line in San Jose.

In closing, the Arena Authority appreciates commenting on the California High-Speed Rail Authority's San Francisco to San Jose Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS). We look forward to proactive, regular civic engagement with this transformative statewide rail project. Please feel free to contact me with any comments.

Sincerely,



Chris Morrisey  
Executive Director

- c: Members of the San Jose Arena Authority Board of Directors
- Members of the Arena Events Operations Committee
- Bill Ekern, City of San Jose, Office of Economic Development
- Jim Goddard, SAP Center Management
- Nanci Klein, City of San Jose, Office of Economic Development



## Response to Submission 1047 (Chris Morrisey, San Jose Arena Authority, August 17, 2020)

### 1047-113

The Authority has conducted extensive community and agency outreach, which is documented in Chapter 9, Public and Agency Involvement, of the Final EIR/EIS. The Authority conducted outreach to public transit agencies and held or participated in many meetings with transit agencies including meetings with BART, Caltrain, and VTA. Many meetings were held with representatives from the counties and cities along the corridor, including the City and County of San Francisco; San Mateo County; the cities of Brisbane, South San Francisco, San Bruno, Millbrae, Burlingame, San Mateo, Belmont, San Carlos, Redwood City, the town of Atherton, and Menlo Park; Santa Clara County; and the cities of Palo Alto, Mountain View, Sunnyvale, Santa Clara, and San Jose. The Authority also met with neighborhood associations and community organizations along the alignment as well as groups from the Silicon Valley.

The Authority held a series of community working group meetings during development of the Draft EIR/EIS and Final EIR/EIS. A community working group is a voluntary group of community members who represent various constituencies along the San Francisco to San Jose project corridor and local interest groups involved in transportation, environmental sustainability, and social issues in the region. The Authority also held regular technical working group meetings throughout development of the Draft EIR/EIS and Final EIR/EIS. As described in Section 9.4.2.7, Technical Working Group Meetings, these groups included the Caltrain Blended Infrastructure Working Group, Local Policy Makers Group, City/County Staff Coordinating Group, and Millbrae Station Area Intermodal Working Group. These group meetings included representatives from cities, counties, and public agencies from along the project alignment.

Table 9-2 lists the meetings that occurred and Appendix 9-A provides additional detail for each meeting. Additional meetings that have been held since the publication of the Draft EIR/EIS have been updated in the Final EIR/EIS.

Under the San Jose to Merced Project Section, the Authority held several meetings with the SAP Center, which are documented in Chapter 9, Public and Agency Involvement, of the San Jose to Merced Project Section Final EIR/EIS. The Authority is committed to continuing this engagement with the agencies and communities in the project area, and with this extensive outreach and engagement, development of an oversight committee is not required or necessary. The comment did not result in any revisions to the Draft EIR/EIS.

### 1047-114

As described in Draft EIR/EIS Section 1.3, Relationship to Other Agency Plans, Policies, and Programs, and Section 1.4, Relationship to Other Transportation Projects in the Study Area, the objectives of the California HSR System include providing an interface between the HSR system and major commercial airports, highway network, and public transit including BART and Caltrain. Other key plans and projects have been considered in the planning and development of the San Francisco to San Jose Project Section and stations. The Authority also has engaged with the City of San Jose, VTA, BART, and Caltrain regularly throughout the planning process as identified in Table 9-2 of the Final EIR/EIS and will continue to coordinate as the project progresses. Under the San Jose to Merced Project Section, the Authority held several meetings with the SAP Center, which are documented in Chapter 9, Public and Agency Involvement, of the San Jose to Merced Project Section Draft EIR/EIS (Authority 2020g). The Authority is committed to continued engagement with SAP Center throughout the environmental review process and as the project progresses to final design and ultimately construction. The comment did not result in any revisions to the Draft EIR/EIS.

### 1047-115

Please refer to Section 3.2.5.3, Existing Parking at Proposed HSR Stations, of the Draft EIR/EIS for a discussion of parking in this area. Please also refer to Impacts TR#6 and TR#7 in Section 3.2.6.3, Parking, of the Draft EIR/EIS for the analysis of the project's temporary and permanent impacts on parking, including that of the SAP Center. The Authority has committed to replacing permanently displaced parking spaces at the San Jose Diridon Station and SAP Center on a 1:1 basis to preclude permanent loss of parking spaces for station users or SAP Center patrons. The Draft EIR/EIS analysis concludes that parking demand would continue to be met during project construction and operations such that new remote parking facilities (beyond those evaluated as part of the project) would not be required. For these reasons, the Draft EIR/EIS concludes that the project would not result in significant secondary environmental effects on transportation, air quality, noise, safety, or land use related to parking demands or non-project remote parking facilities. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1047 (Chris Morrisey, San Jose Arena Authority, August 17, 2020) - Continued

### 1047-116

Refer to Standard Response FJ-Response-TR-2: Construction Traffic and Parking Management.

The comment suggests that the Authority should work with the City of San Jose, VTA, and SAP Center Management to establish provisions for vehicular, transit, and pedestrian access to the SAP Center. The Authority is committed to continued engagement with the City of San Jose, VTA, and SAP Center throughout the environmental review process and as the project progresses to final design and ultimately construction.

Please refer to Impact TR#2, Impact TR#3, Impact TR#8, and Impact TR#15 in Section 3.2, Transportation, of the Draft EIR/EIS for a discussion of the project's effects on vehicles, transit, pedestrians, and bicycles during construction. Please also refer to TR-IAMF#2, TR-IAMF#4, TR-IAMF#5, TR-IAMF#6, TR-IAMF#7, TR-IAMF#8, and TR-IAMF#11 in Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Final EIR/EIS for a description of the contractor's requirements to provide safe and adequate vehicle, transit, bicycle, and pedestrian access during construction. TR-IAMF#8 requires the contractor to provide a mechanism to prevent roadway construction activities from reducing roadway capacity during major athletic events or other special events that substantially (10 percent or more) increase traffic on roadways affected by project construction. Mechanisms include the presence of police officers directing traffic, special-event parking, use of within-the-curb parking, or shoulder lanes for through-traffic and traffic cones.

TR-IAMF#2 requires that the contractor work in close coordination with the local jurisdiction having authority over the site where work is being performed. For construction work in proximity to the SAP Center, the contractor is required to engage with and obtain the approval of the City of San Jose for all work occurring within the City's right-of-way, including the roadways, sidewalks, and other transportation infrastructure providing special event access.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1047-117

The comment is noted. The San Jose Diridon Station is a focal point for a complex and dynamic set of land use planning processes, which will be undertaken by different entities and will proceed on independent timetables. The Authority is committed to working both with the DISC partner agencies (regarding advancing DISC) and the City of San Jose and Google (regarding the Google project) to advance the separate planning processes for the HSR project, DISC, and the Google project and to find mutually agreeable solutions to allow all three projects to be implemented. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS and did not result in any revisions to the Draft EIR/EIS.

### 1047-118

Please refer to Section 9.4.4, Community Working Group Meetings, of the San Jose to Merced Project Section Final EIR/EIS (Authority 2022). The Authority held a series of CWG meetings during development of the San Jose to Merced Project Section Draft EIR/EIS, which included a San Jose CWG. The Authority also held technical working group meetings between 2016 and 2020, during which participants could share information, express concerns or preferences, and relay important updates. As shown in Table 9-4 in the San Jose to Merced Project Section Draft EIR/EIS, the Authority held 15 CWG meetings and 8 technical working group meetings with the City of San Jose. The Authority is committed to continuing engagement with the local stakeholders as the project progresses through design and construction. The comment did not result in any revisions to the San Francisco to San Jose Project Section Draft EIR/EIS.

## Submission 1147 (Carter Mau, San Mateo County Transit District, September 9, 2020)

**San Francisco - San Jose - RECORD #1147 DETAIL**

**Status :** Unread  
**Record Date :** 9/10/2020  
**Interest As :** Local Agency  
**First Name :** Carter  
**Last Name :** Mau  
**Attachments :** 09-09-2020 SF\_SJ- District Comments HSR DEIRS\_signed CM.pdf (165 kb)

**Stakeholder Comments/Issues :**

Hello Boris and Team,

Please see attached comment letter from the San Mateo County Transit District sent on behalf of Carter Mau, Deputy General Manager/CEO.

If you have questions, please feel free to reach out. Thank you for the opportunity to provide comments.

Sincerely,

April Chan

April Chan  
Chief Officer, Planning, Grants, and Transportation Authority  
San Mateo County Transit District  
SamTrans / Caltrain / TA  
1250 San Carlos Avenue  
P.O. Box 3006  
San Carlos, CA 94070-1306  
Tel: 650-508-6228<tel:650-508-6228>  
Fax: 650-622-8086<tel:650-622-8086>  
Email: chana@samtrans.com<mailto:chana@samtrans.com>

**BOARD OF DIRECTORS 2020**

KARYL MATSUMOTO, CHAIR  
PETER RATIO, VICE CHAIR  
RON COLLINS  
MARINA FRASER  
CAROLE GROOM  
ROSE GULBAULT  
DAVE PINE  
JOSH POWELL  
CHARLES STONE

JIM HARNETT  
GENERAL MANAGER/CEO

September 9, 2020

Mr. Boris Lipkin  
Northern California Regional Director  
California High-Speed Rail Authority  
**Attn: Draft San Francisco to San Jose Project Section EIR/EIS**  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113

**RE: San Mateo County Transit District Comments on the Draft San Francisco to San Jose Project Section EIR/EIS**

Dear Mr. Lipkin,

The San Mateo County Transit District (District), which is the public agency that serves as the principal mobility manager for public transit and transportation programs in San Mateo County, commends the California High-Speed Rail Authority (CHSRA) on the release of its Draft EIR/EIS for the San Francisco to San Jose High-Speed Rail project section – this is a major milestone for CHSRA’s program. The District operates SamTrans bus service and oversees third party contracts that provide additional community bus services, Redi-Wheels paratransit service, and shuttle services that support first and last mile connections. In addition, the District serves as the Managing Agency for the Caltrain commuter rail service that operates from San Francisco to Santa Clara County along the Peninsula Corridor and the San Mateo County Transportation Authority (SMCTA) that administers Transportation Expenditure programs under two different one-half cent sales tax programs that were approved by the San Mateo County voters. Caltrain and the SMCTA have contracted with the District to serve as their Managing Agency, under the direction of their respective boards of directors. Both the District and the SMCTA have invested millions of dollars in the Caltrain system and service over the past several decades. Finally, the District is the co-owner with the Peninsula Corridor Joint Powers Board (PCJPB)/Caltrain of the Peninsula rail Corridor within San Mateo County and is the sole owner of the Dumbarton Rail Corridor as described below.

The purpose of this letter is to provide formal comments on the Draft EIR/EIS, pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Specifically, the District desires to ensure (1) all impacts of the proposed project to District

**SAN MATEO COUNTY TRANSIT DISTRICT**  
1250 San Carlos Ave. - P.O. Box 3006  
San Carlos, CA 94070-1306 (650)508-6200

Submission 1147 (Carter Mau, San Mateo County Transit District, September 9, 2020) - Continued

Boris Lipkin  
September 9, 2020  
Page 2 of 5

services and property are adequately characterized and addressed, (2) the necessary level of coordination with the District to gain access to the right-of-way of the Peninsula Corridor within San Mateo County, (3) appropriate coordination with the District for station area planning where District services such as SamTrans bus service will facilitate multi-modal access to stations, and (4) that the proposed project enhances and does not compromise, impede or make more costly existing or future Caltrain service or the infrastructure required to support it.

The District is an active participant, investor and supporter of the development of the Caltrain Business Plan that led to the adoption of the Caltrain 2040 Long Range Service Vision in October of 2019. We acknowledge that the Peninsula Corridor Joint Powers Board/Caltrain has submitted a comment letter on the Draft EIR/EIS as well, and we echo and support their concerns with the project.

1147-799

Dumbarton Rail Corridor

The District is the owner of the Dumbarton Rail Corridor, which connects to the Peninsula Corridor just south of Redwood City. Most recently, the District has entered into an Exclusive Negotiating Agreement with Cross Bay Transit Partners, LLC for due diligence (including environmental, engineering, financial and other technical evaluations) to pursue a transit service connection from Redwood City to the East Bay (Union City). The Dumbarton Rail Corridor is an asset of the District that could be affected by agreements for service along the Peninsula Corridor that traverses San Mateo County. Several potential service options have been studied since the early 90s for rehabilitation/reconstruction of the railroad bridge that crosses the South Bay implying connections or use of the Peninsula Corridor. The District also owns property at the Dumbarton Wye that is separate from the Dumbarton Rail Corridor but is located where that corridor meets the Peninsula Corridor.

The Draft EIR/EIS mentions the Dumbarton Rail Corridor Project in Chapter 3, Transportation, but determines it's not reasonably foreseeable and therefore is not included in the impact assessment or even the No Build Alternative:

*"The Dumbarton Rail Corridor Project would extend commuter rail service across the southern portion of the San Francisco Bay between the San Francisco Peninsula and the East Bay. The rail corridor would link Caltrain, ACE, Amtrak's Capitol Corridor, and BART, as well as East Bay bus systems, at a multimodal transit center in Union City (San Mateo County Transportation Authority 2018). In 2017, the SamTrans Board of Directors approved the Final Dumbarton Transportation Corridor Study and authorized additional planning and conceptual design activities (SamTrans 2017). The Dumbarton Rail Corridor Project is not yet fully funded and thus is not addressed as part of the No Project conditions."*

While the project itself is not fully funded at this time, the asset is owned by the District and will be developed for future service. The Dumbarton Rail Corridor Project will be included in Plan Bay Area 2050 and any risk to the use of the asset will not be acceptable to the District. It is worth noting that any rights to the Peninsula Corridor agreed to in the Peninsula Corridor

Boris Lipkin  
September 9, 2020  
Page 3 of 5

1147-799

Electrification Project, Project Management and Funding Agreement, dated December 5, 2018 (PMFA), does not include the Dumbarton Rail Corridor Property. **Use of the Dumbarton Rail Corridor asset, the Dumbarton Wye or any other District-owned property that is contiguous to the Peninsula Corridor for high-speed rail service will need to be coordinated directly with the District.**

1147-800

Evaluation of Impacts to District Services

The District serves to coordinate transit across San Mateo County, operating over 70 bus routes (SamTrans service) throughout San Mateo County and into parts of San Francisco and Palo Alto. The District, Caltrain, and the SMCTA jointly fund 45 shuttle routes that provide service across 18 cities and provide first/last mile connections to 16 Caltrain and/or BART stations. In the long-term, demand for transit service on the Peninsula is expected to grow due to increased development, electrified Caltrain service, implementation of the 2040 Caltrain Long Range Service Vision, implementation of high-speed rail service, and the implementation of Reimagine SamTrans, the District's Comprehensive Operational Analysis. The two major multi-modal hubs within San Mateo County, Redwood City Station and Millbrae Station, are both affected by CHSRA plans on the Peninsula, and gate-down time/delays are areas of concern and subject to coordination with the District.

1147-801

The Draft EIR/EIS describes existing SamTrans bus service and paratransit service and distinguishes impacts to high-frequency bus routes (those with service every 15 minutes or less). The analysis also refers to shuttles providing connections to the 4<sup>th</sup> and King Street Station, Millbrae Station and San Jose Diridon Station that include both public and private services provided by transit agencies, community organizations, employers and academic and cultural organizations. **It is not clear to the reader whether the 45 shuttle routes jointly funded by the District, Caltrain and SMCTA are included in this evaluation.** Another example of the need for clarity on what services are affected: the CEQA significance criteria for transit impacts is very broad indicating the project would have a significant impact if it would: conflict with a program, plan, ordinance, or policy regarding public transit, or otherwise materially decrease the performance of such facilities or services. According to the Draft EIR/EIS, significant impacts under CEQA are anticipated to local bus service based on bus performance delays for 9 high-frequency bus routes. Specifically, increased delays from added gate-down time at at-grade crossings would contribute to increased delay on two high-frequency bus routes, and increased delays from added vehicle traffic at the three high-speed rail stations would contribute to increased delay on seven high-frequency bus routes. **It would be useful for CHSRA to list out the routes and shuttles evaluated, by provider, so we can ensure you've captured them all.**

1147-802

The anticipated impacts identified in the Draft EIR/EIS include:

Temporary Impacts on Bus Transit

- Project-related construction staging, and traffic would interfere with bus transit along roadways and at the existing 4th and King Street, Millbrae, and San Jose Diridon Stations.

Submission 1147 (Carter Mau, San Mateo County Transit District, September 9, 2020) - Continued

Boris Lipkin  
September 9, 2020  
Page 4 of 5

1147-802

- The Temporary Construction Easements (TCEs) would require the temporary closure of parking areas, bus stops, or roadway travel lanes.
  - Roadway closures due to construction of CHSRA’s project that affect transit service.
  - Temporary closure of Caltrain station parking areas (at the San Carlos, Belmont, Hillsdale, and Hayward Park stations for Alternative B passing track construction).
  - The impact of roadway, bus stop, or bus line routing changes that include:
    - Temporary closure and relocation of bus stops, including but not limited to during construction of improvements at the 4th and King Street, Millbrae, and San Jose Diridon Stations.
    - Temporary rerouting of bus lines because of temporary roadway closures.
    - Temporary closure of parking to accommodate relocated bus facilities.
    - Temporary closure and relocation of sidewalks, crosswalks, and curb ramps used to access bus stops.
  - Temporary delays of buses because of changes in vehicle circulation and increased travel time during construction of CHSRAs project, particularly at designated at-grade rail crossings where four-quadrant gates would be installed over a 2- to 4-week period.
  - Delays to buses and bus stop relocations due to modifications to rail undercrossings (required for construction of the passing track for Alternative B through San Mateo, Belmont, San Carlos, and Redwood City).
- Permanent Impacts on Bus Transit
- CHSRA only addressed bus routes considered high frequency, defined as routes with service every 15 minutes or less.
  - Modifications and closures throughout the roadway network to accommodate the modifications to stations, platforms, track alignment, at-grade crossing gate improvements, and Brisbane LMF.
  - The increase in gate-down events at at-grade crossings from added high-speed rail trains and project-related vehicle trips at stations will increasing delays at adjacent intersections in terms of bus performance delay, on-time performance, and operating speeds, affecting nine high-frequency bus routes.
    - SamTrans Route ECR that travels primarily along El Camino Real between the Daly City BART Station and the Palo Alto Transit Center: would experience increased delays at intersections along El Camino Real because of added vehicle trips generated by high-speed rail passengers traveling to and from the Millbrae Station. The project would adversely affect six of seven study intersections along El Camino Real between Hillcrest Boulevard and Trousdale Drive in Millbrae. When comparing 2040 Plus Project to 2040 No Project conditions, delays at the intersection of El Camino Real and Millbrae Avenue would increase by 7 seconds in the PM peak hour.

1147-802

1147-803

Boris Lipkin  
September 9, 2020  
Page 5 of 5

- SamTrans Route 296 that connects the Redwood City Transit Center, the Menlo Park Caltrain Station, and the Palo Alto Transit Center: would experience increased delays at the Ravenswood Avenue at-grade crossing in Menlo Park because of increased gate-down time from added high-speed rail trains. When comparing 2040 Plus Project to 2040 No Project conditions at the Ravenswood at-grade crossing, delays at the adjacent intersection of Ravenswood Avenue and Merrill Street would increase by 14 seconds in the AM peak hour.

To fully address the anticipated impacts listed above, **we also request CHSRA include the District in the development of construction management and coordination plans to ensure continuity of District transit services during construction and include the District in the development of station area plans for transit access planning purposes.** Similar to mitigation measure, TR-MM#3, Implement Railway Disruption Control Plan, **we recommend coordination among the construction contractor and SamTrans in advance and during any potential disruption to bus service.**

We appreciate the opportunity to provide our comments on CHSRA’s San Francisco to San Jose Draft EIR/EIS and respectfully request resolution of the issues and clarifications identified in this letter. The District, as the Managing Agency for Caltrain, has made substantial investments in the Peninsula Corridor and holds in highest priority, preserving the Caltrain service and the transportation it provides for San Mateo County. Ensuring any high-speed rail service does not preclude the advancement of Caltrain’s 2040 Long Range Service Plan is important to the District. Ultimately, we look forward to advancing and completing necessary blended system planning work with CHSRA and with our local and regional partners so that we can meaningfully advance the operationalization of high-speed rail service on the Peninsula Corridor as outlined in Caltrain’s Long Range 2040 Service Vision.

Sincerely,



Carter Mau  
Deputy General Manager/CEO  
San Mateo County Transit District

## Response to Submission 1147 (Carter Mau, San Mateo County Transit District, September 9, 2020)

### 1147-799

The comment notes that the Dumbarton Rail Corridor is an asset of SamTrans and that use of the corridor would need to be coordinated directly with SamTrans.

As the comment states, the Dumbarton Rail Corridor project has been the subject of study, but is not funded at this time and it has not completed its environmental review. It thus falls into a class of projects that may or may not be implemented, along with other projects in similar situations. Projects in this situation are not considered reasonably foreseeable for purposes of the analysis and are not considered in the cumulative analysis for the San Francisco to San Jose Project Section EIR/EIS.

The Authority is working closely with Caltrain on all aspects of the HSR project design and implementation. If the Dumbarton Rail Corridor is advanced in the future, the Authority would work closely with Caltrain to help facilitate both the HSR project and advancement of the Dumbarton Rail Corridor project, as appropriate.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1147-800

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment states that the Draft EIR/EIS describes transit service in San Mateo County but it is not clear if the 45 shuttle routes jointly funded by SamTrans, Caltrain, and SMCTA are included in the evaluation.

Please refer to Impact TR#5 of Section 3.2, Transportation, of the Draft EIR/EIS, which incorporates impacts on shuttle service into the analysis of vehicle congestion/delay. Shuttles are part of the existing and forecast vehicle volumes that are evaluated to identify continuous permanent congestion/delay consequences on intersection operations. As such, to the extent that NEPA LOS effects are identified at intersections in the Draft EIR/EIS under Impact TR#5, those apply to all travel modes including shuttles. Impact TR#4 in the Draft EIR/EIS indicates that an adverse NEPA effect of traffic delay would occur at intersections adjacent to the 4th and King Street, Millbrae, and San Jose Diridon HSR stations. Adjacent to the Redwood City Transit Center, the Draft EIR/EIS indicates adverse NEPA effects of traffic delay would occur at six intersections along Broadway and Brewster Avenue at locations adjacent to the at-grade crossings. Gate-down time for HSR trains at these two at-grade crossings would be 39 seconds at Brewster Avenue and 54 seconds at Broadway. The assessment of Continuous Permanent Impacts on Bus Services (Impact TR#11) evaluates the effect of the project on high-frequency bus routes that traverse the station areas, at-grade crossings, or light maintenance facility areas but does not evaluate the 45 shuttle routes described in the comment. High-frequency bus routes are evaluated because those buses, which travel at headways typically in the 10-15 minute range and carry much greater passenger loads along their routes, are affected more by increases in congestion than local buses or shuttles that operate at much lower frequencies, typically in the 30-60 minute range. Additionally, public and private shuttle routes in the study area have historically been more prone to service changes than high-frequency routes. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse LOS effects. Please also refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, regarding mitigation for LOS impacts.

## Response to Submission 1147 (Carter Mau, San Mateo County Transit District, September 9, 2020) - Continued

### 1147-800

As discussed in Standard Response FJ-Response-GS-1: Requests for Grade Separations, the Authority has not identified that grade separations are a feasible mitigation option to address adverse traffic effects under NEPA or to address any significant impacts under CEQA, primarily due to cost.

### 1147-801

The comment notes that the Draft EIR/EIS identifies impacts for nine high-frequency bus routes and requests that all bus routes and shuttles evaluated be listed by provider. To the extent they were in place or planned at the time of NOP/NOI publication in May 2016, local bus and shuttle routes are included in the existing counts and forecasts evaluated in Impact TR#5 of Section 3.2, Transportation, of the Draft EIR/EIS, which addresses continuous permanent congestion/delay consequences on intersection options. Analysts developed forecasts of vehicles that would travel on the freeways and roads for the Draft EIR/EIS using the model developed by VTA staff for C/CAG. This forecasting tool was identified as the most appropriate for the project because it was designed and calibrated for that purpose. The VTA model accurately reflects land use, travel demand, and infrastructure changes within the RSA for the Draft EIR/EIS's horizon years that were effective at the time of NOP/NOI release. Affected high-frequency bus routes include Muni routes 30, 45, and 55 as well as SamTrans routes ECR and 296. Please refer to the San Francisco to San Jose Project Section Transportation Technical Report, which is available upon request, for additional information. For example, Figures 5-35 and 5-36 in the technical report depict existing transit routes in the station areas, while Table 5-22 lists high-frequency bus routes with the potential to be affected by delays. The comment did not result in any revisions to the Draft EIR/EIS.

### 1147-802

The comment summarizes the impact analysis in the Draft EIR/EIS related to bus operations, and requests that the Authority include SamTrans in the development of construction management and coordination plans to ensure continuity of SamTrans transit services during construction. TR-IAMF#2 calls for the preparation of a detailed CTP by the contractor for the project, for the purpose of minimizing the impact of construction and construction traffic on adjoining and nearby roadways, in close consultation with the local jurisdiction having authority over the site. The CTP also requires close coordination with transit operators, such as the San Mateo County Transit District, that would be affected by temporary construction activities. The Authority is committed to continuing engagement with SamTrans, including in the construction process. In addition, TR-IAMF#11 requires the preparation of a specific CMP with a stated performance measure of maintaining transit access during the construction period. TR-IAMF#11 also describes six construction activities that may limit transit access during the construction period that would be addressed in the CMP, which would be a part of the CTP. The comment did not result in any revisions to the Draft EIR/EIS.

### 1147-803

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The Authority appreciates the District's involvement in blended service planning. The Authority has participated in the planning for Caltrain's 2040 Service Plan and appreciates the inclusion of HSR in that service planning. The HSR project would not preclude the advancement of the 2040 Service Plan. As the District is aware, the Authority has provided substantial financial assistance to the development of rail service in the Caltrain corridor including financial support of both Caltrain electrification and the 25th Avenue Grade Separation project. The infrastructure investments included in the HSR project will allow for improved railroad speeds in certain parts of the corridor and improved safety through fencing and at-grade crossing improvements. The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1150 (April Chan, San Mateo County Transportation Authority, September 9, 2020)

**San Francisco - San Jose - RECORD #1150 DETAIL**

Status : Unread  
Record Date : 9/10/2020  
Interest As : Local Agency  
First Name : April  
Last Name : Chan  
Attachments : SDEV036886B20090912560.pdf (140 kb)

**Stakeholder Comments/Issues :**

Hello Boris and Team,

Please see attached comment letter from the San Mateo County Transportation Authority. Hard copy will follow.

If you have questions, please feel free to reach out. Thank you for the opportunity to provide comments.

Sincerely,

April Chan

April Chan  
Chief Officer, Planning, Grants, and Transportation Authority  
San Mateo County Transit District  
SamTrans / Caltrain / TA  
1250 San Carlos Avenue  
P.O. Box 3006  
San Carlos, CA 94070-1306  
Tel: 650-508-6228<tel:650-508-6228>  
Fax: 650-622-8086<tel:650-622-8086>  
Email: chana@samtrans.com<mailto:chana@samtrans.com>

1150-1140



**BOARD OF DIRECTORS 2020**

EMILY BEACH, CHAIR  
RICO E. MEDINA, VICE CHAIR  
CAROLE GROOM  
DON HORSLEY  
JULIA MATES  
KARYL MATSUMOTO  
CARLOS ROMERO

JIM HARNETT  
EXECUTIVE DIRECTOR

Mr. Boris Lipkin  
Northern California Regional Director  
California High-Speed Rail Authority  
**Attn: Draft San Francisco to San Jose Project Section EIR/EIS**  
100 Paseo de San Antonio, Suite 300  
**San Jose, CA 95113**

**RE: San Mateo County Transportation Authority Comments on the Draft San Francisco to San Jose Project Section EIR/EIS**

Dear Mr. Lipkin,

The San Mateo County Transportation Authority (SMCTA) administers the proceeds of sales taxes from Measure A and Measure W to fund a broad spectrum of transportation-related projects and programs in San Mateo County. The SMCTA is an independent agency and is governed by an appointed board of seven directors, who are elected officials, representing the County, cities, and the San Mateo County Transit District. The SMCTA is charged with identifying and funding congestion relief projects that align with the Transportation Expenditure Plans approved by the voters in San Mateo County with each sales tax measure. These projects and programs include the following: increasing person throughput on our highways, improving public transportation infrastructure and in particular the Caltrain service and system that is owned and operated by the Peninsula Corridor Joint Powers Board ("Caltrain"), building express lanes, improving safety and local mobility with more railroad grade separations, maintaining and expanding first-last mile connections to mainline transit service by overcoming barriers to walking and bicycling, improving local shuttle service, and supporting and expanding high-quality regional transit to better connect the County to the greater Bay Area region. We commend the California High-Speed Rail Authority (CHSRA) on the release of its Draft EIR/EIS for the San Francisco to San Jose High-Speed Rail project section - this is a major milestone for CHSRA's program.

The SMCTA owns right-of-way along the Peninsula Corridor in San Mateo County, mainly located at stations and at locations where grade separation projects were contemplated when SMCTA purchased the property. This includes land along the Peninsula Corridor right-of-way at San Bruno Avenue, near East 25th Ave in San Mateo, and between El Camino Real and Old County Road in San Carlos.

The SMCTA plays a significant role in funding transportation programs and projects in San Mateo County. The Transportation Expenditure Plans administered by SMCTA have focused on improvement and enhancement of the Caltrain service and system as a top priority in the County's transportation network. Over the past three decades, SMCTA has invested hundreds of millions of dollars in the Peninsula Corridor Electrification Program that will be used by high-speed rail, station and other facility improvements, and numerous grade separation projects along the Peninsula Corridor in San Mateo

SAN MATEO COUNTY TRANSPORTATION AUTHORITY  
1250 San Carlos Ave. - P.O. Box 3006  
San Carlos, CA 94070-1306 650-508-6219



# Submission 1150 (April Chan, San Mateo County Transportation Authority, September 9, 2020) - Continued

1150-1140

County. SMCTA also continues to invest millions of dollars each year in assisting the San Mateo County Transit District in meeting its Member Agency obligations for annual operating and capital subsidies required under the Joint Powers Agency Agreement among the three counties that govern Caltrain.

The purpose of this letter is to provide formal comments on the Draft EIR/EIS, pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Specifically, the SMCTA is concerned about (1) the level of coordination necessary to protect its property interests along the right-of-way of the Peninsula Corridor, and (2) the integrity and enhancement of the Caltrain system and service in which SMCTA has invested mightily all of these years.

1150-1141

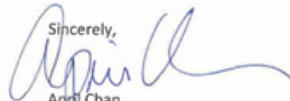
We did not find any mention of SMCTA-owned properties in the Draft EIR/EIS. Rather, everything is referred to as the "Caltrain right-of-way" or "railroad right-of-way" in Appendix 3.1-A, Parcels within the HSR Project Footprint. In any locations where SMCTA-owned properties are affected by the proposed project, we will look to Caltrain to assure that the effects analysis has been adequately completed and agreements are in place to govern the terms and conditions of CHSRA operations on the Peninsula Corridor. The SMCTA works closely with Caltrain in connection with all of its funded projects within or near the Peninsula Corridor. We expect CHSRA to engage in the same level of coordination with and attention to Caltrain interests in the construction and operation of the high-speed rail project. Also, for the grade separation projects in the Caltrain corridor in which SMCTA has invested or will invest in the future, we expect CHSRA to engage and collaborate with Caltrain and the cities in which these projects are located.

1150-1142

From a broader perspective, we understand that Caltrain has expressed concern via comment letter to CHSRA that the effects analysis in the Draft EIR/EIS on the Peninsula Corridor and Caltrain operations is inadequate because it is not based on Blended Service planning assumptions and the 2040 Caltrain Long-Range Service Vision that was adopted by the Caltrain Board of Directors at its October 2019 meeting. SMCTA expects that the inclusion of high-speed rail service on the Peninsula corridor will enhance current and future Caltrain service and options for the riding public, rather than burden or make less efficacious or more costly the commuter rail service that has been developed, operated and improved over the past decades by Caltrain, its Member Agencies, and the SMCTA.

1150-1143

We appreciate the opportunity to provide our comments on CHSRA's San Francisco to San Jose Draft EIR/EIS, and respectfully request resolution of the issues identified in this letter. The SMCTA's investments since 1988 have been made for the purposes of enhancement, protection, and preservation of the Caltrain service and system. SMCTA wants to ensure the future high-speed rail service does not compromise the Caltrain 2040 Long-Range Service Vision for the Peninsula Corridor. Ultimately, we look forward to advancing and completing necessary Blended System planning work with CHSRA and with our local and regional partners so that we can meaningfully advance the operationalization of high-speed rail service on the Peninsula Corridor as outlined in Caltrain's Long-Range 2040 Service Vision.



Sincerely,  
April Chan  
Chief Officer, Planning, Grants & Transportation Authority  
San Mateo County Transportation Authority

## Response to Submission 1150 (April Chan, San Mateo County Transportation Authority, September 9, 2020)

### 1150-1140

The Authority appreciates your comments on the Draft EIR/EIS. In subsequent individual comments, the San Mateo County Transportation Authority provided specific comments regarding their property interests along the corridor as well as the integrity and enhancement of Caltrain service. These concerns are outlined in subsequent specific comments that are addressed individually. The comment did not result in any revisions to the Draft EIR/EIS.

### 1150-1141

The commenter is correct that for simplicity the Draft EIR/EIS consistently refers to the “Caltrain right-of-way,” terminology that may encompass properties owned by San Mateo County Transportation Authority and/or the Peninsula Corridor Joint Powers Board (PCJBP). The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in revisions to the Draft EIR/EIS.

Consistent with the commenter’s request, the Authority will continue to coordinate closely with Caltrain as the project progresses. As stated in Section 2.1, Introduction, of the Draft EIR/EIS, the ultimate implementation of the project on PCJBP facilities “would be subject to further joint blended system planning and agreement with PCJBP as governed through existing and future interagency agreements.” Additional discussion of agreements between the Authority and PCJBP has been added to the Final EIR/EIS in Section 1.3.4, Authority Agreements with PCJBP and Other Agencies, regarding Blended Service in the Caltrain Corridor.

The Authority will also continue to coordinate with cities along the corridor. As explained in Standard Response FJ-Response-GS-1: Requests for Grade Separations, the Authority, in cooperation with local jurisdictions, transportation funding agencies, and state and federal agencies, would support community-initiated grade-separation efforts over time as funding becomes available and would work with local jurisdictions to minimize conflicts between the HSR project and future grade-separation efforts, where possible.

### 1150-1142

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1150-1143

Please refer to the response to submission FJ-1150, comments 1141 and 1142. The comment did not result in any revisions to the Draft EIR/EIS.

## Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020)

**San Francisco - San Jose - RECORD #1130 DETAIL**

**Status :** Unread  
**Record Date :** 9/10/2020  
**Interest As :** Local Agency  
**First Name :** Yvonne  
**Last Name :** Arroyo  
**Attachments :** SF to SJ HSR ValleyWater\_Letter-signed.pdf (578 kb)

**Stakeholder Comments/Issues :**

California High Speed Rail-Northern California Regional Office,

Please find attached Valley Water's comment letter on the San Francisco to San Jose DEIR/DEIS.

YVONNE ARROYO  
 ASSOCIATE ENGINEER  
 Community Projects Review Unit  
 YArroyo@valleywater.org<mailto:YArroyo@valleywater.org>  
 Tel. (408) 630-2319 Cell. (408) 529-3792  
 CPRU Hotline (408) 630-2650 / CPRU@valleywater.org<mailto:CPRU@valleywater.org>

[cid:image001.png@01D686F0.44C4A7A0]  
 SANTA CLARA VALLEY WATER DISTRICT  
 5750 Almaden Expressway, San Jose CA 95118  
 www.valleywater.org<http://www.valleywater.org/>

Clean Water . Healthy Environment . Flood Protection



Clean Water • Healthy Environment • Flood Protection

File: 30077  
Various

September 9, 2020

California High-Speed Rail Authority  
 Northern California Regional Office  
 Attn: San Francisco to San Jose Project Section: Draft EIR/EIS  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113

Subject: San Francisco to San Jose Project Section: Draft EIR/EIS

Dear Boris Lipkin:

The Santa Clara Valley Water District (Valley Water) has reviewed the San Francisco to San Jose Project Section: Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) for the California High Speed Rail Project (Project). Valley Water is a special district with jurisdiction throughout Santa Clara County. Valley Water acts as the county's groundwater management agency, principal water resources manager, flood protection agency and is the steward for its watersheds, streams and creeks, and underground aquifers.

This letter transmits comments that focus on the areas of interest and expertise of Valley Water.

**General Comments:****Groundwater Supply**

1130-598 | Shallow groundwater occurs in portions of the Santa Clara Subbasin along the proposed Alternatives A and B, especially in downtown San Jose near the proposed work on the San Jose Diridon Station. Depending on the location, dewatering could be required permanently or frequently, and with large volumes. Valley Water recommends that a more detailed analysis of dewatering be conducted, including estimating dewatering volumes/durations and evaluating related impacts. Please see the specific comment below regarding page 3.8-74 for additional details about this general comment.

**Groundwater Quality**

1130-599 | The EIR does not provide an analysis if the proposed subsurface structure at the San Jose Diridon Station will only penetrate the shallow groundwater system or the deeper principal aquifer. If the subsurface structure penetrates the deeper principal aquifer, it could create a conduit for potentially contaminated groundwater from the shallow aquifer system to enter the deeper principal aquifer that is used for drinking-water supply. Therefore, Valley Water believes the Authority needs to conduct additional study to evaluate if the depth or area of these subsurface structures would affect



# Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020) - Continued

Boris Lipkin  
Page 2  
September 9, 2020

Boris Lipkin  
Page 3  
September 9, 2020

1130-599 | groundwater flow in the principal aquifer of the Santa Clara Subbasin and potentially negatively impact public supply wells and (or) affect shallow groundwater flow to streams or other groundwater dependent ecosystems. Please see the specific comment below regarding page 3.8-77 for additional details about this general comment.

1130-600 | **Wells**  
Due to the long agricultural history of the Santa Clara Subbasin, and subsequent land development, there are likely many abandoned wells in the subbasin. While some of these abandoned wells may have been sealed prior to well permitting requirements, many have open casings and may be discovered during construction. It is not uncommon for these wells to have significant artesian flow, which may impact dewatering and construction activities. If encountered during the proposed work, abandoned wells must be properly destroyed, with related work permitted by Valley Water.

1130-601 | **Data Analysis and Regulatory Agency Review**  
Valley Water has decades worth of water level and quality data in the Santa Clara subbasin that would be beneficial to the analyses that should be completed. Valley Water would be happy to work with the project team to share the necessary information to help achieve a successful project that also helps to protect the groundwater supply and quality.

1130-602 | **Impact to Valley Water's Watersheds Operations and Maintenance**  
In general, the Project should not negatively impact Valley Water creeks and watersheds, including but not limited to reducing the hydraulic capacity of any creek and/or negatively impact the FEMA levee certification status of any FEMA certified levee. The Project should not negatively impact Valley Water's ability to conduct operations and maintenance activities along creeks and other watershed assets over which Valley Water has responsibility.

1130-603 | Introduction of additional bridges may have unintended consequence of establishment of encampments in those areas. We recommend the Project be proactive in developing and integrating solutions into the project to minimize the opportunities for this to occur (e.g., outreach and collaboration with appropriate counties' social service agencies, cities, non-profit organizations, and others).

**Specific Comments:**

1130-604 | **Volume 1, Page 3.8-10:** The second paragraph correctly states that SCVWD (now known as Valley Water) is the designated groundwater sustainability agency (GSA) for Santa Clara Subbasin and references the 2016 Groundwater Management Plan. However, this paragraph omits that Department of Water Resources (DWR) approved the Valley Water's 2016 GWMP as an Alternative to a groundwater sustainability plan (GSP) for the Santa Clara Subbasin in July 2019. We suggest adding this information about the approval of the GWMP as an Alternative to a GSP.

1130-605 | **Volume 1, Page 3.8-17, Table 3.8-3 Summary of Data Sources:** Under the groundwater section in this table, the 2016 Groundwater Water Management Plan is listed as one of groundwater data sources for the Santa Clara Valley Water District (Valley Water). We recommend adding to this list of data sources

1130-605 | Valley Water's Annual Groundwater Report (<https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/groundwater-quality>), which is an important groundwater data source and includes the most current groundwater data for each calendar year.

1130-606 | **Volume 1, Page 3.8-20, third paragraph:** The text states that "To avoid impacts related to flooding, FEMA and the local agencies require that an encroachment into a floodplain not increase the water surface elevation of the 100-year flood by more than 1 foot in floodplains and 0.1 feet in floodways." However, this statement should be amended to reflect that FEMA requires a "zero" increase, not 0.1 feet increase, in floodways without an approved Conditional Letter of Map Revision.

1130-607 | **Volume 1, Page 3.8-23, Section 3.8, last paragraph:** The text indicates there are "68 aquatic resources" in Alternative A, and "69 aquatic resources" in Alternative B. Volume 2, Appendix 3.8-B, p. B-15, first paragraph indicates there are "62 streams, wetlands, lagoons, creeks, ditches, and constructed basins" in Alternative A, and "63" in Alternative B. Unless the aquatic resources identified in the former are different than those identified in the latter, updates and clarifications should be made.

1130-608 | **Volume 1, Page 3.8-30, Section 3.8.5.4 Groundwater:** There are a couple sentences in this paragraph that should be updated to more accurately describe the natural recharge and managed recharge processes. These sentences include the following.

"Natural recharge occurs primarily in stream channels and on coarse alluvial fans, where the streams exit their montane headwaters and enter the valley floor." We suggest changing this sentence to read:

"Natural recharge occurs primarily in stream channels and on coarse alluvial fans, where the streams exit their montane headwaters and enter the valley floor, but also occurs beneath pervious surfaces from direct precipitation or runoff."

"In addition, the SCVWD operates an artificial groundwater recharge system that includes releases from dams and in-stream recharge facilities." We suggest changing this sentence to read:

"In addition, the SCVWD operates an artificial groundwater recharge system that includes releases from dams and raw water pipelines to in-stream and off-stream managed recharge facilities.

1130-609 | **Volume 1, Page 3.8-30, Table 3.8-7:** In this table, please revise the Santa Clara subbasin area with the latest DWR Basin boundary area. The Santa Clara Subbasin area is 189,564.6 acres as of DWR Basin modification date of 06/30/2016. This information is available on the DWR Bulletin 118 CA groundwater basin GIS coverage at: <https://water.ca.gov/Programs/Groundwater-Management/Bulletin-118>.

1130-610 | **Volume 1, Page 3.8-33, second paragraph:** Please revise the following sentences to change "infiltration" to "recharge" (note – infiltration and recharge are different processes. The confining layers restrict or impede recharge, not infiltration):

# Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020) - Continued

Boris Lipkin  
Page 4  
September 9, 2020

Boris Lipkin  
Page 5  
September 9, 2020

- 1130-610 | 

“The northern portion of the subbasin contains a confined zone, where confining layers of clay with low permeability impede infiltration. The southern portion of the subbasin is generally unconfined, without layers of clay to restrict infiltration (DWR 2004f).” These sentences should read:

“The northern portion of the subbasin contains a confined zone, where confining layers of clay with low permeability impede recharge. The southern portion of the subbasin is generally unconfined, without layers of clay to restrict recharge (DWR 2004f).”
- 1130-611 | 

**Volume 1, Page 3.8-33, second paragraph:** Please revise the following sentences to change “artificial” to “managed”:

“Groundwater recharge is provided through infiltration of surface water through streambeds, direct percolation of precipitation through the basin floor, and artificial recharge facilities operated by SCVWD.” Please change the sentence to this:

“Groundwater recharge is provided through infiltration of surface water through streambeds, direct percolation of precipitation through the basin floor, and managed recharge facilities operated by SCVWD.”
- 1130-612 | 

**Volume 1, Page 3.8-37, Table 3.8-12:** The description of the Flood Hazard for zone AE (Floodway) must be amended to reflect that the water surface elevation increase must be zero, not 0.1 feet, in a floodway.
- 1130-613 | 

**Volume 1, Page 3.8-74, Section Impact HYD#8 – Temporary Impacts on Groundwater Quality and Volume during Construction, starting on page 3.8-72:** The EIR states that “Impacts from groundwater dewatering during construction would be minimal because most excavations potentially requiring dewatering are anticipated to be relatively shallow and widely spaced throughout the project corridor.” Shallow groundwater occurs in portions of the Santa Clara Subbasin along the proposed Alternatives A and B, especially in downtown San Jose near the proposed work on the San Jose Diridon Station. Depending on the location, dewatering could be required permanently or frequently, and with large volumes. For example, CalTrans has essentially permanent dewatering at various locations in San Jose because of the shallow groundwater. Valley Water recommends that a more detailed analysis of dewatering be conducted, including estimating dewatering volumes/durations and evaluating related impacts.
- 1130-614 | 

**Volume 1, Page 3.8-77, third complete paragraph in the section Impact HYD#9 – Permanent Impacts on Groundwater Quality and Volume:** The EIR states: “The project would build subsurface structures, including underground utilities; foundations required for the Tunnel Avenue overpass; foundations for viaduct piers under Alternative B; structures at the Millbrae and San Jose Diridon Stations, ...” and “Subsurface structures in the vicinity of groundwater cleanups, such as *in situ* or pump-and-treat operations, could affect the cleanup operation. These impacts would occur by altering hydrogeologic gradients and flow rates in the vicinity of the subsurface structure, which would have the potential to affect groundwater levels and the duration or effectiveness of existing remedial activities.” The EIR does not provide an analysis if these subsurface structures will only penetrate the shallow

- 1130-614 | 

groundwater system or the deeper principal aquifer. If the structure penetrates the deeper principal aquifer, it could create a conduit for potentially contaminated groundwater from the shallow aquifer system to enter the deeper principal aquifer. Therefore, Valley Water believes the Authority needs to conduct additional study to evaluate if the depth or area of these subsurface structures would affect groundwater flow in the principal aquifer of the Santa Clara Subbasin and potentially negatively impact public supply wells and (or) affect shallow groundwater flow to streams or other groundwater dependent ecosystems.
- 1130-615 | 

**Volume 1, Page 3.8-77:** The following paragraph describes the actions to minimize stormwater runoff and contamination of the groundwater. To ensure that the stormwater is not contaminating the groundwater quality, the project should implement approved stormwater BMPs that address the protection of groundwater quality.

“The stormwater management and treatment plan would include permanent stormwater BMPs that manage runoff from new and reconstructed impervious surfaces (HYD-IAMF#1). BMPs would include LID measures that promote the use of pervious surfaces and treatment facilities to improve runoff quality. Within the Authority’s right-of-way, impervious surfaces would be minimized to the extent feasible, and BMPs would be designed to maximize on-site infiltration. BMPs constructed outside of the Authority’s right-of-way would be built according to the MRP. A stormwater management and treatment plan that complies with the applicable MS4 permits would avoid potential impacts of new impervious surfaces on groundwater quality by constructing BMPs that capture runoff from frequent small storm events before it has an opportunity to infiltrate into the groundwater table.”
- 1130-616 | 

**Volume 1, Section 3.8, p. 3.8-84 and p. 3.8-85:** Alternative A, Guadalupe River: New railroad bridge adjacent to the south side of the existing bridge. In addition to the impacts described, there may be impacts to Valley Water in terms of: (a) its ability to access this portion of Guadalupe River for maintenance or other purposes; and (b) impacts to vegetation and habitat Valley Water relies on as mitigation for its projects. Please acknowledge and address accordingly.
- 1130-617 | 

**Volume 1, Page 3.8-85:** Text indicates that 0.2 feet is the criterion for a significant impact to Section 408 requests. Upon reviewing Section 14 of the RHA (also known as Section 408), the 0.2 feet criterion was not immediately apparent. Was the 0.2 feet criterion provided by the U.S. Army Corps of Engineers for this area?
- 1130-618 | 

**Volume 1, Page 3.8-87:** Text says the water surface elevation (WSEL) in the floodplain is increased by 0.2 feet for Alternative A. Revise to state that the WSEL in channel is increased by 0.2 feet. Information currently included in hydraulic model only addresses WSELs in channel, not in floodplain.

Text says that mitigation measure must show that there is no increase in WSEL for Alternative A but Alternative B (which had less than 0.1 feet change) requires no mitigation. Clarify language to say that WSEL change must be less than 0.1 feet (if that’s the case).
- 1130-619 | 

**Volume 1, Section 3.8, p. 3.8-91:** Regarding the statement: “Mitigation would be implemented in coordination with USACE (San Francisco District) to maintain existing 100-year water surface elevations of the Guadalupe River floodplain. This would be accomplished by designing and improving the

## Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020) - Continued

Boris Lipkin  
Page 6  
September 9, 2020

- 1130-619 | proposed HSR bridge, existing railroad bridges, river, and/or the floodplain." Valley Water recommends inclusion of additional sentence, "Mitigation would be implemented in coordination with SCVWD, as the Section 408 non-Federal sponsor: (1) to ensure SCVWD's access to Guadalupe River for maintenance or other purposes is maintained; and (2) such that any vegetation and habitat SCVWD relies on as mitigation to offset impacts to its projects remains" (or similar).
- 1130-620 | **Volume 1, Page 3.8-99, Table 3.8-26 CEQA Significance Conclusions and Mitigation Measures for Hydrology and Water Resources:** As mentioned previously in the major comments, Valley Water has extensive information on groundwater resources (as well as surface water). We suggest that the Authority consult with groundwater management agencies, such as Valley Water, to take advantage of existing information and data during any of the monitoring projects for surface water or groundwater that are mentioned in this table.
- 1130-621 | **Volume 2, Appendix 3.8-B, Page 15, last paragraph, first sentence:** Please remove SCVWD from this sentence. As written, sentence appears to imply SCVWD did not provide hydraulic models for certain creeks. As we understand it, SCVWD provided hydraulic models for all Santa Clara County creeks identified within this document which need to be updated to include the proposed project modifications.
- 1130-622 | **Volume 2, Appendix 3.8-B, Page 32:** When piers for Alternative B were modeled with increased Manning's n values, were breaklines set so 2D cells matched borders of piers?
- 1130-623 | **Volume 2, Appendix 3.8-B, Page 32, Table 15:** One of the lateral inflows near RS 15559 appears to be missing.
- 1130-624 | **Volume 2, Appendix 3.8-B, Page 34:** Text states that Figure 15 shows both existing and Alternative B floodplains but Figure 15 only references Alternative A - which is shown?
- 1130-625 | **Volume 2, Appendix 3.8-B, Page 34:** Can a WSEL difference raster/figure be provided comparing the existing WSELS in the floodplain with the WSELS under Alternative B? Floodplain extents may be unchanged, but it would also be helpful to have a visual comparison of WSELS.
- 1130-626 | **Volume 2, Appendix 3.8-B, Page 36:** Text states that the railroad bridge is overtopped for both existing conditions and Alternative A based on the FEMA FIRM. However, review of the FIRM, FIS, and 2006 County LiDAR suggest that FIS WSEL near bridge is ~107 ft NAVD 88 whereas the top of the track are at ~115 ft NAVD 88. Additionally, Table 4 on page 17 of the pdf says that the Guadalupe River crossing has freeboard. For these two reasons it appears that the existing railroad bridge would not be submerged, but there would be overtopping of the channel bank at this location.
- 1130-627 | **Volume 2, Appendix 3.8-B, Page 36:** Text states that Alternative B track would be "at the same level or lower than the existing adjacent railroad track profile and in some locations the top of rail would be lower than the FEMA 100-yr WSE at this location." However, the preliminary engineering plans (Volume III, Book B5 and B6) for this location show a rail track that would be approximately 50 ft above

Boris Lipkin  
Page 7  
September 9, 2020

- 1130-627 | the existing rail track; the top of the track is close to 175 ft NAVD. The track should not be submerged during the 100-year event based on the FIS WSEL. Confirm and revise appropriately.
- 1130-628 | **Volume 2, Appendix 3.8-B, Page 36, 4<sup>th</sup> paragraph:** Reference is made to "a viaduct segment supported by pier columns would span the Guadalupe River and run along the top of the western channel bank". To the extent such new infrastructure is put in place, Valley Water should not be negatively impacted: (a) in its ability to access this portion of Guadalupe River for maintenance or other purposes and (b) by impacts to any vegetation and habitat that Valley Water relies on as mitigation for its projects.
- 1130-629 | **Volume 2, Appendix 3.8-B, Pages 39 and 40, Figures 18 and 19:** Please show where bridge supports are modeled in floodplain for both Alternatives A and B.
- 1130-630 | **Volume 2, Appendix 3.8-B, Page 41:** Text states that Alternative A is represented in the model by widening bridge at the existing crossing. However, the 2D model on file does not include railroad crossing bridge. Was a bridge added as part of analysis? If so, how was information about the bridge obtained?
- 1130-631 | Text says that Alternative B was modeled such that "pier columns [...] were represented in the HEC-RAS model" - how? Using Manning's n like with Los Gatos Creek in 2D area? Blocked obstructions in 1D channel?
- 1130-632 | Confirm that Alternative B can be reasonably modeled using piers only based on Comment 15. If tracks are in fact below WSEL as text states, a new bridge should be added to the model for the new railroad crossing.
- 1130-633 | How is widened track supported for Alternative A? Preliminary engineering plans do not identify piers. Are there piers in the channel?
- 1130-634 | **Volume 2, Appendix 3.8-B, Page 44, Table 19:** Surprised that WSEL increased by 0.34 upstream of bridge (rather than 0.1 ft or less). WSELS in Table 19 may be below soffit of bridge in preliminary design drawings for Alternative A so widening should not have major impact, unless there are additional losses due to widened track supports. What bridge loss method was used?
- 1130-635 | **Volume 2, Appendix 3.8-B, Page 44:** Modeling results for overbank areas were not included, but it seems that there may have been revisions in the floodplain (such as Manning's n values) to model impact of piers. Please add discussion of WSEL/floodplain.
- 1130-636 | Please provide WSEL difference raster/figure comparing WSELS in the floodplain with the WSELS under Alternatives A and B. A 0.34 ft increase in channel may have an impact on floodplain WSEL/extents for Alternative A. It also seems that some revisions in the 2D area (such as Manning's n) may have been done to model the impact of piers for Alternative B.

## Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020) - Continued

Boris Lipkin  
Page 8  
September 9, 2020

- 1130-637 | **Volume 2, Appendix 3.8-B, Section 3.11:** There is a more up-to-date model available for Los Gatos Creek. Valley Water is willing to provide the model on request.
- 1130-638 | **Volume 2, Appendix 3.8-B, Section 3.12:** Caltrain is proposing to replace the two existing bridge crossings at Guadalupe River - has this been incorporated into the modeling effort?
- 1130-639 | **Volume 3, Preliminary Engineering for Project Design, 04 PEPD Alternative A, Book A2, Page 30:** Revise "Guadalupe Creek" callout in profile to "Guadalupe River." Guadalupe Creek is a tributary to Guadalupe River, with its confluence located upstream.
- 1130-640 | Plans indicate that the new track for HSR (MT3) under Alternative A would be upstream of existing MT1 and MT2 bridges. Plans also show that new viaduct crossing under Alternative B would also be upstream of existing bridges. However, communication with the State Water Resource Control Board indicates that new track would be downstream of MT1 bridge. Confirm location of new tracks (under both Alternative A and B) relative to existing bridges.
- 1130-641 | **Volume 3, Alternative B, Book B6, Sheet 115 of 142 (PDF p. 11 of 38):** Bent 229 appears to restrict Valley Water's access to Guadalupe River. If this alternative or similar is pursued, please re-formulate and coordinate with Valley Water on alternative solution.
- 1130-642 | We appreciate the opportunity to comment on the DEIR. Please provide a copy of the Final Environmental Impact Report (FEIR) to Valley Water when available.

If you have any questions, please contact me at (408) 630-2319 or via e-mail at [yarroyo@valleywater.org](mailto:yarroyo@valleywater.org).

Sincerely,

  
A2D11E96C20C440

Yvonne Arroyo  
Associate Engineer-Civil  
Community Projects Review Unit

cc: U. Chatwani, S. Tippets, J. Codianne, L. Bankosh, V. De La Piedra, J. Gurdak, M. Martin, G. Cook, D. Mody, G. Meamber, T. Sexauer, Y. Arroyo, C. Grande, L. Xu, M. Reardon, E. Zedler, File

## Response to Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020)

### 1130-598

The Authority is aware of the shallow groundwater conditions in portions of the RSA, including within the city of San Jose. The detailed analysis Valley Water is requesting in the comment will occur during subsequent phases of project design when the geotechnical investigation is completed. The geotechnical investigation will identify specific locations requiring temporary and permanent dewatering. Accordingly, the geotechnical and design information needed to perform the analysis requested by Valley Water is not yet available. However, as stated in Impact HYD#9 in Section 3.8, Hydrology and Water Resources, of the Draft EIR/EIS, subsurface structures would be waterproofed to prevent the intrusion of groundwater, thereby minimizing the potential need for permanent dewatering operations. If required, permanent subsurface installations that could require dewatering are anticipated to be relatively shallow, such that if any groundwater were to leak into the structure, dewatering would not substantially lower groundwater levels. Furthermore, GEO-IAMF#1 would require the preparation of a CMP that would describe the methods by which the contractor would control groundwater withdrawal during construction, including in areas with high groundwater levels, and GEO-IAMF#10 would require the contractor to prepare a memorandum describing how Caltrans' Field Guide to Construction Dewatering (Caltrans 2014), which has a goal of minimizing water quality effects, has been incorporated into the project; please refer to Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources, for more information on how these IAMFs may be applied to the project. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-599

According to Valley Water's Annual Groundwater Report 2019 (Valley Water 2020), principal aquifers within confined areas are those more than 150 feet below ground surface; this definition was added to Section 3.8.5.4, Groundwater, of the Final EIR/EIS. Location-specific geotechnical investigation and further studies of the principal aquifer areas would be performed in subsequent phases of the project to verify the actual depths of the aquifers and adjust the design as needed.

For Alternative A (the Preferred Alternative), no excavations are anticipated to extend into principal aquifer areas within the Santa Clara subbasin.

For Alternative B, few excavations, if any, are expected to extend into principal aquifer areas within the Santa Clara subbasin. If Alternative B were selected, the Authority would perform exploratory borings at locations of deep excavations to determine the depth to the aquifers and inform the final design. If the aquifers cannot be avoided by design modification, the Authority will comply with the deep excavation regulations and measures from Valley Water.

### 1130-600

The Authority will coordinate with Valley Water regarding the proper destruction of abandoned wells, should any be encountered during construction. A sentence about artesian conditions in the Santa Clara Valley Basin was added to Section 3.8.5.4, Groundwater, of the Final EIR/EIS.



## Response to Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020) - Continued

### 1130-601

The Authority appreciates Valley Water's commitment to protecting groundwater resources in Santa Clara County. The Authority further appreciates its positive working relationship with Valley Water and is looking forward to continuing to work with Valley Water during the final design. The Authority has provided an analysis of project impacts on groundwater supply and groundwater quality based on the preliminary design that was sufficient to identify project impacts and avoidance, minimization, and mitigation measures to address those impacts. This analysis was completed in accordance with the requirements of CEQA and NEPA, and further analysis on these topics is not required for the Final EIR/EIS. However, should these data be necessary in the future, the Authority will seek to obtain such information from Valley Water for the geotechnical investigation and studies that will be completed during the final design phase.

### 1130-602

The project would not result in creek or watershed impacts, as discussed under Impact HYD#2 and Impact HYD#13 in Section 3.8, Hydrology and Water Resources, of the Draft EIR/EIS. Within Santa Clara County and along waterways crossed by the project, there are FEMA-certified levees along Matadero Creek and Sunnyvale East Channel. The levee at Matadero Creek begins at the downstream end of Alma Road, away from the Caltrain tracks. The project is near the levee at Sunnyvale East Channel; however, there is no proposed work outside of the tracks at this location. The project would have no impact on FEMA-certified levees along these waterways. Where applicable, the Authority will coordinate with Valley Water to ensure the project does not substantially interfere with existing O&M activities for assets over which Valley Water has responsibility. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-603

The comment expresses concern that new bridges associated with the HSR project could attract homeless people to establish encampments.

Generally, both Alternative A and Alternative B would use the existing Caltrain corridor, which includes a number of existing bridges and overpasses. The PCJPB, the agency that operates Caltrain, is aware of the potential for the rail right-of-way generally to serve as a potential site for encampments and uses both active and passive measures to address such issues. Caltrain employees that inspect tracks or operate the trains keep an eye out for and report similar issues. One of the biggest deterrents for homeless encampments on PCJPB property is fencing. The PCJPB has an active and aggressive fencing program to keep out as many trespassers as possible (PCJPB 2015a).

While not related to any environmental impact under CEQA or NEPA, the Authority is aware of the potential for railroad rights-of-way generally to be attractive locations for encampments. To the extent that encampments are or may be present during construction with the potential to affect safety, S&S-IAMF#2 would require the construction contractor to develop a plan to ensure the safe construction of HSR facilities.

In terms of new bridges, please refer to Final EIR/EIS Section 2.10.3.6, Bridge and Aerial Structures. This section notes that Alternative A would introduce three new aerial structures between San Francisco and San Jose; Alternative B would introduce five.

As part of the HSR project, the Authority would complete any gaps in fencing of the existing Caltrain right-of-way to keep people from accessing the track area. PCJPB, as the owner and managing authority for the railroad, would continue the existing policies and initiatives to reduce trespasser incidents and address homeless encampments along the tracks while also referring displaced individuals to specialized service providers.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020) - Continued

### 1130-604

The specific text in Section 3.8.2.2, State, referenced in the comment was revised in the Final EIR/EIS according to Valley Water's suggestion.

### 1130-605

The Authority cited the Annual Groundwater Report 2019 (Valley Water 2020) as the source of the delineation between the shallow and principal aquifer zones in the Santa Clara Subbasin. Accordingly, this document was added to the groundwater portion of the data sources table in the Final EIR/EIS.

### 1130-606

The specific text in Section 3.8.4.5, Method for Determining Significance under CEQA, referenced in the comment was revised in the Final EIR/EIS as suggested.

### 1130-607

In response to this comment, the text in Volume 2, Appendix 3.8-B, Summary of Hydraulic Modeling, was revised in the Final EIR/EIS to reflect 68 aquatic resources under Alternative A and 69 aquatic resources under Alternative B.

### 1130-608

The Authority has revised Section 3.8.5.4, Groundwater, in the Final EIR/EIS with the specific text in Valley Water's comment.

### 1130-609

The Authority has modified Figures 3.8-2 and 3.8-5 as well as Table 3.8-7 in the Final EIR/EIS based on the updates to the San Mateo Plain and Santa Clara subbasins identified in the document cited in the comment.

### 1130-610

The Authority has revised Section 3.8.5.4, Groundwater, in the Final EIR/EIS with the specific text in Valley Water's comment.

### 1130-611

The Authority has revised Section 3.8.5.4, Groundwater, in the Final EIR/EIS with the specific text in Valley Water's comment.

### 1130-612

The specific text in Section 3.8.5.5, Floodplains, was revised in the Final EIR/EIS per Valley Water's suggestion.

### 1130-613

Please refer to the response to submission FJ-1130, comment 598.

### 1130-614

Please refer to the response to submission FJ-1130, comment 599.

### 1130-615

The stormwater management and treatment plan required by HYD-IAMF#1, which is discussed under Impact HYD#9 in Section 3.8.6.4, Groundwater, of the Draft EIR/EIS and described in detail in Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, would comply with the treatment requirements of applicable MS4 permits and would manage runoff from new and reconstructed impervious surfaces. All stormwater treatment BMPs would be selected and designed according to applicable requirements, and these design requirements are considered to be protective of surface water and groundwater quality by providing water quality treatment. An example of a BMP that promotes stormwater treatment and infiltration into the groundwater table is biofiltration and bioretention systems. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020) - Continued

### 1130-616

The project would have no impact on the access road on the eastern bank of Guadalupe River between the I-280/SR 87 interchange and McLellan Avenue. However, Alternative B would temporarily and permanently affect paved portions of the Guadalupe River Trail that Valley Water may use for access. During final design, the Authority would coordinate with Valley Water with respect to HSR construction-related activities that would occur within its right-of-way. Accessibility issues would be addressed with Valley Water at that time. Please refer to Impact PK#2 and Impact PK#6 in Section 3.14, Parks, Recreation, and Open Space, of the Draft EIR/EIS for a discussion on impacts on the Guadalupe River Trail. In addition, land cover mapping prepared for Section 3.7, Biological and Aquatic Resources, of the Draft EIR/EIS identified "mixed riparian" habitat along Guadalupe River. Where that habitat is affected, the Authority would provide mitigation consistent with BIO-MM#13 and BIO-MM#35. If the project would affect any land Valley Water relies on as set-aside mitigation, these biological resources mitigation measures would apply and the Authority would coordinate with Valley Water regarding compensatory mitigation. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-617

The 0.2 foot elevation increase was the result of the model for Alternative A and not the criterion for the USACE to make a determination whether to grant permission for the use under Section 408. The model for Alternative A has been updated for the Final EIR/EIS. Refer to Volume 2, Appendix 3.8-B, Summary of Hydraulic Modeling, of the Final EIR/EIS.

### 1130-618

The Authority has revised the text under Impact HYD#13 in Section 3.8.6.5, Floodplains, in the Final EIR/EIS per Valley Water's comment.

### 1130-619

The Authority understands that Valley Water is the nonfederal sponsor for the USACE Section 408 permitting process with the USACE (San Francisco District) regarding this Civil Works facility. During the that permitting process of obtaining 408 permission from USACE, the Authority would coordinate with Valley Water during the final design of the Guadalupe River crossings for the Preferred Alternative. As part of that coordination, the final design of the crossings may be adjusted according to Valley Water's O&M needs. If Valley Water's existing riparian mitigation areas would be affected by the project, the Authority would provide mitigation consistent with BIO-MM#13 and BIO-MM#35 for the entire project. The Authority does not believe revisions to the mitigation measure are required because the Authority is already required to coordinate with Valley Water and the relevant permitting agencies, as necessary, for the final design of the Guadalupe River bridge and any riparian habitat impacts would be restored or compensatory mitigation provided as appropriate. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-620

Should these data be necessary in the future, the Authority will reach out to Valley Water for these data. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions were made.

### 1130-621

The Authority has deleted the SCVWD reference in Section 2, Overview of Hydraulic Modeling for Project Alternatives, of Appendix 3.8-B, Summary of Hydraulic Modeling, in the Final EIR/EIS per Valley Water's comment.

### 1130-622

The Authority reviewed the hydraulic models in response to Valley Water's comment and determined that breaklines were not assigned in the model for Alternative B. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-623

The Authority has revised Table 15 in Appendix 3.8-B, Summary of Hydraulic Modeling, in the Final EIR/EIS according to Valley Water's comment.

## Response to Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020) - Continued

### 1130-624

The figure and figure caption for Figure 15 in Appendix 3.8-B, Summary of Hydraulic Modeling, were revised in the Final EIR/EIS for clarity. The figure shows the existing condition and proposed Alternative B condition.

### 1130-625

In Alternative B, there were no changes to floodplain elevation and extents, because the additional obstruction from proposed piers assigned in this model was too small in comparison to the mesh size, so it did not change the Manning's n value locally at those pier locations. Therefore, a figure would not show any changes to water surface elevations. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-626

The Authority has deleted the text in Appendix 3.8-B, Summary of Hydraulic Modeling, of the Final EIR/EIS according to Valley Water's comment. This area is located outside the limits of the Project Section. This area is in the San Jose to Merced Project Section, and this content was erroneously included in the Draft EIR/EIS for the San Francisco to San Jose Project Section.

### 1130-627

The Authority has deleted the text in Appendix 3.8-B, Summary of Hydraulic Modeling, of the Final EIR/EIS according to Valley Water's comment. This area is outside the limits of the Project Section. This area is in the San Jose to Merced Project Section, and this content was erroneously included in the Draft EIR/EIS for the San Francisco to San Jose Project Section.

### 1130-628

Please refer to the response to submission FJ-1130, comment 616.

### 1130-629

Bridge supports outside the main channel of Guadalupe River were not modeled. These technical revisions will be included in the detailed hydraulic analysis that would be completed as part of HYD-IAMF#2 during final design. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-630

It was determined that the 2D Guadalupe River model the Authority received from Valley Water included the existing railroad crossing bridge but not the upstream SR 87 bridge. Therefore, no bridges were added to the model. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-631

The obstruction feature included in the 1D channel was used to represent the viaducts. No changes were made to the setting of the 2D area in the two proposed conditions stated in Section 3.11.1, Background Information, in Appendix 3.8-B, Summary of Hydraulic Modeling, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-632

The narrative describing where tracks are below the 100-year WSE is referring to the overbank flood flows in the Almaden/Curtner area, which is outside of the project footprint for the Project Section. The Authority has deleted the text in Section 3.12.1, Background Information, of Appendix 3.8-B, Summary of Hydraulic Modeling, to the Final EIR/EIS according to Valley Water's comment.

### 1130-633

The widened track under Alternative A would be supported by bridge piers within the channel. Please refer to the Volume 3, Preliminary Engineering Plans, Alternative 1 Book A4, Drawing No. ST-T4001 [Page 9/49], of the Draft EIR/EIS for the proposed design in this area. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-634

The bridge loss method used for both alternatives is the pressure and weir for high flows, which is unchanged from the existing condition. Additionally, the water surface elevation increase was erroneously reported in Appendix 3.8-B, Summary of Hydraulic Modeling, of the Draft EIR/EIS as 0.34 foot. This error was corrected to be 0.24 foot in the Final EIR/EIS.

## Response to Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020) - Continued

### 1130-635

In response to the request, Volume 2, Appendix 3.8-B, Summary of Hydraulic Modeling, in the Final EIR/EIS was revised to include the 100-year floodplain elevations in the selected locations that are inside or in close proximity to the current effective FEMA 100-year floodplain. However, the current hydraulic modeling in the overbank areas does not include all of the proposed project design components that would be inside the current effective FEMA 100-year floodplain, and the project design features that would be part of HYD-MM#1 for Alternative A. These technical revisions would be included in the detailed hydraulic analysis that would be completed as part of HYD-IAMF#2 during final design.

### 1130-636

Four additional figures were added to Appendix 3.8-B, Summary of Hydraulic Modeling, in the Final EIR/EIS in response to Valley Water's comment. Figure 21 illustrates extents of the 100-year floodplain for Alternative A and existing conditions and Figure 22 illustrates extents of the 100-year floodplain for Alternative B and existing conditions. Figure 23 illustrates changes to the 100-year floodplain elevation for Alternative A and Figure 24 illustrates changes to the 100-year floodplain elevation for Alternative B. Additionally, the water surface elevation increase was erroneously reported as 0.34 foot in Appendix 3.8-B of the Draft EIR/EIS. This error was corrected to be 0.24 foot in the Final EIR/EIS.

### 1130-637

The Authority appreciates Valley Water's offer to provide a more up-to-date model for Los Gatos Creek. However, use of the current effective FEMA floodplain is a more appropriate model at this stage of preliminary design and environmental review because it is publicly available.

Alternative A would span Los Gatos Creek with the existing bridge, so there would be no impact on Los Gatos Creek floodplains from the project. Alternative B would span Los Gatos Creek with a viaduct, and there would be a viaduct column within the overbank floodplain. In the Draft EIR/EIS, the project evaluated the impact of the project on legal floodplains defined by FEMA based on the preliminary design. This analysis found there is unlikely to be a substantial impact on the Los Gatos Creek floodplain from the proposed pier column in the overbank floodplain. Furthermore, detailed hydraulic analysis would be performed in accordance with HYD-IAMF#2 to ensure the final design would not have a significant impact on floodplains, including the overbank floodplain along Los Gatos Creek. Therefore, the Authority does not believe additional analysis on Los Gatos Creek with Valley Water's model is necessary at this time. The Authority would consider using this model during the final design phase. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-638

Caltrain's proposed bridge replacement project at Guadalupe River was not included in the project's environmental baseline given that it is neither an approved project nor is the environmental review complete. As the design of the proposed bridge replacement project is subject to change, its inclusion in the hydraulic modeling for the HSR project would be speculative and would introduce uncertainty into the model. However, Caltrain's proposed bridge replacement project at Guadalupe River was considered in the cumulative impact analysis. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1130 (Yvonne Arroyo, Santa Clara Valley Water District, September 9, 2020) - Continued

### 1130-639

The commenter requests a correction to the nomenclature for Guadalupe River in Volume 3, Preliminary Engineering Plans. In response to this comment, this callout has been revised in Volume 3 of the Final EIR/EIS.

### 1130-640

The comment requests clarification about the tracks near the Guadalupe River. The new blended HSR and Caltrain MT3 track would be located to the west of the UPRR MT1 track. The MT3 track would therefore be upstream of the MT1 track at the Guadalupe River crossing for Alternative A. For Alternative B, the HSR tracks would be on viaduct and would be located upstream of the existing rail bridge over the Guadalupe River. The comment did not result in any revisions to the Draft EIR/EIS.

### 1130-641

The comment states that Alternative B appears to restrict Valley Water's access to Guadalupe River and requests that the Authority coordinate with Valley Water on maintenance of access. Please refer to the response to submission FJ-1130, comment 616, which addresses this topic.

### 1130-642

The Authority appreciates your participation in the public review process. The Santa Clara Valley Water District is on the distribution list and will be notified when the Final EIR/EIS is available to the public. The comment did not result in any revisions to the Draft EIR/EIS.

Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020)

Draft EIR/EIS Comments  
San Francisco to San Jose Segment  
Town of Atherton

**San Francisco - San Jose - RECORD #1098 DETAIL**

Status : Unread  
Record Date : 9/8/2020  
Interest As : Local Agency  
First Name : Robert  
Last Name : Ovadia  
Attachments : SFSJ-1098\_Ovadia\_Email\_09032020\_Original.pdf (567 kb)

**Stakeholder Comments/Issues :**

Thank you for the opportunity to review the Draft EIR/EIS for the San Francisco to San Jose Segment. Attached please find the comment letter from the Town of Atherton. As noted in the letter, the Town believes that there are significant deficiencies in the document and that the proposed mitigation falls considerably short of addressing the impacts of the project. We look forward to the Authority revising the EIR/EIS to address the deficiencies and to fully mitigate the impacts of the project.

Regards,

Robert Ovadia, P.E.  
Director of Public Works  
Town of Atherton  
150 Watkins Avenue  
Atherton, CA 94027  
(650) 752-0541 - Office  
rovadia@ci.atherton.ca.us



**TOWN OF ATHERTON**

CITY COUNCIL  
150 WATKINS AVENUE  
ATHERTON, CALIFORNIA 94027  
(650) 752-0500

California High Speed Rail Authority  
Attn: Draft San Francisco to San Jose Project Section EIR/EIS  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113

September 3, 2020

Ref: 2020 HSRA Draft EIR/EIS – San Francisco to San Jose Project Segment

1098-2450

The following constitute comments from the Town of Atherton on the California High Speed Rail Authority's (HSRA) Draft EIR/EIS for the San Francisco/San Jose segment of the project. The Town is concerned that the extent of impacts is underestimated and proposed mitigation measures are insufficient to reduce the impacts to a less than significant level. The primary areas of affected environment of interest and concern to the Town of Atherton as delineated in the EIR are:

- Transportation
- Safety and Security
- Noise and Vibration
- Parks, Recreation and Open Space and
- Air Quality and Greenhouse Gases.

In each of these areas, environmental effects are identified as important in the report but then are either inappropriately categorized as "not significant" and not mitigated or acknowledged to be significant but then inadequately mitigated. Specific detailed comments follow.

1098-2451

A significant factor in estimating system benefits are the ridership projections. It is noted in the report that there have been changes in the ridership projections from the base data used in the EIR/EIS analysis. The change in ridership projections, 2020 (current) vs 2016 (used in analysis), is not insignificant. The high-ridership projections used in the analysis have been reduced from 56.8 million (2016) to 50 million (2020), and the medium-ridership projections have been reduced from 42.8 million (2016) to 38.6 million (2020), a reduction in excess of 10%. Though the difference is mentioned in the document (excerpt below), the use of the higher ridership projections results in supposed benefits that allow the project to avoid mitigating project impacts.

150 WATKINS AVENUE | ATHERTON, CALIFORNIA 94027 | PH: (650) 752-0500 EM: COUNCIL@CI.ATHERTON.CA.US  
[www.ci.atherton.ca.us](http://www.ci.atherton.ca.us)

Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

Draft EIR/EIS Comments  
San Francisco to San Jose Segment  
Town of Atherton

Draft EIR/EIS Comments  
San Francisco to San Jose Segment  
Town of Atherton

1098-2451  
*“to the extent that the lower ridership levels projected in the 2018 Business Plan or the 2020 Business Plan would result in fewer trains operating in 2040, the impacts associated with the train operations in 2040 would be somewhat less than the impacts presented in this Draft EIR/EIS and the benefits accruing to the project (e.g., reduced vehicle miles traveled, reduced greenhouse gas [GHG] emissions, reduced energy consumption) also would be less than the benefits presented in this Draft EIR/EIS.” (emphasis added)*

Though we believe that the 2020 ridership projections are overly optimistic and will not be achieved, updating the analysis to current projections is necessary to understand project impacts and develop appropriate mitigation measures.  
Our comments to the specific analysis and impact sections are as follows:

1098-2452 **Transportation**  
 The project’s primary impacts on transportation are associated with increased gate downtimes. These impacts include traffic congestion on local streets and highways, resulting vehicle delays, access restrictions, public safety access and access to public facilities and parks.

1098-2453  
 The project design includes the installation of four-quadrant gates at the Watkins Avenue rail crossing, which are necessary and important for safety at the crossing. Unfortunately, the design option proposed at the crossing may not be feasible and would cause significant impacts to public safety access and access to public facilities and parks. Specifically, the design calls for a 50-foot long raised median island on each approach to the crossing (east and west). The median proposed on the west approach to the crossing would restrict left turns to and from Dinkelspiel Station Lane, which is a primary access route for Atherton Town Center (including the Atherton Police Station), Atherton Library, Civic Court/Reading Park and Holbrook Palmer Park. Such a restriction is unacceptable, and the median in this location should not be installed. Additionally, the proposed median on the east approach may not fit within the travel way footprint and its need, as a supplement to the four-quadrant gates, should be carefully considered.

1098-2454  
 It is also noted that a number of factual errors and omissions were made in the discussion of the effects on transportation in the San Mateo to Palo Alto segment; specifically,

1098-2455 i. In Section 3.2.3, “Consistency with Plans and Laws”: Failed to recognize inconsistencies with the Town of Atherton General Plan and LOS standards

1098-2456 ii. In Section 3.2.3, “Consistency with Plans and Laws”: Failed to recognize inconsistencies with the C/CAG Congestion Management Plan

1098-2457 iii. Traffic impact analysis does not include impacts to traffic along Middlefield Road, including its intersections with Fair Oaks Lane, Marsh Road and Fair Oaks Lane, which would all be adversely impacted by the project

1098-2458 iv. The “Existing and Planned Future Train Levels of Service” were inconsistent with Caltrain Service Planning documents which envision up to 12 trains per hour per direction in 2040 rather than the 6 trains per hour per direction stated in Table 3.2.7 of the EIR

1098-2458 v. The discussion of commercial air travel (Table 3.2-11) omits the San Carlos airport which does have commercial service.

1098-2459  
 Consistency with Plans and Laws: As stated in the Atherton General Plan Circulation Element, “A project is considered to have a potentially “significant” traffic impact if the addition of project traffic causes:

- Threshold “I” – An intersection on minor arterial streets or local approaches to State-controlled signalized intersections operating at LOS A through D to operate at an unacceptable level (LOS E or F) or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first.
- Threshold “II” - An increase of more than 4 seconds to average delay to vehicles on all critical movements for intersections on minor arterial streets operating at LOS E or F.
- Threshold “III” - An increase of more than 4 seconds to average delay to vehicles on the most critical movements for intersections on local approaches to State-controlled intersections operating at LOS E or F.
- Threshold “IV” - An intersection on collector streets operating at LOS A through C to operate at an unacceptable level (LOS D, E or F) or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first.
- Threshold “V” - An increase of more than 4 seconds to average delay to vehicles on all critical movements for intersections on collector streets operating at LOS D, E or F.”

Section 3.2.5.2 of the EIR erroneously states that two intersections in the Town currently operate at a Level of Service (LOS) “worse than D”:

- El Camino Real/Fair Oaks Lane/Atherton Avenue (Atherton, during AM peak hour)
- El Camino Real/Watkins Avenue (Atherton)

However, a recent study by C/CAG 2019 Congestion Management Plan lists the El Camino Real (ECR) segment between Route 84 and Glenwood Avenue as LOS A/B and a 2018 ECR study by the Town found the ECR/Fair Oaks/Atherton intersection at LOS C. Levels A to C are characterized a “little or no” (Level A) to “average” (Level C) traffic delays. The Congestion Management Plan sets the LOS standard for El Camino Real at E. The DEIR/EIS anticipates that these Levels of Service will be reduced to LOS F by 2040 under either alternative, with excessive delays.

1098-2460  
 No analysis appears to have been done with regards to intersection impacts along Middlefield Road in Atherton, Unincorporated San Mateo County, and Menlo Park. Of specific concern are Watkins Avenue, Fair Oaks Lane and Marsh Road.

1098-2461  
 This impact to traffic is acknowledged to be a significant impact:

*“The increases in traffic around the stations and the Brisbane LMF, as well as the increased gate-down time at at-grade crossings from the operation of HSR trains, would result in a degradation to LOS E or F and an increase in delay over the baseline condition for both project alternatives.”*

However, it is then stated that “Automobile delay is not a significant impact under CEQA”.

The assertion that the extent of traffic congestion is not considered “significant“ under CEQA is based on CEQA language that states



Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

1098-2461

Draft EIR/EIS Comments  
San Francisco to San Jose Segment  
Town of Atherton

Draft EIR/EIS Comments  
San Francisco to San Jose Segment  
Town of Atherton

"Section 15064.3 further provides that transportation projects that reduce VMT should be presumed to cause less-than-significant impact. A lead agency can elect to be governed by Section 15064.3 immediately, as the Authority has done, and is required to shift to a VMT metric by July 1, 2020." (emphasis added)

and is based on a VMT analysis which uses on out-of-date and speculative ridership assumptions.

The EIR contains a lengthy analysis and presents calculations which allege that the Project results in reduced VMT in both 2029 and 2040 as compared to the No Project alternative. However, closer examination of these results shows that they contain a high degree of uncertainty and cannot reasonably be considered to support the assertion that no mitigation is required.

The VMT estimates for the counties of San Francisco, San Mateo and Santa Clara as presented in this EIR/EIS are shown in the table below excerpted from Chapter 3, Section 3.2 of the report.

Table 3.2-14 2029 and 2040 No Project and Plus Project Vehicle Miles Traveled

County	2029 Conditions		2040 Conditions	
	No Project	Plus Project	No Project	Plus Project
San Francisco County	2,530,115,205	2,512,386,260	2,720,965,133	2,696,558,412
San Mateo County	4,735,476,352	4,669,242,422	4,963,026,084	4,872,739,813
Santa Clara County	12,185,576,908	12,026,726,990	13,201,830,628	12,971,953,362

Source: Authority 2017b

The estimated reduction in VMT attributable to the presence of HSR is less than 2% in all cases. The change in VMT from No Project to Plus Project must clearly be a function of HSR ridership. In fact, it is stated in the same section that

"to the extent that the lower ridership levels projected in the 2018 Business Plan or the 2020 Business Plan would result in fewer trains operating in 2040, the impacts associated with the train operations in 2040 would be somewhat less than the impacts presented in this Draft EIR/EIS and the benefits accruing to the project (e.g., reduced vehicle miles traveled, reduced greenhouse gas [GHG] emissions, reduced energy consumption) also would be less than the benefits presented in this Draft EIR/EIS." (emphasis added)

The uncertainties in the 2040 ridership estimates are tabulated in the next table using values stated in the report.

Variation in 2040 Ridership Estimates, Millions/year			
Level	Year of Estimate		
	2016	2018	2020
Medium	42.8	40	38.6
% Difference	Base	6.5%	9.8%
High	56.8	51.6	50
% Difference	Base	9.2%	12.0%

Source: Chapter 3.1; Section 3.1.5.7; p. 3.1-11

150 WATKINS AVENUE | ATHERTON, CALIFORNIA 94027 | PH: (650) 752-0500 EM: COUNCIL@CI.ATHERTON.CA.US  
www.ci.atherton.ca.us

1098-2461

Additionally, material presented in Volume 2, Appendix 3.2-B, Table 2.4 states that 85% of HSR ridership is diverted from auto traffic. Therefore, a 6.5% to 12% reduction in ridership would result in a 5.5% to 10.2% increase in the estimated VMT which would dwarf the very small reductions shown in the table above and, in fact, result in an increase in VMT.

HSR must revise the presentation of the estimates of VMT, show clearly the high degree of uncertainty and acknowledge that the available information and data cannot be used to avoid the need to mitigate the expected effects on traffic congestion.

No specific mitigation measures are presented to address local vehicle and traffic delays in the Town of Atherton. Section 3.2.81 states:

"Operation of the project would result in 95 permanent adverse effects on intersection operations under alternative A and 100 permanent adverse effects on intersection operations under Alternative B. Under both project alternatives, increased traffic and increased gate-down events at at-grade crossings from added HSR trains would affect intersections because of congestion. Mitigation measures are available to address permanent effects on intersection operations from permanent road closures and relocations and other intersection delay causes, as described in TR-MM#1. Project operations would change regional and statewide travel patterns and result in a reduction of VMT in the RSA, region, and state. Though there would be localized congestion resulting from the project, VMT would be reduced regionally in the project area through decreases in long-range vehicle trips and increases in HSR ridership, resulting in less overall congestion."

As outlined above, the VMT reductions (approximately 1%) are based on ridership forecasts that are out of date. As such, relying on the VMT reductions to avoid mitigating the traffic and congestion impacts should not be permitted. The project should be required to mitigate all local traffic impacts.

Safety and Security

As noted in the previous section, the LOS at relevant intersections is anticipated to be at Level F in 2040. In fact, Table 6 in Appendix 3.2-A indicates delays at three intersections in Atherton as shown below, as excerpted from Table 6. The Town disagrees that the intersections will reach LOS F, as listed in the table, under the No Project condition.

Intersection	Peak Hour	2040 No Project		Alternative A			Alternative B		
		Delay (seconds)	LOS	Delay (seconds)	LOS	Impact?	Delay (seconds)	LOS	Impact?
GX67 El Camino Real/Fair Oaks Lane/Atherton Avenue	AM	>180.0*	F*	>180.0*	F*	No	>180.0*	F*	No
	PM	>180.0*	F*	178.9*	F*	No	178.9*	F*	No
GX68 Lloyd Drive/Fair Oaks Lane	AM	116.2 (WB)*	F*	147.8 (WB)*	F*	Yes*	147.8 (WB)*	F*	Yes*
	PM	12.2 (SB)	B	18.9 (SB)	C	No	18.9 (SB)	C	No
GX69 El Camino Real/Watkins Avenue	AM	95.1*	F*	97.2*	F*	No	97.2*	F*	No
	PM	41.0	D	40.7	D	No	40.7	D	No

Delays greater than 1 ½ to 3 minutes are clearly significant impacts particularly when they delay the response of emergency vehicles. In fact, this is specifically exempted from the blanket allegation (which we disputed above) that traffic congestion need not be mitigated. In explicity, Table 6 indicates "No impact" for these conditions. The Atherton Police Department, currently located on Ashfield Road, near Dinkelspiel Station Lane, will be housed in new facilities

150 WATKINS AVENUE | ATHERTON, CALIFORNIA 94027 | PH: (650) 752-0500 EM: COUNCIL@CI.ATHERTON.CA.US  
www.ci.atherton.ca.us

Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

Draft EIR/EIS Comments  
San Francisco to San Jose Segment  
Town of Atherton

Draft EIR/EIS Comments  
San Francisco to San Jose Segment  
Town of Atherton

1098-2463 | currently under construction) with its primary exit near the Fair Oaks Lane crossing. Gate downtimes and vehicle delays at this crossing as well as the Watkins Avenue crossing will have significant impacts on Police response times. Fair Oaks Lane and Watkins Avenue are the only crossings located within the Town of Atherton and are primary response routes for our Police Department to access the East side of the Town. Ambulance services regularly stage vehicles at Holbrook-Palmer Park for quick response to residents of Atherton and Menlo Park. Gate down-times at the Watkins Avenue crossing will significantly impact ambulance response times. These delays to emergency response should be mitigated.

1098-2468

Section 3.4.3 references several General Plans for which operational noises would exceed acceptable levels. The reference to the Atherton General Plan is to an out-of-date General Plan. The current Town of Atherton 2019 General Plan was adopted in January 2020. The anticipated noise levels will exceed the allowable levels in the General Plan and should be fully mitigated.

1098-2464 | To reduce the impacts to emergency services and emergency response, the project should include an alternate unimpeded means of crossing the tracks for emergency response vehicles, particularly where the crossings are near the primary responding facility, along emergency response routes and where an alternate unimpeded crossing is not present within one-half mile (measured along driving routes).

1098-2469

Noise mitigation efforts (NV-MM#3) are limited. Rather than mitigating noise levels to all impacted areas and receptors, mitigation is capped at a dollar amount per receptor regardless of the level of impact. Further, there is a threshold set for a minimum number of receptors to benefit from the installation of noise barriers regardless of zoning and property size. These restrictions on where sound barrier mitigation will be implemented leave a majority of those that are moderately impacted without mitigation. Even if Quiet Zones are implemented along the corridor, nearly 50% of those moderately impacted are still left without mitigation.

1098-2465 | While the EIR includes a substantial discussion of mitigation measures based on data to be obtained at affected intersections, the list of intersections to be included, shown below, does not include those in Atherton.

1098-2470

Noise Mitigation effectiveness as listed in Table 3.4-23 Noise Mitigation Effectiveness—Alternative A and Table 3.4-24 Noise Mitigation Effectiveness—Alternative B are insufficient.

Travel time data would be collected at the following at-grade crossing locations:

1. Oak Grove Avenue (Burlingame)
2. North Lane (Burlingame)
3. Howard Avenue (Burlingame)
4. Whipple Avenue (Redwood City)
5. Brewster Avenue (Redwood City)
6. Broadway (Redwood City)
7. Ravenswood Avenue (Menlo Park)
8. Rengstorff Avenue (Mountain View)

- The proposed noise barriers only address 44.3% and 47% of moderately impacted receptors respectively.
- Though the addition of quiet zones can reduce impacted receptors, addressing 51.3% and 54% respectively is sorely insufficient.

1098-2466 | It is further noted that data collection would begin one year prior to the initiation of HSR service and continue for three years after the initiation of service. This would result in three years of imperiled emergency response before even a decision to proceed with mitigation could be taken. This is clearly unacceptable and must be modified. Mitigation should be in effect prior to initiation of service with regular monitoring with regard to the effectiveness of the mitigation measures.

1098-2471

Specific to the Town of Atherton,

Noise Mitigation on the one side alone, in certain areas along the corridor, will certainly increase the noise effects on the properties adjacent to the other side of the tracks through simple reflection of the sound back in their direction, as noise barriers are intended to do. Mitigation measures created for the protection of some cannot reasonably be allowed to make the situation worse for others.

The project should mitigate all noise and vibration impacts to all receptors along the entire corridor to a less than moderate level.

1098-2467 | An additional security measure that should be included in all alternatives is security fencing. Security fencing should be installed along the entire length of the corridor, where noise barriers are not installed, to prevent trespass and to limit access to the right-of-way by individuals that might do harm to themselves or otherwise pose a safety risk along the corridor. Reliance on vegetation to limit access is not appropriate given the speeds at which trains are expected to travel.

1098-2468 | **Noise and Vibration**

The EIR acknowledges that there will be significant noise impacts along the corridor but limits the extent of mitigation.

*“Even with the project features and mitigation measures, there would be locations where it is not technically feasible to meet the noise limits and permitted construction hours established by these local jurisdictions.”*

- Some mitigation walls in Atherton are listed as in Menlo Park
- Noise barriers in the Town of Atherton are limited. The small segment along the southbound tracks (Lloyd Park Neighborhood: Sta 1551+95 – 1573+50) will likely have a compounding effect on the other side of the tracks. Additional barriers should be installed along the north side as well.
- Mitigation should be provided for all civic spaces such as the Atherton Town Center and Library as well as the entire length of Holbrook Palmer Park as users of these areas exceed the minimum receptor level.
- Noise barriers should extend along both sides of the tracks for the full length of tracks traversing through the Town (approximately Sta 1554+50 to Sta 1597+50).
- To address visual impacts of the noise barriers, project mitigation should include screening of the noise barriers that are visible from the public right-of-way and other public spaces.
- Mitigation should also include window replacement, to reduce interior noise levels to acceptable levels, for impacted properties along the corridor for which noise barriers are not installed or insufficient to mitigate the noise.

# Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

Draft EIR/EIS Comments  
San Francisco to San Jose Segment  
Town of Atherton

Draft EIR/EIS Comments  
San Francisco to San Jose Segment  
Town of Atherton

1098-2472 | To mitigate horn noise, discussed in Section NV-MM#4, which is a major source of annoyance and disturbance to the citizens within the RSA and well beyond, a Quiet Zone should be extended along the entire length of the Atherton corridor. | 1098-2478

Holbrook-Palmer Park. Furthermore, in addition to the effects on Holbrook-Palmer Park, all the above impacts will affect the new Civic Center, the Atherton Library and the Reading Park which are not listed or acknowledged in the EIR

1098-2473 | The proposed mitigation measures are apparently limited though a cap on allowable expenditures per receptor regardless of the level of impact. The use of cost to limit necessary mitigation is an arbitrary choice and is unacceptable. The project should be required to mitigate all its impacts to the properties along the corridor. | 1098-2479

**Air Quality and Greenhouse Gases.**

The discussion of Greenhouse Gas emissions is presented in Section 3.3.6 of the EIR and concludes that

**1098-2474 Parks, Recreation and Open Space**

As stated in Section 3.14.4.5: “Method of Determining Significance under CEQA”

- “For the CEQA analysis, the project would result in a significant impact on parks, recreation, open space, and school district play areas if it would: ...
  - Prevent the use of an established or planned park, recreation facility, or open space...
  - Create a physical barrier (or a perceived barrier) to the access to or established use of any park, recreational facility, or open-space area...”

“...the HSR project is discussed in the CARB’s AB 32 Scoping Plan and 2017 Scoping Plan and would help the state attain its GHG reductions goals as identified in AB 32, SB 32, and EO B-55-18. Consequently, the project would not impede the state from meeting the statewide GHG emissions reductions targets. Therefore, CEQA does not require any mitigation.”

Table 3.3-28 lists the estimated reductions in GHG emissions compared to the No Project emissions for Medium and High ridership estimates for 2029 and 2040. The reductions range from 0.42 million metric tons for High ridership in 2029 to 1.62 million metric tons for High ridership in 2040. The reductions are associated with reductions in automobile travel replaced by HSR ridership. However, these estimates are subject to the same uncertainty discussed above in the context of Vehicle Miles Traveled.

On the basis of that definition, the project will impact access and use of Holbrook Palmer Park by a majority of Atherton residents for several reasons related to both the construction and operational elements of the project.

A report by the California Air Resources Board entitled “California Greenhouse Gas Emissions for 2000 to 2017: Trends of Emissions and Other Indicators” indicates that the total GHG emissions for California in 2017 were approximately 424 million metric tons which is consistent with that stated in the EIR. The CARB report further estimates that the fraction of emissions due to Passenger Vehicles is 28% or approximately 119 million metric tons. Therefore, the largest reduction of GHG emissions claimed in the EIR of 1.62 million metric tons accounts for just under 1.4% of the vehicle emissions of the state.

1098-2475 | 2. The discussion of impact PK#1, “Temporary Changes from Noise, Vibration, and Construction Emissions on Use and User Experience of Parks, Recreational Facilities, and Open-Space Resources” acknowledges that the use of the Park is “Noise Sensitive” but classifies the area as “Urban/Commercial”. It is neither. The area surrounding the park is a low density, residential neighborhood with limited noise. Mature trees will not mitigate the anticipated noise and emissions associated with construction and operation of the project. | 1098-2480

These reductions are directly related to the reduction in VMT and are, in fact, essentially identical to the 1.2% reduction in VMT discussed above. However, as also indicated above, the uncertainty in ridership of 6.5% to 12% is far greater than the estimated reduction in GHG emissions and a reduction in ridership of only 2%, easily within the range of uncertainty, would result in an increase in the estimated change in GHG emissions due to the project.

1098-2476 | The permanent impacts related to operation are many. | 1098-2480

As noted above, HSR must revise the presentation of the estimates of GHG, show clearly the high degree of uncertainty and acknowledge that the available information and data cannot be used to claim that “Therefore, CEQA does not require any mitigation.”

1098-2477 | 3. The additional trains and the associated gate downtimes will be both a physical and perceived barrier to park access, specifically Holbrook-Palmer Park at the Watkins Avenue grade crossing and Civic Plaza/Reading Park at the Fair Oaks Lane Crossing. In addition to the trains and gates, the expected vehicle backups at the at-grade crossings will hinder access to the park. | 1098-2480

**Summary**

The Town of Atherton City Council contends that several of the allegations in the California High Speed Rail Draft EIR/EIS that environmental effects in the areas of transportation, safety and security, noise and vibration, parks, recreation and open space and air quality and greenhouse gases are either “not significant” or, if significant, “do not require mitigation”. These contentions are based on analyses of high uncertainty and are not credibly supported by available information and data. We request that the Authority review and revise the analyses, acknowledge that they do not justify the allegations and revise the conclusions and fully mitigate the impacts to traffic, safety, noise, and public spaces. In the Town of Atherton, the Authority should be required to:

1098-2477 | 4. Civic Plaza, Reading Park, Library – As indicated above, the Overall use is considered noise sensitive and the setting is not urban/commercial as suggested by the EIR, but a pastoral setting with limited ambient noise. The setting is civic with low-density residential surrounds and limited noise. The quiet nature of the park will be significantly impacted by the noise and vibrations from the train horns, gate bells, and traffic backups associated with train operations. | 1098-2480

1098-2478 | 5. It is stated in Impacts PK#4 and PK#5 that noise mitigation measures may be necessary. The noise barriers, necessary to mitigate some of the noise impacts from the trains, will detract from the natural setting of | 1098-2480

150 WATKINS AVENUE | ATHERTON, CALIFORNIA 94027 | PH: (650) 752-0500 EM: COUNCIL@CI.ATHERTON.CA.US  
[www.ci.atherton.ca.us](http://www.ci.atherton.ca.us)

150 WATKINS AVENUE | ATHERTON, CALIFORNIA 94027 | PH: (650) 752-0500 EM: COUNCIL@CI.ATHERTON.CA.US  
[www.ci.atherton.ca.us](http://www.ci.atherton.ca.us)

## Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

Draft EIR/EIS Comments  
San Francisco to San Jose Segment  
Town of Atherton

- 1098-2480 | • Mitigate all traffic impacts to LOS C for local streets and LOS E for El Camino Real.
- 1098-2481 | • Mitigate impacts to emergency response related to gate downtimes and associated traffic delays, specifically to the Atherton Police Department located near the Fair Oaks Lane crossing, Ambulance services located at Holbrook-Palmer Park, Menlo Atherton Fire District by providing an unimpeded access route for emergency response vehicles to cross the tracks near Fair Oaks Lane.
- 1098-2482 | • Revise the four-quadrat gate application selected at the Watkins Avenue crossing such that it does not include the proposed median on the west approach to the crossing.
- 1098-2483 | • Mitigate noise impacts to residential, Civic and recreational areas by installing noise barriers on both sides of the tracks along the full length of tracks traversing through the Town (approximately Sta 1554+50 to Sta 1597+50).
- 1098-2484 | • Mitigate the visual impacts of the noise barriers with sufficient landscaping to screen the barriers.
- 1098-2485 | • Install security fencing in all areas where Noise Barriers are not installed along the corridor to reduce the likelihood of unauthorized access and injury.
- 1098-2486 | • Adequately describe the duration of construction and associated impacts so they can adequately be mitigated.

Sincerely,



Rick DeGolia  
MAYOR  
Town of Atherton

150 WATKINS AVENUE | ATHERTON, CALIFORNIA 94027 | PH: (650) 752-0500 EM: COUNCIL@CI.ATHERTON.CA.US  
[www.ci.atherton.ca.us](http://www.ci.atherton.ca.us)

Page 10 of 10

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020)

### 1098-2450

The Authority appreciates the comments on the Draft EIR/EIS. In subsequent individual comments, specific comments were provided regarding transportation, safety and security, noise and vibration, and air quality and greenhouse gases. Each of these specific comments is addressed below.

As described in Section 3.1.5.4, Methods for Evaluating Impacts, as well as within each resource topic section within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, CEQA requires a threshold-based impact analysis. The Authority has established thresholds based predominantly on the CEQA Guidelines to determine the level of significance of impacts under CEQA and, where appropriate, the requirement for mitigation measures to reduce the magnitude and severity of impacts. If an impact is below the threshold, the impact is considered less than significant. If a threshold is exceeded, the impact is considered significant under CEQA. If mitigation does not reduce an impact below the threshold, the impact remains significant and unavoidable after mitigation. The thresholds of significance under CEQA are presented in each resource topic section in Chapter 3. Consistent with NEPA's requirements, the EIR/EIS identifies all relevant, reasonable mitigation measures, and discusses mitigation "in sufficient detail to ensure that environmental consequences have been fairly evaluated," but it is not necessary to formulate and adopt a complete mitigation plan (Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 352 [1989]).

Please refer to Standard Response FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation, for a discussion of the level of detail of mitigation measures.

### 1098-2451

The comment asserts that the analyses within the Draft EIR/EIS should be updated to reflect ridership projections of the Authority's 2020 Business Plan. The comment further asserts a belief that the 2020 ridership projections are "overly optimistic."

Section 2.7, Ridership, of the Draft EIR/EIS provides a detailed description of the differences between the ridership forecasts from the 2016 Business Plan, the 2018 Business Plan, and the Draft 2020 Business Plan. To the extent that the lower ridership levels projected in the 2018 Business Plan or the 2020 Business Plan would result in fewer trains operating in 2040, the impacts associated with the train operations in 2040 would be somewhat less than the impacts presented in the Draft EIR/EIS and the benefits accruing to the project (e.g., reduced VMT, reduced GHG emissions, reduced energy consumption) also would be less than the benefits presented in the Draft EIR/EIS. As with the impacts, the benefits would continue to build and accrue over time and would eventually reach the levels discussed in this Draft EIR/EIS for the Phase 1 system.

The commenter incorrectly asserts that the use of higher ridership projection results in benefits that allow the project to avoid mitigating project impacts. Consistent with the requirements under NEPA and CEQA, the Draft EIR/EIS identifies feasible mitigation measures to avoid, minimize, rectify, reduce, eliminate, or compensate for an adverse physical change in the environment. The mitigation measures identified in the Draft EIR/EIS directly relate to project impacts that have been determined to be significant; these measures are not influenced by project benefits.

The Authority has not updated the analysis for the Final EIR/EIS to reflect the 2020 Business Plan because, for the reasons described above, doing so would not change the substance of the analysis, proposed mitigation, or any impact conclusions.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2452

This introductory comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, nor did it result in any revisions to the Draft EIR/EIS. The comment is noted and will be presented to Authority decision makers as part of the Final EIR/EIS when it considers the project for approval.

### 1098-2453

The comment expresses an opinion on the merits of the project, specifically gate and median treatments proposed the Watkins Avenue rail crossing in the Town of Atherton. The four-quadrant gate and raised median applications identified in the Draft EIR/EIS and Volume 3, Preliminary Engineering Plans, were developed at a prototypical level. The Authority acknowledges that additional coordination and refinement would be necessary during final design to ensure access is maintained to the extent possible while safe HSR operation is assured. The comment did not result in any revisions to the Draft EIR/EIS.

### 1098-2454

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The comment suggests that the Draft EIR/EIS fails to recognize inconsistencies with the Town of Atherton General Plan and LOS standards. A summary of relevant policies from the Town of Atherton General Plan was provided in Table 1 of Appendix 2-I, Regional and Local Plans and Policies, of the Draft EIR/EIS, and at the time of the preparation of the analysis, no policy inconsistencies were identified in Appendix 2-J, Policy Consistency Analysis. The Town of Atherton General Plan Update was approved in January 2020, and several new transportation policies were included in the Circulation Element including a LOS policy and a policy to halt use of the Peninsula Corridor by High-Speed Rail. To address this comment, updates have been made to Section 3.2.3, Consistency with Plans and Laws, Appendix 2-I, and Appendix 2-J, of the Final EIR/EIS to reflect these new policies and policy inconsistencies. The project would result in an inconsistency with Policy CIR-5.1 (Level of Service standard) and CIR-6 (HSR service in Peninsula) of the Brisbane General Plan. Although the Draft EIR/EIS describes the project's inconsistency with local plans to provide a context for the project, inconsistency with such plans is not in itself considered an environmental impact.

### 1098-2455

Refer to Standard Response FJ-Response-OUT-2: Consultation with Local Agencies and Consistency with Local Regulations.

The comment states that the Draft EIR/EIS should recognize inconsistencies with the C/CAG CMP. Please refer to the response to submission FJ-1096, comment 819.

### 1098-2456

The comment suggests that the Draft EIR/EIS should evaluate impacts on traffic at intersections along Middlefield Road at Fair Oaks Lane and Marsh Road in Atherton. The project would not add vehicle traffic to either of the intersections along Middlefield Road, as the closest HSR station is located in Millbrae. Intersections in Atherton were evaluated based on their proximity to the existing Caltrain rail corridor to determine if added gate-down time would cause an impact on intersection LOS. This analysis includes the intersections of El Camino Real/Fair Oaks Lane-Atherton Avenue, Lloyd Drive/Fair Oaks Lane, and El Camino Real/Atkins Avenue. These three intersections are located within 0.25 mile of the existing Caltrain rail corridor. The analysis in the Draft EIR/EIS identified an impact at the intersection of Lloyd Drive/Fair Oaks Lane, which is within 50 feet of the rail corridor, but not at the other two intersections, which are just under 0.25 mile away. The intersection of Middlefield Road/Fair Oaks Lane is 0.4 mile from the rail corridor, while the intersection of Middlefield Road/Marsh Road is 0.6 mile from the rail corridor, both much farther away than the intersection of El Camino Real/Fair Oaks Lane and El Camino Real/Atkins Avenue, where no impacts due to added gate-down time were identified. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2457

Refer to Standard Response FJ-Response-GEN-4: Consideration of 2040 Caltrain Service Vision and Caltrain Business Plan.

The comment suggests that the "Existing and Planned Future Train Levels of Service" discussed in the Draft EIR/EIS were inconsistent with Caltrain Service Planning. As explained in the standard response referenced above, the EIR/EIS analyzes the amount of service agreed upon between Caltrain and the Authority (and other funding/transportation agencies). The 2040 Caltrain Service Vision is a long-term planning vision for Caltrain that is not fully funded nor reviewed through a full environmental review process. The HSR project will not preclude the achievement of the Caltrain Service Vision in the future.

### 1098-2458

The comment indicates that the discussion of commercial air travel in Section 3.2, Transportation, of the Draft EIR/EIS omits reference to the San Carlos Airport as providing commercial air service. Table 3.2-11 identifies the primary commercial air travel services in the vicinity of the project including SFO, SJC, and OAK. The San Carlos Airport is appropriately identified as a public, general aviation airport. The San Carlos Airport is not included in Table 3.2-11 because it is not a major commercial aviation airport. The comment did not result in any revisions to the Draft EIR/EIS.

### 1098-2459

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment notes that the Draft EIR/EIS indicates that two intersections in Atherton would exceed LOS D conditions: the intersections of El Camino Real/Fair Oaks-Atherton Avenue (during the AM peak hour) and El Camino Real/Watkins Avenue. The comment also notes that the 2019 CMP prepared by C/CAG lists the segment of El Camino Real between SR 84 and Glenwood Avenue as operating at LOS A/B, and a 2018 El Camino Real study by the Town of Atherton found the El Camino Real/Fair Oaks-Atherton Avenue intersection operated at LOS C conditions. The comment also notes that the C/CAG Congestion Management Program establishes a LOS standard for El Camino Real of LOS E and that the Draft EIR/EIS forecasts LOS at these intersections would be reduced to LOS F by 2040 under either alternative.

Please refer to the response to submission FJ-1096, comment 819 regarding consistency with the C/CAG CMP. Please refer to the response to submission FJ-1098, comment 2454 regarding consistency with the Town of Atherton General Plan LOS policy.

The Draft EIR/EIS evaluates LOS conditions at the intersections of El Camino Real/Fair Oaks Lane/Atherton Avenue and El Camino Real/Watkins Avenue in the town of Atherton based on the application of Highway Capacity Manual procedures using the SimTraffic microsimulation package for intersection operations with inputs such as intersection lane geometry, signal phasing and timing, and peak hour turn volumes derived from weekday counts collected at each intersection from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. The SimTraffic microsimulation package accounts for the delay effects of the offset configuration of Atherton Avenue and Fair Oaks Lane at the El Camino Real/Fair Oaks Lane/Atherton Avenue intersection as well as the short turn pockets on the eastbound and westbound legs of the intersection. The intersection of El Camino Real/Watkins Avenue is a side-street stop-controlled intersection and the reported LOS, per the Authority identified criteria for NEPA LOS effects, is based on the worst-movement delay, which occurs for the westbound left turn (overall average intersection LOS is B during the AM peak hour and A during the PM peak hour). The LOS A/B conditions cited in the 2019 Congestion Management Program prepared by C/CAG are

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2459

for a 2.4-mile continuous roadway segment of El Camino Real between SR 84 and Glenwood Avenue. The Congestion Management Program road segment LOS is based on the ratio of through volumes counted at a point along the segment, divided by an assumed capacity for that point. It is an average condition for the segment and does not represent LOS at individual intersections. The 2019 Congestion Management Program Appendix B states "the levels of service presented for various roadway segments along El Camino Real are likely to be better than the level of service of individual intersections" and that the intersections "are the locations where the street capacity is most constrained" (C/CAG 2020: page B-6). The Congestion Management Program also notes that "limited amounts of data were available to evaluate existing levels of service" for the road segments and that "these one-hour increments do not necessarily reflect when the highest peak-hour volumes occur".

Regarding the requested use of the Congestion Management Program LOS standard, as lead agency, the Authority developed the methodology and significance criteria applied for the Draft EIR/EIS assessment in accordance with CEQA and NEPA guidelines. As CEQA was amended in 2018 to eliminate the use of LOS as a threshold to identify significant CEQA transportation impacts, the Draft EIR/EIS addresses LOS for NEPA purposes only. The Authority identified a single LOS criterion to identify adverse effects under NEPA that is applied for intersections in all jurisdictions along the corridor to provide a fair and consistent evaluation of project impacts. Please refer to Sections 3.2.4.4, Method for Evaluating Impacts under NEPA, and 3.2.4.5, Method for Determining Significance under CEQA, of the Draft EIR/EIS for a description of the methods and impact criteria incorporated within the transportation assessment. Please refer also to FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, regarding how the Authority analyzed and identified mitigation for LOS impacts.

### 1098-2460

The comment suggests that the Draft EIR/EIS should evaluate impacts on traffic at intersections along Middlefield Road at Fair Oaks Lane, Marsh Road, and Watkins Avenue in Atherton. The project would not add vehicle traffic to the intersections along Middlefield Road because the closest HSR station is located in Millbrae. Intersections in Atherton were evaluated based on their proximity to the existing Caltrain rail corridor to determine if added gate-down time would cause an effect on intersection LOS. This includes the intersection of El Camino Real/Fair Oaks Lane-Atherton Avenue, Lloyd Drive/Fair Oaks Lane, and El Camino Real/Atkins Avenue. These three intersections are located within 0.25 mile of the existing Caltrain rail corridor. An impact is identified at the intersection of Lloyd Drive/Fair Oaks Lane, which is within 50 feet of the rail corridor, but not at the other two intersections, which are just under 0.25 mile away. The intersections of Middlefield Road/Fair Oaks Lane and Middlefield Road/Watkins Avenue are about 0.4 mile from the rail corridor, while the intersection of Middlefield Road/Marsh Road is about 0.6 mile from the rail corridor. All of these intersections are farther away than the intersections of El Camino Real/Fair Oaks Lane and El Camino Real/Atkins Avenue, where no impacts due to added gate-down time were identified. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2461

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment notes that ridership forecasts prepared by the Authority in 2020 show fewer riders than the forecasts done in 2016, and suggests that the VMT analysis should be updated and that the LOS assessment should also be updated. The Authority updates its ridership forecasts periodically so that policy makers have the most accurate information possible when making decisions regarding the project. The comment is correct that the 2020 ridership forecast is about 10 percent lower than the 2016 ridership forecast. However, the commenter's assertion that the use of higher ridership projections allows the Authority to avoid mitigating project impacts is not accurate.

As CEQA was amended in 2018 to eliminate the use of LOS as a threshold to identify significant CEQA transportation impacts, the Draft EIR/EIS addresses the project's effects on intersection LOS for NEPA purposes only. In contrast, the project's effects on VMT are assessed as a potential impact under both CEQA and NEPA. Since the two sets of impacts are not related, the VMT analysis has no bearing on the mitigations under consideration for adverse intersection LOS effects under NEPA. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse intersection LOS effects under NEPA. Please also refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, regarding how the Authority analyzed and identified mitigation for LOS impacts.

The commenter incorrectly asserts that because the HSR project is estimated to reduce county-wide VMT by only 2 percent, a reduction in ridership could result in increases in the county-wide VMT. As noted above, the ridership forecasts in the 2020 Business Plan are 10 percent lower than the ridership forecasts in the 2016 Business Plan that are the basis for the VMT forecasts in the Draft EIR/EIS. While the ridership forecasts are lower in the 2020 Business Plan, the VMT forecasts associated with the lower ridership forecasts still show reductions in VMT with the project alternatives. This outcome is consistent with the VMT forecast trends in the Draft EIR/EIS, which indicate the VMT reductions would be benefits accruing to the project. Although the VMT reduction may be smaller in magnitude than reported in the Draft EIR/EIS, it would still be a reduction and so CEQA Guidelines Section 15064.3 ("...transportation projects that reduce VMT

### 1098-2461

should be presumed to cause a less-than-significant impact") would still apply.

### 1098-2462

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

Please refer to the response to submission FJ-1098, comment 2461, which explains why the commenter's assertion that the Authority uses higher ridership projections to avoid mitigating project impacts is not accurate. The VMT analysis has no bearing on the mitigations under consideration for adverse intersection LOS effects under NEPA. Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS identifies NEPA-related adverse intersection LOS effects. Refer to TR-MM#1 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the site-specific mitigation identified for adverse intersection LOS effects under NEPA.

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2463

Refer to Standard Response FJ-Response-SS-2: Emergency Vehicle Response Times, FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment raises several concerns regarding traffic impacts for three intersections in the Town of Atherton and impacts on emergency vehicle access. The Draft EIR/EIS indicates LOS F conditions under the 2040 No Project scenario for the three intersections and the Town disagrees with this assessment. The Town is relocating their Police Department to a location where the primary exit is near the Fair Oaks Lane crossing, and the Town is concerned that gate-down times at the at-grade crossings will impact both police and ambulance response times.

Regarding 2040 No Project LOS conditions, please see the response to submission FJ-1098, comment 2459, which addresses this concern. Impact S&S#6 identifies impacts on emergency access and response times due to station traffic and increased gate-down time. The emergency vehicle access assessment indicated potential response time delay of 30 seconds or more for fire station vehicles and first responder ambulances for five fire station response areas along the corridor due to increased gate-down time at at-grade crossings. An emergency vehicle access impact was not identified for crossings in the Town of Atherton. Effects were not identified for ambulance staging areas such as the one mentioned in the comment at Holbrook-Palmer Park because those staging areas are flexible and can be adapted over time to respond to changing needs and travel conditions. Adverse intersection LOS effects under NEPA identified in the Draft EIR/EIS include an effect during the AM peak hour at the side-street stop controlled Lloyd Drive/Fair Oaks Lane intersection located approximately 50 feet west of the Fair Oaks Lane at-grade crossing noted in the comment. A review of the LOS evaluation indicates that the high delays experienced during the AM peak hour would occur on the westbound and southbound intersection approaches. The uncontrolled eastbound approach of the intersection, which would be the direction that outbound police vehicles would be traveling when responding to incidents on the east side of the rail corridor, is forecast to operate at LOS A/B conditions during the AM peak hour and thus would not be significantly affected by the increased gate down time events resulting from added HSR trains. Please also see Standard Response FJ-Response-SS-2: Emergency Vehicle Response Times for additional information.

### 1098-2463

Regarding mitigation for traffic effects, please see Standard Response FJ-Response-TR-1: Site Specific Traffic Mitigation Measures. As explained therein, in the Final EIR/EIS, the Authority has considered potential site-specific mitigation measures to address NEPA adverse traffic effects where feasible mitigation exists and where it meets Authority specified criteria. However, as explained in revisions in Appendix 3.2-C, Traffic Mitigation Measures Screening, no feasible mitigation was identified at the Fair Oaks Lane/Lloyd Drive intersection in Atherton.

### 1098-2464

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-SS-2: Emergency Vehicle Response Times.

The comment notes that the Draft EIR/EIS should include grade separation improvements to allow unimpeded means of crossing the tracks for emergency response vehicles. The comment is addressed by the standard responses referenced above.

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2465

The comment notes that the Draft EIR/EIS includes a discussion of mitigation measures for emergency response that would require data to be obtained at affected intersections but that the mitigation measures do not include intersections in Atherton. The comment is referring to text from SS-MM#4 in Section 3.11, Safety and Security, of the Draft EIR/EIS. This mitigation measure addresses impacts on fire station emergency access related to added travel time from increased gate-down time at the rail at-grade crossings. This was based on a screening analysis of emergency vehicle response times through a geospatial assessment of fire stations on both sides of the rail corridor, results of which are presented under Impact S&S#6. The screening analysis used GIS to evaluate the potential impact on travel time between the nearest fire station and uses in adjacent 0.25-mile grid cells. The screening analysis identified areas that would experience added response times of 30 seconds or more, and these areas were identified as having a potential effect. No such locations were identified in the town of Atherton. The comment did not result in any revisions to the Draft EIR/EIS.

### 1098-2466

Refer to Standard Response FJ-Response-SS-2: Emergency Vehicle Response Times.

The comment notes that the Draft EIR/EIS mitigation measure SS-MM#4 would not result in actions for three years after the initiation of HSR service. Mitigation Measure SS-MM#4 is an adaptive mitigation measure designed for application both because the HSR program will be phased (initially with 2 HSR trains in each direction per hour, added to a base of 6 Caltrain trains in each direction per hour) and because it is hard to predict what conditions will be in place almost 10 years in the future when the initial HSR service is implemented. The mitigation measure in the Draft EIR/EIS indicates that monitoring would occur 1 year prior to initiation of new service, six months after initiation, and annually thereafter for three years. An emergency vehicle priority treatment plan would be developed where an increase in emergency response times of 30 seconds or more occurs along cross-streets of designated at-grade crossing locations. Implementation of improvements would occur upon mutual agreement of the plan by the Authority and the affected local agency.

To address questions related to the implementation of emergency vehicle priority treatments related to increased gate-down time impacts, Mitigation Measure SS-MM#4 has been modified in the Final EIR/EIS to provide for monitoring prior to and after implementation of added Caltrain service implemented as a result of the PCEP or other service enhancements that occur prior to HSR implementation at the eight identified at-grade crossing locations. Should the travel time on the streets adjacent to the at-grade crossings increase by the designated 30 second threshold as a result of added Caltrain service, the Authority would initiate consultation with the affected jurisdiction and development of strategies.

### 1098-2467

The comment requests that security fencing be included as part of the project. In fact, the project includes installation of fencing at at-grade crossings and along the perimeter of the Caltrain right-of-way where it does not already exist. Please also refer to Draft EIR/EIS Section 3.11, Safety and Security, Impact S&S#14, which describes the right-of-way perimeter fencing and other safety improvements that would be implemented to deter trespass, limit access to the right-of-way, and detect obstructions within the rail corridor. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2468

As stated in Section 3.4.2.3, Regional and Local, of the Draft EIR/EIS, the HSR system is not subject to local general plan policies and ordinances related to noise limits or to locally based criteria concerning noise and vibration for the project alternatives. The project is subject to the FRA noise and vibration impact criteria, and the noise and vibration impact assessments were conducted following FRA methodology and criteria. Please refer to Section 3.4.7, Mitigation Measures, in the Draft EIR/EIS for a discussion of the measures identified to avoid or reduce significant noise and vibration impacts.

In response to this comment, references to the Town of Atherton General Plan have been updated to 2020 in Section 3.4, Noise and Vibration; Chapter 12, References; Appendix 2-I, Regional and Local Plans and Policies; and Appendix 2-J, Policy Consistency Analysis, in the Final EIR/EIS.

### 1098-2469

Moderate noise impacts identified in Section 3.4, Noise and Vibration, of the Draft EIR/EIS are considered less than significant. As stated in Section 3.4.4.5, Method for Determining Significance under CEQA, of the Draft EIR/EIS, only severe noise impacts are considered significant and require mitigation under CEQA. Mitigation Measure NV-MM#3 summarizes the Authority's mitigation guidelines which consider multiple factors for determining the reasonableness of noise barriers as mitigation for severe noise impacts, including structural and seismic safety, cost, number of affected receptors, and effectiveness. The consideration of these types of factors in determining the reasonableness and feasibility of noise barriers is consistent with standard noise abatement practices adopted by transportation agencies. Specifically, the Authority's guidelines specify that noise barriers must achieve a minimum of 5 dB noise reduction, benefiting at least 10 receptors per barrier, be at least 800 feet long, and be cost effective, which is defined as not exceeding \$95,000 per benefited receptor. Where noise barriers are not proposed, building sound insulation would be considered as a potential mitigation measure. If substantial noise reduction cannot be completed through installation of noise barriers or installing sound insulation, the Authority would consider acquiring a noise easement. The comment did not result in any revisions to the Draft EIR/EIS.

### 1098-2470

Please refer to the response to submission FJ-1098, comment 2469, which describes how mitigation is applied to address severe noise impacts due to train operations. Sound reflected off a noise barrier back toward receptors on the opposite side of the alignment would travel an added distance before reaching those receptors, and the sound level would decrease with the added distance traveled. The reflected noise level would be less than the direct noise from train passbys and would not affect the results. Therefore, reflected noise is included in the noise analysis results. The comment did not result in any revisions to the Draft EIR/EIS.

### 1098-2471

Please refer to the responses to submission FJ-1098, comments 2469 and 2470, which describe how mitigation is applied to address severe noise impacts due to train operations and address the commenter's concern about sound reflection off noise barriers.

NV-MM#3 summarizes the Authority's noise mitigation guidelines and the criteria used to identify potential noise barrier locations to mitigate significant noise impacts. In Atherton, areas that qualify for noise barriers include the southbound side of the alignment from Sta 1551+95 to Sta 1573+50, the southbound side of the alignment from Sta 1591+25 to Sta 1606+50, and the northbound side of the alignment from Sta 1595+35 to 1606+50. The location of the latter two noise barriers was identified as "Menlo Park" in the Draft EIR/EIS but has been corrected to "Atherton & Menlo Park" in the Final EIR/EIS, as these barriers extend into both communities. The Atherton Town Center, Library, and Holbrook-Palmer Park are projected to have moderate noise impacts and therefore are not required to be mitigated under CEQA. As noted in NV-MM#3, where noise barriers are not proposed, building sound insulation (e.g., additional glazing of windows, sealing holes in exterior surfaces) would be considered as a potential measure to mitigate severe noise impacts.

The visual effects of noise barriers are addressed in AVQ-MM#6. However, in the location where the noise barrier in Atherton is proposed, mature vegetation already exists outside the right-of-way that would shield views from streets and residences. The Authority would work with local jurisdictions to develop the appropriate noise barrier style and treatments. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2472

Please refer to NV-MM#4 in Section 3.4.7, Mitigation Measures, which states quiet zones can only be legally undertaken by local jurisdictions. The Authority cannot legally establish or require a quiet zone. However, this measure has been revised in the Final EIR/EIS to clarify that HSR would assist with the preparation of technical analysis and materials needed for the quiet zone application, which would then be provided to local communities for submittal to the FRA.

### 1098-2473

Please refer to the response to submission FJ-1098, comment 2469, which describes the multiple criteria the Authority uses to determine the reasonableness of noise barriers. The criteria used by the Authority, including the use of a cost-effectiveness criterion, is consistent with the criteria adopted by Caltrans and it reflects reasonable criteria for determining the feasibility of a mitigation measure. Additionally, as stated in the response to submission FJ-1098, comment 2473, the Authority would consider the use of building sound insulation or acquisition of noise easements where substantial noise reduction cannot be completed through other measures. The comment did not result in any revisions to the Draft EIR/EIS.

### 1098-2474

In response to the comment, the Authority reviewed construction durations for the four-quadrant gates and determined that while the greatest construction activity requiring lane and sidewalk closures would occur over 2–4 weeks, an estimated construction period of 4–6 months is more realistic for all construction activities. Revisions have been implemented throughout the Final EIR/EIS but did not result in changes to significance conclusions. Impact PK#2 in the Draft EIR/EIS finds that the impact would not be significant under CEQA and this conclusion is supported by substantial evidence. The analysis in Impact PK#2 states that the four-quadrant gate at Watkins Avenue is adjacent to the park and discusses the temporary construction-related impacts from noise, vibration, and emissions on access to and use of the park. The temporary construction-related impacts would occur during the 2–4 weeks that lane and sidewalk closures are underway but would not last the entire 4–6 months it would take to complete installation of the four-quadrant gate. As described in Impact PK#2, closure of Watkins Avenue would not be required during construction of the four-quadrant gate because only one lane of traffic would be closed at a given time and project design features (PK-IAMF#1, TR-IAMF#2, TR-IAMF#4, TR-IAMF#5) would avoid or minimize temporary impacts on access to and use of the parks and recreation facilities.

In addition, these revisions have also been implemented in Section 4.6.1.28, Holbrook-Palmer Park Use Assessment (ID#99), of Chapter 4, Final Section 4(f)/6(f) Evaluation, of the Final EIR/EIS. As described in the section, the temporary construction impacts on access and traffic would be minimized by providing detours and signage so that motorists and pedestrians would continue to have access to the park (PK-IAMF#1, TR-IAMF#2, TR-IAMF#4, TR-IAMF#5). These revisions did not change the Section 4(f) use determination that temporary construction-related impacts as well as operational noise and visual impacts would not substantially impair the protected activities, features, or attributes that qualify the park for protection under Section 4(f), and no constructive use would result.

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2475

The comment states that the Draft EIR/EIS identifies the park setting as urban/commercial, when it should be residential. However, the setting identified for Holbrook-Palmer Park in the Draft EIR/EIS was urban/residential and the use was not considered noise sensitive, as described in Table 3.14-4. In response to the comment, the setting for Holbrook-Palmer Park was revised to remove “urban” throughout Section 3.14, Parks, Recreation, and Open Space, in the Final EIR/EIS.

Holbrook-Palmer Park is adjacent to the existing Caltrain corridor and the park provides for active outdoor uses, including baseball, softball, tennis, a playground, and walking or running, so it is not considered noise sensitive. Compliance with FRA guidelines for minimizing construction noise and vibration levels, as well as minimizing fugitive dust emissions, would minimize construction-related impacts on park users. In response to the comment, the last sentence (concerning mature trees) was deleted from the discussion for this park in Table 3.14-4 in Impact PK#1 in the Final EIR/EIS.

### 1098-2476

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment states gate-down times and vehicle delays at at-grade crossings would create a physical and perceived barrier to park access during operations. Please refer to Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS that addresses impacts from gate-down times and vehicle delays. Depending on their point of origin, park users currently travel through existing at-grade crossings to reach both of the parks, so gate-down times would not be a newly introduced physical or perceived barrier to park access. While the number of trains operating along the corridor would increase, as described in Appendix 3.2-A, Transportation Data on Intersections, no adverse effects due to increased gate-down time were identified at the Watkins Avenue at-grade crossings that would delay access to Holbrook-Palmer Park. An adverse effect is identified at the intersection of Lloyd Drive/Fair Oaks Lane where the delay increase was estimated at 33 seconds during the AM peak hour, but would not prevent access to Reading Park. The estimated 33-second traffic delay would be a worst-case scenario during the AM peak hour, and as a result, delays would be less during off-peak or PM peak hour travel times. The comment did not result in any revisions to the Draft EIR/EIS.

### 1098-2477

The comment states that the Draft EIR/EIS identifies the park setting as urban/commercial, but states it should be considered civic instead. To address this comment, the setting for this park was revised to residential throughout the Final EIR/EIS. The Atherton Civic Plaza and Library do not meet the definition of parks, recreation, and open space provided in Section 3.14.1.1, Definition of Resources, of the Draft EIR/EIS. Regarding Reading Park, as noted in Table 3.14-4, “the overall use could be considered noise sensitive, as it is part of the library grounds.” However, the park is within 142 feet of the existing Atherton Station and already exposed to noise from railway operations. The project would comply with FRA and FTA guidelines for minimizing construction noise and vibration levels, as well as minimize fugitive dust emissions, and the park would remain usable during construction.

Regarding operational noise impacts, Table 3.14-9 lists the five parks and recreation facilities where operational noise impacts were predicted to occur (refer to Impact PK#7). This park is already exposed to noise from railway operations and operational noise impacts were not identified at this park.

Operational noise impacts are also discussed in Chapter 4, Final Section 4(f)/6(f) Evaluation, and as described in Section 4.6.1.27, Reading Park Use Assessment (ID#98), the park is 142 feet west of the Atherton Station, 750 feet south of the at-grade crossing at Fair Oaks Lane, and 651 feet north of the at-grade crossing at Watkins Avenue. Train horn noise is already part of the existing environment because of the proximity of the Atherton Station, so a quiet environment is not part of the protected activities of the park. A detailed discussion of noise impacts on parks is included under heading Operational Noise Impacts in Section 4.6.1, Parks and Recreational Facilities, following Table 4-7. Trains would sound the warning horns 0.25 mile before each at-grade crossing and station. Train passbys and associated horn noise would be most frequent during the morning and evening peak commute times (6:30 a.m. to 9:30 a.m. and 4:30 p.m. to 7:30 p.m.) when approximately 20 trains per hour (consisting of both Caltrain and HSR trains) would travel in either direction through the corridor. As described in Section 4.6.1, train horns would sound as the trains approach at-grade crossings; for Reading Park these crossings would include Fair Oaks Lane and Watkins Avenue, as well as the Atherton Station. Because of the distance from the two at-grade crossings, horn noise would be most noticeable as the trains approach the Atherton

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2477

Station.

The Authority would implement mitigation measures to minimize the impacts of operational noise (NV-MM#3, NV-MM#4, NV-MM#5, NV-MM#6). Temporary construction-related impacts and operational noise impacts would not substantially impair the protected activities, features, or attributes that qualify Reading Park for protection under Section 4(f), and no constructive use would occur.

Outdoor land uses including parks and recreational facilities are generally not considered vibration sensitive. Both Section 3.14, Parks, Recreation, and Open Space, and Chapter 4 note that operational vibration impacts were not identified at the parks and recreational facilities in the RSA. Tables 5-19 and 5-20 (Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report), provide additional detail regarding the specific vibration impacts, existing and future levels, and locations before mitigation. In addition, Volume 2, Appendix 3.4-C, Noise and Vibration Impact Locations, has been added to the Final EIR/EIS, and includes new figures illustrating the location of noise and vibration measurement sites, noise impacts and proposed noise barriers, and vibration impacts in greater detail.

### 1098-2478

Holbrook-Palmer Park and Reading Park were analyzed in both Section 3.14, Parks, Recreation, and Open Space, and Chapter 4, Section 4(f)/6(f) Evaluation, in the Draft EIR/EIS. Please refer to the response to submission FJ-1098, comment 2477, regarding impacts on Reading Park.

Impact PK#4 and Impact PK#5 address access to parks and recreational facilities and do not discuss noise barriers. Impact PK#7 addresses operational noise impacts on parks and recreational facilities and Table 3.14-9 lists the five parks and recreational facilities, including Holbrook-Palmer Park, where moderate noise impacts from operations were projected to occur. No mitigation measures are discussed because the impact would be less than significant under CEQA. As stated in Section 3.4.4.5, Method for Determining Significance under CEQA, of the Draft EIR/EIS, only severe noise impacts are considered significant and require mitigation.

While the moderate noise impacts identified at Holbrook-Palmer Park do not require mitigation, there are severe noise impacts projected south of the park. The cost effectiveness calculation conducted as part of the noise mitigation analysis (see Section 3.4.7.1, Noise Mitigation Analysis) found that Barrier #27 would be cost effective and would also benefit adjacent moderate noise impacts, so Barrier #27 would be extended to Watkins Avenue on the northbound side of the tracks for the length of Holbrook-Palmer Park, as well as along other moderate impact locations south of the park (see Table 3.4-21). Noise Barrier #27 as part of NV-MM#3 would reduce the moderate noise impact to no impact at Holbrook-Palmer Park.

The mature trees and landscaping between the tracks and boundary of Holbrook-Palmer Park would provide some visual screening by blocking direct views of the barrier, but park users could still have views of the noise barrier near the park boundary. In accordance with AVQ-MM#6, as part of the final design and construction management plan, the Authority would work with local jurisdictions to develop the appropriate noise barrier style and treatments for visually sensitive areas, to reduce the visual effect of barriers on adjacent land uses. Views of the noise barrier from the park would not prevent use of the park.

Both Section 3.14 and Chapter 4 note that operational vibration impacts were not identified at the parks and recreational facilities in the RSA, including Holbrook-Palmer Park. Outdoor land uses, including parks and recreational facilities, are generally not considered vibration sensitive. Tables 5-19 and 5-20 in Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report, of the Draft EIR/EIS provide additional detail

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2478

regarding the specific vibration impacts, existing and future levels, and locations before mitigation.

In response to this comment, the last sentence (concerning noise barriers at Holbrook Palmer and El Palo Alto Parks) was deleted from the summary text for Impact PK#7 in Table 3.14-14. While both parks would benefit from the noise barriers proposed for severe noise impacts outside the park boundaries, the impacts at the parks would be moderate, a less-than-significant impact under CEQA that does not require mitigation. The Atherton Civic Plaza and Library do not meet the definition of parks, recreation, and open space provided in Section 3.14.1.1, Definition of Resources or Section 4.1.3, Section 4(f) Applicability, of the Draft EIR/EIS. The Atherton Civic Plaza and Library are projected to have moderate noise impacts and mitigation is not required under CEQA. Please refer to the responses to submission FJ-1098, comments 2469, 2470, and 2471, which describe how mitigation is applied to address severe noise impacts due to train operations and the areas in Atherton that qualify for noise barriers. As described in the response to submission FJ-1098, comment 2471, in Atherton, areas that qualify for noise barriers include the southbound side of the alignment from Sta 1551+95 to Sta 1573+50, the southbound side of the alignment from Sta 1591+25 to Sta 1606+50, and the northbound side of the alignment from Sta 1595+35 to 1606+50. The Atherton Civic Plaza, Library, and Reading Park are not located in these areas. Refer to Tables 5-9 and 5-10 in Appendix 3.4-A, which includes details regarding the specific noise impacts, levels, and locations before mitigation. Appendix 3.4-C, Noise and Vibration Impact Locations, has been added to the Final EIR/EIS, and includes new figures showing the location of noise and vibration measurement sites, noise impacts and proposed noise barriers, and vibration impacts in greater detail.

### 1098-2479

Please refer to the response to submission FJ-1098, comment 2461 addressing uncertainty in VMT reductions.

Operational emissions were quantified based on the level of ridership as presented in the Authority's 2016 Business Plan. While the 2018 Business Plan presents slightly different ridership forecasts for the 2029 and 2040 analysis years, the HSR project would ultimately achieve the same benefits as reported in the Final EIR/EIS (refer to Volume 2, Appendix 3.3-C, Changes to Project Benefits Based on 2018 Business Plan). While there is some uncertainty inherent in all forecasts, the Authority used the best available methods and data to develop the ridership and emissions estimates. The total GHG emissions for California and the fraction of emissions due to passenger vehicles as given in the CARB report cited by the commenter are consistent with the Authority's emissions estimates. CEQA does not require speculation about uncertain events, and an EIR may rely on informed estimates. Because the best available data and forecasts show decreases in GHG emissions for project operations, the project's operational GHG emissions impact would be less than significant under CEQA and no mitigation is required.

The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

### 1098-2480

In prior individual comments, the commenter raised specific concerns regarding the conclusions related to transportation; safety and security; noise and vibration; parks, recreation, and open spaces; and air quality and greenhouse gases. Each of these specific comments is addressed above. The Authority disagrees with the assertion that the analyses in the Draft EIR/EIS are highly uncertain and not supported by substantial evidence. Consistent with the focus of both CEQA and NEPA that an EIR/EIS serve as an informational tool for the public and decision makers, the impacts analysis in Volume 1, Report, of the EIR/EIS includes summarized technical information sufficient to allow a full assessment of the environmental impacts of the project. The Draft EIR/EIS described significant impacts of the project and identified mitigation measures to avoid, reduce, or minimize impacts.

The comment also notes that the Draft EIR/EIS should mitigate all traffic impacts to meet the Town of Atherton LOS standards. As lead agency, the Authority developed the methodology and significance criteria applied for the Draft EIR/EIS assessment in accordance with CEQA and NEPA guidelines. As CEQA was amended in 2018 to eliminate the use of LOS as a threshold to identify significant CEQA transportation impacts, the Draft EIR/EIS addresses LOS for NEPA purposes only. The Authority identified a single LOS criterion to identify adverse effects under NEPA that is applied for intersections in all jurisdictions along the corridor to provide a fair and consistent evaluation of project impacts. Please refer to Sections 3.2.4.4, Method for Evaluating Impacts under NEPA, and 3.2.4.5, Method for Determining Significance under CEQA, of the Draft EIR/EIS for a description of the methods and impact criteria incorporated within the transportation assessment. Please refer also to FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts, regarding how the Authority analyzed identified mitigation for LOS impacts.

### 1098-2481

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-SS-2: Emergency Vehicle Response Times.

The comment notes that the Draft EIR/EIS should include grade separation improvements to allow unimpeded means of crossing the tracks for emergency response vehicles. The comment is addressed by the two standard responses referenced above.

### 1098-2482

The commenter's request to modify the four-quadrant gate application at Watkins Avenue is noted. This four-quadrant gate application will be refined as part of the final design of the selected alternative. The comment did not result in any revisions to the Draft EIR/EIS.

### 1098-2483

Please refer to the response to submission FJ-1098, comment 2471. The comment did not result in any revisions to the Draft EIR/EIS.

### 1098-2484

Please refer to Section 3.4, Noise and Vibration, of the Draft EIR/EIS for information on the proposed locations of noise barriers. As shown in Table 3.4-21, a noise barrier is proposed in Atherton under each alternative, for 2,155 feet on the southbound (west) side of the tracks between the northern town limits and the Fair Oaks Lane grade crossing. Mature vegetation already exists outside the railway right-of-way to shield views from streets and residences in this area.

In accordance with AVQ-MM#6, as part of the final design and construction management plan, the Authority would work with local jurisdictions to develop the appropriate noise barrier style and treatments for visually sensitive areas, to reduce the visual effect of barriers on adjacent land uses. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1098 (Rick DeGolia, Town of Atherton, September 3, 2020) - Continued

**1098-2485**

Please refer to the response to submission FJ-1098, comment 2467, which addresses this topic.

**1098-2486**

Please refer to Table 2-24 in the Draft EIR/EIS for estimated construction durations for various project features. Analysis of project construction impacts and mitigation is presented throughout Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures; Chapter 4, Section 4(f)/6(f) Evaluation; and Chapter 5, Environmental Justice, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1066 (Skip Sowko, Transbay Joint Powers Authority, August 31, 2020)

**San Francisco - San Jose - RECORD #1066 DETAIL**

Status : Unread  
 Record Date : 8/31/2020  
 Interest As : Local Agency  
 First Name : Julie  
 Last Name : Markus  
 Attachments : CHSRA EIR-EIS\_TJPA Comment Response Letter - 8-28-20.pdf (3 mb)  
 SFSJ-1066\_Markus\_ProjectEmail\_083120\_Original.pdf (3 mb)

**Stakeholder Comments/Issues :**

Good afternoon,

Attached please find the CHSRA Draft EIR/EIS Comment Response Letter from the TJPA.

---

Julie Markus  
 Executive Assistant  
 Transbay Joint Powers Authority  
 425 Mission Street, Suite 250  
 San Francisco, CA 94105  
 reception@tjpa.org<mailto:reception@tjpa.org>  
 415.597.4620 phone  
 415.597.4615 fax  
 www.tjpa.org<http://www.tjpa.org/>  
 P Please consider the environment before printing this message

[Description: Description: transbayTicon2]<http://tjpa.org/> [Description: Description: fb\_logo\_4]  
 <http://www.facebook.com/pages/Transbay-Transit-Center-Project/211301050057>  
 [cid:image008.png@01CF905C.6327FDF0] <http://instagram.com/thetransbayproject> [Description:  
 Description: t\_small-b] <https://twitter.com/search?q=TransbayProject>

1066-147



August 28, 2020

Via Mail and Email

California High-Speed Rail Authority  
 Attn: Draft San Francisco to San Jose Project Section EIR/EIS  
 100 Paseo de San Antonio, Suite 300  
 San Jose, California 95113  
 Email: san.francisco\_san.jose@hsr.ca.gov

Subject: Draft EIR/EIS Comment – San Francisco to San Jose Project Section

To Whom It May Concern:

Thank you for the opportunity to review the California High-Speed Rail Authority’s (CHSRA) Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS). The Transbay Joint Powers Authority (TJPA) applauds the CHSRA for completing the Draft EIR/EIS and continuing to push the project forward. The TJPA is grateful for the CHSRA’s continued commitment to the development and funding (\$550 million, *CHSRA 2020 Business Plan*) of the Downtown Rail Extension (DTX) Project. In reviewing the Draft EIR/EIS, the TJPA has focused on issues related to the Transbay Program, namely interfaces with the proposed DTX Project. The TJPA would like to offer the following comments on the Draft EIR/EIS:

A) DTX Environmental Clearance

The DTX Project was evaluated in the Transbay Program’s Final EIS/EIR in 2004 and environmentally cleared in 2005. Refinements to the project were evaluated in the Supplemental EIS/EIR in 2018 and environmentally cleared in 2019. References to Fourth and King Street Station configuration alternatives (*Section 3.13.6.2 [pp 3.13-57]*) are misrepresented in the document. The City and County of San Francisco (City) has concluded their study of alternative rail alignments in the Rail Alignments and Benefits (RAB) study to bring Caltrain and high-speed rail from the county line into the Salesforce Transit Center. The San Francisco County Transportation Authority (SFCTA) along with the City approved the Pennsylvania Avenue alignment, which includes the environmentally cleared DTX alignment as the preferred alternative for the project, on September 25, 2018 (*SFCTA Board Resolution No. 19-12 [BD091118]*). The Pennsylvania Avenue alignment does not require the relocation of the Fourth and King Street Station. Please update the status of alternative alignment studies in Section 3.13.6.2.

## Submission 1066 (Skip Sowko, Transbay Joint Powers Authority, August 31, 2020) - Continued

Draft San Francisco to San Jose Project Section EIR/EIS  
August 28, 2020  
Page 2 of 4

1066-148

B) Alignment Conflicts Compromising DTX Constructability

Volume 3 preliminary engineering (PE) drawings TT-D0101 and AR-J0101 illustrate proposed track alignments at the Fourth and King Street Station and mainline approach tracks. As currently designed, these track alignments pose significant constructability conflicts with the proposed and environmentally cleared DTX retained cut and U-wall. The Draft EIR/EIS does not recognize the overlapping, shared and/or adjacent area of DTX Project right-of-way (ROW) between the Fourth and King Street Station and Mariposa Street. Composite drawing TT-D0101 illustrates direct conflicts between the proposed mainline blended service tracks and the environmentally cleared DTX Project maintenance-of-way and turnback tracks. This area will require significant design coordination and integration plans to evaluate multiple construction sequencing scenarios.

1066-149

C) Permanence of Fourth and King Street Station

Any reference to the permanence of the Fourth and King Street Station or aspect thereof, especially as a terminus for the peninsula corridor, must be amended to reflect plans for the environmentally cleared DTX Project extending service to the Salesforce Transit Center (*Table S-4: Impact LU#4 [p S-53]*). All references to the Fourth and King Street Station must recognize the intent for temporary operation.

1066-150

D) Description of the Transbay Program

1. **Description of Salesforce Transit Center** (*Section 1.1.4 [pp 1-9]*). Describes the Salesforce Transit Center by stating:

*The SFTC includes the transit center structure with an aboveground urban park, bus access facilities, an underground walkway to the BART system, and two below-grade levels – a lower concourse level and a structural shell for the HSR and Caltrain train station.*

Please revise this statement for clarity as follows:

*The Salesforce Transit Center includes the transit center structure with an aboveground urban park, bus access facilities, and a structural shell for the two below-grade rail levels – a lower concourse level and a train platform level. Phase 2 of the Transbay Program includes the DTX tunnel, a new underground station at Fourth and Townsend streets, the fit-out of the below-grade levels at the Salesforce Transit Center, and an underground walkway to the BART system.*

1066-151

2. **DTX Cost Estimate** (*Section 1.3.8 [pp 1-36]*) The cited cost of \$2.6 billion for the DTX Project is not accurate and should be updated to reflect the most recent cost estimate of \$4 billion (USD) developed in 2016. This amount includes escalation, contingency, and soft costs for design and management.

Draft San Francisco to San Jose Project Section EIR/EIS  
August 28, 2020  
Page 3 of 4

1066-152

3. **Office of Community Investment and Infrastructure** (*Section 2.9.1 [pp 2-118]*). A reference is made to the TJPA's coordination with the San Francisco Redevelopment Agency; please note that the San Francisco Redevelopment Agency was dissolved in 2012. The successor agency is the Office of Community Investment and Infrastructure.

1066-153

4. **CHSRA Addition to TJPA's Board** (*Section 2.9.1 [pp 2-118]*). Footnote 25 states "The Authority is a member of the Transbay Joint Powers Authority, which is a joint exercise of powers authority created by the City and County of San Francisco, the Alameda-Contra Costa Transit District, PCJPB, the Authority, and Caltrans." Note that the TJPA was created by the City and County of San Francisco, the Alameda-Contra Costa Transit District, and the Peninsula Corridor Joint Powers Board. CHSRA was added as a member agency in November 2017, not as a part of the formation of the TJPA, and Caltrans is an ex officio member of the TJPA Board. Please update this footnote for clarity.

1066-154

5. **DTX Project Scheduling** (*Section 3.2.4.3 [pp 3.2-14]*, *Section 3.4.4.3 [pp 3.4-16]*, and *Appendix 3.18-B-6*). The status and timing for the DTX Project delivery should be updated to reflect in-service for high-speed rail by 2031.

1066-155

6. **Salesforce Transit Center** (*Figure 3.2-1 [pp 3.2-21]*). The figure incorrectly shows "Transbay Transit Center," which is now called "Salesforce Transit Center."

1066-156

7. **DTX Project Nomenclature** (*Table 3.2.12 [pp 3.2-52]*). A unique reference to the DTX Project "Caltrain/HSR Downtown Extension Project" should be normalized to read "Downtown Rail Extension."

1066-157

8. **2040 Operations Analysis** (*Section 3.4.4.3 [pp 3.4-21]*).

1066-158

- a. Note that the DTX underground facilities end north—not south—of Mission Bay Drive. The DTX profile is at grade as it passes over Mission Bay Drive.  
b. The following statement should be updated to reference the Fourth and Townsend Street Station: "The 4<sup>th</sup> and King Street Station was not included in the 2040 analysis because that portion of the alignment will be part of the DTX tunnel in 2040, and that project has already been environmentally cleared."

1066-159

9. **Fourth and King Street Station Interim Terminus** (*Figures 3.6-6 thru 3.6-8 3.7-2 & 3.7-3*). The figures in Chapter 3 feature maps with a note stating "4<sup>th</sup> and King Street Station (interim until the Downtown Extension to the Salesforce Transit Center is completed)." The note should be modified to read "Fourth and King Street Station (interim HSR terminus until the Downtown Rail Extension to the Salesforce Transit Center is completed)."

1066-160

10. **DTX Project Dewatering** (*Section 3.18.6.7 [pp 3.18-49]*). It is unclear why dewatering is being discussed for the DTX tunnel, which is an environmentally cleared project element outside of the scope of this document. Please delete the reference.

# Submission 1066 (Skip Sowko, Transbay Joint Powers Authority, August 31, 2020) - Continued

Draft San Francisco to San Jose Project Section EIR/EIS  
August 28, 2020  
Page 4 of 4



1066-161

11. **DTX Project Limits** (*Chapter 3, multiple figures*). Multiple figures currently show the DTX Project extending from the Fourth and King Street Station to the Salesforce Transit Center. This is inaccurate. The DTX Project should be shown extending along the shared ROW from the intersection with Mariposa Street to the Salesforce Transit Center.

1066-162

12. **DTX Project Description** (*Appendix 3.18-B-6*). Please revise the project description to read: "The DTX will connect Caltrain's regional rail system and the California High-Speed Rail Authority's statewide system to the Salesforce Transit Center in downtown San Francisco. The three-track, 2.7-mile-long alignment will be constructed principally below grade under Townsend and Second streets. The project includes a 1.3-mile tunnel, an underground station at Fourth and Townsend streets, mid-tunnel emergency exit/ventilation structures, at-grade trackwork, utility relocation, and rail systems."

1066-163

13. **DTX Project Scope Clarification** (*Appendix 3.18-B-7*). The extension of Caltrain service to downtown San Francisco is not part of the Caltrain Electrification Project.

1066-164

14. **Fourth and King Street Station Inconsistencies** (*Entire report including all figures, tables, and appendixes*). References to the station at Fourth and King streets are inconsistent; these include the following: "4<sup>th</sup> and King Station," "4<sup>th</sup> & King Street Station," "4<sup>th</sup> and King," and "4<sup>th</sup> and King Street Station." All references to this station should be updated to "Fourth and King Street Station."

1066-165

15. **Map Irregularities** (*Entire Report including all figures*).  
a. Multiple figures have text that is not legible due to cropping or conflicts with dark backgrounds.  
b. Figures with map keys do not show the Fourth and King Street Station.

1066-166

Please give these recommendations careful attention. Incorporating these corrections into the Draft EIR/EIS will improve the information provided to the public. If you have any questions regarding these comments, please do not hesitate to contact me by phone at (510) 570-0971 or email SSowko@tjpa.org.

Skip Sowko

Skip Sowko, PE  
Senior Design & Engineering Manager

cc: Nila Gonzales, TJPA  
Boris Lipkin, CHSRA  
Sebastian Petty, Caltrain  
Tilly Chang, SFCTA  
Doug Johnson, San Francisco Planning Department  
Stephen Polechronis, TJPA PMPC

August 28, 2020

Via Mail and Email

California High-Speed Rail Authority  
Attn: Draft San Francisco to San Jose Project Section EIR/EIS  
100 Paseo de San Antonio, Suite 300  
San Jose, California 95113  
Email: san francisco\_san jose@hsr.ca.gov

Subject: Draft EIR/EIS Comment – San Francisco to San Jose Project Section

To Whom It May Concern:

Thank you for the opportunity to review the California High-Speed Rail Authority's (CHSRA) Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS). The Transbay Joint Powers Authority (TJPA) applauds the CHSRA for completing the Draft EIR/EIS and continuing to push the project forward. The TJPA is grateful for the CHSRA's continued commitment to the development and funding (\$550 million, *CHSRA 2020 Business Plan*) of the Downtown Rail Extension (DTX) Project. In reviewing the Draft EIR/EIS, the TJPA has focused on issues related to the Transbay Program, namely interfaces with the proposed DTX Project. The TJPA would like to offer the following comments on the Draft EIR/EIS:

A) DTX Environmental Clearance

The DTX Project was evaluated in the Transbay Program's Final EIS/EIR in 2004 and environmentally cleared in 2005. Refinements to the project were evaluated in the Supplemental EIS/EIR in 2018 and environmentally cleared in 2019. References to Fourth and King Street Station configuration alternatives (*Section 3.13.6.2 [pp 3.13-57]*) are misrepresented in the document. The City and County of San Francisco (City) has concluded their study of alternative rail alignments in the Rail Alignments and Benefits (RAB) study to bring Caltrain and high-speed rail from the county line into the Salesforce Transit Center. The San Francisco County Transportation Authority (SFCTA) along with the City approved the Pennsylvania Avenue alignment, which includes the environmentally cleared DTX alignment as the preferred alternative for the project, on September 25, 2018 (*SFCTA Board Resolution No. 19-12 [BD091118]*). The Pennsylvania Avenue alignment does not require the relocation of the Fourth and King Street Station. Please update the status of alternative alignment studies in Section 3.13.6.2.

## Submission 1066 (Skip Sowko, Transbay Joint Powers Authority, August 31, 2020) - Continued

Draft San Francisco to San Jose Project Section EIR/EIS  
August 28, 2020  
Page 2 of 4

**B) Alignment Conflicts Compromising DTX Constructability**

Volume 3 preliminary engineering (PE) drawings TT-D0101 and AR-J0101 illustrate proposed track alignments at the Fourth and King Street Station and mainline approach tracks. As currently designed, these track alignments pose significant constructability conflicts with the proposed and environmentally cleared DTX retained cut and U-wall. The Draft EIR/EIS does not recognize the overlapping, shared and/or adjacent area of DTX Project right-of-way (ROW) between the Fourth and King Street Station and Mariposa Street. Composite drawing TT-D0101 illustrates direct conflicts between the proposed mainline blended service tracks and the environmentally cleared DTX Project maintenance-of-way and turnback tracks. This area will require significant design coordination and integration plans to evaluate multiple construction sequencing scenarios.

**C) Permanence of Fourth and King Street Station**

Any reference to the permanence of the Fourth and King Street Station or aspect thereof, especially as a terminus for the peninsula corridor, must be amended to reflect plans for the environmentally cleared DTX Project extending service to the Salesforce Transit Center (*Table S-4: Impact LU#4 [p S-53]*). All references to the Fourth and King Street Station must recognize the intent for temporary operation.

**D) Description of the Transbay Program**

1. **Description of Salesforce Transit Center** (*Section 1.1.4 [pp 1-9]*). Describes the Salesforce Transit Center by stating:

*The SFTC includes the transit center structure with an aboveground urban park, bus access facilities, an underground walkway to the BART system, and two below-grade levels – a lower concourse level and a structural shell for the HSR and Caltrain train station.*

Please revise this statement for clarity as follows:

*The Salesforce Transit Center includes the transit center structure with an aboveground urban park, bus access facilities, and a structural shell for the two below-grade rail levels – a lower concourse level and a train platform level. Phase 2 of the Transbay Program includes the DTX tunnel, a new underground station at Fourth and Townsend streets, the fit-out of the below-grade levels at the Salesforce Transit Center, and an underground walkway to the BART system.*

2. **DTX Cost Estimate** (*Section 1.3.8 [pp 1-36]*) The cited cost of \$2.6 billion for the DTX Project is not accurate and should be updated to reflect the most recent cost estimate of \$4 billion (USD) developed in 2016. This amount includes escalation, contingency, and soft costs for design and management.

Draft San Francisco to San Jose Project Section EIR/EIS  
August 28, 2020  
Page 3 of 4

3. **Office of Community Investment and Infrastructure** (*Section 2.9.1 [pp 2-118]*). A reference is made to the TJPA's coordination with the San Francisco Redevelopment Agency; please note that the San Francisco Redevelopment Agency was dissolved in 2012. The successor agency is the Office of Community Investment and Infrastructure.
4. **CHSRA Addition to TJPA's Board** (*Section 2.9.1 [pp 2-118]*). Footnote 25 states "The Authority is a member of the Transbay Joint Powers Authority, which is a joint exercise of powers authority created by the City and County of San Francisco, the Alameda-Contra Costa Transit District, PCJPB, the Authority, and Caltrans." Note that the TJPA was created by the City and County of San Francisco, the Alameda-Contra Costa Transit District, and the Peninsula Corridor Joint Powers Board. CHSRA was added as a member agency in November 2017, not as a part of the formation of the TJPA, and Caltrans is an ex officio member of the TJPA Board. Please update this footnote for clarity.
5. **DTX Project Scheduling** (*Section 3.2.4.3 [pp 3.2-14]*, *Section 3.4.4.3 [pp 3.4-16]*, and *Appendix 3.18-B-6*). The status and timing for the DTX Project delivery should be updated to reflect in-service for high-speed rail by 2031.
6. **Salesforce Transit Center** (*Figure 3.2-1 [pp 3.2-21]*). The figure incorrectly shows "Transbay Transit Center," which is now called "Salesforce Transit Center."
7. **DTX Project Nomenclature** (*Table 3.2.12 [pp 3.2-52]*). A unique reference to the DTX Project "Caltrain/HSR Downtown Extension Project" should be normalized to read "Downtown Rail Extension."
8. **2040 Operations Analysis** (*Section 3.4.4.3 [pp 3.4-21]*).  
a. Note that the DTX underground facilities end north—not south—of Mission Bay Drive. The DTX profile is at grade as it passes over Mission Bay Drive.  
b. The following statement should be updated to reference the Fourth and Townsend Street Station: "The 4<sup>th</sup> and King Street Station was not included in the 2040 analysis because that portion of the alignment will be part of the DTX tunnel in 2040, and that project has already been environmentally cleared."
9. **Fourth and King Street Station Interim Terminus** (*Figures 3.6-6 thru 3.6-8 3.7-2 & 3.7-3*). The figures in Chapter 3 feature maps with a note stating "4<sup>th</sup> and King Street Station (interim until the Downtown Extension to the Salesforce Transit Center is completed)." The note should be modified to read "Fourth and King Street Station (interim HSR terminus until the Downtown Rail Extension to the Salesforce Transit Center is completed)."
10. **DTX Project Dewatering** (*Section 3.18.6.7 [pp 3.18-49]*). It is unclear why dewatering is being discussed for the DTX tunnel, which is an environmentally cleared project element outside of the scope of this document. Please delete the reference.

## Response to Submission 1066 (Skip Sowko, Transbay Joint Powers Authority, August 31, 2020)

### 1066-147

The comment requests that the Draft EIR/EIS be updated to reflect the proposed alignment of Caltrain and HSR into the SFTC and to clarify that the relocation of the 4th and King Street Station would not be required as part of the DTX Project. To address this comment, the text in Impact LU#4 has been revised in the Final EIR/EIS to clarify the elements of the Pennsylvania Avenue Extension that would affect the 4th and King Street Station, and to clarify that the relocation of the 4th and King Street Station would not be required as part of the Pennsylvania Avenue Extension.

### 1066-148

The comment states that proposed track alignments approaching the 4th and King Street Station present constructability conflicts with elements of the DTX project. The Authority acknowledges the need for coordination with TJPA during final design of the HSR project to address design, construction, and operational conflicts. However, it should be noted that the HSR project does not substantially modify the existing track alignments approaching the 4th and King Street Station; accordingly, the HSR project would not exacerbate any existing constructability conflicts between the DTX project and Caltrain.

The Draft EIR/EIS has evaluated the impacts of an interim station at 4th and King Street because the DTX project is not fully funded. The improvements at the 4th and King Street Station (track shifts, platform modifications) would only occur if DTX is not in place at the time of HSR construction.

### 1066-149

The first mention of the 4th and King Street Station is on Page S-1 of the Summary, where it is explained that it is an interim station until completion of the DTX Project. To avoid repetition and to support a reader-friendly document, “interim” or “temporary” were not included at every mention of the 4th and King Street Station in the Draft EIR/EIS.

Once the Transbay Joint Powers Authority’s DTX Project extends the electrified peninsula rail corridor from the 4th and King Street Station to the SFTC, HSR trains would use the track built for the DTX Project to reach SFTC (the ultimate terminal station in San Francisco). The comment did not result in any revisions to the Draft EIR/EIS.

### 1066-150

To address this comment, the text revisions recommended by the commenter have been added to Section 1.1.4, San Francisco to San Jose Project Section, of the Final EIR/EIS.

### 1066-151

To address this comment, the text revision provided by the commenter has been added to Section 1.3.8, San Francisco Transportation Plan 2020, of the Final EIR/EIS.

### 1066-152

In response to this comment, the reference to the “San Francisco Redevelopment Agency” was replaced by a reference to the “Office of Community Investment and Infrastructure” in the Final EIR/EIS.

### 1066-153

To address this comment, the text of footnote 25 in Chapter 2, Alternatives, in the Final EIR/EIS has been revised for clarity as follows: “The Authority is a member of the Transbay Joint Powers Authority, which is a joint exercise of powers authority comprised of the City and County of San Francisco, the Alameda–Contra Costa Transit District, the PCJPB, the Authority, and Caltrans (ex officio).”

### 1066-154

In response to this comment, the status and timing for the DTX Project has been updated throughout the Final EIR/EIS.

### 1066-155

The comment requests that Figure 3.2-1 be revised to change the reference from “Transbay Transit Center” to “Salesforce Transit Center”. Figure 3.2-1 in the Final EIR/EIS has been revised to make the requested change.

### 1066-156

The comment requests that the reference in Table 3.2-12 to “Caltrain/HSR Downtown Extension Project” be changed to “Downtown Rail Extension”. Table 3.2-12 in the Final EIR/EIS has been revised to make the requested change.

## Response to Submission 1066 (Skip Sowko, Transbay Joint Powers Authority, August 31, 2020) - Continued

### 1066-157

To address this comment, the text in Section 3.4.4.3, Methods for Impact Analysis, has been revised as suggested in the Final EIR/EIS.

### 1066-158

To address this comment, the referenced statement in Section 3.4.4.3, Methods for Impact Analysis, has been clarified in the Final EIR/EIS.

### 1066-159

The comment requests clarification for nomenclature used in the Draft EIR/EIS, specifically requesting modifications to figure notes on five figures in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures.

The Authority agrees that the DTX is a rail project. Draft EIR/EIS Section 1.1.4, San Francisco to San Jose Project Section, defines the DTX as a “1.3-mile-long tunnel extending the electrified peninsula rail corridor in San Francisco from Mariposa Street (south of the existing 4th and King Street Station) to the Salesforce Transit Center (SFTC).”

However, the Authority has not implemented the requested nomenclature changes. Though the comment cites five figures that would need to be updated, such a change would affect more than 40 figures in Draft EIR/EIS Volume 1, Report, that would need one or more updates, as well as dozens of figures in Volume 2, Technical Appendices, and technical reports. While the Authority appreciates the desired emphasis on the rail purpose of the DTX, making the requested nomenclature changes throughout the EIR/EIS would not substantially improve the value of the document as an informational tool for the public and decision makers. Accordingly, no change to the Draft EIR/EIS is warranted in response to this comment.

### 1066-160

The DTX tunnel project area overlaps with the HSR project area in the vicinity of the approach to the 4th and King Street Station and at the 4th and King Street Station. The DTX project, although it has been approved by the TJPA following their certification of a Final EIR, has an uncertain schedule and could overlap with HSR construction, which is why it was included in the cumulative projects considered in Section 3.18, Cumulative Impacts, of the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1066-161

In response to this comment, the description of the DTX Project has been revised in the Summary; Chapter 1, Project Purpose, Need, and Objectives; and Chapter 2, Alternatives, in the Final EIR/EIS to clarify that the DTX would extend the electrified peninsula rail corridor in San Francisco from Mariposa Street (south of the 4th and King Street Station) to the SFTC. The figures are intended to illustrate the relationship of the HSR project alternatives to the 4th and King Street Station and not to provide the specific termini for the DTX Project. Therefore, the figures have not been revised in the Final EIR/EIS.

### 1066-162

To address this comment, the project description for the Downtown Rail Extension in Volume 2, Appendix 3.18-B, Cumulative Transportation Plans and Projects, has been revised as suggested in the Final EIR/EIS.

### 1066-163

To address this comment, the project description for the PCEP in Volume 2, Appendix 3.18-B, Cumulative Transportation Plans and Projects, has been revised as suggested in the Final EIR/EIS.



## Response to Submission 1066 (Skip Sowko, Transbay Joint Powers Authority, August 31, 2020) - Continued

### **1066-164**

To address this comment, all text references to this station have been revised to “4th and King Street Station” in the Final EIR/EIS. However, different conventions are applied to figures; for example, to limit text on figures, the station is referred to in figures as “4th and King” with a symbol identifying the station. Additionally, where the text refers to the street intersection located at Fourth and King Streets, the nomenclature used is “Fourth and King Street.”

### **1066-165**

The comment is not specific about identifying figures where text is not legible. While some of the figures of the Draft EIR/EIS are complex and contain a lot of information, it is the Authority’s belief that the critical information intended to be conveyed in each figure is legible. The comment did not result in any revisions to the Draft EIR/EIS.

### **1066-166**

The commenter does not identify specific figures this comment pertains to. The 4th and King Street Station is identified with a white circle symbol when it is in the extent of a figure. The inset maps, which identify where along the alignment the figure is focused, include the SFTC as the northern terminus, because the 4th and King Street Station is an interim station. At the scale of the inset maps, it would not be feasible to show both the 4th and King Street Station and the SFTC. The comment did not result in any revisions to the Draft EIR/EIS.

## 20 LOCAL AGENCY COMMENTS (Part 2)

# Submission 1217 (Val Menotti, Bay Area Rapid Transit, September 7, 2021)

**San Francisco - San Jose - RECORD #1217 DETAIL**

**Status :** Unread  
**Record Date :** 9/8/2021  
**Interest As :** Business and/or Organization  
**First Name :** Kimberly  
**Last Name :** Koempel  
**Attachments :** BART comments on HSR Supplemental Draft EIR\_EIS\_20210903.pdf (136 kb)

**Stakeholder Comments/Issues :**

Hello,

Attached, please find the San Francisco Bay Area Rapid Transit District's comments on the Revised/Supplemental EIR/EIS for the San Francisco to San Jose Project Section.

Thank you for your consideration of our comments and the opportunity to review the new documents,

Kimberly Koempel  
 Acting Transit-Oriented Development Group Manager  
 BART Real Estate and Property Development Department  
 2150 Webster Street, 9th Floor  
 Oakland, CA 94612  
 (510) 874-7427

[cid:image001.png@01D7A3DE.72AC7150]



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
 2150 Webster Street, P.O. Box 12688  
 Oakland, CA 94604-2688  
 (510) 464-6000

2021

September 3, 2021

Mark Foley  
 PRESIDENT  
 Rebecca Saltzman  
 VICE PRESIDENT  
 Robert Powers  
 GENERAL MANAGER

Mr. Boris Lipkin,  
 Northern California Regional Director  
 California High Speed Rail Authority  
 100 Paseo de San Antonio, Ste. 300  
 San Jose, CA 95113

RE: Revised/Supplemental Draft EIR/EIS for the San Francisco to San Jose Project Section of the California HSR project

**DIRECTORS**

Debora Allen  
 1ST DISTRICT

Dear Mr. Lipkin:

Mark Foley  
 2ND DISTRICT

The San Francisco Bay Area Rapid Transit District ("BART") previously provided comments on the Draft Project Environmental Impact Report ("EIR")/Environmental Impact Statement ("EIS") for the San Francisco to San Jose Section Project in a letter dated September 23, 2020. With this letter we are providing additional comments based on the Revised/Supplemental Draft EIR/EIS released on July 23, 2021, as it pertains to Millbrae Station which we had previously commented on. The comments pertaining to Millbrae Station included in the September 23, 2021, letter are still relevant to the Millbrae Station Reduced Site Plan Design Variant and are attached for your reference.

Rebecca Saltzman  
 3RD DISTRICT

Robert Raburn, Ph.D.  
 4TH DISTRICT

John McPartland  
 5TH DISTRICT

Elizabeth Ames  
 6TH DISTRICT

1217-2734

Ateefah Simon  
 7TH DISTRICT

Anice Li  
 8TH DISTRICT

Revan Duffy  
 9TH DISTRICT

BART is supportive of the reduction in parking contemplated in the Millbrae Station Reduced Site Plan Variant. The parking originally planned was, in part, intended to replace BART parking spaces that will be impacted by the HSR Project. As stated in our previous letter, we believe the number of parking spaces impacted will not be as high as noted in the Draft EIR/EIS due to recent changes we have made to the BART parking garage to include a pick-up/drop-off area similar to what is contemplated by the HSR Project. BART's Station Access Policy denotes Millbrae Station as a "Balanced Intermodal" station, which prioritizes investments in walking, biking, drop-off, and transit infrastructure. We would like to continue our coordination with HSR and other public agency partners including SFO, Caltrain, SamTrans, and the City of Millbrae on ensuring that station access investments prioritize active and shared transportation modes to provide all transit users safe and efficient options to reach the station. We believe a high level of investment in active and shared access modes will be able to mitigate the loss of parking.

1217-2735

1217-2736

We understand that the Millbrae Station Reduced Site Plan Variant was developed specifically to accommodate Transit-Oriented Development (TOD) at the station. BART is very supportive of TOD at our stations as it helps increase ridership, increases walkability within the station area, and strengthens the connection between the station and the surrounding community. As part of our TOD program, BART has partnered with a developer on the Gateway at Millbrae TOD project currently under construction on the east side of Millbrae Station on land that had previously been used as a surface parking lot. The Gateway at Millbrae project will bring 300 market rate residential units, 100 affordable housing units, approximately 150,000 square feet of office, a 164-room hotel, and ground floor retail to the station area. We appreciate the HSR Project's emphasis on preserving TOD opportunity sites in the station area.

www.bart.gov

## Submission 1217 (Val Menotti, Bay Area Rapid Transit, September 7, 2021) - Continued

1217-2737

September 3, 2021

Page 2

The Millbrae Station Reduced Site Plan Variant contemplates a portion of California Drive being designed and built by others. California Drive will be directly adjacent to the station and the main access corridor for all transit riders. It is critical that it be designed and constructed in a way that accommodates all transportation modes safely and provides for appropriate facilities to accommodate the required passenger loading zones and bus/shuttle operations. We encourage HSR to coordinate the design of California Drive, both north and south of Linden Avenue, with BART, Caltrain, SamTrans, and the City of Millbrae to ensure this vital access route is designed cohesively and in a way that prioritizes efficient station access.

Thank you for consideration of our comments. Please feel free to contact me at [vmenotti@bart.gov](mailto:vmenotti@bart.gov) if you require further information or have any questions or concerns.

Sincerely,



Val Menotti  
Chief Planning & Development Officer

## Response to Submission 1217 (Val Menotti, Bay Area Rapid Transit, September 7, 2021)

### 1217-2734

Refer to Standard Response FJ-Response-GEN-2: General Support of the Project and the California High-Speed Rail System.

Please also refer to the responses to submission FJ-1174, comments 2668 and 2669 regarding pick-up/drop-off areas and BART's Station Access Policy designation of Millbrae as a "Balanced Intermodal" station.

Thank you for your comment.

### 1217-2735

The Authority appreciates the ongoing and continued coordination with BART and other transit agencies serving the Peninsula and is committed to working with BART and other transit agencies to provide all transit users with safe and efficient options to access HSR stations. The comment did not result in any revisions to the Draft EIR/EIS.

### 1217-2736

Refer to Standard Response FJ-Response-GEN-2: General Support of the Project and the California High-Speed Rail System.

Thank you for your comment.

### 1217-2737

The comment encourages the Authority to coordinate with BART, Caltrain, SamTrans, and the City of Millbrae on the design of the California Drive extension in order to accommodate all modes of transportation. For purposes of the analysis of the RSP Design Variant, the Authority assumed that the California Drive extension from Linden Avenue to El Camino Real, including bike path, sidewalk improvements, and pick-up and drop-off, would be constructed by others and be in place at the time the RSP Design Variant would be constructed. The California Drive extension is required by the MSASP to be built in conjunction with TOD on the west side of the existing station, and it would be required for a TOD to function.

Please also refer to Revised/Supplemental Draft EIR/EIS Section 3.20.3, Environmental Baseline for Analyses of the Millbrae Station Reduced Site Plan Design Variant, which describes why the Authority found it reasonably foreseeable, for purposes of the environmental analysis, that a TOD project similar to the Millbrae Serra Station Project (but on a smaller footprint and with the related extension of California Drive) would be constructed prior to the start of construction of HSR-related station improvements. As explained in that section, the Authority considered market conditions, developer interest, and landowner decisions in concluding that it is reasonably foreseeable that a TOD project similar to the Millbrae Serra Station Project (with related California Drive extension) would be constructed prior to 2031, the expected opening year for the Silicon Valley to Central Valley line of the HSR system.

With regard to serving multiple modes of transportation, as part of the RSP Design Variant, the Authority would design and build curbside pick-up and drop-off facilities for vehicles between Linden Avenue and Murchison Drive, on the south side of Linden Avenue, and on the north side of Irwin Place. These pick-up and drop-off facilities would accommodate shuttles, taxis, car sharing, transportation network companies (Uber/Lyft), and private vehicles. The project alternatives, with or without the RSP Design Variant, would build a new dedicated bicycle path extending along California Drive between Murchison Drive and Linden Avenue. Similarly, SamTrans bus routes along El Camino Real would utilize a new southbound stop at Chadbourne Avenue associated with the new signalized intersection and pedestrian crossings. The comment is noted and did not result in any revisions to the Draft EIR/EIS.

# Submission 1220 (Margaret Sohagi, City of Brisbane, September 8, 2021)

**San Francisco - San Jose - RECORD #1220 DETAIL**

**Status :** Unread  
**Record Date :** 9/8/2021  
**Interest As :** Local Agency  
**First Name :** Margaret  
**Last Name :** Sohagi  
**Attachments :** 67242\_210908CityofBrisbaneCommentLetterontheSanFranciscotoSanJoseSectionoftheCHSRProject.PDF (70 kb)

**Stakeholder Comments/Issues :**

Attached please find a comment letter by the City of Brisbane, California, on the Revised/ Supplemental Draft Environmental Impact Report/Environmental Impact Statement for the San Francisco to San Jose Section of the California High-Speed Rail Project. Thank you.

MARGARET MOORE SOHAGI  
NICOLE HOEKSMAN GORDON  
R. TYSON SOHAGI

MARK J. G. DESROSIERS  
MILJA M. MIRIC  
PAIGE E. SAMBLANET

ALBERT I. HERSON  
ANNE C.H. LYNCH  
OF COUNSEL



The Sohagi Law Group, PLC  
11999 San Vicente Boulevard  
Suite 150  
Los Angeles, California 90049

Sacramento Office  
1104 Corporate Way  
Sacramento, California 95831

310.475.5700 T  
msohagi@sohagi.com E

September 8, 2021

**VIA EMAIL AND SUBMISSION TO THE HSR WEBSITE**

[francisco\\_san.jose@hsr.ca.gov](mailto:francisco_san.jose@hsr.ca.gov) and [www.hsr.ca.gov](http://www.hsr.ca.gov)

**REVISED SUPPLEMENTAL DRAFT EIR/EIS COMMENT**

**SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION**

100 Paseo de San Antonio, Suite 300  
San José, CA 951413

*Re:* Comments by the City of Brisbane, California, on the Revised/ Supplemental Draft Environmental Impact Report/Environmental Impact Statement for the San Francisco to San José Section of the California High-Speed Rail Project ("Revised Draft EIR/EIS")

To Whom it May Concern:

On behalf of the City of Brisbane, California ("City"), we hereby submit comments on the Revised Draft EIR/EIS pertaining to the San Francisco to San José section of the California High-Speed Rail Project (the "Project") under the California Environmental Quality Act ("CEQA," Pub. Resources Code, § 21000 et seq.) and the National Environmental Policy Act ("NEPA," 42 U.S.C. § 114321 et seq.).

The California High-Speed Rail Authority (the "Authority") recently issued a "limited revision" to its previously released Draft Environmental Impact Report/Environmental Impact Statement for the San Francisco to San José Project Section of the California High-Speed Rail Project (the "Initial Draft EIR/EIS").

On September 8, 2020, the City of Brisbane filed a comment letter on the Initial Draft EIR/EIS detailing why the draft was fatally flawed as a matter of law. In short, the Authority's review of the Project failed to appropriately analyze and adequately address many of the requirements of CEQA and NEPA.

The City files this comment letter in response to the Revised Draft EIR/EIS. Here, as before, the Authority perpetuates its failure to comply with the requirements of CEQA and NEPA by failing to recognize the many significant impacts of the Brisbane light maintenance facility ("LMF") and the substantial burdens it would place on the community by:

1220-2738

## Submission 1220 (Margaret Sohagi, City of Brisbane, September 8, 2021) - Continued

**SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION**  
**REVISED SUPPLEMENTAL DRAFT EIR/EIS COMMENT**  
 September 8, 2021  
 Page 2

**SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION**  
**REVISED SUPPLEMENTAL DRAFT EIR/EIS COMMENT**  
 September 8, 2021  
 Page 3

- 1220-2738 |
  - Eliminating adequate emergency access to portions of the City by temporarily closing the Tunnel Avenue bridge for a 1-3 month period;
  - Constructing the relocated Tunnel Avenue bridge so as to require relocation of the City's existing fire station, while proposing two infeasible locations for the relocated fire station;
- 1220-2740 |
  - Designing the East LMF in a manner that would displace the City's existing corporation yard, preclude the planned Geneva Avenue extension from crossing over the Caltrain right-of-way as has long been planned, leaving the only option for this multi-jurisdiction project to tunnel under the Caltrain right-of-way, substantially increasing the extension's environmental impacts and cost;
- 1220-2741 |
  - Removing the 186-foot high Icehouse Hill, which is an important biological habitat area and visual feature (West LMF); and
- 1220-2742 |
  - Filling 980 linear feet of the existing Visitacion Creek for construction of the East LMF and proposing to relocate the creek to drain into the Brisbane Lagoon rather than retaining its natural flow into the San Francisco Bay (East LMF). The Initial Draft EIR/EIS Impact BIO#19 disclosed that the Project would be "relocating a portion of Visitacion Creek and filling several wetlands." The Initial Draft EIR/EIS, however, provided no description or environmental analysis of what is actually being proposed other than referencing the acreage of habitat areas along the creek that would be impacted. Discussion of the Authority's proposal to abandon Visitacion Creek and its easterly alignment draining into the San Francisco Bay in favor of realigning the creek to flow south and drain into the Brisbane Lagoon can only be found in the Authority's May 2020 Preliminary Compensatory Mitigation Plan, which, along with other technical reports, was not made available to the public on the Project's web page along with the Initial Draft EIR/EIS and its appendices.<sup>1</sup> A thorough review of the Preliminary Compensatory Mitigation Plan reveals the Authority is actually considering two variants, neither of which is explicitly described or analyzed in the Initial Draft EIR/EIS:
    - Fill approximately 980 linear feet of the existing Visitacion Creek and construct a culvert under the widest point of the East LMF, or

<sup>1</sup> Members of the public wishing to review technical reports had to request them from the Authority.

- 1220-2742 |
  - Reroute Visitacion Creek from where it daylights just east of the Caltrain tracks to run south adjacent to the East LMF, discharging the creek into Brisbane Lagoon rather than San Francisco Bay.

As a result, the Initial Draft EIR/EIS failed to disclose, analyze, or mitigate what specifically is being proposed, nor did the Initial Draft EIR/EIS analyze the impacts of its proposed mitigation plan, improperly deferring such analysis to a subsequent regulatory permitting process following presumed project approval.
- 1220-2743 |
  - Failing to disclose or fully evaluate impacts associated with requirements for:
    - Closure of the former Brisbane landfill subject to the regulatory authority of the Regional Water Quality Control Board (East LMF), including excavations into the former landfill and offsite hauling of over 2.0 million cubic yards of municipal waste or whether such excavation and offsite hauling would leave sufficient soil for a landfill cover over the remaining portions of the landfill, provide sufficient cover material for use in site remediation of lands west of the Caltrain right-of-way, or provide sufficient soil for grading for subsequent Baylands site development;
    - Site remediation of two operable units subject to the regulatory authority of the Department of Toxic Substances Control and the Regional Water Quality Control Board (West LMF), including impacts associated with excavation, offsite hauling, and disposal of approximately 432,000 cubic yards of soils that may be contaminated and require special disposal as hazardous waste; and
    - Acquisition of a water supply needed for the Brisbane LMF. The Initial Draft EIR/EIS incorrectly concluded that a water supply was available for the Brisbane LMF. The City's actual contracted water supply is, in fact, inadequate to support the demands of the LMF.
  - Failing to comply with CEQA requirements for evaluation of a reasonable range of alternatives to the Project and in particular alternatives to the Brisbane LMF site for which the Initial Draft EIR/EIS identified and evaluated only two variants (east and west of the Caltrain right-of-way) of a single alternative (locating the LMF within the Baylands area of the City of Brisbane.
- 1220-2744 |
- 1220-2745 |
- 1220-2746 |
  - Failing to comply with CEQA requirements for evaluation of a reasonable range of alternatives to the Project and in particular alternatives to the Brisbane LMF site for which the Initial Draft EIR/EIS identified and evaluated only two variants (east and west of the Caltrain right-of-way) of a single alternative (locating the LMF within the Baylands area of the City of Brisbane.
- 1220-2747 |
  - The Initial Draft EIR/EIS failed to disclose that the proposed Brisbane LMF is intended to work together with a Maintenance of Way Facility ("MOWF") facility to be constructed in Gilroy. While Appendix 2-F to the Initial Draft EIR/EIS includes the Authority's own recommendation that both Gilroy and

Submission 1220 (Margaret Sohagi, City of Brisbane, September 8, 2021) - Continued

**SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION**  
**REVISED SUPPLEMENTAL DRAFT EIR/EIS COMMENT**  
 September 8, 2021  
 Page 4

**SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION**  
**REVISED SUPPLEMENTAL DRAFT EIR/EIS COMMENT**  
 September 8, 2021  
 Page 5

1220-2747

Brisbane facilities be designed and provided with environmental clearance for Level III maintenance activities (quarterly inspections, including wheel truing), and whichever facility would ultimately provide Level III maintenance, the other location would be developed for Level I (daily inspections, pre-departure cleaning and testing) and level II (monthly inspection) activities (e.g., a Level III LMF in Gilroy with a smaller Level I facility in Brisbane).

1220-2748

○ By failing to heed its own recommendation, the Authority failed to evaluate feasible alternatives in both the Initial Draft EIR/EIS and now the Revised Draft EIR/EIS for both the San Francisco to San José and the San José to Merced segments of the proposed high speed rail system, resulting in an inadequate evaluation of alternatives as required by CEQA. In addition, because NEPA requires project alternatives to be evaluated at an equal level of detail, the environmental issues analyzed in the two draft EIR/EIS documents fail to analyze the impacts of feasible alternatives resulting in an inadequate NEPA document.

1220-2749

○ The Initial Draft EIR/EIS also violated CEQA by limiting its analysis of potential LMF sites to those that were determined by the Authority to be "optimal" rather than sites that would be "potentially feasible" as required by CEQA. The Revised Draft EIR/EIS perpetuates this error. As a result, neither the original nor the Revised Draft EIR/EIS documents address a reasonable range of alternatives. And, the Revised Draft EIR/EIS fails to review the following sites identified to the Authority in Brisbane's September 8, 2020 comment letter:

1220-2750

- ♦ Bayview Industrial District in San Francisco. A potentially feasible site is located in the Bayview Industrial District of San Francisco and is generally bound by Napoleon Street on the North, Industrial Street on the South, US-101 to the west and I-280 and the Caltrain Corridor on the east.
- ♦ Newhall Yard in San José. A potentially feasible site is located in the area known as the Newhall Yard and is generally bound by Coleman Avenue to the north, Caltrain right-of-way to the south, Brokaw Road to the west and the I-880 freeway to the east.
- ♦ Coyote Valley in Santa Clara County. A large (+/- 633 acre) potentially feasible location for an LMF is located in the area known as Coyote Valley that is partially located within the City of San José and unincorporated Santa Clara County, approximately 15 miles south of the Diridon Caltrain Station. The area is generally bounded by Bailey Avenue to the northwest,

1220-2750

Scheller Avenue to the southeast, Santa Teresa Boulevard to the southwest and the Caltrain right-of-way to the northeast.

1220-2751

- Neglecting to address the Brisbane LMF's inconsistency with the Brisbane General Plan or addressing the proposed buildout of the Baylands pursuant to a proposed Specific Plan for the Baylands of which the Authority was aware in the analysis of cumulative impacts. Both original and the Revised Draft EIR/EIS documents thus fail to acknowledge that the Brisbane LMF would impair the City of Brisbane's ability to provide much-needed housing.

1220-2752

As thoroughly documented in the City's September 8, 2020 comment letter, the deficiencies in the factual content of and methodological approach reported on in the Initial Draft EIR/EIS are so fundamental and pervasive that the Project could not possibly be certified under CEQA and NEPA. As we document in this letter, the Authority's Revised Draft EIR/EIS perpetuates the same mistakes and therefore is also legally inadequate under CEQA and NEPA.

The deficiencies documented in the City's September 8, 2020 comment letter and in this letter reveal an environmental review process that has not been driven by science and the law, but instead has been focused on achieving a particular, improper outcome-siting the LMF in the City of Brisbane regardless of what the law and science require.

As the City noted in our September 8, 2020 letter, the Authority's only chance of overcoming its pervasive and improper predetermination bias is by completely rewriting the Draft EIR/EIS to fully comply with CEQA and NEPA requirements, including giving specific attention to:

1220-2755

- Site-specific project-level analysis of the Brisbane LMF and the impacts the Project would have on the Brisbane community.
- Environmental analysis at an equal level of legally-required detail of reducing the size of or replacing the Brisbane LMF as the result of designing and operating the Gilroy MOWF as a Level III facility as recommended in Draft EIR/EIS Appendix 2-F.

1220-2756

- Environmental analysis at an equal level of legally-required detail of the following LMF alternative locations:
  - Bayview Industrial District in San Francisco
  - Newhall Yard in San José
  - Coyote Valley in Santa Clara County



## Submission 1220 (Margaret Sohagi, City of Brisbane, September 8, 2021) - Continued

**SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION  
REVISED SUPPLEMENTAL DRAFT EIR/EIS COMMENT**

September 8, 2021

Page 6

1220-2757

The rewritten Revised Draft EIR/EIS must then be recirculated for additional public review pursuant to CEQA Guidelines section 15088.5.

1220-2758

The City remains certain that once the Authority completes a thorough project-level analysis based on site-specific investigations of the Brisbane LMF sites and a CEQA- and NEPA-compliant analysis of alternative LMF sites, it will be clear that Brisbane is an undesirable and infeasible location for the LMF and that the Authority needs to rule out the Baylands property in Brisbane and instead focus on safe and legal alternatives for a light maintenance facility.

Very truly yours,



MARGARET M. SOHAGI  
THE SOHAGI LAW GROUP, PLC

CC: Brisbane City Council  
Clay Holstine, City Manager  
Thomas McMorrow, City Attorney  
John Swiecki, Community Development Director

W:\C\373\005\00676625.DOCX

## Response to Submission 1220 (Margaret Sohagi, City of Brisbane, September 8, 2021)

### 1220-2738

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment summarizes several points raised in a previous comment letter submitted by the City of Brisbane on the Draft EIR/EIS as part of submissions FJ-1163 through FJ-1167. These include general assertions of failure to comply with CEQA and NEPA requirements, and inadequate disclosure of impacts concerning the proposed Brisbane LMF, particularly emergency access issues regarding Tunnel Avenue and the Brisbane Fire Station.

The Authority disagrees with the commenter's general assertion that the Draft EIR/EIS does not comply with NEPA and CEQA requirements. Please refer to the response to submission FJ-1163, comment 1123, which addresses this topic.

With regards to the commenter's assertion that the Draft EIR/EIS fails to recognize the impacts of the proposed Brisbane LMF related to emergency access issues regarding Tunnel Avenue and the Brisbane Fire Station, please refer to the responses to submission FJ-1165, comments 1878 and 1879, as well as Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access. These responses address this topic and describe revisions made to the Final EIR/EIS in response to these comments and subsequent consultation with City of Brisbane Fire Department and North County Fire Authority staff.

### 1220-2740

The comment restates a previous comment submitted by the City of Brisbane on the Draft EIR/EIS as part of submission FJ-1165, regarding impacts to the City of Brisbane's corporation yard and impacts on the planned Geneva Avenue Extension. Please refer to the response to submission FJ-1165, comment 1880, which addresses this topic.

### 1220-2741

The comment repeats a comment submitted by the City of Brisbane on the Draft EIR/EIS as part of submission FJ-1165. The comment asserts that the removal of Icehouse Hill is not discussed as an important biological habitat area or visual feature in the Draft EIR/EIS. Please refer to the response to submission FJ-1165, comment 1881, which addresses this topic.

### 1220-2742

The comment reiterates a comment submitted by the City of Brisbane on the Draft EIR/EIS as part of submission FJ-1164. The comment asserts that the effects on Visitacion Creek are not disclosed or analyzed in the Draft EIR/EIS. Please refer to the response to submission FJ-1164, comment 1638, which addresses the same assertions.

### 1220-2743

The comment restates previously submitted points regarding construction of the East Brisbane LMF. Please refer to the responses to submission FJ-1164, comments 1406 and submission FJ-1165, comment 1943, which address these topics. The comment did not result in any revisions to the Draft EIR/EIS.

### 1220-2744

The comment restates previously submitted points regarding hazardous waste issues. Please refer to the responses to submission FJ-1164, comments 1392 and 1583 and submission FJ-1165, comments 1904 and 2133. The comment did not result in any revisions to the Draft EIR/EIS.

### 1220-2745

The comment restates previously submitted points regarding water supply to the Brisbane LMF. Please refer to the response to submission FJ-1164, comment 1711, which addresses this topic. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1220 (Margaret Sohagi, City of Brisbane, September 8, 2021) - Continued

### 1220-2746

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment restates previously submitted points regarding the range of alternatives for the Project and in particular alternatives to the Brisbane LMF sites selected for evaluation in the Draft EIR/EIS. Please refer to the standard responses referenced above and the response to submission FJ-1165, comment 1888. The comment did not result in any revisions to the Draft EIR/EIS.

### 1220-2747

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment restates previously submitted points regarding the proposed Brisbane LMF and its relationship with a proposed maintenance facility in Gilroy. These assertions are addressed in the responses to submission FJ-1164, comments 1409 and 1445, and submission FJ-1165, comment 1903. The comment did not result in any revisions to the Draft EIR/EIS.

### 1220-2748

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The comment restates previously submitted points regarding the range of alternatives and the alternatives for the Brisbane LMF sites. These assertions are addressed in the standard responses referenced above and responses to submission FJ-1164, comments 1409 and 1445, and submission FJ-1165, comment 1903.

This Final EIR/EIS evaluates a reasonable range of alternatives—the No Project Alternative, two project alternatives (Alternatives A and B), a design variant for the Millbrae Station (which could be applied to either project alternative), a design variant for the Diridon Station area under Alternative A, and two design options under Alternative B for viaducts in the San Jose Diridon Station Approach Subsection—at a similar level of detail, in compliance with NEPA and CEQA requirements. The comment did not result in any revisions to the Draft EIR/EIS.

### 1220-2749

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment restates previously submitted comments regarding the selection of alternatives for the Brisbane LMF. Please refer to the standard responses referenced above, as well as the responses to submission FJ-1164, comment 1440 and submission FJ-1165, comment 1888. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1220 (Margaret Sohagi, City of Brisbane, September 8, 2021) - Continued

### 1220-2750

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment restates a previously submitted point regarding the alternatives considered for the LMF site. Please refer to the standard response referenced above and the response to submission FJ-1165, comment 1997. The comment did not result in any revisions to the Draft EIR/EIS.

### 1220-2751

Refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects.

The comment restates previously submitted comments regarding consistency with the Brisbane General Plan and the proposed buildout of the Baylands area. With respect to the commenter's assertions that the analysis does not address inconsistencies with the Brisbane General Plan, please refer to the responses to submission FJ-1165, comments 2226 through 2261.

The comment also asserts that the Draft EIR/EIS did not assess the proposed buildout of the Baylands pursuant to a proposed Specific Plan for the Baylands in the analysis of cumulative impacts. Please refer to Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects; the responses to submission FJ-1164, comments 1473, 1498, 1517, 1755, and 1756; and the response to submission FJ-1165, comment 2223. The comment did not result in any revisions to the Draft EIR/EIS.

### 1220-2752

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The comment reiterates general summary points asserting deficiencies in the Draft EIR/EIS. Please refer to the standard responses referenced above, and the responses to submission FJ-1163, comments 1123 and 1138 and submission FJ-1165, comment 1888. The comment did not result in any revisions to the Draft EIR/EIS.

### 1220-2755

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment restates previously submitted points regarding the proposed Brisbane LMF and its relationship with a proposed maintenance facility in Gilroy. Please refer to the responses to submission FJ-1164, comments 1409 and 1445 and submission FJ-1165, comment 1903, which explain why LMF options between San Jose and Gilroy and why alternatives with two LMFs were dismissed from further evaluation due to operational, cost, and environmental impact considerations. The comment did not result in any revisions to the Draft EIR/EIS.

### 1220-2756

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment restates a previously submitted point regarding the alternatives considered for the LMF site. The standard response referenced above describes why each of the LMF alternatives listed in this comment letter are not considered potentially feasible, and therefore are not evaluated in detail in this EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

### 1220-2757

The comment states a rewritten Revised/Supplemental Draft EIR/EIS must be recirculated for public review under CEQA. Both the Draft EIR/EIS and the Revised/Supplemental Draft EIR/EIS were developed in compliance with CEQA and NEPA. Rewriting and recirculating the environmental document based on the concerns raised in this comment letter, or the previous comment letter submitted by the City of Brisbane on the Draft EIR/EIS as part of submissions FJ-11637 through FJ-1167, is not required or warranted as explained in the responses to those submissions. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1220 (Margaret Sohagi, City of Brisbane, September 8, 2021) - Continued

### 1220-2758

Refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration.

The comment summarizes earlier assertions regarding the consideration of alternatives for the LMF site and the analysis of the Brisbane LMF site. As described in Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, the Authority considered 15 potential LMF sites and concluded that based on the design and engineering criteria for the LMF and other considerations, including environmental impacts, the East and West Brisbane LMF sites are the only sites considered potentially feasible and warranting evaluation in the Draft EIR/EIS. The comment did not result in any revisions to the Draft EIR/EIS.

## Submission 1209 (Andrew Wong, City of Burlingame, August 18, 2021)

**San Francisco - San Jose - RECORD #1209 DETAIL**

**Status :** Unread  
**Record Date :** 8/18/2021  
**Interest As :** Local Agency  
**First Name :** Andrew  
**Last Name :** Wong

**Stakeholder Comments/Issues :**

- 1209-2688 | Thank you for the opportunity to comment on the Millbrae Station Reduced Site Plan Design Variant. The City of Burlingame has a few concerns related to the changes found in the design variant, which are described below.
- Concerns with neighborhood parking impacts related to the loss of 175 Caltrain parking spaces associated with the Millbrae Station Reduced Site Plan Design Variant. Burlingame's experience due to our proximity to San Francisco International Airport (SFO) is that travelers will leave vehicles in residential neighborhoods and use ride-sharing services to go to SFO. The 37 parking spaces at the HSP parking lot is not large enough to accommodate the parking demand; and contrary to the UC Berkeley Study, most travelers will park where there are no fees to have the convenience of their vehicles.
- 1209-2689 | Please comment on whether there will be pedestrian lighting along the California Drive as well as the walking and bicycle paths in the project's vicinity. With the addition of landscape trees, additional lighting will be essential.
- 1209-2690 | Comment on the addition of traffic signals to facilitate vehicular traffic onto El Camino Real from Linden Avenue, Serra Avenue, and California Drive.

## Response to Submission 1209 (Andrew Wong, City of Burlingame, August 18, 2021)

### 1209-2688

The comment expresses concern about the loss of 175 Caltrain parking spaces associated with the RSP Design Variant and potential neighborhood parking impacts in Burlingame, based on the City of Burlingame's experience with travelers to SFO parking vehicles in residential neighborhoods and using ride-sharing services to travel to SFO. The comment also indicates that the 37 parking spaces at the HSR parking lot are not enough to accommodate HSR parking demand.

The characteristics of Caltrain riders at the Millbrae station differ substantially from travelers destined to SFO. Sixty-eight percent of Caltrain riders identify commuting to work as their most common purpose, according to the 2019 Triennial Ridership Survey (Corey, Canapary & Galanis Research 2019). Caltrain riders accessing the Millbrae Station also come from a much smaller catchment area. As the Millbrae Caltrain Station is located about 3 miles from each adjacent station (San Bruno to the north and Burlingame to the south), most riders who drive and park at the Millbrae Caltrain Station travel to and from locations within 1–2 miles of the Millbrae Caltrain Station. A range of access modes are used by current Millbrae Station Caltrain riders, as indicated by the fact that only 24 percent of Millbrae Station Caltrain riders drive and park at the station. Because of these characteristics, the Revised/Supplemental Draft EIR/EIS transportation analysis for the RSP Design Variant estimates that 74 percent of the Caltrain riders using the 175 displaced Caltrain park-and-ride spaces would be retained and would shift to other modes such as bus, shuttle, taxi, car sharing, transportation network companies like Uber or Lyft, and private vehicles. The riders would be served by the new pick-up and drop-off zones created by the project along California Drive, Linden Avenue, and Irwin Place. Based on the analysis summarized above and the fact that most of the Caltrain riders travel to and from locations within a few miles of the Millbrae Caltrain Station, the loss of Caltrain park-and-ride spaces with the RSP Design Variant is not forecast to result in those riders parking in Burlingame residential neighborhoods and taking a ride-sharing service to the Millbrae Station.

With respect to HSR rider demand for parking at Millbrae Station in 2040, the estimated unconstrained parking demand is 840 parking spaces for HSR riders at the Millbrae Station. From this information, it can be readily seen that the proposed 37 on-site parking spaces for HSR riders is far less than the overall unconstrained parking demand.

### 1209-2688

While the parking demand by HSR riders would exceed the amount of new parking provided on-site, a constrained approach to parking was taken at the Millbrae Station for a variety of reasons. First, a goal of the HSR system is to enable more mode shift from auto to train and transit uses. At this particular station, numerous other modes of travel are available: the station vicinity includes existing transit, bicycle, and pedestrian facilities that would serve a wide range of prospective HSR riders. Moreover, ample long-term commercial parking is available nearby at SFO reachable via shuttle or BART. Providing parking to meet a relatively unconstrained demand would diminish the viability of the existing transit, bicycle, and pedestrian facilities and likely result in substantial secondary environmental effects related to auto access to the station. Accordingly, the unconstrained park-and-ride demand would be met either by a further shift in mode use to access the station via vehicle drop-off or transit or via use of off-site parking areas.

It is possible that some individuals may park in residential areas where it is legal to park on the street and then either walk or use ride-sharing services to access the Millbrae Station. The potential use of legal on-street parking locations may be inconvenient for local residents if and when preferred on-street parking spaces may be occupied by HSR riders. However, as noted in Final EIR/EIS Section 3.2.6.3, Parking, based on the analysis, the Authority has determined that significant secondary environmental impacts are not reasonably foreseeable.

Moreover, the regulation of legal on-street parking is the exclusive prerogative of the local jurisdiction and beyond the Authority's scope to address. Local jurisdictions can regulate legal on-street parking in residential areas through pricing or permit issuance mechanisms to influence the use of public parking opportunities. The City of Burlingame already has a residential permit parking program that could be used to address the concerns raised in the comment about long-term parking by non-residents.

The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1209 (Andrew Wong, City of Burlingame, August 18, 2021) - Continued

### 1209-2689

The comment requests additional information regarding pedestrian lighting in the Millbrae Station area.

Pedestrian lighting would be provided in the portions of the project footprint the Authority would improve with landscaping, primarily the area between Linden Avenue and Millbrae Avenue (please refer to Figure 3.20-1 in the Revised/Supplemental Draft EIR/EIS). No improvements are envisioned as part of the RSP Design Variant for other portions of California Drive, which the Authority anticipates will be improved by others as part of a separate TOD project. Please also refer to Section 3.20.4.14, Aesthetics and Visual Quality, of the Revised/Supplemental Draft EIR/EIS, which acknowledges a lesser degree of pedestrian lighting associated with the RSP Design Variant relative to that of the Millbrae Station design evaluated in the Draft EIR/EIS.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1209-2690

The comment appears to request information regarding the addition of traffic signals at the intersections of Linden Avenue, Serra Avenue, and California Drive with El Camino Real.

As noted in Revised/Supplemental Draft EIR/EIS Section 3.20.2, Description of the Millbrae Station Reduced Site Plan Design Variant, both the RSP Design Variant (as well as the Millbrae Station Design evaluated in the Draft EIR/EIS) include signalization of the El Camino Real/Chadbourne Avenue intersection, as well as median breaks, crosswalks, and sidewalk enhancements. The RSP Design Variant does not include traffic signals at the intersections of Linden Avenue, Serra Avenue, and California Drive with El Camino Real.

The comment did not result in any revisions to the Draft EIR/EIS.



Submission 1213 (Thomas Williams, City of Millbrae, September 7, 2021)

**San Francisco - San Jose - RECORD #1213 DETAIL**  
**Status :** Completed  
**Record Date :** 9/7/2021  
**Interest As :** Local Agency  
**First Name :** Thomas  
**Last Name :** Williams  
**Attachments :** 67849\_2021-09-07CMLettertoHSRAreDraftSFtoSJProjectSectionEIR/EIS.pdf (2 mb)  
 SFSJ1213\_Williams\_09072021\_Website\_Original.pdf (2 mb)

**Stakeholder Comments/Issues :**

Attached is a comment letter from the City of Millbrae. We have also emailed the letter to: san.francisco\_san.jose@hsr.ca.gov



**City of Millbrae**

621 Magnolia Avenue, Millbrae, CA 94030

ANN SCHNEIDER  
Mayor

ANNE OLIVA  
Vice Mayor

GINA PAPAN  
Councilmember

ANDERS FUNG  
Councilmember

REUBEN D. HOLOBER  
Councilmember

September 7, 2021

ATTN: Draft San Francisco to San Jose Project Section EIR/EIS  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113

*Re: City of Millbrae Comments on California High Speed Rail Authority's Revised/Supplemental Draft San Francisco to San Jose Project Section Environmental Impact Report/Supplemental Environmental Impact Statement*

Dear California High Speed Rail Authority:

**I. Introduction**

The City of Millbrae ("City") previously submitted comments on the High Speed Rail Authority's Draft San Francisco to San Jose Project Section Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") in September 2020 (the "September 2020 Letter"). Among other things, the City's September 2020 Letter noted the following:

- The Draft EIR/EIS does not comply with the California Environmental Quality Act because it is not an adequate informational document.
- The Draft EIR/EIS fails to analyze reasonably foreseeable and cumulative environmental impacts related to development near Millbrae Station and as contemplated by the Millbrae Station Area Specific Plan ("MSASP").
- The Draft EIR/EIS does not analyze a range of reasonable alternatives, particularly alternatives for Millbrae Station.

Unfortunately, the High Speed Rail Authority's Revised Draft San Francisco to San Jose Project Section Environmental Impact Report/Supplemental Environmental Impact Statement ("RDEIR/SEIS") contains the same flaws as the Draft EIR/EIS and simply adds a few more.

This letter sets forth the City's general comments on the RDEIR/SEIS for consideration by the High Speed Rail Authority ("Authority").

1213-2814

City Council/City Manager/City Clerk (650) 259-2334	Building Division/Permits (650) 259-2330	Community Development (650) 259-2341	Finance (650) 259-2350
Fire (650) 558-7600	Police (650) 259-2300	Public Works/Engineering (650) 259-2339	Recreation (650) 259-2360

## Submission 1213 (Thomas Williams, City of Millbrae, September 7, 2021) - Continued

1213-2815

**II. The RDEIR/SEIS is still not an adequate informational document under CEQA.**

As stated in the City's September 2020 Letter, the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA") and accompanying Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3, §§ 15000 et seq.) require an environmental impact report to be an "informational document." (CEQA Guidelines § 15121.) The purpose of an EIR is to *inform public agency decisionmakers and the public generally* about the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. (*Ibid.*) The City further noted that the Draft EIR/EIS was so voluminous, internally inconsistent, and unfocused on the San Francisco to San Jose segment (the "Project"), that it could not qualify as the type of "informational document."

Aside from minor changes to references and appendices, the RDEIR/SEIS revised *just two* sections of the Draft EIR/EIS (section 3.7 [Biological and Aquatic Resources], and section 3.18 [Cumulative Impacts]), and *added one* more (section 3.20 [Millbrae Station Reduced Site Plan Design Variant]). The RDEIR/SEIS still does not address the fact that the environmental document is still *thousands of pages long* with a "summary" that is *over a hundred pages*. The revised document still does not contain any straightforward explanation of the Project impacts within the City or in the other cities through which the Project passes.<sup>1</sup>

1213-2816

The RDEIR/SEIS does not include a new, succinct summary of impacts. Nor does it include any changes that would rectify the voluminous document's problems. For example, the City's September 2020 Letter noted that a member of the public owning property near Millbrae Station would have to locate three separate pieces of information spread across the thousands of pages in order to determine whether the Project was going to be located on, or require an easement through, that person's property. The RDEIR/SEIS does not address - let alone cure - the Draft EIR/EIS's inadequacies. It does not fulfill its CEQA-mandated purpose to be an informational document, nor does it "adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project," and is therefore inadequate as a matter of law. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82-83.)

1213-2817

**III. The RDEIR/SEIR's new section 3.20 fails to provide the "reasonable range of alternatives" required by CEQA.**

Seemingly in response to the City's September 2020 Letter's comments regarding the Draft EIR/EIS's lack of analysis of a reasonable range of alternatives, the RDEIR/SEIR adds section 3.20, entitled "Millbrae Station Reduced Site Plan Design Variant." While this new section might be considered a step in the right direction, it does not provide the "reasonable range of alternatives" that CEQA requires.

CEQA mandates that an EIR analyze a "reasonable range of alternatives" that would accomplish most of the basic objectives of the Project but could avoid or substantially lessen one

1213-2818

<sup>1</sup> In fact, there does not appear to be a single map depicting all such cities in the voluminous Draft EIR/EIS or RDEIR/SEIS. Figure S-2 does not identify Millbrae other than by reference to the Millbrae-SFO Station, and does not include Atherton.

1213-2817

or more of its significant impacts. (See CEQA Guidelines section 15126.6.) As stated in the City's September 2020 Letter, the Project consists only of the railway segment running from San Francisco to San Jose, yet the Draft EIR/EIS spends the bulk of its analysis describing the many program-wide alternatives. It does not provide *any* meaningful discussion of a range of reasonable alternatives *for this Project* (i.e. for tracks running between San Francisco and San Jose). The City's September 2020 Letter also noted that the Draft EIR/EIS did not include any alternatives that addressed any significant impacts within the City.

1213-2819

New section 3.20 purports to present a "variant" that analyzes a smaller, "potentially feasible footprint for the station design" in the City. (Authority's summary of RDEIR/SEIS at <https://hsr.ca.gov/programs/environmental-planning/project-section-environmental-documents-tier-2/san-francisco-to-san-jose-project-section-draft-environmental-impact-report-environmental-impact-statement/>.) But analysis of this Reduced Site Plan Design Variant ("RSP Design Variant") is just a *single* alternative to the Project as proposed. The addition of one "variant," *which is not even identified as a Project alternative*, is not sufficient to save the Draft EIR/EIS.

1213-2820

First, CEQA requires a reasonable *range* of alternatives. The RSP Design Variant is not a "range." The Project is inherently characterized in the alternative (i.e. the decisionmakers will choose Alternative A or Alternative B depending on where they want to locate the following: a light maintenance facility within the City of Brisbane, certain passing tracks between San Mateo and Redwood City, and the viaduct approach at San Jose Diridon Station). Simply adding the RSP Design Variant does not, by any means, represent a *range* of alternatives.

1213-2821

Second, CEQA requires that the alternatives analyzed accomplish most of the basic objectives of the Project *but could avoid or substantially lessen one or more of its significant impacts*. The RSP Design Variant would not require *any* changes to the impact determinations made in the Draft EIR/EIS. While it would lessen or "*slightly lessen*" a few impacts (see Table 3.20-10), it does not *avoid* or *substantially lessen* one or more significant impacts as required by CEQA, and is not sufficient to cure the Draft EIR/EIS' s lack of analysis of alternatives. There is still no alternative that analyzes underground tracks - in the City or elsewhere - to reduce significant noise, visual, and land use impacts.

1213-2822

Third, the RSP Design Variant is not even presented *as an alternative* that can be adopted by the decision makers. New section 3.20 is not part of Chapter 2 - Alternatives. It does not purport to change or revise Chapter 2. Instead, new section 3.20 was stuck on the end of Chapter 3 - Affected Environment, Environmental Consequences, and Mitigation Measures. It is not clear to the public, nor to the City, whether the RSP Design Variant could even be adopted as an alternative.

1213-2823

Finally, the City notes that the RSP Design Variant in new section 3.20 is not a reasonable alternative because:

- The RSP Design Variant still renders the currently approved Millbrae Serra Station project infeasible due to the drastically reduced footprint (see section IV below),

Submission 1213 (Thomas Williams, City of Millbrae, September 7, 2021) - Continued

1213-2823

- The RSP Design Variant does not propose replacement of the 288 surface parking spaces, causing traffic and other impacts due to riders seeking parking in surrounding City neighborhoods (see section IV below), and
- The RSP Design Variant still places a transit station on the most visible and valued corner of developable property within the downtown core of the City, resulting in lost economic and much-needed housing production opportunities as well as an unattractive entry point into the City from the Highway 101 corridor.

1213-2824

**IV. The RSP Design Variant's analysis is based upon flawed assumptions.**

New section 3.20.03 makes a broad assumption that the approved Millbrae Serra Station Project ("MSS Project") developer would "work with the City of Millbrae to revise the Millbrae Serra Station Development to fit within the remaining footprint to be consistent with the MSAP and the RSP Design Variant." The analysis further assumes that such a revised development would proceed in the near term and be constructed and occupied by the time the Project is constructed and in operation. These broad assumptions are flawed for a number of reasons. First, the reduced footprint of the MSS Project site due to the right-of-way required for the Project greatly impacts the viability of the MSS Project. The residential portion of the MSS Project would be reduced to a width that will no longer support an economically efficient floor plan. While possible to achieve a Project with such structures "on paper," it would not be viable in the real world. The RSP Design Variant's reduced site footprint also would result in an office component with floor plates that are too small to support office tenants in a Class A building in this market.

1213-2825

Further, the RSP Design Variant's analysis states that the approved alignment of California Drive as shown in the MSASP and the approved MSS Project is not feasible. The rationale for the Authority's conclusion is that the alignment includes portions of property that are owned or controlled by PCJPB and SamTrans and are not available for California Drive. This assumption is contrary to previous discussion and correspondence from PCJPB/SamTrans to the City of Millbrae over many years. As stated in the September 2020 Letter, the California Drive alignment approved by the City is in *direct conflict* with the Authority's proposed plans. The interests of PCJPB and SamTrans are not relevant to the Project's impacts on the MSS Project or the City, and the Authority's conclusion about California Drive appears to be a weak attempt to avoid addressing the real impacts of the Project and the RSP Design Variant.

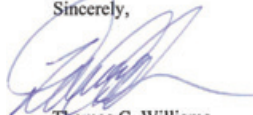
1213-2826

**V. The RSP Design Variant's analysis fails to adequately address the impact to the City of the elimination of 288 surface parking spaces.**

The RSP Design Variant does not include replacement parking for 288 displaced Caltrain and BART parking spaces that are shown in the Draft EIR/EIS. The impacts resulting from the RSP Design Variant's lack of parking for the Project are of great concern to the City. Significantly, the new section 3.20 analysis does not address what impacts will occur due to the unmet parking demand, including spillover parking into adjacent neighborhoods within the City and traffic. Another approved project (TOD #2 - Gateway at Millbrae Station) has already resulted in a permanent loss of about 500 parking spaces. The RSP Design Variant analysis thus fails to address the potential impacts of the loss of all of these parking spaces.

**VI. Conclusion**

The City stands by its comments in its September 2020 Letter. The limited changes to the Draft EIR/EIS set forth in the RDEIR/SEIS do not address the City's prior comments, nor do they cure its inadequacies or bring the document into compliance with CEQA.

Sincerely,  
  
**Thomas C. Williams**  
 City Manager

## Response to Submission 1213 (Thomas Williams, City of Millbrae, September 7, 2021)

### 1213-2814

The comment summarizes previous comments submitted by the City of Millbrae on the Draft EIR/EIS as part of submission FJ-1073. Please refer to the responses to submission FJ-1073, comments 325 through 344, which address the City of Millbrae's previous comments on the Draft EIR/EIS.

The comment also makes general assertions regarding the Revised/Supplemental Draft EIR/EIS, stating that it "contains the same flaws as the Draft EIR/EIS" and "adds a few more." Please refer to the responses to submission FJ-1213, comments 2815 through 2826, which address the commenter's specific comments and concerns on the Revised/Supplemental Draft EIR/EIS.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1213-2815

The comment repeats a comment submitted by the City of Millbrae on the Draft EIR/EIS as part of submission FJ-1073, asserting that the Draft EIR/EIS did not meet CEQA standards for an informational document. The comment further asserts that neither the Draft EIR/EIS nor the Revised/Supplemental Draft EIR/EIS contains a "straightforward explanation" of impacts within the city of Millbrae or any other city along the project corridor.

Please refer to the response to submission FJ-1073, comment 325, which responds to these concerns expressed regarding the Draft EIR/EIS and also applies to the additional assertions in this new comment concerning the Revised/Supplemental Draft EIR/EIS.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1213-2816

The comment largely repeats a comment submitted by the City of Millbrae on the Draft EIR/EIS as part of submission FJ-1073. The comment asserted that the Draft EIR/EIS document did not meet CEQA standards for an informational document. Please refer to the responses to submission FJ-1073, comments 325 and 327, which respond to these concerns expressed regarding the Draft EIR/EIS and also apply to the additional assertions in this new comment concerning the Revised/Supplemental Draft EIR/EIS. The comment further asserts that neither the Draft EIR/EIS nor the Revised/Supplemental Draft EIR/EIS contains a "succinct summary" of impacts. The Authority disagrees with this assertion. The Draft EIR/EIS Summary provides an overview of the substantive chapters of the main report and includes a table listing the potential environmental impacts for each environmental resource topic. Table 3.20-10 in the Revised/Supplemental Draft EIR/EIS summarizes the differences between the Millbrae Station design evaluated in the Draft EIR/EIS and the RSP Design Variant by environmental topic area. As these documents are intended for the general public, every attempt has been made to limit technical terms, provide the information in a clear and understandable format, and provide summaries of the impacts analysis. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1213 (Thomas Williams, City of Millbrae, September 7, 2021) - Continued

### 1213-2817

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment in part summarizes prior comments submitted by the City of Millbrae on the Draft EIR/EIS as part of submission FJ-1073. Please refer to the response to submission FJ-1073, comment 326, which responds to the City's comments regarding the alternatives analyzed in the Draft EIR/EIS and also responds to the additional assertions in this new comment concerning the Revised/Supplemental Draft EIR/EIS. The Authority acknowledges that the Millbrae Station Design evaluated in the Draft EIR/EIS is the same for both Alternatives A and B and that the impacts would be the same for the Millbrae Station design under both project alternatives. As described in Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, Alternatives A and B constitute a reasonable range of alternatives under CEQA and NEPA for this Project. The adequacy of the range of alternatives analyzed for this Project is understood within the context of the legal directives in SB 1029 (2012) and SB 557 (2013), which defined the parameters for the San Francisco to San Jose Project Section and require that the San Francisco to San Jose Project Section operate as a blended system north of Scott Boulevard in Santa Clara.

As described in Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, the Authority developed a design variant for the Millbrae Station—the RSP Design Variant—that would eliminate replacement parking and reduce land use conflicts with existing and planned development. This design variant, which was developed in a good faith effort to address concerns expressed by the City of Millbrae regarding the Millbrae Station area, was evaluated in a Revised/Supplemental Draft EIR/EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS. As explained in Standard Response FJ-Response-ALT-2, there are no other reasonable alternatives or design variants with respect to the Millbrae Station.

The Revised/Supplemental Draft EIR/EIS includes two concise summaries of the impact differences associated with the RSP Design Variant. As summarized in Revised/Supplemental Draft EIR/EIS Section 3.20.4, Environmental Impacts of the Millbrae Station Reduced Site Plan Design Variant and Comparison with the Millbrae Station Design, for all but three resource topics, the RSP Design Variant would have similar or lesser impacts relative to the Millbrae Station design examined in the Draft EIR/EIS. Moreover, Revised/Supplemental Draft EIR/EIS Section 3.20.4.20, Impact Summary, includes a topic-by-topic summary table spelling out the comparative degree

### 1213-2817

of impact between the Millbrae Station design evaluated in the Draft EIR/EIS and the RSP Design Variant.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1213-2818

The comment suggests that the Draft EIR/EIS is deficient due to the lack of “a single map depicting” all cities along the San Francisco to San Jose Project Section, citing an orientation map (Draft EIR/EIS Figure S-2) that was intended to provide readers with an overview of the 49-mile-long Project Section. The cities and communities called out in that figure were intended to orient the reader; an exhaustive detailing of cities and communities on that map would detract from the purpose of the map to provide an overview of the project corridor. The comment suggests that the City of Millbrae should have been called out on this figure (along with the Town of Atherton), but this additional information is not necessary in light of the purpose of the figure, which is to provide an overview of the project corridor.

Finer-grained maps are available in several locations. Please refer to the Final EIR/EIS Appendix 3.1-A, Parcels within the HSR Project Footprint, which overlays the project footprint over every affected parcel. Please also refer to Volume 3, Preliminary Engineering Plans, which includes engineering drawings of the project alternatives.

Moreover, all relevant technical analyses fully evaluate project impacts within each adjacent city and community along the Project Section. For one example, please refer to the analysis in Draft EIR/EIS Section 3.12, Socioeconomics and Communities, within which Section 3.12.5.1, Communities and Neighborhoods, provides a characterization of every city and community along the project corridor to inform the assessment of project impacts. Please also refer to Figure 3.12-1, which fully depicts the names and limits of such cities and communities. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1213 (Thomas Williams, City of Millbrae, September 7, 2021) - Continued

### 1213-2819

Please refer to the response to submission FJ-1213, comment 2817, which addresses the consideration of project alternatives and the Authority's evaluation of a design variant for the Millbrae Station that would reduce conflicts with planned development. The RSP Design Variant was developed in a good faith effort to address concerns expressed by the City of Millbrae and other stakeholders on the Draft EIR/EIS regarding the Millbrae Station area.

Please also refer to Final EIR/EIS Chapter 2, Alternatives, which describes the project alternatives and the RSP Design Variant. As noted there and in the Revised/Supplemental Draft EIR/EIS, the RSP Design Variant could be applicable to either Alternative A or Alternative B in the Millbrae area. The comment did not result in any revisions to the Draft EIR/EIS.

### 1213-2820

Please refer to the responses to submission FJ-1212, comments 2817 and 2819, which address the consideration of a reasonable range of project alternatives and the Authority's evaluation of a design variant for the Millbrae Station, which could be applicable to either Alternative A or B. The comment did not result in any revisions to the Draft EIR/EIS.

### 1213-2821

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The standard response referenced above describes the Authority's requirements with respect to the Millbrae Station and specifically addresses several alternative station configurations (including underground tracks, eliminating the HSR bypass track and platform, and removing BART's third track) the Authority considered but did not carry forward for evaluation in this EIR/EIS.

The comment correctly notes that the alternatives evaluation process in CEQA is intended to identify potentially feasible alternatives to the proposed project that substantially lessen or avoid one or more significant impacts while being able to accomplish most basic project objectives.

As noted in Revised/Supplemental Draft EIR/EIS Section 3.20.4, Environmental Impacts of the Millbrae Station Reduced Site Plan Design Variant and Comparison with the Millbrae Station Design, the RSP Design Variant would reduce impacts on existing and planned development in the Millbrae Station area compared to the Millbrae Station design examined in the Draft EIR/EIS, and it would have similar or lesser impacts for most other resource topic areas.

The comment did not result in any revisions to the Draft EIR/EIS.

### 1213-2822

Please refer to Final EIR/EIS Chapter 2, Alternatives, which describes the project alternatives and the RSP Design Variant. As noted in Final EIR/EIS Chapter 2 as well as in the Revised/Supplemental Draft EIR/EIS, the RSP Design Variant could apply to either Alternative A or Alternative B in the Millbrae area. The RSP Design Variant has been evaluated in this Final EIR/EIS consistent with CEQA and NEPA requirements. The Authority will consider whether to approve Alternative A (the Preferred Alternative) or a different alternative; Alternatives A and B could be selected with or without the RSP Design Variant. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1213 (Thomas Williams, City of Millbrae, September 7, 2021) - Continued

### 1213-2823

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment asserts that the RSP Design Variant is not a reasonable alternative because it would render the currently approved Millbrae Serra Station Project infeasible, would result in traffic and other secondary impacts associated with riders seeking parking in surrounding neighborhoods, and would occupy a site that the City would prefer be developed with other/different uses.

Regarding TOD feasibility, as stated in Revised/Supplemental Draft EIR/EIS Section 3.20.3, Environmental Baseline for Analyses of the Millbrae Station Reduced Site Plan Design Variant, the RSP Design Variant would allow construction of a TOD project west of the existing rail alignment consistent with the MSASP, but on a smaller footprint than the approved design of the Millbrae Serra Station Project. The smaller footprint is due to the loss of developable space from the realignment of the California Drive extension farther west.

The RSP Design Variant was informed by the Authority's review of the approved alignment of California Drive as shown in the MSASP. This alignment shown in the MSAP is not feasible because it would be partially located on land owned by the PCJPB and SamTrans that is not available to the City of Millbrae. PCJPB and SamTrans previously informed the City of Millbrae that this land is not available for the California Drive extension as approved in the MSASP because this property is being reserved to support future operational needs of Caltrain and the blended system of shared operations of Caltrain and HSR trains (PCJPB 2019).

Therefore, for purposes of the analysis of the RSP Design Variant, the Authority reasonably assumed that the property owner/developer would work with the City of Millbrae to revise the Millbrae Serra Station Development to fit within the remaining footprint to be consistent with the MSASP and the RSP Design Variant. Revised/Supplemental Draft EIR/EIS Section 3.20.4.12, Station Planning, Land Use, and Development, expressly acknowledges that the RSP Design Variant would reduce the area of land available for TOD from 3.53 acres to 2.15 acres, a decrease in area but still a sufficient size for such development to occur. Please also refer to the response to

### 1213-2823

submission FJ-1213, comment 2824, which addresses the feasibility of TOD on this reduced footprint.

The comment asserts that the reduced parking associated with the RSP Design Variant would cause traffic and other impacts due to riders seeking parking in surrounding City neighborhoods. Please refer to the Revised/Supplemental Draft EIR/EIS Section 3.20.4.1, Transportation, which provides analysis of the effect of reduced parking on BART ridership and concludes that traffic operations at the study intersections around the Millbrae Station would be approximately the same for the project alternatives with or without the RSP Design Variant. It is anticipated that 58 percent of BART riders and 74 percent of Caltrain riders that currently use parking spaces that would be displaced would continue to use the station, and the majority would shift to other modes of access such as bus, shuttle, taxi, car sharing, transportation network companies like Uber or Lyft, and private vehicles. The riders would be served by the new pick-up and drop-off zones created by the project along California Drive, Linden Avenue, and Irwin Place.

It is possible that some individuals may park in residential areas where it is legal to park on the street and then either walk or use ride-sharing services to access the Millbrae Station. The potential use of legal on-street parking locations may be inconvenient for local residents but would not result in significant physical impacts on the environment. The regulation of on-street parking is the prerogative of the local jurisdiction, which can regulate on-street parking in residential areas through pricing or permit issuance mechanisms to influence the use of public parking opportunities. Such parking policies have been used by many local jurisdictions to preserve parking for local residents. Please also refer to the response to submission FJ-1213, comment 2826, regarding the impacts of the RSP Design Variant's elimination of 288 parking spaces at the Millbrae Station.

Finally, the comment asserts that the proposed transit station would occupy a prominent site in Millbrae that would be aesthetically unappealing as well as potentially detrimental to the City's economic development goals. The Revised/Supplemental Draft EIR/EIS considered both the aesthetic and economic related impacts of the RSP Design Variant; refer to Revised/Supplemental Draft EIR/EIS Sections 3.20.4.14, Aesthetics and Visual Quality, and 3.20.4.11, Socioeconomics and Communities, respectively.

## Response to Submission 1213 (Thomas Williams, City of Millbrae, September 7, 2021) - Continued

### 1213-2823

The comment did not result in any revisions to the Draft EIR/EIS.

### 1213-2824

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment asserts that the RSP Design Variant is “based upon flawed assumptions.” The analysis of the RSP Design Variant is based on reasonable assumptions based on the information available. Please refer to the response to submission FJ-1213, comment 2823 regarding the anticipated area available for TOD with the RSP Design Variant (also in light of the California Drive extension). The comment further asserts, without supporting evidence, that the RSP Design Variant would “result in an office component with floor plates that are too small to support office tenants in a Class A building in this market.” As stated in Revised/Supplemental Draft EIR/EIS Section 3.20.4.12, Station Planning, Land Use, and Development, more than 2 acres of land would be available for TOD, net of both the RSP Design Variant and anticipated California Drive extension. While the Authority acknowledges the reduced land area available for a TOD project adjacent to the station, the Authority also notes that the MSASP sets forth a maximum allowable building height for this portion of the station area of 121 feet and a TOD floor area ratio of 2.5. This could yield a building up to 14 stories in height and with a total floor area exceeding 230,000 square feet. Moreover, the MSASP calls for a TOD on the site and not necessarily an office development as suggested by the comment. Per the MSASP, many types of uses are permitted or conditionally permitted in the TOD area, not merely an office development. Notably, the MSASP calls for employment center uses to be focused on the area along Adrian Road, separate from the immediately adjacent station area. The comment did not result in any revisions to the Draft EIR/EIS.

### 1213-2825

As stated in Revised/Supplemental Draft EIR/EIS Section 3.20.3, Environmental Baseline for Analyses of the Millbrae Station Reduced Site Plan Design Variant, the RSP Design Variant was informed by the Authority’s review of the approved alignment of California Drive as shown in the MSASP. The alignment in the MSASP is not feasible because it would be partially located on land owned by the PCJPB and SamTrans that is not available to the City of Millbrae. In February 2019, PCJPB and SamTrans informed the City of Millbrae that this land is not available for the California Drive extension because this property is being reserved to support future operational needs of Caltrain and the blended system of shared operations of Caltrain and HSR trains (PCJPB 2019). The comment takes issue with this statement but does not provide any evidence to the contrary. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1213 (Thomas Williams, City of Millbrae, September 7, 2021) - Continued

### 1213-2826

The comment asserts that the Revised/Supplemental Draft EIR/EIS does not adequately address the RSP Design Variant's impacts caused by the elimination of 288 parking spaces at the Millbrae Station. Please refer to the Revised/Supplemental Draft EIR/EIS Section 3.20.4.1, Transportation, which includes an assessment of the effects of reduced parking associated with the RSP Design Variant and effects on parking, mode of access, and vehicle trips.

The elimination of replacement parking with the RSP Design Variant is consistent with local plans and policies. As stated in Revised/Supplemental Draft EIR/EIS Section 3.20.4.1, both City of Millbrae and Caltrain policies expressly encourage stations to emphasize non-automobile modes of access. The RSP Design Variant would be more consistent with such policies than the Millbrae Station design considered in the Draft EIR/EIS. Specifically, MSASP Policy P-CP 19 states that the City should "Establish parking standards that are adequate to serve new development but encourage the use of transit and alternate modes." MSASP Policy P-CP 21 states that any new parking areas should reinforce the pedestrian environment. Regarding the concerns of spillover parking into neighborhoods, MSASP Policy P-CP 20 calls for the city to address such concerns through a residential parking permit program. Notably, a circulation policy in the Millbrae General Plan (updated 2015) calls for the consideration of a "Westside Garage" as a potential means of minimizing spillover parking. Moreover, the parking reduction is consistent with Caltrain policies concerning parking. In its 2010 Comprehensive Access Program Policy Statement, Caltrain policy is to shift the access mode of transportation away from auto toward sustainable options—walking, transit, and bicycling. Removing station area parking is consistent with this policy.

Under CEQA, a project's parking reduction is considered a social inconvenience and is not considered an impact on the environment that requires evaluation under CEQA, unless it results in secondary physical impacts on the environment, such as impacts to air quality or noise. As noted in Revised/Supplemental Draft EIR/EIS Section 3.20.4.1, more than half of BART riders boarding at Millbrae and more than three-quarters of Caltrain riders boarding at Millbrae arrive at Millbrae station by some other mode than private vehicle (such as bus, walking, bicycling, etc.).

Please also refer to the response to submission 1213, comment 2823, regarding the

### 1213-2826

effects of the RSP Design Variant's elimination of parking at the Millbrae Station. That response notes that it is anticipated that 58 percent of BART riders and 74 percent of Caltrain riders that currently use the parking spaces that would be displaced would continue to use the station, and the majority would shift to other modes of access.

In light of the foregoing, the ample opportunities to access the station that do not require vehicle station parking, the cited policies, and the presence of other on-station parking east of the station site, it is not reasonably foreseeable that secondary physical environmental effects would result from the RSP Design Variant's proposed parking plan. For the same reasons articulated above, the comment's assertions regarding the conversion of existing parking to TOD uses would not be anticipated to result in substantial spillover parking effects.

Please also refer to submission FJ-1217, in which BART, another operator at the Millbrae Station, expresses support for the RSP Design Variant, noting that it preserves potential for future TOD. The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1228 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2021)

**San Francisco - San Jose - RECORD #1228 DETAIL**

Status : Unread  
Record Date : 9/9/2021  
Interest As : Local Agency  
First Name : Sean  
Last Name : Charpentier  
Attachments : CCAG Draft HSR DEIR Ltr \_Final.pdf (26 kb)

**Stakeholder Comments/Issues :**

High Speed Rail:

Thank you for the opportunity to comment on the Supplemental DEIR.

I have attached a copy of C/CAG's comment letter.

Feel free to reach out if you have questions.

Best Regards,

Sean Charpentier  
Executive Director  
C/CAG - City/County Association of Governments of San Mateo County  
555 County Center, 5th Floor  
Redwood City, California 94063  
(415) 370-2174  
scharpentier@smcgov.org<mailto:scharpentier@smcgov.org>

[C/CAG logo]



**CITY/COUNTY ASSOCIATION OF GOVERNMENTS  
OF SAN MATEO COUNTY**

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park • Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

September 8, 2021

Brian P. Kelly  
Chief Executive Officer, California High Speed Rail Authority  
Attn: San Francisco to San Jose Project Section: Revised/Supplemental Draft EIR/EIS  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113  
[sanfrancisco\\_sanjose@hsr.ca.gov](mailto:sanfrancisco_sanjose@hsr.ca.gov)

**RE: Revised/Supplemental Draft EIR/EIS Comment- San Francisco to San Jose Project Section**

Dear Mr. Kelly:

The City/County Association of Governments of San Mateo County (C/CAG) appreciates the opportunity to comment on the High-Speed Rail Revised Supplemental Draft EIR/EIS (SDEIR). C/CAG is the County Transportation Agency (CTA) for San Mateo County and is also the designated Congestion Management Agency (CMA) for San Mateo County.

C/CAG represents all of San Mateo County's 766,573 residents through its 21-member Board of Directors that includes a seat for every jurisdiction in San Mateo County. San Mateo County is an integral part of the dynamic Silicon Valley/San Francisco economic region. San Mateo County is home to 16 of the top 100 employers and 26 of the top 50 biopharma employers in the Bay Area.

1228-2789

The High-Speed Rail project (Project) consists of constructing improvements that would allow High Speed Rail (HSR) operation between San Jose and San Francisco. Specifically, the Project will construct significant track modifications, modifications to up to 7 Caltrain stations in San Mateo County, and 29 modifications to at-grade crossings in San Mateo County. The HSR alignment directly impacts 11 of the 20 cities in the County representing approximately 60% of the total County population. As such, the Project will be one of the most transformative capital projects in San Mateo County. The Project also has the potential to be one of the most potentially disruptive capital projects in the history of San Mateo County unless the Project sponsor closely collaborates with local jurisdictions to minimize the potential negative impacts. We encourage HSR to work with the City of Millbrae on an alternative that could be supported by all the stakeholders.

We appreciate this opportunity to comment on the SDEIR and DEIR, and look forward to your responses. If you have any questions, feel free to contact me at [scharpentier@smcgov.org](mailto:scharpentier@smcgov.org).

Thank you,

Sean Charpentier  
Executive Director

555 County Center, 5<sup>th</sup> Floor, Redwood City, CA 94063 PHONE: 650.599.1406 FAX: 650.361.8227  
[www.ccag.ca.gov](http://www.ccag.ca.gov)

## Response to Submission 1228 (Sean Charpentier, City/County Association of Governments of San Mateo County, September 8, 2021)

### 1228-2789

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment largely repeats a comment submitted by the City/County Association of Governments of San Mateo County on the Draft EIR/EIS as part of submission FJ-1096.

The comment recommends that the Authority work closely with local jurisdictions to minimize negative project impacts. Please refer to the response to submission FJ-1096, comment 817, which describes the processes for consulting and coordinating with local government entities throughout final design and construction.

The comment also recommends that the Authority work with the City of Millbrae on an alternative that could be supported by “all the stakeholders.” The Authority appreciates the comment and believes it has taken seriously its responsibility to work with the City of Millbrae and all other jurisdictions and communities along the Project Section. The Authority has engaged in regular consultation with the City of Millbrae through the Millbrae Station Area Intermodal Working Group and with other San Mateo County stakeholders through the San Mateo County Community Working Group.

The Authority supports plans for TOD at the Millbrae Station and remains committed to working with the City of Millbrae to identify solutions that would result in a successful intermodal hub and surrounding development that meets the goals of both the Authority and the City. The Revised/Supplemental Draft EIR/EIS document represents a good-faith effort by the Authority to revise the Millbrae Station plans to reduce the degree to which an HSR station would affect planned land uses.

Please also refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Consideration, which provides a summary of the Authority’s communications with the City of Millbrae regarding planning for HSR facilities and also documents other station configuration alternatives the Authority considered.

# Submission 1212 (Ivar C. Satero, San Francisco International Airport, August 19, 2021)



San Francisco International Airport

August 19, 2021

**San Francisco - San Jose - RECORD #1212 DETAIL**  
**Status :** Unread  
**Record Date :** 8/25/2021  
**Interest As :** Business and/or Organization  
**First Name :** Joanna  
**Last Name :** Au  
**Attachments :** SFO Ltr - CA High Speed Rail Authority SF to SJ Project 8-19-21.pdf (2 mb)

**Stakeholder Comments/Issues :**

Good afternoon,

Attached please find SFO's comment letter regarding San Francisco to San Jose Project Section Revised Draft EIR/EIS.

Thank you.

[[http://media.flysfo.com.s3.amazonaws.com/images/SFO-Email-Logo\\_100px.png](http://media.flysfo.com.s3.amazonaws.com/images/SFO-Email-Logo_100px.png)]

Joanna Au  
 Executive Secretary | Planning, Design & Construction  
 674 West Field Road, 2nd Floor (package deliveries) | P.O. Box 8097 (mailing address)  
 San Francisco International Airport | San Francisco, CA 94128  
 Tel 650-821-6678 | [flysfo.com](http://www.flysfo.com)<<http://www.flysfo.com/>>

Facebook<<https://www.facebook.com/flySFO>> | Twitter<<https://twitter.com/flySFO>> |  
 YouTube<<https://www.youtube.com/user/SFOIntlAirport>> | Instagram<<https://www.instagram.com/flysfo/>> |  
 LinkedIn<<https://www.linkedin.com/company/san-francisco-international-airport>>

California High Speed Rail Authority  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113

*Transmitted via email*  
[san.franisco\\_san.jose@hsr.ca.gov](mailto:san.franisco_san.jose@hsr.ca.gov)

**Subject: San Francisco to San Jose Project Section Revised Draft EIR/EIS Comment Letter**

Dear California High Speed Rail Authority,

The San Francisco International Airport (the "Airport" or SFO) has been a strong and vocal supporter of California High Speed Rail (HSR) since the original state enabling legislation in 2008. Serving passengers via rail from the San Francisco Bay Area to Los Angeles is an environmentally superior mode of travel and would allow SFO's limited aviation capacity to serve other markets for which HSR is not a viable substitute.

On August 31, 2020, the Airport submitted a comment letter to HSR Authority (the "Authority") regarding the original San Francisco to San Jose Project Section Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS). The Authority subsequently published the San Francisco to San Jose Project Section Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement Revised/Supplemental Draft (Revised/Supplemental Draft EIR/EIS). The comments in today's letter supplement those previously submitted.

According to Section 3.20 of the Revised/Supplemental Draft EIR/EIS, the Authority intends to evaluate a Reduced Site Plan (RSP) Design Variant at Millbrae Intermodal Station. Relative to the Draft EIR/EIS, the RSP Design Variant would:

- Eliminate the four surface parking lots on the west side of the alignment;
- Relocate the new station entrance hall, or headhouse, to the northeast corner of El Camino Real and Millbrae Avenue; and
- Modify vehicular access.

The Airport understands that this revision would accommodate a proposed transit-oriented development north of the new headhouse and that none of the proposed changes in the RSP Design Variant would affect track operations or the capacity of the rail line.

As the nation's first intermodal HSR station with a direct airport connection, it is vital that the passenger interface between the station and SFO be as smooth as possible. The Airport anticipates that most air-to-rail and rail-to-air connecting passengers would not transit the headhouse, as they would be arriving and departing on another transit vehicle. The RSP Design Variant preserves the Draft EIR/EIS design's track functionality and capacity. Therefore, either the original station design or the RSP Design Variant would be consistent with the Airport's goals for intermodal access by both HSR and Caltrain passengers.

1212-2693

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO  
 LONDON N. BREED MAYOR LARRY MAZZOLA PRESIDENT ELEANOR JOHNS VICE PRESIDENT RICHARD J. GUGGENHIME EVERETT A. HEWLETT, JR. MALCOLM YEUNG IVAR C. SATERO AIRPORT DIRECTOR  
 Post Office Box 8097 San Francisco, California 94128 Tel 650.821.5000 Fax 650.821.5005 www.flysfo.com

## Submission 1212 (Ivar C. Satero, San Francisco International Airport, August 19, 2021) - Continued

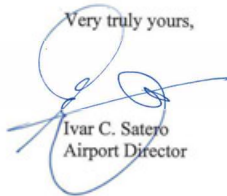
Comment Letter to California High Speed Rail Authority  
August 19, 2021  
Page 2 of 2

1212-2694

As detailed in our August 31, 2020 comments, it is imperative that the heights of the headhouse structure, as well as any antennas, radio towers, or other objections, comply with the 2012 *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* and Federal Aviation Administration standards as defined in 14 Code of Federal Regulations Part 77. The Airport recommends that these facilities be sited in collaboration with SFO to ensure height restrictions are met and reduce operational impacts near the Millbrae/SFO station.

The Airport appreciates the Authority's consideration of these comments. I look forward to continuing to work toward making HSR within the Bay Area and California a reality. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Ivar C. Satero  
Airport Director

cc: Nupur Sinha, SFO

## Response to Submission 1212 (Ivar C. Satero, San Francisco International Airport, August 19, 2021)

### 1212-2693

Refer to Standard Response FJ-Response-GEN-2: General Support of the Project and the California High-Speed Rail System.

Thank you for your comment.

### 1212-2694

The comment summarizes previous comments submitted by SFO on the Draft EIR/EIS as part of submission FJ-1067. Please refer to the responses to submission FJ-1067, comments 131 and 132, which address this topic.

# Submission 1225 (Kevin Thai, Santa Clara Valley Water District, September 8, 2021)

DocuSign Envelope ID: 16D41196-72EE-4380-8080-8DCFE8B37226

**San Francisco - San Jose - RECORD #1225 DETAIL**  
**Status :** Unread  
**Record Date :** 9/9/2021  
**Interest As :** Local Agency  
**First Name :** Rita  
**Last Name :** Khosla  
**Attachments :** Letter no. 13692 - Revised Supplemental Draft EIR EIS Comment.docx.pdf (539 kb)

**Stakeholder Comments/Issues :**

Thank you,

Rita Khosla  
 Staff Analyst  
 Community Projects Review Unit  
 rkhosla@valleywater.org<mailto:rkhosla@valleywater.org>  
 Tel. (408) 630-2072  
 [cid:image001.png@01D7A4CB.B14C8F60]  
 Santa Clara Valley Water District  
 Clean Water \* Healthy Environment \* Flood Protection  
 5750 Almaden Expressway, San Jose CA 95118  
 www.valleywater.org<http://www.valleywater.org/>



Clean Water • Healthy Environment • Flood Protection

File: 30077  
 Various

September 8, 2021

California High-Speed Rail Authority  
 Northern California Regional Office  
 Attn: San Francisco to San Jose Project Section: Revised/Supplemental Draft EIR/EIS Comment  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113

Subject: Revised/Supplemental Draft EIR/EIS Comment

Dear California High-Speed Rail Authority:

Santa Clara Valley Water District (Valley Water) staff has reviewed the San Francisco to San Jose Section: Revised/Supplemental Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) for the California High Speed Rail Project (Project). Valley Water is a special district with jurisdiction throughout Santa Clara County. Valley Water acts as the county's groundwater management agency, principal water resources manager, flood protection agency and is steward for its watersheds, dams and creeks, and underground aquifers.

This letter transmits comments that focus on the areas of interest and expertise of Valley Water.

**Specific Comments:**

1225-2810

**Section 3.7 Biological and Aquatic Resources:**

- **Inconsistent/contradicting statements between BIO-MM#40 and Impact BIO#2b:** Section 3.7 Biological and Aquatic Resources, BIO-MM#40 (page 3.7-5) states, "Where adult monarch butterflies are present, or assumed to be present, construction personnel would avoid host plants in temporary impact areas *during the flight season.*" However, Impact BIO#2b (page 3.7-9) states, "Where adult butterflies are determined to be present or assumed to be present, host plants will be avoided in temporary impact areas", which does not include the "during the flight season" qualification.
- **Inconsistent/contradicting statements between Table 3.7-21 Impact BIO#13 and Impact BIO#25:** Impact BIO#13 states, "addition of HSR trains operating at speeds up to 110 mph would increase the mortality risk for special-status wildlife individuals with small body sizes that may still be able to access the project footprint..." However, Impact BIO#25 states, "Operations activities would have minimal impacts on wildlife corridors because any wildlife that use these corridors have adapted to these activities by becoming habituated to the regular occurrence of [Caltrain] train traffic and operations and maintenance activities or by timing their movement outside peak activity hours." Will the increased train speeds increase mortality risk for wildlife or not?
- Impact BIO#25 determination that Alternatives A and B would have minimal impacts on wildlife corridors is based on implication/assertion that wildlife train strikes/roadkill does not occur during current operations of Caltrain. Is this accurate? If so, how is it known/documented?

1225-2811

1225-2812

1225-2813

We appreciate the opportunity to comment on the DEIR. Please provide a copy of the Final Environmental Impact Report (FEIR) to Valley Water when available.

If you have any questions, please contact Ms. Yvonne Arroyo at (408) 630-2319 or me at (408) 630-3157.

Sincerely,

DocuSigned by  
  
 2021.09.11 14:08:24.46

Kevin Thai, CFM  
 Assistant Engineer II  
 Community Projects Review Unit

cc: U. Chatwani, Y. Arroyo, C. Haggerty, K. Thai, File



## Response to Submission 1225 (Kevin Thai, Santa Clara Valley Water District, September 8, 2021)

### 1225-2810

The comment notes an internal inconsistency in language between the summary of BIO-MM#40 in Revised Supplemental Draft EIR/EIS Section 3.7.8, Environmental Consequences, and the full text of BIO-MM#40 in Section 3.7.9, Mitigation Measures. The commentor is correct that the qualifier “during the flight season” was not included in the summary of BIO-MM#40 in the Impact BIO#2b discussion. Environmental consequences sections often summarize mitigation measures to describe how those measures would address the impact. In this case, the summary of the mitigation measure omitted the temporal qualifier while the full text of the mitigation measure includes this information. To address this comment, the impact discussion in Impact BIO#2b has been clarified in the Final EIR/EIS to state, “Where adult butterflies are determined to be present or assumed to be present, host plants will be avoided in temporary impact areas during the flight season.”

### 1225-2811

The comment requests clarification between two impact statements in the Revised/Supplemental Draft EIR/EIS in terms of the project’s potential to increase injury and mortality risk to special-status species. Clarifications were made to Impacts BIO#14 (formerly Impact BIO#13) and BIO#26 (formerly Impact BIO#25) in the Final EIR/EIS to more clearly state that the project is expected to result in a small, incremental increase in mortality over baseline to special-status species because of an increased number of trains and increased train speeds, but also to clarify that there are no mapped or modeled wildlife corridors or linkages that overlap with the project area.

### 1225-2812

The comment questions if the “no impact on wildlife corridors” determination was based on the assumption that train strikes do not occur during current train operations (i.e., Caltrain service). The cited determination was made because no wildlife corridor has been mapped, modeled, or identified within the project area. For further information concerning wildlife corridors generally, please refer to the response to submission FJ-1225, comment 2811. The comment did not result in any revisions to the Draft EIR/EIS.

### 1225-2813

The Authority acknowledges Santa Clara Valley Water District’s request to receive a copy of the Final EIR/EIS when it is available and will provide the Final EIS/EIR to the Santa Clara Valley Water District as requested.