

## 23 BUSINESS AND/OR ORGANIZATION COMMENTS

## **23 BUSINESS AND/OR ORGANIZATION COMMENTS (Part 1)**

# Submission 1037 (Gerald Cauthen, Bay Area Transportation Working Group, August 3, 2020)

**From:** Cautn1 <cautn1@aol.com>  
**Sent:** Monday, August 3, 2020 5:06 PM  
**To:** Galli, Morgan(PB)@HSR <Morgan.Galli@hsr.ca.gov>; www.hsr.ca.gov@aol.com  
**Subject:** Getting BA HSR Right

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Dear Ms. Galli,

Individuals from BATWG will probably testify on 8/19, but here's a brief advance comment.

1037-100

Everyone who is remotely interested in Bay Area mobility will begin with this question:

Why Pacheco over Altamont?!

Here's why.

During its 49 year history the Bay Area's Regional Transportation Authority (MTC) has made many bad mistakes. The first or second worst mistake of all was to abandon the Altamont HSR routing alternative in favor of Pacheco. Through sheer stupidity and ignorance, San Jose insisted that EVERY train had to pass through its city. They must have been thinking of city buses. But a long distance train is not like a city bus. How many people even think about the number of Southwest airplanes that fly into SJA per hour?

1037-100

Answer: No one.

To catch a flight to LA or Phoenix you look up the schedule and book your seat. It's the same with long distance trains. But San Jose demanded, and MTC having little knowledge or interest in fulfilling its regional transportation responsibilities, buckled.

1037-101

HSR should be routed from northern San Joaquin County through the Tri-Valley and then to a branching point in Newark where some trains would head across a rebuilt Dumbarton Rail Bridge to the Caltrain right-of-way and on into San Francisco, with the rest proceeding down the east side of the Bay on the Milfred Line and into San Jose.

This would have a.) saved California hundreds of millions of dollars by bringing HSR 70 miles closer to Sacramento, b.) served the busy Tri Valley area instead of the Pacheco Pass wilderness and c.) reduced the cost of the badly needed speed-up of the ACE commuter rail service by at least \$5 billion. **And San Jose travelers wouldn't even have noticed the difference.**

Gerald Cauthen P.E.  
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## Response to Submission 1037 (Gerald Cauthen, Bay Area Transportation Working Group, August 3, 2020)

### 1037-100

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

The Authority respectfully disagrees with the commenter's explanation as to why the Authority selected an HSR route over the Pacheco Pass rather than the Altamont Pass. 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.

The Tier 1 Bay Area to Central Valley High-Speed Train Program Final EIR/EIS (Authority and FRA 2008) and the Partially Revised Final Program EIR (Authority 2012) evaluated broad network alternatives including corridors traversing the Altamont Pass, the Pacheco Pass, and both passes to connect the San Francisco Bay Area to the Central Valley for the HSR system. Based on these Tier 1 environmental documents, the Authority and FRA advanced for Tier 2 study the existing Caltrain corridor between San Francisco and San Jose and the Pacheco Pass corridor between the Bay Area and the Central Valley (FRA 2008; Authority 2012d, 2012e).

The Authority's and FRA's rationale for selecting the Pacheco Pass corridor over the Altamont corridor is detailed in the Tier 1 EIR/EIS documents and decision documents. The Authority considered the ridership and revenue potential, capital and operating costs, travel times and travel conditions, constructability and logistical constraints, environmental impacts, and public input in determining that the Pacheco Pass network alternative with stations in San Jose and San Francisco was preferred over other alternatives, including those with an Altamont Pass corridor. Potential ridership was one factor considered among many factors. The Bay Area to Central Valley High-Speed Train Program Final EIR/EIS and Partially Revised Final Program EIR provided a side-by-side comparison of six Pacheco Pass network alternatives, eleven Altamont Pass network alternatives, and four alternatives that would use both passes, with Altamont Pass used for local service. The Altamont Pass was thoroughly investigated. Further, the range of alternatives in the Program EIR was determined by a court to be

### 1037-100

reasonable and to comply with CEQA (Town of Atherton v. California High-Speed Rail Authority (2014) 228 Cal.App.4th 314). Accordingly, the Authority operated within its discretion to focus its range of alternatives to those alternatives within these corridors, and to not revisit the Altamont Pass alternatives it has already rejected. 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 the analysis provided in previous Tier 1 documents. The comment did not result in any revisions to the Draft EIR/EIS.

### 1037-101

Please refer to the response to submission FJ-1037, comment 100. An alternative like the one suggested in the comment was examined in the 2008 Bay Area to Central Valley High-Speed Train Program EIR/EIS (Authority and FRA 2008), as the Altamont Pass: San Francisco and San Jose Termini, with a Dumbarton crossing. The 2008 Final Program EIR/EIS, Chapter 8, and 2012 Partially Revised Final Program EIR, Chapter 6 (Authority 2012), recognized that a benefit of an Altamont pass alternative is that it would enable a Tri-Valley HST station, with its attendant transportation benefits. The Authority balanced multiple factors in selecting the Pacheco Pass network alternative to San Francisco via San Jose. Refer to the 2012 Partially Revised Final Program EIR, Section 6.3.5 (Authority 2012). The comment did not result in any revisions to the Draft EIR/EIS.



Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020)

Brisbane Baylands Community Advisory Group

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415.468.4195

September 6, 2020

EMAIL TO "san.francisco\_san.jose@hsr.ca.gov"

Brisbane Baylands Community Advisory Group (BBCAG) Comments on the 2020 HSRA Draft EIR, Project Section San Francisco to San Jose.

Our Comments include the comments of our members and those from the public forum that we provide for: the residents of Brisbane, Bayshore (Daly City) and Visitacion Valley (San Francisco) regarding the safety and advisability of development on the Baylands. We appreciate the opportunity to share our opinions and concerns with you.

1154-2417

Light Maintenance Facility

The LMF Alternative A is preferred because its location will decrease the tremendous amount of noise that this facility will generate. Ice House Hill and its Brisbane mandated open space will provide a barrier to mitigate some impacts for some neighborhoods including noise. Alternative A is further away from residences. It disturbs fewer wetland acres and fewer water resources. It will take the EMF and EMI fields a bit further away from existing residences and businesses but we are also concerned that the Noise, Vibration, EMF/EMI fields and Air Pollution will significantly impact the planned residential and commercial development planned for the Baylands. Brisbane is a place that highly values the land, water, air, natural/native vegetation and wildlife within our jurisdiction and we value our human quality of life. It is clear that this Heavy Industrial Use will be an assault on those values. We see that you have given careful consideration to the many severe impacts. On the other hand, we believe that you have an inadequate understanding of our local existing conditions.

1154-2418

Let's begin with noise. Most of Brisbane is built in an amphitheater like bowl and noise is amplified within the bowl. We also have northwesterly prevailing winds which can impact how sound travels. In Brisbane, we have swirling winds like those seen in the nearby, now defunct, Candlestick Park. We have lots of experience with aircraft noise. The plans that you show for mitigating noise are insufficient for the construction noise and for the ongoing operations noise. The Light Maintenance Facility will repair trains from 10pm to 6am the same hours that most people will be trying to sleep. You indicate noise levels in the mid 70's dba range to 80 dba. That is

1154-2418

tremendously loud. You are going to need to provide much more robust noise mitigation than you have planned. Brisbane has a noise ordinance that requires that noise you generate should not exceed 65dba at your property line. Studies in the United Kingdom have shown that stress is created when people are exposed over an extended time period to noise levels of 55dba CNEL. By the time this LMF is built, there will be residents and businesses surrounding your facility. The welfare of those people cannot be ignored. All of the mitigations for this project must be state of the art technology within 18 months of the issuing of the building permits. Social Justice and Climate Change require that the mitigations be appropriate to the time of construction. You took noise measurements in two locations in the 2009-2010 time period. One was taken on Joy Avenue and the other at the corner of Old County Road and Bayshore. Each measurement was taken on a single day in May and time of day was not given. I am very familiar with both locations. Your readings indicated a noise level in the mid 70's dba in each location. Joy Ave is a narrow road off another narrow road section of San Bruno Ave. with a 20 mph speed limit. The only way you could have gotten 70 something dba is if they were cutting down trees with a chain saw. The Old County Road and Bayshore location is a busy intersection and is not typical of the rest of the town noise wise. Even there, the 70 plus dba is unlikely. It is the entrance to downtown Brisbane. You need to do a new noise measurement study which yields a more accurate picture of the existing noise levels in Brisbane. You plan to use your measurements to describe the impact of your facility on the noise levels in our town. It would not be an honest portrayal of that difference.

1154-2419

We have great concern for the Vibrations that will be propagated by the trains moving at speeds approaching 88mph. Vibration has impacts like sound does in the lower ranges. The residences and businesses that have been approved by the City for the Baylands will suffer from the effect of that vibration and the people there will be subjected to the stress it causes. There are technology and biotechnology businesses in the Brisbane Technology Park on Guadalupe Canyon Rd. that do research that could be ruined by unexpected vibration at significant levels. There are biotechnology businesses on Sierra Point and the vibration and the EMF/EMI fields may negatively impact their work. It doesn't appear that the issue of the propagation of the vibrations through the unregulated SF municipal landfill (320 acres) that stopped receiving waste in about 1967 has been investigated for its impacts. Those studies are necessary. Your EIR makes it sound like there won't be any difference between existing conditions and adding the HSR and that does not sound like a realistic conclusion. There needs to be greater mitigation of the vibration from the HS train operations and the construction of the LMF and the associated added tracks which must be placed on pilings to bedrock for structural integrity.

1154-2420

There is still much research to be done to understand the impacts of EMF/EMI. There must be a significant buffer between the source of these fields and potential receptor including both people and equipment whose function would be compromised by these fields. Those most

## Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

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1154-2420 | likely to be impacted by EMF/EMI are neighbors on the Baylands, receptors on Sierra Point and or in or near the Brisbane Technology Park. In order for EMF/EMI mitigations to be adequate, they must be designed within three years of construction of the LMF. I would like to know how significant a source of EMF/EMI the LMF and its power station will be?

1154-2421 | The sources of air pollution and greenhouse gases from this project will be; the construction of the project, the operation of the Light Maintenance Facility including the delivery of materials and the trips generated by workers there. The LMF should have hepa and better air filters in scouring stacks to scrub the pollution being emitted by the operations inside the LMF in order to keep volatile, semi volatile fumes and metals of concern from polluting the air. The efforts to reduce the pollution from vehicles operating outside the building should be reduced even further than is shown in the draft EIR. We already suffer from a pollution creating stack at the Regional Petroleum Distribution Facility and from the methane and other gases escaping from the Landfill Gas System both of which are adjacent to the LMF We also have Hwy 101 in town.

1154-2422 | Aesthetics and visual impact are a concern. We ask that you keep working on the exterior design of the LMF. The goal should be to decrease the impression of great mass. The shed roofs help with that but maybe you could use materials like red brick and apple green metal, that recall the Railroads that helped settle and build the country. The use of two materials wiii further break up the mass. In the areas surrounding the LMF, there should be low water usage high moisture content landscaping to soften the place. The SF Airport has some fine examples north of the terminals.

1154-2423 | Safety and Emergency Response are of paramount importance with such a complex dynamic and heavy industrial use. There is the potential for loss of life and significant property damage with high speed rail. The unlikely event must be planned and designed for and the coordination of safety planning and response must be monitored, practiced, publicly reported on and understood by the employees of each agency involved and to some extent by the public. The agencies need to train so that they have confidence in their understanding of who is responsible for what and when and have current contacts and contact information in each agency. The agencies include the State Fire Marshal, The North County Fire Authority, The San Francisco Fire Dept and SF Police Dept, San Mateo County Hazardous Waste Response, DTSC, RWQCB, BCDC, BAAQMD, City of Brisbane, City of Daly City, City/County of San Francisco.

1154-2424 | Since the Landfill will be excavated in order to build the LMF, a thorough investigation of the area to be excavated must be undertaken to assure there won't be any surprises. It has not been characterized in sufficient detail to have determined if the unregulated landfill might

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1154-2424 | contain items that could represent a threat if disturbed and moved. The excavation process should be continuously observed for potential hazards.

1154-2425 | The Brisbane Fire Station has been relocated in your plan. It looks like the elevated roadway leading to the new bridge will interfere with the rear egress from the Fire Station and that would therefore interfere with Fire Stations operations. What is your response to this concern?

1154-2426 | Sea Level Rise avoidance measures should be described in detail with an explanation of the reasoning explaining why you think they should be adequate, Your analysis should include the recent 2020 reports of groundwater adding to the threat sea level rise.

1154-2427 | Seismic threat analysis should include how sea level rise may exacerbate seismic impacts. It should include the details on how liquefaction and ground spreading can be mitigated to avoid catastrophic accidents during train operations.

1154-2428 | The LMF must be built to direct the energy of an explosion or explosive fire upwards in order to avoid catching the adjacent Regional Petroleum Distribution Center on fire or causing a fire in other buildings built relatively nearby.

1154-2429 | Soil and Landfill heavy construction compaction standards used for this project should be standards that have been updated and adopted within five years of the granting of the excavation permit.

1154-2430 | The LMF roof and other HSRA facilities should be covered with solar panels in order to make the project energy positive instead of neutral

1154-2431 | The issue of liability for the cleanup of contaminants on the land that HSRA is buying on the Baylands has been raised. We looked into the issue informally and it seems likely that the HSRA will become responsible for the toxic cleanup on its Baylands property and that means the people of California are responsible. How will HSRA fit this extra expense into its budget?

1154-2432 | A new landfill gas extraction system must be reviewed and approved by the BARWQCD and San Mateo County Environmental Health. It must take into account the impact of the LMF's impacts.

1154-2433 | Additional investigations into site characterization are needed. A dynamic project was not contemplated when previous studies were done and there has been inadequate investigation of current conditions with regard to the character of the solid waste, noise, vibration and EMF/EMI fields.

1154-2435 | The City of Brisbane has approved the placement of a housing development off Valley Drive near Bayshore. These residential units will be closer to the LMF than many others and I don't believe you are taking them into account in your analysis.

Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

1154-2436	5	<p>What are the plans for access to the CalTrain station on the east side of the tracks? On the westside of the tracks, it doesn't look like there is adequate space for all the forms of transportation converging there. Where is the bus, light rail, and auto waiting area?</p> <p><b>Individual Comments</b> To HSRA</p> <p>Here is my response to the DEIR for the SF to SJ High Speed Rail "The maintenance facility High Speed Rail wishes to put on 100-110 acres of the Baylands commits its resources to being in direct conflict with the principles of Environmental Justice, as cited in Chapter 5. It impacts and impedes the normal and natural development of the Bayshore which is a collection of MINORITY based, LOW INCOME residences and businesses bordering and adjacent to the Baylands potential High Speed Rail Maintenance Facility.</p> <p>The proposed Brisbane Ca. development of said Baylands would have been an economic uplift and regeneration to a disadvantaged community of Daly City as well as the fulfillment of Brisbane's required new housing developments.</p> <p>The Insertion of a High Speed Rail Maintenance Facility anywhere on the 110 acres of the Baylands will:</p> <p>.....Continue with pollution of the immediate and surrounding areas after construction; .....Continue with excessive and ongoing noise at all hours after construction; ..... Will increase traffic at all hours and degrade road surfaces of Geneva Ave., Carter Street and Bayshore Blvd. long after construction is completed; .....Will decrease, constantly, the property value of the majority of homes and businesses in the surrounding Bayshore area with only marginal positive effects to some businesses.</p> <p>The Maintenance Facility absorbing 100-110 acres in the Baylands for Train use on behalf of San Francisco is a poster child for Environmental Injustice.</p> <p>Respectfully,</p> <p>Mae E Swanbeck Bayshore Resident/BBCAG Member</p> <p>To HSRA</p>	1154-2438	<p>6</p> <p>High Speed rail also wants/needs the construction of an electrical substation for this Brisbane maintenance facility, There will be several other maintenance facilities throughout the system and I am guessing each will need the same type of energy control. Especially, the main heavy duty maintenance facility scheduled for Bakersfield. Since the trains will use a substantial amount of quick varying electrical input for entering the tracks, entering the facility and moving into and along the exit path it cannot rely on a commercial station like the PG&amp;E substation close to the Baylands. This type of operation needs its own engineers to control its own energy source and use for both track travel as well as train maintenance. An alternative would be a cogen but having worked with cogen operations in the past I know of not one that will be sufficient for this type of operation.</p> <p>Neither the tower(s) nor the electrical substation are unwarranted and they make perfect sense. They will make an effect on housing anywhere near this operation a real problem.</p> <p>Mae Swanbeck</p> <p>TO HSRA</p>
1154-2437		<p>The proposed Brisbane Ca. development of said Baylands would have been an economic uplift and regeneration to a disadvantaged community of Daly City as well as the fulfillment of Brisbane's required new housing developments.</p> <p>The Insertion of a High Speed Rail Maintenance Facility anywhere on the 110 acres of the Baylands will:</p> <p>.....Continue with pollution of the immediate and surrounding areas after construction; .....Continue with excessive and ongoing noise at all hours after construction; ..... Will increase traffic at all hours and degrade road surfaces of Geneva Ave., Carter Street and Bayshore Blvd. long after construction is completed; .....Will decrease, constantly, the property value of the majority of homes and businesses in the surrounding Bayshore area with only marginal positive effects to some businesses.</p> <p>The Maintenance Facility absorbing 100-110 acres in the Baylands for Train use on behalf of San Francisco is a poster child for Environmental Injustice.</p> <p>Respectfully,</p> <p>Mae E Swanbeck Bayshore Resident/BBCAG Member</p> <p>To HSRA</p>	1154-2441	<p>The preliminary drawings demonstrate some features the community members asked to see included, and exclude others. The residential housing area in yellow is far larger and dense looking than expected. There is nothing included to help a reader understand the height and scale of buildings. There is no marker for where the county line crosses the property which would help tell what we are looking at in relation to the Schlage Lock portion in S.F. on slide #9. And the orange colored areas on slide #9 noted as future office campus show no buildings at all, so no visual idea of what that impact could be relative to the areas in the OU-2 foreground, and the UPC-OU-SM area which will be guided by DTSC. The Geneva to Hwy 101 connection also appears to be in there, but seems scaled down to a small street rather than a four lane connection to and from the highway. It might be wise to relocate the Bayshore Station to Geneva Ave.</p>
1154-2438		<p>Please note that there will be communication tower(s) that will be required on the Brisbane A or B maintenance facility location. The tower must be higher than any other structure in the area which means taller than the highest residential/commercial buildings proposed for this site. If 2 towers are needed, I am guessing one tower will be positioned at the start of the train entrance South of Recology and the 2nd tower at the exit point near the Lagoon. That would be the safest rail communication control for entry and exit from the property.</p>	1154-2442	<p>There is a significant light pollution in this area and your lighting should face downward and be LED's.</p>
			1154-2443	<p>It is essential that the Railroad Roundhouse be protected and re-built because of its importance as a piece of our cultural legacy Tony Verreos</p>

Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

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1154-2444

Pipeline Risks

Also, I would like to remind HSRA of all of the underground Kinder Morgan pipelines which traverse the Baylands and the San Francisco Bay.

These pipelines are, in and of themselves, a potential construction hazard. Secondly, these pipelines were not built with much vibration in mind. If the HSRA foresees significant vibration from its proposed facility, it will have to address the issue of whether the pipelines will need to be reinforced.

Likewise, a PG&E gas pipeline (like the one in San Bruno which exploded in 2010) runs adjacent to Bayshore Blvd. and will also have to be taken into consideration.

Prem Lall

1154-2445

Communications Towers

The Communications towers will be 100 ft tall by 6-8 feet in diameter. They will be visible from everywhere. They should be carefully and artfully designed CJ.

1154-2446

I saw nothing in the presentation taking into account sea level rise and its impact on forcing groundwater to the surface. Have you taken this into consideration and if so, will you be doing studies on how this affects the engineering of your project?

Colleen Mackin

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Comments on Draft Environmental Impact Report

High-Speed Rail Authority

San Francisco to San Jose

**Introduction:** Because I am a resident and former Mayor of Brisbane, these comments refer to the proposed High-Speed Rail Project in Brisbane, especially the proposed light maintenance facility (LMF) and associated infrastructure changes. The Draft Environmental Impact Report evaluates placing the LMF on either the west side of the Caltrain tracks, the Southern Pacific fill, or on the east side of the tracks, the San Francisco garbage landfill. The Authority prefers the Eastern side, the option known as alternative A. The Western side location has a number of negative impacts, including the total removal of Ice House Hill, a significant topographical feature that has potential habitat for endangered butterflies. My comments will focus on the proposed new Tunnel Avenue overpass and coming sea level rise.

**New Tunnel Avenue Overpass:** The Report presumes that the current Tunnel Avenue overpass will need to be demolished and a new overpass needs to be constructed further north in alignment with Valley Drive. Since the new connection between the new overpass and Bayshore Blvd. runs right through the current fire station, it would also have to be demolished and rebuilt further south. It is also proposed that Tunnel Avenue traffic coming into Brisbane would cross Bayshore into Valley Drive and then turn left onto a new road connection that would join Old County Road as it curves into alignment with Visitacion Avenue, Brisbane's main downtown street. The only justification that I found for this disruptive and wasteful proposal is that the current overpass only goes over the mainline tracks, not the new lead tracks that would be needed to move northbound trains into the maintenance facility.

The proposal is wasteful because both the current overpass and fire station are relatively new public facilities. The **fire station** was dedicated in 1992 and recently refurbished (2013-14). The proposed relocated fire station, according to the DEIR, would degrade street access and response times. The **current Tunnel Avenue overpass** replaced the previous one that was damaged in the Loma Prieta earthquake. Getting construction approval involved long and complex negotiations with property owners and regulatory agencies. According to the 1986-2011 Brisbane History book (pp. 134-36), it was a complex engineering accomplishment. In consultation with Caltrain, the overpass was designed to accommodate electrification. It was dedicated in 2007, only thirteen years ago. It makes no sense to demolish it if other options exist.

1154-2447

# Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

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1154-2447

The proposal is very disruptive because it transforms and significantly degrades the main access to town. Currently, the main entrance to Central Brisbane (Old County Road) is used only by passenger vehicles and residential delivery vehicles. Truck traffic for the Crocker commercial area enters and leaves via Valley Drive. Old County Road winds around the Community Park and provides a pleasant and comforting entrance to a small residential community. In other words, there is currently a clear roadway separation between residential and truck traffic. The HSR proposal would destroy that separation and seriously disrupt the community traffic pattern. Furthermore, the proposed road configuration would create a traffic conflict as the vehicles coming south on Tunnel Avenue heading for Central Brisbane using the Valley Drive entrance would have to turn left almost immediately after crossing Bayshore Blvd into the proposed road connection across the path of trucks and other vehicles departing the Crocker commercial area.

It doesn't seem to me that this level of waste and disruption is necessary as there are alternative means of achieving the same objectives. The entire current overpass could stay in place if the lead tracks were to start somewhat further north. That would require moving the Kinder Morgan tank farm out of the way. Actually, Kinder Morgan threatened to move its operation to the airport a few years ago when the city introduced a small operational tax. Most of the fuel that they store now is destined for the airport. In addition to making the whole Baylands less hazardous for all occupants, removing the tank farm would give the HSR engineers more flexibility. Besides, part of the tank farm is actually on solid ground, not landfill, a further bonus. The landowner/developer of most of the Baylands would also have an interest in making this happen, so that you could work together on pursuing the matter. Lastly, if high speed rail achieves its objectives, there will be a declining need for jet fuel, a significant contributor to greenhouse gas emissions.

If the Kinder Morgan tank farm can't be moved, then another option is to extend the current overpass over the lead tracks and design it so that it meets up with the newly relocated Lagoon Road and Tunnel Avenue. On the maps, this option looks feasible. This approach would save part of the current overpass, save the current fire station, and retain the preferable current entrance to our town.

1154-2448

**Sea Level Rise:** Scientists agree that one of the insidious consequences of climate change is sea level rise. San Mateo County has been identified as the California County most vulnerable to even modest amounts of sea level rise. The DEIR points out that in the corridor from San Francisco to San Jose the section of railway track with the lowest elevation, and thus the greatest vulnerability to flooding and sea level rise, is from San Francisco to South San Francisco, mostly in Brisbane. The current plan seems to propose installing the tracks for the light maintenance facility "at grade." But in order to construct the building and 17-track railyard at the grade level of the current Caltrain tracks, the large mounds of soil that have been imported since the garbage fill ceased operating in 1967 would have to be moved away. In fact, the DEIR mentions the necessity of disposing of 2,082,800 cubic yards of soil from the site of the eastern light maintenance facility. This new facility would then share the same vulnerability to inevitable

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1154-2448

sea level rise as the western side. The DEIR recognizes that by 2100 flooding from sea level rise and king tides could reach 7 feet. Since the western side location doesn't have imported soil, a 7-foot increase in water level would put it entirely underwater. Therefore, why would the HSR create a similar situation on the eastern side?

1154-2449

Why is the HSR being so cavalier about sea level rise? The EIR gives one answer that was surprising and disappointing. Evidently, recent court decisions have determined that CEQA (California Environmental Quality Act) does not require a project EIR to consider sea level rise. Therefore, the discussion in the EIR is only "informational." Another factor may be the uncertainty about the magnitude and speed of sea level rise. The mainstream models (such as those used by the United Nations' Intergovernmental Panel) have consistently underestimated the pace of ice melting. Climate scientist James Hansen and his colleagues have noted that ice sheets, especially those in Antarctica, are subject to "non-linear disintegration" and may melt much faster than generally anticipated. Magnitudes of 10 ft sea level rise could happen in a century. High tides and groundwater impacts could make levels even higher in some places. Projections from models are based on probabilities, but the melting evidence supports the Hansen warning. In a past historical period of global average temperature only 1° Celsius higher than today, sea levels were 30 feet higher. A long time ago in a much warmer time when there were no ice sheets, ocean levels were over 200 feet higher than current levels (Englander, *High Tide*, 2013).

Spending a lot of money on an uncertain danger is a political problem for a public project. But

it would seem that prudent planning would involve addressing this issue in the original construction process, not by fix-it-later scenarios as mentioned in the DEIR. Protecting the Brisbane light maintenance facility from long-term sea level rise in the original construction phase would probably entail raising the entire current track bed in Brisbane, a major undertaking. In the long run, however, that approach would probably be the cheapest and most sensible option.

Submitted by:

Raymond Miller

Professor Emeritus – San Francisco State University

September 3, 2020

## Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

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I want to thank the attendees of the HSRA DEIR workshop: Mae Swanbeck, Iris Gallagher, Prem Lall, Anja Miller, Asha Setty and Clara Johnson for their work and their comments. I thank the additional commenters: Tony Verreos, Colleen Mackin and Ray Miller. I also appreciate the comments made during the HSRA DEIR presentation on 8/18/20.

The BBCAG thanks the High Speed Rail Authority for their presentation and for this opportunity to express our comments and concerns.

Sincerely

Clara Johnson

BBCAG Vice Chair and Acting Chair

## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020)

### 1154-2417

The commenter's preference for Alternative A is noted. The commenter's preference in the 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 commenter raised concerns about the Brisbane LMF's noise impacts on existing communities. Train maintenance activities at the Brisbane LMF would take place inside the maintenance building with minimal noise spillover into surrounding areas. In addition, as discussed under Impact NV#4 in Section 3.4, Noise and Vibration, of the Draft EIR/EIS, the operational noise generated by train movement to or from either the East or West Brisbane LMF would not generate noise levels in excess of standards for a severe impact established by the FRA for existing sensitive receptors.

The commenter also raised concerns about the noise, vibration, EMF/EMI, and air quality impacts of the Brisbane LMF on the proposed Brisbane Baylands project. As explained in Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, the proposed Brisbane Baylands project is not considered to be part of the environmental baseline for this EIR/EIS because the Brisbane Baylands Specific Plan had not completed environmental review or been adopted at the time of preparation of the environmental analysis for the San Francisco to San Jose Project Section. Accordingly, the project's impacts on the Brisbane Baylands project were not assessed in the Draft EIR/EIS, because to do so would be speculative. However, the Authority has and will continue to coordinate with the City of Brisbane and the developer of the Brisbane Baylands to help minimize or avoid potential conflicts or impacts.

In subsequent comments, the commenter provided specific comments on noise, vibration, EMF/EMI, and air quality impacts of the Brisbane LMF; each of these specific comments is addressed below.

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

### 1154-2417



## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

### 1154-2418

Appendix 3.4-A, Noise and Vibration Technical Report, has been updated for the Final EIR/EIS to clarify that terrain and elevation of receptors was 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. 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.

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.

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 Brisbane's 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. 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,

### 1154-2418

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 Table 5-1 in Appendix 3.4-A, there were three ambient noise measurements conducted in Brisbane. Table 5-2 in Appendix 3.4-A 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.

Please 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. Section 3.4.7, Mitigation Measures, discusses the various noise mitigation measures for the project.



## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

### 1154-2419

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.

With respect to Brisbane Technology Park and Sierra Point Parkway, the results of the vibration analysis under Impact NV#9 in Section 3.4, Noise and Vibration, indicated that there would no vibration impacts at the Brisbane Technology Park or Sierra Point Parkway. Please refer to the response to submission FJ-1154, comment 2420 which addresses the commenter's concerns regarding impacts associated with EMF/EMI.

The vibration impact assessment was conducted following FRA guidelines and focuses on impacts to residential and industrial buildings. Vibration impacts on the former Brisbane landfill were not evaluated.

Impact NV#9 in Section 3.4 summarizes the predicted vibration impacts from the project alternatives. 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 Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report. Refer to Section 3.4.7, Mitigation Measures, for a description of the mitigation measure (NV-MM#8) identified to avoid or reduce significant vibration impacts. Even with implementation of mitigation, there would still be significant and unavoidable impacts associated with vibration from train operations because it may not be cost-effective or feasible to mitigation all vibration impacts. The comment did not result in any revisions to the Draft EIR/EIS.

### 1154-2420

The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, but does request clarification on whether the LMF and its power station will be a significant source of EMF/EMI.

As described in Appendix 2-F, Summary of Requirements for Operations and Maintenance Facilities, Section 4.4, Connectivity Issues, in the Draft EIR/EIS, the LMF would not have a separate power station. It is anticipated that the LMF would be supplied with a standard 34.5-kV service from the nearest utility distribution into a split step down facility/utility substation. To provide additional clarity on LMF power service, Section 3.5.1, Introduction, of the Final EIR/EIS has been updated. In addition to this, the impact analysis in Section 3.5.6, Environmental Consequences, for Impacts EMF/EMI#2, EMF/EMI#3, and EMF/EMI#4 have been updated to consider the LMF's power supply and electrical infrastructure. These updates have not changed any of the impact conclusions previously drawn in the Draft EIR/EIS, as no significant EMI impacts from the LMF utility substation or from LMF operations are anticipated. The split step down facility/utility substation would be fenced off per PG&E requirements, would be 2,500 feet from the nearest sensitive receptor and over 300 feet from the closest traction power infrastructure (the OCS). Therefore, CEQA does not require any mitigation.

With respect to the comment regarding the need for adequate buffers to be applied, the Authority can confirm that as part of the analysis undertaken in Draft EIR/EIS Section 3.5, Electromagnetic Fields and Electromagnetic Interference, the EMF exposure levels were determined at each sensitive receptor location, and then compared to the IEEE MPE levels described in Section 3.5.2, Laws, Regulations, and Orders, of the Draft EIR/EIS. Exposure levels below the threshold mean that adverse effects would be avoided and therefore indicate that an adequate "buffer" is being provided.

With regard to the comment that mitigation measures should be designed within 3 years of construction of the LMF, under the baseline conditions prevailing at the time of analysis, EMF/EMI impacts from the LMF are less than significant as designed, and therefore require no mitigation. However, the Authority will continue to assess the applicability of this conclusion in accordance with the commitments made under EMF/EMI-IAMF#1 and EMF/EMI-IAMF#2. As described in Section 3.5.6.3, Project Impacts, of the Draft EIR/EIS, both these IAMFs will maintain compliance with the ISEP and relevant sections of the California High-Speed Train Project Design Criteria (Authority 2014a, 2014b), which include the features and procedures for complying with EMF and EMI standards and with federal and state laws and regulations pertaining to

## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

### 1154-2420

EMF and EMI. Prior to the activation of any potentially interfering HSR systems, the Authority would also contract a qualified engineering professional to validate the efficacy of design provisions preventing interference.

### 1154-2421

As discussed in Section 2.4.8, Maintenance Facilities, of the Draft EIR/EIS, the LMF would be used to clean, service, and store HSR trains. The LMF is not an industrial or manufacturing facility and would not include operations that would require exhaust stacks, HEPA filters, or other air pollution control systems. The LMF would house maintenance operations including exterior and interior cleaning, wheel truing, testing, and inspections. These operations would not produce substantial pollutant emissions. Refer to Impacts AQ#5, AQ#9, and AQ#14 in Section 3.3.6.2, Air Quality and Greenhouse Gases, of the Final EIR/EIS, and Section 7.3, Local Operation Emission Sources, of Appendix 3.3-A, Air Quality and Greenhouse Gases Technical Report, for detailed information about the project's construction and operations impacts on air quality and greenhouse gases. Refer to the Air Quality Cumulative Condition subsection under Section 3.18.6.2, Air Quality and Greenhouse Gases, for detailed information about cumulative impacts of the LMF and existing sources of air pollution in Brisbane. 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.

### 1154-2422

AVQ-IAMF#1 and AVQ-IAMF#2 explain the process whereby the Authority and local jurisdictions would develop aesthetic treatments, including structures and landscaping, to visually integrate the HSR infrastructure with the local aesthetic. Design issues relating to landscaping and the style and materials of non-station structures would be undertaken in the detailed design phase of the project. AVQ-IAMF#2 ensures community input on non-station aesthetics, including the design of the LMF. The comment did not result in any revisions to the Draft EIR/EIS.

### 1154-2423

The comment notes that the Authority should consider the importance of advance planning and training on safety procedures and emergency response and coordinate with local agencies. Caltrain is responsible for safety procedures within the Caltrain right-of-way for the blended system and prepares and periodically updates an emergency preparedness plan, consistent with federal requirements. Caltrain's most recent such plan includes provisions related to joint operations, special circumstances, and liaison with emergency responders (among other provisions). Caltrain periodically conducts training for emergency responders along the corridor. For dedicated HSR facilities, the Authority would be responsible for safety procedures. As discussed under Impact S&S#14, the Authority would prepare an SSMP (SS-IAMF#2) for dedicated HSR facilities that would describe the procedures, processes, and programs the Authority would implement to support the safety and security goals. This plan would include the preparation of a fire and life safety program, which would be coordinated with local emergency response organizations to provide them with an understanding of the rail system, facilities, and operations, and to obtain their input for modifications to emergency response operations and facilities, such as evacuation routes. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

### 1154-2424

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

### 1154-2425

Refer to Standard Response FJ-Response-SS-3: Brisbane Fire Station and Emergency Access.

The comment asserts that the new Tunnel Avenue overpass may interfere with relocated Brisbane fire station operations. 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.

### 1154-2426

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 include consideration of rising groundwater levels when formulating long-term sea level rise adaptation strategies. These adaptation measures, such as flood levees, seawalls, pumps, elevated tracks, and minor track realignment, would be designed, permitted, and built in compliance with requirements from regulatory agencies. The Authority would also work with Caltrain on necessary adaptation measures for the blended system facilities where there are no local or regional assets between the facilities and the source of tidal flooding.

### 1154-2427

Refer to Section 3.8.10, Vulnerability and Adaptation to Sea Level Rise, of the Final EIR/EIS for a discussion of the effects of sea level rise on the project. Sea level rise would not change conclusions in Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources, of the Draft EIR/EIS regarding liquefaction or lateral spreading. As discussed in Impact GEO#8 of the Draft EIR/EIS, the design-build contractor would assess geotechnical conditions and employ design methods (GEO-IAMF#1, GEO-IAMF#7, GEO-IAMF#10) to minimize liquefaction and lateral spreading effects during construction and operations. As discussed under Impact GEO#9, Caltrain currently uses, and the blended system would continue to use, the University of California at Berkeley's Rapid Earthquake Data Integration System to determine the magnitude and location of earthquakes and their possible impact on track and structures. Depending on magnitude and location, earthquakes may trigger a system response such as slowing or halting train operations until track inspection and any necessary repairs can be completed. With implementation of these project features, neither construction nor project operations would increase exposure of people to loss of life or structures to destruction beyond what they are currently exposed to from liquefaction or lateral spreading. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

### 1154-2428

The comment states that the LMF must be built to minimize the potential for accidents at the LMF to affect the Kinder Morgan Bulk Terminal.

Please refer to Impact S&S#15 in Section 3.11, Safety and Security, of the Draft EIR/EIS, which discusses this topic. The LMF would be built consistent with relevant federal and state building codes, engineering standards, and safety regulations, established and enforced by the agencies and organizations referenced in Section 3.11.2, Laws, Regulations, and Orders. Adherence to these and other codes, standards, and regulations would minimize the potential for accidents. In addition, the Authority would conduct a PHA (SS-IAMF#3) to identify and determine the facility hazards and vulnerabilities so that they can be addressed—and either eliminated or minimized—by the design. Based on the results of the PHA, the Authority may also develop facility-specific measures to provide additional protection of high-risk facilities or emergency response capability for high-risk facilities.

The Authority met with a representative from Kinder Morgan on December 20, 2018 to share the project description, engineering plans, and the utility relocation impacts on Kinder Morgan. Kinder Morgan has not raised any concerns with the design or compatibility of either Brisbane LMF option with their facilities.

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

### 1154-2429

The comment is noted but does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS. As discussed in Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources, the design and construction of the project would comply with the Authority's design guidelines and applicable engineering standards, such as those developed by AREMA, FHWA, Caltrans, and California Building Code. The comment did not result in any revisions to the Draft EIR/EIS.

### 1154-2430

The comment is noted and is consistent with the Authority's policies to rely on renewable energy to provide electric power for the system. The Authority is proposing an energy net positive design criterion for the LMF, which aims to generate at least 5 percent more energy than is needed to meet the building requirements. To meet this target, the LMF would rely on renewable energy production, ideally from solar panels. Any additional energy generated would be fed back to the grid. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, and no revision is warranted.

### 1154-2431

The Authority's capital cost estimates for the East and West Brisbane LMF have been revised to account for the cost of site remediation at Brisbane Baylands. Please refer 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 for capital cost estimates of the project alternatives and the Brisbane LMFs.

### 1154-2432

Please refer to Section 3.10.6.2, Hazardous Material and Waste Sources, of the Draft EIR/EIS, which includes this information. Methane protection would be implemented under the removal action plan during construction. Under Impact HMW#10, as revised in the Final EIR/EIS, both project alternatives would require the installation of gas monitoring and venting systems for proposed excavation. The existing landfill gas extraction system may be updated as necessary and would be addressed under regulatory oversight.

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. These methane protection measures would include implementing a continued gas control system, a gas monitoring system, proper ventilation and respiratory equipment, and the management of ignition sources.

## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

### 1154-2433

Characterization of the existing conditions is provided in the Affected Environment section of each resource section in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Draft EIR/EIS. The Authority is confident that sufficient site characterization has been conducted to analyze the environmental impacts of implementing the HSR project and, if necessary, identify appropriate mitigation measures to mitigate impacts, consistent with NEPA and CEQA requirements. Please refer to the responses to submission FJ-1154, comments 2418, 2420, and 2424, which address the commenter's concerns about site characterization with respect to noise and vibration, EMF/EMI, and hazardous materials, respectively.

### 1154-2435

The NOP for the Project Section was published in May 2016, which established the existing conditions baseline for the Draft EIR/EIS. The comment does not identify the name or specific location of the approved housing development off Valley Drive near Bayshore. The Authority has attempted but been unable to confirm through publicly available information or outreach to the City of Brisbane that any such project as described by the commenter was approved near Valley Drive. Accordingly, the comment did not result in any revisions to the Draft EIR/EIS.

### 1154-2436

The comment requests information about plans for access to the relocated Bayshore Caltrain 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 Bayshore Caltrain 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. Refer to Book A4, Sheet 65 (Alternative A) and Book B4, Sheet 51 (Alternative B) of the Final EIR/EIS Volume 3, Preliminary Engineering Plans, for detailed design drawings depicting the proposed modifications to the Bayshore Caltrain Station.

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 modifications of the Bayshore Caltrain Station would not preclude future expansion of the station into a multi-modal station or preclude planned access improvements to the station.

## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

### 1154-2437

As discussed in Section 2.4.8, Maintenance Facilities, of the Draft EIR/EIS, the LMF is a light industrial facility where trains would be 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.

As discussed in Chapter 5, Environmental Justice, the Authority has concluded that with the proposed design measures, BMPs, offsetting benefits, and mitigation commitments, the Project Section would not result in disproportionately high and adverse environmental effects on minority populations and low-income populations. The specific concerns raised by the commenter about potential impacts from the LMF are discussed and addressed in Chapter 5. As described in this Final EIR/EIS, 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 under CEQA 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. Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS discloses that the operations of two intersections near the Brisbane LMF would be adversely affected by additional vehicle trips associated with maintenance workers traveling to and from the LMF. However, as noted above, the Authority's environmental justice analysis concludes that these potential impacts would not be disproportionately borne by low-income populations or minority populations. Section 3.12.6.5, Economic Impacts, of the Draft EIR/EIS addresses the project's economic impacts, including impacts on employment and on property and sales tax revenues. Impact SOCIO#15 in Section 3.12, Socioeconomics and Communities, of the Draft EIR/EIS describes potential effects of the LMF on property values, noting that while the value of nearby residential properties could be reduced, the value of industrial properties would likely increase in the vicinity of the LMF. Impacts SOCIO#10 and SOCIO#14 quantify the jobs that would be generated by project construction and

### 1154-2437

operation. As discussed 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, are veterans, are single parents, have no high school or General Educational Development diploma, or suffer from chronic unemployment. During development of the LMF, the Authority coordinated with the City of Brisbane, Baylands Development Inc., SFCTA, SFMTA, and Caltrain to avoid or mitigate potential conflicts with proponents of other nearby projects. The Authority will continue ongoing coordination with agencies, property owners, and proponents of other nearby projects in order to minimize potential incompatibilities between the Brisbane LMF and future planned development. The comment did not result in any revisions to the Draft EIR/EIS.

### 1154-2438

The comment expresses concern about the effects on housing near the Brisbane LMF due to communication towers and an electrical substation at the Brisbane LMF. The project does include a substation for the Brisbane LMF and radio towers are proposed adjacent to the mainline track at each end of the Brisbane LMF. 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 Draft EIR/EIS considers the potential direct impacts on existing housing (refer to Section 3.12, Socioeconomics and Communities), as well as any direct or indirect impacts on housing as it relates to changes in land use patterns (refer to Section 3.13, Station Planning, Land Use, and Development). No changes were made to the Draft EIR/EIS in response to this comment.

## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

### 1154-2441

The comment raises concerns about preliminary drawings that show proposed development, but the comment does not specify what document or materials are being commented upon, nor is the Authority able to infer this based on the comment. It is not evident that the comment raises any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS. However, it should be noted that the HSR project includes modifications to the Bayshore Caltrain Station under both project alternatives such that the active portion of the southbound platform would be closer to the planned Geneva Avenue extension.

### 1154-2442

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.

### 1154-2443

Please refer to Impact CUL#4 in Section 3.16, Cultural Resources, and Section 4.6.2.5, Southern Pacific Railroad Bayshore Roundhouse Use Assessment (ID#07), of the Draft EIR/EIS for detailed information about the project's impacts on the SPRR Bayshore Roundhouse. As discussed in the Draft EIR/EIS, the project would not involve any activities within the property boundary for this resource. The Draft EIR/EIS concluded that the project would result in a less-than-significant impact under CEQA because the change in the SPRR Bayshore Roundhouse's setting would not materially impair characteristics that qualify it for listing in the CRHR; and no effect under Section 106 and no use under Section 4(f) because the project would not alter the characteristics of the SPRR Bayshore Roundhouse that qualify it for inclusion in the NRHP. Therefore, mitigation measures would only be required in the event of unanticipated effects or inadvertent damage. Reconstruction of the SPRR Bayshore Roundhouse is not a treatment that will be stipulated as a mitigation measure in the MOA for this project. However, a plan for protection and stabilization and a response plan for inadvertent damage will be prepared and it will apply to the SPRR Bayshore Roundhouse. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

### 1154-2444

The comment notes that underground Kinder Morgan pipelines in the RSA and a PG&E pipeline adjacent to Bayshore Boulevard could be potential construction hazards and may be sensitive to vibration from operation.

The Draft EIR/EIS considered Kinder Morgan pipelines and other petroleum pipelines in its analysis. Please refer to Volume 2, Appendix 3.6-A, Public Utilities and Energy Facilities, which identifies the Kinder Morgan pipelines in the RSA. In addition, please refer to Table 8 in Appendix 3.11-A, Safety and Security Data, which identifies the Kinder Morgan pipelines as high-risk utilities in the RSA. Also, please refer to Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, which identifies the known conflicts with Kinder Morgan and natural gas pipelines. Furthermore, please refer to Impact S&S#13, which identifies the potential risks during construction associated with potential impacts on high-risk utilities, including Kinder Morgan pipelines and natural gas pipelines.

The vibration levels generated by HSR operations are not likely to cause damage to any structure or utility pipelines. The maximum vibration levels from HSR operations would be similar to those from existing Caltrain trains and freight trains. Please refer to Figure 4-8 in the Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report, for relative vibration levels from HSR train sources and various thresholds of annoyance and damage. The threshold for minor cosmetic damage to fragile historic buildings is 100 VdB. The maximum vibration levels from HSR trains is less than 90 VdB. Please also refer to the FRA High-Speed Ground Transportation Noise and Vibration Impact Assessment, Figure 8-1 (FRA 2012) for relative maximum overall vibration levels from HSR trains. At a distance of 10 feet away, and at the maximum speed in the San Francisco to San Jose corridor of 110 mph, the maximum overall vibration level from HSR trains would be less than 90 VdB, far below the threshold where there is concern for potential damage to utilities.

Utility coordination during final design would refine the approach for these pipelines: both the level of protection required for oil and gas pipelines when they are protected in place or if they would be relocated. Vibration protection sufficient for safe operation of the pipeline would be provided for utilities during construction and operation of the HSR project based on the utility companies published or established design standards.

### 1154-2444

Protection measures, if needed, would be based on detailed information about individual utilities, such as utility depth and type of existing protection (if any). This detailed information about each utility would be available during final design.

As described in Impact PUE#1, the planned temporary reconstruction or relocation of major utilities or accidental utility conflicts during project construction would be conducted in accordance with the construction safety management plan and safety and security management plan for the project (SS-IAMF#2).

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

### 1154-2445

The aesthetic impacts of each communication radio tower site are described in the impact discussion for each landscape unit in Section 3.15, Aesthetics and Visual Quality, of the Draft EIR/EIS. In many cases, the towers are located at the site of existing Caltrain facilities or away from sensitive viewers. Where an alternative is located near sensitive viewers, the impact is discussed. As described in AVQ-IAMF#1, non-station HSR infrastructure components will be designed and constructed with aesthetic character and visual harmony with the surrounding environment in mind. In addition, AVQ-IAMF#2 commits the Authority, local agencies, stakeholders, and contractors to collaboratively 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 comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

### 1154-2446

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 include consideration of rising groundwater levels when formulating long-term sea level rise adaptation strategies. Additionally, a detailed geotechnical investigation would be performed during final design to identify areas that currently have shallow groundwater and how to engineer the project (e.g., structure foundations) to withstand shallow groundwater.

### 1154-2447

The comment correctly states that both project alternatives would require demolition of the existing Tunnel Avenue overpass and reconstruction of a realigned Tunnel Avenue overpass, as well as relocation of the Brisbane Fire Station. Under Alternative A, the existing mainline tracks would be shifted further west to accommodate the new LMF lead tracks that would be built east of the mainline tracks. Under Alternative B, new LMF lead tracks would be built west of the mainline tracks. The westward shift of the mainline tracks under Alternative A and the placement of new LMF lead tracks west of the mainline tracks under Alternative B is necessary to avoid impacts to Brisbane Lagoon but would conflict with the existing Tunnel Avenue overpass. The Authority's engineers determined that it would not be feasible to modify the existing Tunnel Avenue overpass to extend over the new LMF lead tracks and the mainline tracks without replacing the existing structure and supports.

The comment notes that the proposed street network changes would degrade the main access to Brisbane by allowing trucks that currently use Valley Drive to access the Crocker commercial area to travel to Old County Road, which is currently used by passenger vehicles and residential delivery vehicles. The street network change that is referred to in the comment is a proposed extension of Visitacion Avenue that would connect Old County Road to Valley Drive. Based on feedback provided by the City of Brisbane on the Draft EIR/EIS, the extension of Visitacion Avenue from Old County Road to Valley Drive has been removed as a feature of the project alternatives. Revisions have been made to the project description in Chapter 2, Alternatives, of the Final EIR/EIS and the impact analysis throughout the Final EIR/EIS to reflect the removal of this roadway extension.

The comment asserts that an alternative to reconstruction of the Tunnel Avenue overpass and relocation of the Brisbane Fire Station would be for the Authority to relocate the Kinder Morgan Brisbane Terminal so that the lead tracks could start further north. The Kinder Morgan Brisbane Terminal and associated pipelines move and store gasoline, diesel, and jet fuel from local petroleum facilities for distribution throughout the San Francisco Peninsula and is the principal supplier of jet fuel to SFO. The Authority has designed both project alternatives to minimize impacts on the Kinder Morgan Brisbane Terminal and associated pipelines because they are a major public utility that serves a vital role locally and in the region. Accordingly, the Authority does not consider

## Response to Submission 1154 (Clara Johnson, Brisbane Baylands Community Advisory Group, September 9, 2020) - Continued

### 1154-2447

relocating the Kinder Morgan Brisbane Terminal to be a feasible alternative to demolishing and reconstructing the Tunnel Avenue overpass. Neither the HSR project nor the Brisbane Baylands Specific Plan that is currently under preparation propose the alteration of land uses at the Kinder Morgan Brisbane Terminal. The Authority's engineers determined that there would be no feasible alternative to demolishing and reconstructing the Tunnel Avenue overpass that would also minimize impacts to environmental resources and critical infrastructure.

### 1154-2448

Refer to Standard Response FJ-Response-HYD-1: Sea Level Rise and Climate Change Adaptation.

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 would be 18.5 feet NAVD 88. Therefore, 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. Updates have been made to Section 3.8.10, Vulnerability and Adaptation to Sea Level Rise, of the Final EIR/EIS to include additional and clarified narratives about the potential effects of sea level rise on the project.

### 1154-2449

Please refer to the response to submission FJ-1154, comment 2448, which addresses the commenter's concern related to sea level rise.

# Submission 1137 (Zachary Johnson, California Rail/ECDC, September 9, 2020)

**San Francisco - San Jose - RECORD #1137 DETAIL**

**Status :** Action Pending  
**Record Date :** 9/10/2020  
**Interest As :** Business and/or Organization  
**First Name :** Zachary  
**Last Name :** Johnson  
**Attachments :** SFSJ-1137\_Johnson\_ProjectEmail\_090920\_Original.pdf (142 kb)

**Stakeholder Comments/Issues :**

Greetings,

Please see attached letter in support of PFRUG as it relates to the High Speed Rail project.

Wishing you a great week!

Best,

Zachary E. Johnson MBA, MA  
 General Manager, California Rail/ECDC  
 100 Cargo Way  
 San Francisco, CA 94124  
 e [ZJohnson2@republicservices.com](mailto:ZJohnson2@republicservices.com)<<mailto:ZJohnson2@republicservices.com>>  
 c 480-233-0434  
 w [www.RepublicServices.com](http://www.RepublicServices.com)<<http://www.republicservices.com/>>

[RS\_EMAIL\_SIGNATURE\_LOCKUP\_1]



Zachary Johnson  
 General Manager, San Francisco Bay Railway  
[Zjohnson2@republicservices.com](mailto:Zjohnson2@republicservices.com)

September 9, 2020

DELIVERED BY EMAIL

Mr. Brian Kelly  
 Chief Executive Officer  
 California High-Speed Rail Authority (CHSRA)  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113

Greetings Mr. Kelly,

I, Zachary Johnson, the General Manager at San Francisco Bay Railway am writing this letter to you to show my support of PFRUG comments surrounding the High-Speed Rail project as a current member of PFRUG.

1137-481

I operate a site located on Pier 96 at 100 Cargo Way on the Port of San Francisco. This site is responsible for transporting and disposing of site remediation materials from construction projects in and around the San Francisco Bay Area by freight rail through our short line railroad. Freight rail is crucial for the success of our business and for the success of many projects in and around the city. We provide a safer transportation as well as a safer environmental alternative to trucking that minimizes carbon footprint, minimizes trucking congestion on the road, and helps contract & support Local Business Enterprise (LBE). If we didn't have freight rail service, or if it were interrupted, it would also interrupt many of the city and county construction projects. Missed deliveries and switches are not easy to make up. Long term disruptions to hours or days of service over years of construction would cause many contractors to divert rail shipments to trucks.

It is important to understand the long-term impacts of service flexibility and reliability to the success of our business and the success of many construction projects in the Bay Area. My ask is that you provide the analysis for the conclusion that the project is "not likely" to cause diversion of cargo from rail to trucks so that we can understand how you made that determination. We would appreciate your help in working closely with us, UP, and freight shippers on details and mitigation going forward.

Sincerely,

*Zachary E. Johnson*

Zachary E. Johnson  
 General Manager

## Response to Submission 1137 (Zachary Johnson, California Rail/ECDC, September 9, 2020)

1137-481

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment asks for the analysis supporting the conclusions that the project is not likely to result in substantial diversion of freight from rail to other modes. That analysis is provided in Final EIR/EIS Section 3.2, Transportation, under Impacts TR#17, TR#18, and TR#19 and in the standard response referenced above, which describe the updates to both the construction impact analysis and the operational analysis in response to comments.

Based on the analysis in the Draft EIR/EIS and the revised analysis in the Final EIR/EIS, for the most part, freight operations would be able to continue throughout project construction. Closures would overall be limited in extent and occur during nights and weekends, with accommodation for alternative daytime operations where allowed by Caltrain and necessary to address nighttime closures. In most cases, freight access consistent with the TRA would be provided throughout project construction, with some discrete exceptions and locations, but overall freight service would be able to operate and freight capacity would remain sufficient to accommodate baseline freight volumes. As such, it is expected that, with implementation of IAMFs (TR-IAMF#9) and mitigation (TR-MM#3 as revised), there would be limited potential for substantial diversion of freight rail to truck during construction. The conclusions in the Final EIR/EIS are based on the identification of the discrete locations and extent of disruptions, and the identification of practical methods to avoid and minimize disruption to freight service, including advanced coordination with Caltrain, UPRR, and freight users about the timing for construction activity, the use of shoofly tracks (where right-of-way space allows), scheduling of track connection work to minimize disruption, and maintenance of at least one available track overnight throughout construction (except at discrete locations and for limited periods of time). The Authority intends to work with freight operators and users during construction to minimize temporary effects to freight operations.

Regarding operational effects to freight service and operations, please refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight, which describes updates to incorporate more recent data on both existing freight levels and more recent forecasts of future freight levels, and provides further analysis of project effects on capacity during project operations. Updates were also made to the analysis in the Final EIR/EIS Section 3.2, Transportation, to provide additional substantiation for the conclusion concerning operational freight impacts, which is that adequate capacity will remain to support

1137-481

current and forecasted freight levels along the corridor.

# Submission 1097 (Anja Miller, Committee for Renewable Energy in the Baylands (CREBL), Brisbane, September 8, 2020)

**San Francisco - San Jose - RECORD #1097 DETAIL**

Anja Miller CREBL Communicator

**Status :** Unread  
**Record Date :** 9/8/2020  
**Interest As :** Business and/or Organization  
**First Name :** Anja  
**Last Name :** Miller

**Stakeholder Comments/Issues :**

**FROM:** Committee for Renewable Energy in the Baylands (CREBL), Brisbane

**RE:** Light Maintenance Facility, Brisbane

CREBL is an all-volunteer, widely supported Brisbane citizens group founded in 2006, at the time when potential development in the Baylands was first discussed. Our goal has always been to promote maximum use of that toxic bayfill site for renewable energy generation, especially solar power, in adequate quantities to power not only all site development but also Brisbane's residential area, i.e. not just energy net-zero, but zero-plus.

We have closely followed the HSR plans and communicated with your San Francisco-to-San Jose section staff. Recently CREBL also invited you to offer the first local forum for your outreach staff to present the EIR to Brisbane residents.

1097-262 | The EIR section on Utilities and Energy mentions the goal of net-zero energy production for the maintenance facility. Consistent with CREBL's objective, we would like you to install solar panels wherever possible on your site with the goal of net-positive energy production so that Brisbane residents would also benefit. Our community will have to suffer many negative impacts from the construction and operation of the facility; thus there should be some mitigating efforts to benefit our population.

1097-263 | It was a surprise to find that the PG&E Martin Substation was not mentioned in the EIR. The station is located at Geneva Avenue and Bayshore Boulevard and thus provides a nearby existing transmission of power, both standard and renewable, via the Peninsula Clean Energy Agency. We hope you will investigate how that facility can work with yours.

1097-264 | The recent advancements in battery technology have also given us reason to suggest that you include in your facility plan a battery pack for storing the solar power generated during the day for your nighttime operations. Another power-related protective vehicle might be forming a microgrid for the Baylands.

We offer these comments with the understanding that fighting climate change in every possible way is California State policy and that our suggestions will be received in that spirit.

## Response to Submission 1097 (Anja Miller, Committee for Renewable Energy in the Baylands (CREBL), Brisbane, September 8, 2020)

### 1097-262

The comment requests that solar panels be installed at the Brisbane LMF. The Authority is proposing an energy net positive design criterion for the LMF, which aims to generate at least 5 percent more energy than is needed to meet the building requirements (Authority 2020a). To meet this target the LMF would rely on on-site or on-building renewable energy production, very likely from solar panels. Any additional energy is likely to be fed back to the grid, though the final energy system would be subject to more detailed analysis and study when the segment advances in project delivery.

The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS, and no revision is warranted.

### 1097-263

The Martin Substation is not discussed because the project would not rely on this substation for power transmission. As described in Section 2.4.6, Traction Power Distribution, of the Draft EIR/EIS, the blended system would use the traction power distribution system installed by Caltrain as part of the PCEP for the distribution of electric power to the trains. The comment did not result in any revisions to the Draft EIR/EIS.

### 1097-264

The comment requests that a battery pack for storing solar power be installed at the Brisbane LMF. The Authority welcomes this suggestion, as it fits with the energy net positive design criteria proposed for the LMF and would facilitate the storage of energy produced during the day, which could then be used during periods of peak demand or for use when solar production is not possible. The Authority will consider how best to incorporate this suggestion into design requirements or performance goals for the LMF. The comment also suggests that the Authority consider forming a microgrid with surrounding proposed development on the Brisbane Baylands. The Authority welcomes this suggestion, as fits with the Authority's objective to catalyze larger-scale sustainable development beyond the LMF. The Authority will consider this suggestion and is committed to coordinating with the Baylands development to discuss possible mutual benefits of a microgrid and look for ways to fund a feasibility study. The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are warranted.

# Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020)

**San Francisco - San Jose - RECORD #1105 DETAIL**

Status : Unread  
Record Date : 9/9/2020  
Interest As : Business and/or Organization  
First Name : Kathy  
Last Name : Hamilton  
Attachments : EIR commentary September 2020.pdf (7 mb)

**Stakeholder Comments/Issues :**

To the High-Speed Rail Authority:

Please find my comments as to why this segment and in fact all segments should not move forward for environmental approval due to the condition of the project.

Regards, Kathy A. Hamilton  
Writer - [www.thehamiltonreport.com](http://www.thehamiltonreport.com) <<http://www.thehamiltonreport.com/>>  
Member of the Board  
of Community Coalition on High-Speed Rail  
([CC-HSR.org](http://cc-hsr.org) <<http://cc-hsr.org/>>)

September 8, 2020

**Kathy Hamilton**  
[Katham3@aol.com](mailto:Katham3@aol.com)  
[www.thehamiltonreport.com](http://www.thehamiltonreport.com)

**Board Member of Community Coalition on High-Speed Rail (CC-HSR)**

**To: California High-Speed Rail Authority**  
**Re: The San Francisco to San Jose Segment Project Level EIR and general project comments**

1105-1273

**The million-dollar question is why is the Rail Authority proposing approval of the Project level EIR for a segment that may never be built as proposed in the 2008 Initiative. The ramifications will affect sales for both home owners and business owners and may result in lower property sales due to this EIR hanging over their heads. Real estate agents will have to disclose this. Many questions, few answers.**

1105-1274

**Why is the Authority spending millions on more consulting fees for segments you will never build?**

1105-1275

**Why does the Authority continue to spend millions on this project when you haven't even paid farmers, homeowners and other business owners for the land you took from them?**

1105-1276

**Why does the Authority keep the second grant of 2010 in the amount of \$928 million in the budget even though it has been revoked? Granted you are litigating it but it has been stopped, it should be out of the budget.**

**See the LA Times article Sept 8, 2020 below about the tragic state of the high-speed rail project. This brilliant article in its entirety is published in the Appendix Part A.**

**Titled: Expenses rising, revenue falling for state high-speed rail project by Ralph Vartabedian**

**Even the scaled-down version of California's bullet train could face a \$1-billion shortfall.**

# Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

1105-1277 | **Critical Issues concerning Time and Money:**

**The Authority cannot even meet the Federal Grant agreement that dictates the ARRA funding.** Recent reports show the Rail Authority cannot meet the terms of the ARRA grant contract which demands the segment be completed by December 2022. The state auditor does not believe it's going to happen. **According to a November state audit**, "If the Authority continues to work at its current rate, it will not complete all anticipated work until 2027." In the meantime, spending will continue and yet in the end the state may have to give back federal funding. That means more than \$2.5 billion could be clawed back.

1105-1278 | The Rail Authority clearly has no money to go beyond the Central Valley, not the expanded version that goes to Bakersfield and Merced. So, the Authority may be trying to use an Independent Utility provision that never approved by the feds as a back-up plan and alternative to having real HSR. The Amtrak alternative is not approved.

1105-1279 | Cap & Trade revenues, the only source of revenue the Authority has is significantly down due to the pandemic

1105-1280 | Specifically regarding the San Francisco to San Jose segment there is a little thing regarding more than 42 grade crossings without a safe way for the East/West traffic to cross with heavy train traffic on the corridor. Paul Jones, a high-speed rail builder in Spain, wrote a specific paper on the problems with the segment, which he submitted under the revised Program Level EIR. But just in case you can't remember it, it is in the APPENDIX D.

1105-1281 | Different components for this segment have increased dramatically as time as gone on. Take the Transbay Tunnel, imperative for the San Francisco to San Jose segment, is 1.3 miles in length and connects 4<sup>th</sup> and King to Transbay Terminal has not even begun construction. Originally the reported cost was under \$2 billion dollars, in 2017 there was a reported estimate of \$2.6 billion and in 2018 is was estimated as \$6 billion. Others say much higher.  
<https://sf.curbed.com/2017/6/21/15822390/transbay-transit-center-san-francisco-sf>

[https://en.wikipedia.org/wiki/Downtown\\_Rail\\_Extension](https://en.wikipedia.org/wiki/Downtown_Rail_Extension)

1105-1282

1105-1283

**The Pacheco tunnel also unfunded, and part of the SF to SJ segment will cost in excess of \$10 billion and most likely over 14 billion. All stated estimates are always substantially lower than investigation begins and all the challenges are uncovered.**

**So, bottom line, how can you approve a project level EIR with absolutely no shot of funding it and building it?**

**Which brings us to another important topic.**

**Why was the Pacheco Pass was chosen?**

**Altamont vs. Pacheco Pass. Ridership was higher in Altamont. The following is an excerpt from my own article written many years ago.**

Of particular interest is in the San Francisco Bay area and the analysis of Pacheco Pass vs. Altamont routing. The numbers look funny.

In March 2007 Cambridge forecast ridership at 65 million interregional passengers via Pacheco and 69 million via Altamont. Then in August 2007 Cambridge released their final forecast and they have 70 million via Pacheco and 65 million via Altamont.

As a bit of history, Altamont was hailed as the best route by environmentalists and by many cities in the state. It was the front runner as a route for the Bay area. Then inexplicably after 2000, Altamont dropped off the radar screen. Using Pacheco makes San Jose's Diridon station a major hub since all trains will come through that station. The station is named after current HSRA board member, Rod Diridon. Everyone who was following the project thought this was a political move. ## Update: Rod Diridon retired from the board many years ago

Frankly Altamont just disappeared. With the projected costs of the unfunded tunnels for the Pacheco Pass Route, right now it's time for an objective look at Altamont. We deserve a real side by side comparison.



# Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

1105-1284

## Faulty Construction

**Faulty construction abounds for what is in process of being built. Real concerns for the future construction**

See the newest debacle: <https://www.latimes.com/california/story/2020-08-10/california-bullet-train-bridge-snafu> A series of errors by contractors and consultants on the California bullet train venture caused support cables to fail on a massive bridge, triggering an order to stop work that further delayed a project already years behind schedule, the Los Angeles Times has learned.

**Another bridge which received very little press is in Fresno brought to the attention of Frank Vacca, the Authorities Chief Engineer. Susan MacAdams brought this to the Authority’s attention in 2016 was never addressed by Vacca. According to Susan MacAdams, track expert and on the Board of TRAC she sent them documents and drawings and stated, “ CHSRA DID NOT DESIGN A SAFE AND RELIABLE HIGH SPEED RAIL CURVE NEAR THE SAN JOAQUIN RIVER; THIS IS A SECOND REQUEST FOR IMMEDIATE STOP WORK ORDER FOR MERCED TO FRESNO SECTION.” Though brought to the attention of the Authority by the Peer Review Group, seemingly nothing was done.**

**Here’s the third request sent August 18, 2020:**

August 20, 2020

“Please add the below attached comment, "Second Request for Stop Work Order," to the Central Valley Wye Final Supplemental EIR/EIS. This comment concerns the dangerous track curve designs for HSR in graphic terminology in the hopes that the Operations or Maintenance Engineers within your organization will comprehend the danger of the curve designs and do the right thing.

This comment is two years old. “

1105-1284

Susan Karat MacAdams  
Track and Alignment Expert

Ms. MacAdams included a lengthy email with documentation to support her claims of unsafe track work design which has been ignored by the Authority. This is in the APPENDIX- PART B

That email is included in the Appendix sent to Brian Kelly, CEO of the project,

1105-1285

Next though not constructed by the Rail Authority, the Transbay Center the ultimate end point for the High-Speed Rail project for San Francisco, this transit center was abruptly ordered closed on September 25, 2018, following the discovery of a crack in a steel beam supporting the rooftop park. A crack in a second beam was found the next day. Repairs to these beams were completed in May 2019, while construction and road closures related to [building issues](#) were still ongoing.<sup>[4]</sup> The rooftop park reopened on July 1; bus service that uses the surface level resumed on July 13. Full bus service resumed at the transit center on August 11, 2019.

1105-1286

**Virus brings a permanent change in ridership: Overall project concerns**

**Working from home- ridership on both Amtrak and Caltrain have had a 90% drop and changes appear to be likely in the overall business structure on a more permanent basis. The necessity of working from home has been tested by the necessity of the novel corona virus and businesses have found it works. in areas once considered too far away are now working for businesses. Places such as the Central valley, other less expensive areas but hard to commute to business centers such as Monterrey & Carmel are now within the reach of many people if the work from home trend continues.**

Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

1105-1286

**Zoom is working well to keep businesses communicating, bringing people together whether they are in the same city or across state lines. This is the perfect solution to minimize the need for regular face to face meetings. Hence high-speed rail for regular commutes, which fares would have been very expensive to be realistic is no longer even mentionable. The idea that people would regularly travel from near and far seems both ridiculously expensive and unnecessary other than very periodic occasions.**

1105-1287

**Changes in population: Authority's estimates too high:**

Stated in a report prepared by Mark Powell in February 26, 2018 he writes, PREDICTED INCREASES IN CALIFORNIA'S POPULATION MADE IN 1993 DROVE THE LEGISLATURE TO CONSIDER IMPLEMENTING A 20 YEAR PLAN FOR BUILDING A STATEWIDE HIGH-SPEED RAIL SYSTEM. PREDICTED POPULATION INCREASES HAVE TRENDED DOWN SIGNIFICANTLY SINCE 1993 AND TODAY'S POPULATION IS 8 MILLION LESS THAN FORECAST IN 1993. THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY HAS A HISTORY OF USING OLDER AND HIGHER FORECASTS EVEN THOUGH NEWER AND LOWER FORECASTS ARE AVAILABLE BECAUSE THE NEWER FORECASTS MAKE IT MORE DIFFICULT FOR THE AUTHORITY TO JUSTIFY THEIR COSTLY PROJECT.

THE AUTHORITY'S 2016 BUSINESS PLAN PREDICTS PHASE 1 RIDERSHIP GROWING IN THE YEARS 2035 THROUGH 2060 AT A RATE NEARLY TWO AND A HALF TIMES THE RATE OF THE STATE'S PROJECTED POPULATION GROWTH.

Rates of growth are still dropping today as many families flee California due to the expense of living in the state.

1105-1288

**Plan B is not approved**

**Funding aside, HSRA is also suggesting a "Plan B" for the Central Valley if all**

1105-1288

does not go well after the project starts, that is the money doesn't materialize, HSRA says it would still be possible to move Amtrak's San Joaquin service to the new tracks since it would reduce time by 45 minutes and Amtrak could go up to 125 mph, the definition the US-DOT uses for high speed rail. The problem with this plan is the DOT never approved Plan B.

There are more problems with the plan because while the DOT and FRA permitted the idea - satisfied the requirement for independent utility (backup plan in case the project doesn't go forward), 125 mph is not the definition of High Speed Rail in IA. The enabling legislation AB 3034, does not have the words independent utility, there is no Plan B. AB 3034 defines; "High-speed train" as a passenger train capable of sustained operating speeds of at least 200 miles per hour where conditions permit those speeds." Along with anyone who looks at a map, HSR advocates appear to understand the only realistic place where 200 mph is possible is in the Central Valley. Assembly member Cathleen Galgiani, unsuccessfully proposed Assembly Bill 145 to change the definition of high-speed rail to be capable of sustained speeds of 125 mph. And If Plan B is not High Speed Rail how can you match with state bond funds?

The peer review group is also in conflict with a speed of 125 mph speed for the Amtrak service. They say the train will go only 110 mph or less and "would involve heavy diesel-powered rolling stock that might substantially damage the track when subsequently used by HSR equipment."

1105-1289

**Promises Broken in general**

The project should not continue anywhere since the Authority cannot make good on the promises of the initiative. They should not be approving any project level segment.

1105-1290

The train will not meet requirements of going 220 miles per hour, 200 miles per hour average. It will not be able to travel San Francisco to LA in 2 hours and forty minutes. It can't even make 3 hours due to the blended plan, the requirements of cities to slow down as they go through their cities. Many feel it will be over 3 hours and 30 minutes. The San Francisco to San Jose Segment must be done in 30 minutes and it can't be done. Note the lie the Authority told as they doctored speed and time charts in my sworn testimony in connection with a law suit the Supplementary located in the APPENDIX PART C.

## Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

On personal note, Engineer Paul Jones sent me this common sense note regarding the San Francisco to San Jose segment:

To handle 8 or 10 trains per hour, which included 6 Caltrain and 2 to 4 SR, it is absolutely necessary that all trains operate at the same top speed to maintain safe separation between trains. If separate passing tracks are installed for HSR alone, then the speeds on these tracks are dictated by the quality of the grade separation. In the Caltrain studies of the blended system, they used a speed of 110mph for HSR on the passing tracks. All trains were limited to a maximum of 79 mph on the existing Caltrain tracks.

These concludes my comments and now begins the Appendix which has very dramatic materials that points to why the San Francisco to San Jose Segment should be stopped and in fact why the project in its entirety should be stopped. Kathy A. Hamilton, author of [www.thehamiltonreport.com](http://www.thehamiltonreport.com)

PS. With others, I have met with the Governor's staff weeks before he took office and attempted to convince them that the project was not viable.

Appendix  
Part A September 8, 2020 LA Times Article

### **Expenses rising, revenue falling for state high-speed rail project by Ralph Vartabedian**

### **Even the scaled-down version of California's bullet train could face a \$1-billion shortfall.**

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.

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

Page 8 of 56

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 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

Page 9 of 56

## Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

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 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.

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.

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 nonpublic 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.

## Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

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.

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 media. "It isn't getting any better."

The effect of the problems is not just on the rail project but on Central Valley landowners who face repeated demands for more of their land, delayed payments and uncertain futures.

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 has 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.

"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.  
(the end)

### APPENDIX Part B

SUSAN MACADAMS NOTE TO BRIAN KELLY: about construction issues first reported in 2016.

----- Forwarded message -----

From: **Susan Karat MacAdams** <[susan.macadams@gmail.com](mailto:susan.macadams@gmail.com)>  
Date: Thu, Aug 20, 2020 at 9:09 AM  
Subject: Central Valley Wye Final Supplemental EIR/EIS, Comment Regarding High Voltage Towers  
To: Michael McLoughlin <[southern.california@hsr.ca.gov](mailto:southern.california@hsr.ca.gov)>, <[centralvalley.wye@hsr.ca.gov](mailto:centralvalley.wye@hsr.ca.gov)>, Parker, Annie@HSR <[Annie.Parker@hsr.ca.gov](mailto:Annie.Parker@hsr.ca.gov)>, <[san\\_jose\\_merced@hsr.ca.gov](mailto:san_jose_merced@hsr.ca.gov)>, <[boardmembers@hsr.ca.gov](mailto:boardmembers@hsr.ca.gov)>

August 20, 2020

To: Brian P. Kelly  
Chief Executive Officer  
California High Speed Rail Authority

## Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

770 L Street, Suite 620  
Sacramento, CA 95814

RE: Comment for the Central Valley Wye, Final Supplemental EIR/EIS  
High Voltage Towers are Missing from the Final Environmental Impact Report

Dear Mr. Kelly,

The High Voltage Towers south of Avenue 24 near the town of Fairmead are missing from the HSR Final Supplemental EIR/EIS: Merced to Fresno Section: Central Valley Wye. These critical infrastructure elements are not shown on the environmental maps nor on the alignment drawings.

Two years ago, the attached comment was submitted to the Business Plan via email. There was no response from the Authority, although at a later date, there were Change Orders issued by the CHSRA for the relocation of utilities that totaled nearly \$100 million dollars.

Change Order list:  
[https://hsr.ca.gov/about/transparency/change\\_orders.aspx](https://hsr.ca.gov/about/transparency/change_orders.aspx)

As directed by the Final EIR, the Draft EIR alignment documents were used for this analysis; the Final EIR only contains the cover page for the alignment drawings.

To this date, these critical infrastructure items are not included on the maps in the Final Supplemental EIR/EIS.

Thank you for your assistance in this matter.

Susan Karat MacAdams  
Board Member, Train Riders Association of California, TRAC  
Board Member, Los Angeles Union Station Historical Society, LAUSHS  
Track and Alignment Specialist

----- Forwarded message -----  
From: **Susan MacAdams** <[susan.macadams@gmail.com](mailto:susan.macadams@gmail.com)>  
Date: Mon, May 7, 2018 at 7:19 PM  
Subject: Comments to Business Plan  
To: <[2018businessplancomments@hsr.ca.gov](mailto:2018businessplancomments@hsr.ca.gov)>

May 7, 2018

### COMMENT FOR CHSRA BUSINESS PLAN:

#### **ADDITIONAL UTILITY RELOCATION COSTS ARE MISSING FROM THE ESTIMATE.**

**HIGH VOLTAGE TOWERS THAT CARRY ELECTRICITY ACROSS THE STATE OF CALIFORNIA INTERSECT WITH HIGH SPEED RAIL (HSR) IN MANY LOCATIONS. WHERE THESE TWO SYSTEMS OVERLAP, THE HIGH VOLTAGE TOWERS (HVT) MUST BE RAISED HIGHER OVER THE TRACKS TO MEET CLEARANCE REQUIREMENTS, OR THE WIRES MUST BE RELOCATED UNDERGROUND; THE AUTHORITY STATES THEY WILL BE RELOCATING THE HIGH VOLTAGE WIRES UNDERGROUND.**

**THE COSTS OF BURYING HIGH VOLTAGE WIRES IS TEN TIMES HIGHER THAN RAISING THE WIRES ABOVE THE TRACKS. THESE ADDITIONAL EXPENSES WILL BE PAID FOR BY THE CONSUMERS.**

#### **THESE RELOCATION COSTS ARE NOT ACCOUNTED FOR IN THE NEW BUSINESS PLAN.**

In 2008, when Proposition 1A passed, voters approved of using the Union Pacific Railroad (UPRR) corridor between Merced and Fresno for High Speed Rail; the monies were to be spent to improve the existing rail corridor.

After 2011, a track alignment alternative called the Hybrid was chosen by the Authority that veers from the UPRR corridor and wanders to and fro across open farmland. The sixty-mile straight route now has an additional 20 miles of high speed curves and spirals adding considerable length of track to the corridor. The California High Speed Rail Authority (CHSRA) officials continue to state that this route between Merced and Fresno is the backbone of the high-speed rail system, yet this backbone has developed scoliosis, or curvature of the spine.

See Attachments 1, 2, and 3, High Speed Rail Maps. The Statewide map has not been updated to show the new curvature between Merced and Fresno.

Many electric transmission lines cross the state. These lines intersect with the high-speed rail tracks in multiple locations. See Attachment 4, Electric Transmission Lines. Where these two systems overlap has not been identified by the Authority on their maps or in their environmental impact reports.

Along the HSR route, the small farming community of Fairmead is located between Merced and Fresno. The High-Speed Rail (HSR) tracks curve through the region and the focus will be a set of High Voltage Towers that cross the high-speed rail tracks



## Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

near the Valley State Prison. See Attachment 5A, Google map of the region.

A critical set of 125 Kilovolt High Voltage Towers (HVT) travels from Merced and Fresno between State Route 99 and the BNSF railroad. The line of towers appears as a dash/dot line on Google maps because the PG&E clears the farmland underneath of all fruit trees; the dash lines are the areas underneath the wires where the land is a barren yellow, the towers are the dots. Further magnification will show the shadows of the towers.

Where high voltage transmission lines cross over electrified rail tracks, there could be interference between the two systems which could result in arching of electrical power between the two lines, not unlike when you drove down the highway under a high voltage line and your radio goes out. The HSR system could lose signaling.

See Attachment 5B, CHSRA Key Map and Attachment 5C, New Tower locations needed to cross HSR tracks. These attachments provide one example of the lack of oversight in the HSR budget.

The Authority did not mark this series of high voltage towers on their map of High-Risk Utilities in their Draft Environmental Impact Report (DEIR) or the Final (FEIR). On the EIR maps, there is a notation that the electrical transmission lines will be shown, but this set of HVTs is not shown. See Attachment 6, Public Utilities and Energy.

See Attachment 7, Overhead Contact System (OCS) for High Speed Rail.

See Attachment 8, METRO Green Line near Los Angeles International Airport. The transit system's OCS wires can be seen underneath a series of high voltage towers. Two sets of towers had to be raised higher to accommodate the catenary system of the trains. The process took seven years.

In the State of California, when a set of power lines cross over an electrified railroad track, the rules governing the distance between the two sets of lines are found in the California Public Utilities Commission (CPUC) General Order 95 (GO95). These rules were established during the era of trolley car lines, when trolley cars ran at a maximum of sixty miles an hour. These rules have not been updated for speeds of 220 miles per hour.

See Attachment 9 and 10, General Order 95, clearances for overhead wires above a trolley car OCS.

In order to raise the lowest line of a high voltage tower, all the lines on the tower must be raised incrementally. There is a cascading effect and the high voltage towers on either side of the HSR tracks will have to be re-built, approximately three towers on each side of the HSR tracks (See again Attachment 5C for locations of new towers). Power lines will have to be lengthened and nearby towers will require wires cut and

adjusted using precise calculations. During construction, electricity will have to be diverted and re-routed in stages. HVT relocations would have to be staggered in scheduling. For each case, there will be road closures, detours, CPUC public participation hearings, EIR/EIS, community outreach, eminent domain legal fees, right-of-way agreements, rental fees established, permits and contractor review and supervision. The Federal Aviation Administration (FAA) will require a formal review of the new height of the towers; much crop dusting occurs in the Central Valley. The FAA may take ten years to approve new airspace altitude restrictions.

In contrast to this standard approach to the problem: re-building and raising the high voltage towers over the catenaries, the CHSRA states in their documents that they will work with the utility owners to put the high voltage wires underground. See Attachment 11 from the EIR.

For the consumer, this is not economically feasible. The Transmission Agency of Northern California (TANC) estimates that underground utility lines would cost 10 to 30 times greater than overhead construction. See Attachment 12 from their web-site, Problems of Underground Transmission Lines.

Burying high voltage lines will require a vault. These vaults are typically 20' x 30' structures, roughly the size of a living room. These vaults must be air conditioned. This will require an additional power line to the vault. The vault must be secured against vandalism. This vault will be built in a flood zone and must be protected with additional drainage details that have not been provided. There are significant environmental hazards. There will be additional property needed from the owners of the farmland and will require permanent take, not just an easement.

The San Francisco Chronicle published an article about the high cost of undergrounding power lines after the wildfires in Northern California. See Attachment 13A & 13B.

After the alignment through Fairmead was chosen, Pacific Gas and Electric, Southern California Edison, San Diego Gas & Electric, Southern California Gas Company, East Bay Municipal Utility District, Sacramento Municipal Utility District and the Los Angeles Department of Water and Power began evidentiary hearings with the CPUC about the various critical interfaces with high speed rail.

See Attachment 14, California High-Speed Rail Safety. From that document:

"In March 2013, the California High Speed Rail Authority petitioned the CPUC to create regulations governing safety standards for the use of 25 kilovolt (kV) electric lines to power high-speed trains. The CPUC opened a proceeding (R13-03-009) to establish uniform safety requirements governing the design, construction, operation, and maintenance of overhead 25 kV railroad electrification systems and the specific safety challenges the system presents. Evidentiary hearings are scheduled to commence in

# Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

December 2014.”

The rules for governing the clearances between the high-speed rail catenary and the high voltage towers were to be discussed and revisions were to be made. The CPUC was well aware that the clearances had not been updated since the era of trolley cars. But it appears the meetings did not change that distance and it is still the same as it was for the trolley car era; there are many documents on the matter that can be found here:

[https://apps.cpuc.ca.gov/apex/f?p=401:57:0::NO:RP,58,RIR:P5\\_PROCEEDING\\_SELECT:R1303009](https://apps.cpuc.ca.gov/apex/f?p=401:57:0::NO:RP,58,RIR:P5_PROCEEDING_SELECT:R1303009)

The CHSRA representative’s response to the collective energy agencies was, literally, “I don’t have to answer you,” and no further response was provided. See Attachment 15. Here is the document on the need for further evidentiary hearings by the CPUC. The quote can be found at the top of page 3:

<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M089/K025/89025450.PDF>

The bottom wire of the High Voltage Tower should be raised higher above the High-Speed rail catenaries than a trolley car wire; the high-speed trains will be going 220 miles per hour. The CPUC stated they were going to change these rules, but did not change General Order 95 to accommodate high speed trains.

Further investigation was denied. See the Administrative Law Judge’s ruling denying motions for additional evidentiary hearings:

<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M089/K640/89640945.PDF>

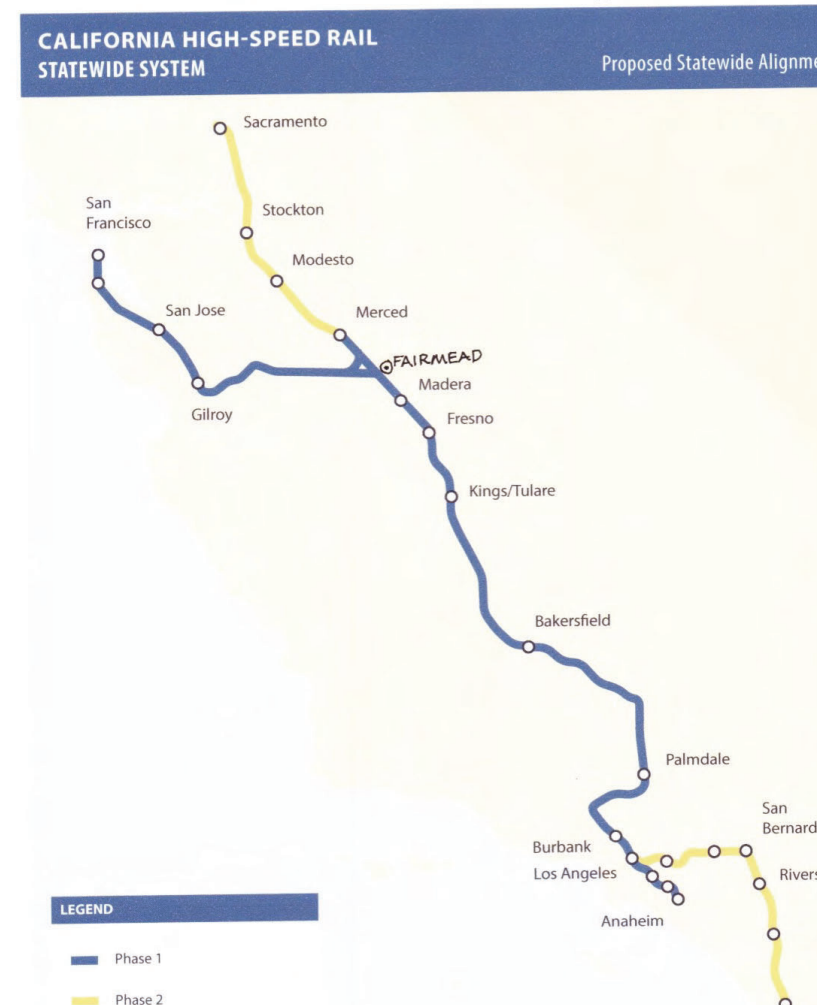
Moving the High Voltage Towers will cost billions of dollars, yet these costs are missing from the budget.

Please see all attachments for further information.

Thank you for your cooperation in this matter.

Susan Karat MacAdams  
Track and Alignment Expert  
Former High Speed Rail Planning Manager,  
Los Angeles County Metropolitan Transportation Authority (Metro)  
Track Design and Manager: Metro Red, Blue and Green Lines, Los Angeles  
Light & Heavy Rail Track Design and Construction: Baltimore, Boston, Washington DC  
[susan.macadams@gmail.com](mailto:susan.macadams@gmail.com)

ATTACHMENT 1





Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

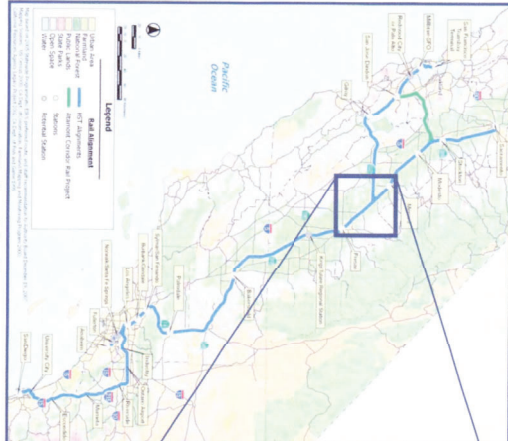
A2 (UPRR) / A1 (BNSF) – Ave 24 Wye  
West Chowchilla Design Option

ATTACHMENT 1B

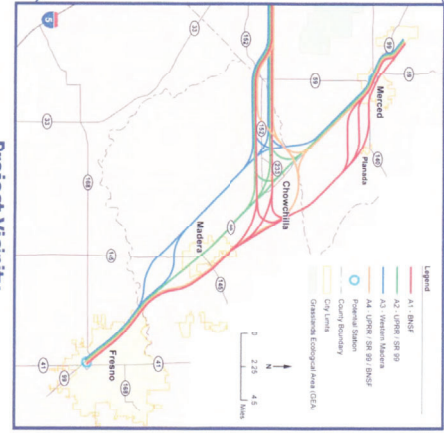


ATTACHMENT 1

Merced-to-Fresno Section



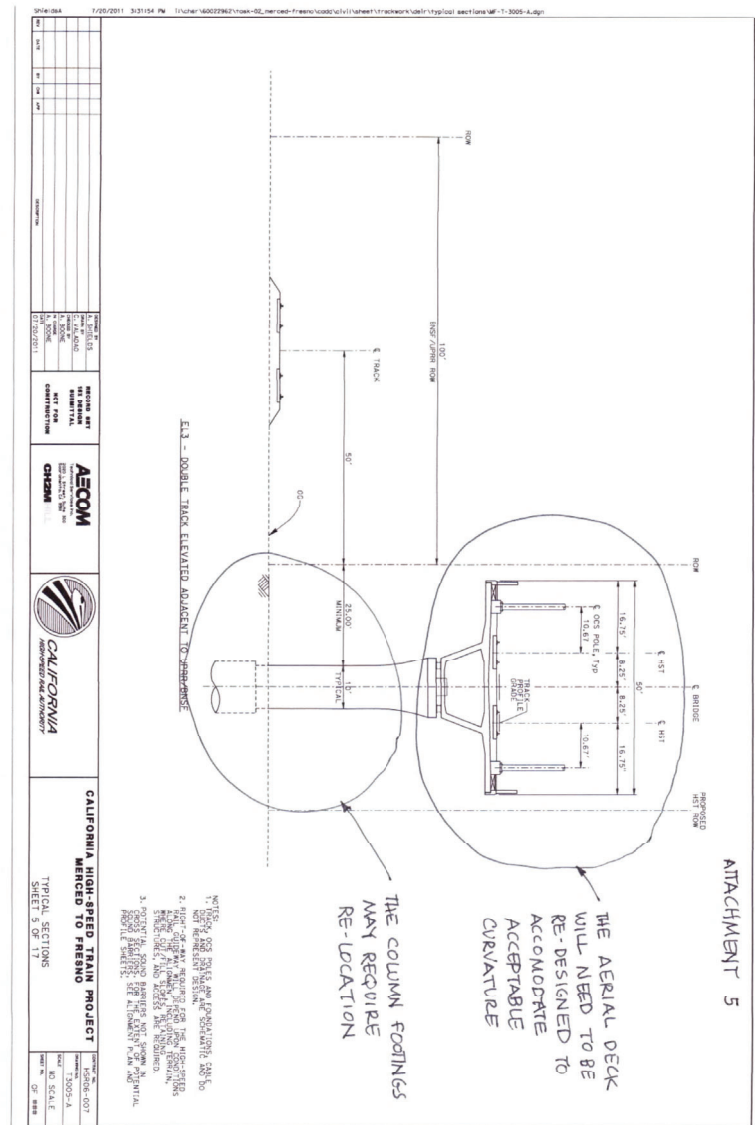
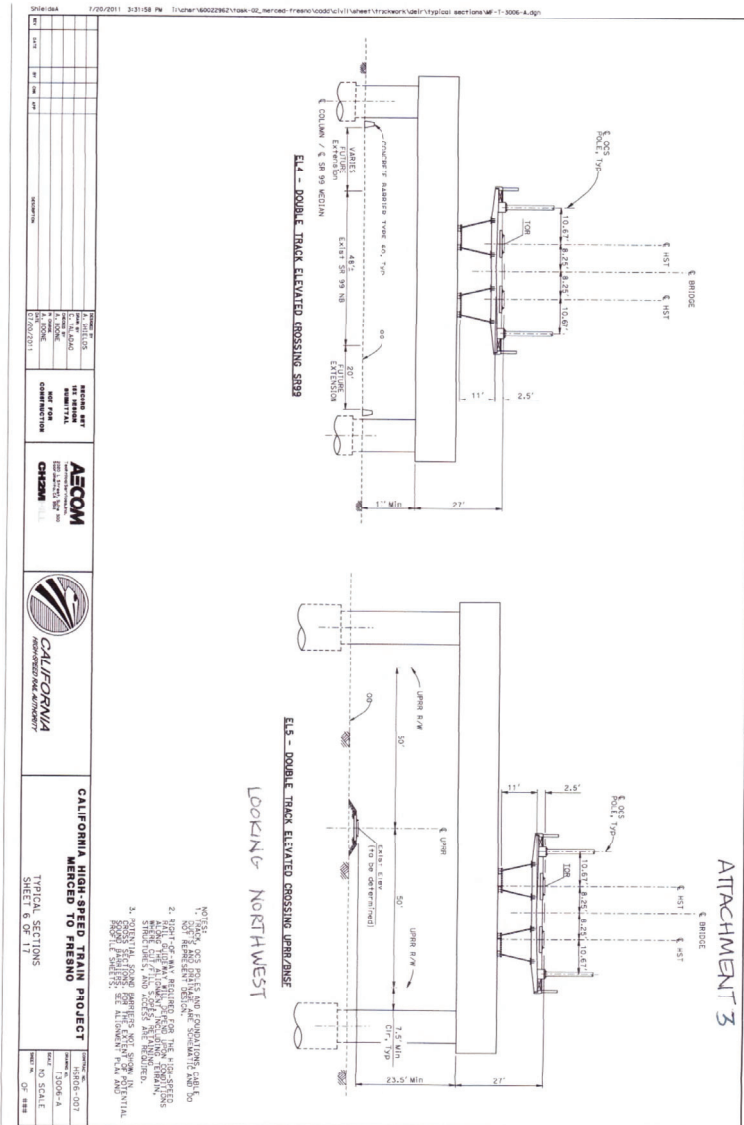
Statewide Map



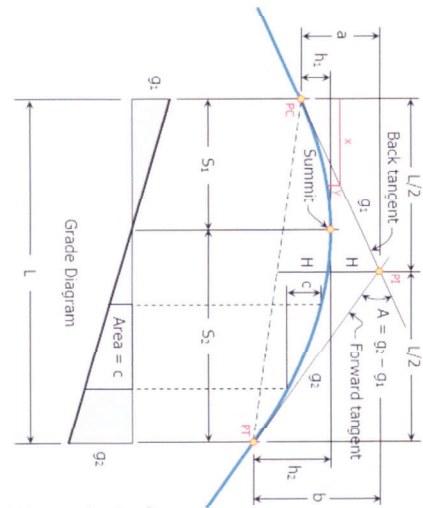
Project Vicinity



# Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued



# Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued



ATTACHMENTS 6, 7, & 8 TO BE APPLIED SIMULTANEOUSLY, VERTICAL CURVE IS COMBINED WITH HORIZONTAL SPIRAL WHILE TRACKS ARE SUPERELEVATED FROM 0" TO 6" WHERE TRAINS TRAVEL AT 220 mph

ATTACHMENT 7 VERTICAL CURVE DESIGN

### Properties of Parabolic Curve and its Grade Diagram

1. The length of parabolic curve  $L$  is the horizontal distance between  $PI$  and  $PT$ .
2.  $PI$  is midway between  $PC$  and  $PT$ .
3. The curve is midway between  $PI$  and the midpoint of the chord from  $PC$  to  $PT$ .
4. The vertical distance between any two points on the curve is equal to area under the grade diagram. The vertical distance  $c = \text{Area}$ .
5. The grade of the curve at a specific point is equal to the offset distance in the grade diagram under that point. The grade at point  $Q$  is equal to  $g_Q$ .

### Formulas for Symmetrical Parabolic Curve

The figure shown above illustrates the following geometric properties of parabolic curve. Note that the principles and formulas can be applied to both summit and sag curves.

<https://www.mathalino.com/reviewer/surveying-and-transportation-engineering/parabolic-curve>

Page 3 of 8

**FIGURE A**  
GENERAL PRINCIPLES OF TRANSITION WITH SPIRAL TRANSITION

- 1 - TOTAL INTERSECTION ANGLE
- 2 - SPIRAL ANGLE =  $\frac{L}{200}$
- 3 - CHORD WELD OF CIRCULAR CURVE =  $1.2 B_s$
- 4 - RADIUS OF CIRCULAR CURVE
- 5 - TANGENT LENGTH OF CIRCULAR CURVE =  $L \tan \frac{\Delta}{2}$
- 6 - LENGTH OF CIRCULAR CURVE =  $\frac{\Delta}{90} \pi R$
- 7 - TANGENT TO SPIRAL
- 8 - SPIRAL TO SPIRAL
- 9 - SPIRAL TO SPIRAL
- 10 - SPIRAL TO SPIRAL
- 11 - POINT OF INTERSECTION OF NEW TANGENTS
- 12 - TANGENT LENGTH OF COMPLETE CURVE
- 13 - POINT

Note: The spiral angle is the angle between the tangent to the spiral at the end of the spiral and the tangent to the circular curve at the end of the spiral. The spiral angle is also the angle between the tangent to the spiral at the end of the spiral and the tangent to the circular curve at the end of the spiral.

**FIGURE B**  
SAMPLE CIRCULAR CURVE

- 1 - RADIUS OF CIRCULAR CURVE
- 2 - CHORD WELD OF CIRCULAR CURVE
- 3 - TANGENT LENGTH OF CIRCULAR CURVE
- 4 - LENGTH OF CIRCULAR CURVE
- 5 - TANGENT TO SPIRAL
- 6 - SPIRAL TO SPIRAL
- 7 - SPIRAL TO SPIRAL
- 8 - SPIRAL TO SPIRAL
- 9 - SPIRAL TO SPIRAL
- 10 - SPIRAL TO SPIRAL
- 11 - POINT OF INTERSECTION OF NEW TANGENTS
- 12 - TANGENT LENGTH OF COMPLETE CURVE
- 13 - POINT

**FIGURE C**  
SPIRAL TRANSITION CURVE

Note: The spiral angle is the angle between the tangent to the spiral at the end of the spiral and the tangent to the circular curve at the end of the spiral. The spiral angle is also the angle between the tangent to the spiral at the end of the spiral and the tangent to the circular curve at the end of the spiral.

- 1 - RADIUS OF CIRCULAR CURVE
- 2 - CHORD WELD OF CIRCULAR CURVE
- 3 - TANGENT LENGTH OF CIRCULAR CURVE
- 4 - LENGTH OF CIRCULAR CURVE
- 5 - TANGENT TO SPIRAL
- 6 - SPIRAL TO SPIRAL
- 7 - SPIRAL TO SPIRAL
- 8 - SPIRAL TO SPIRAL
- 9 - SPIRAL TO SPIRAL
- 10 - SPIRAL TO SPIRAL
- 11 - POINT OF INTERSECTION OF NEW TANGENTS
- 12 - TANGENT LENGTH OF COMPLETE CURVE
- 13 - POINT

ATTACHMENTS 6, 7, & 8 TO BE APPLIED SIMULTANEOUSLY WHERE TRAINS TRAVEL AT 220mph

ATTACHMENT 6 HORIZONTAL SPIRAL DESIGN

**AGENCY TRACK**  
NATIONAL RAILROAD PASADENA DIVISION  
HDR  
California High-Speed Rail Authority

**LOG ANGELES UNION STATION**  
RUN-THROUGH TRACKS  
HORIZONTAL CURVE GEOMETRY

DATE: 11/13/17  
SCALE: 1" = 100'  
DRAWN BY: JH  
CHECKED BY: JH



# Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

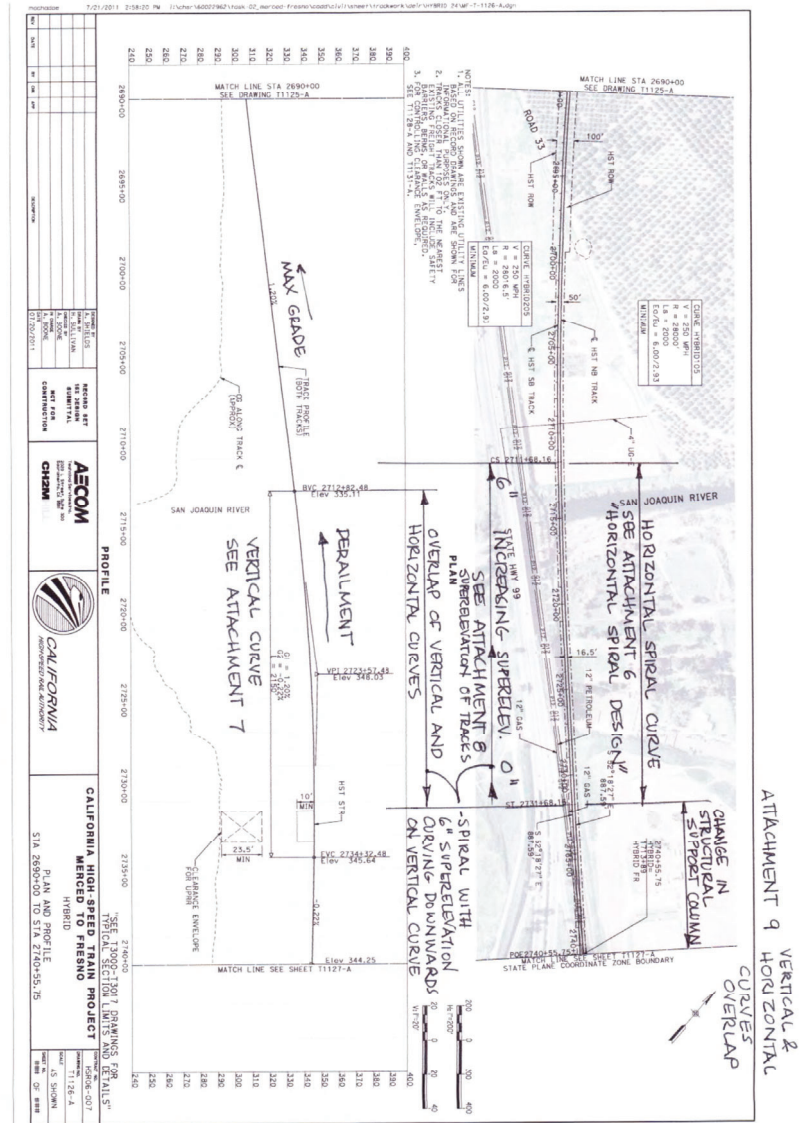
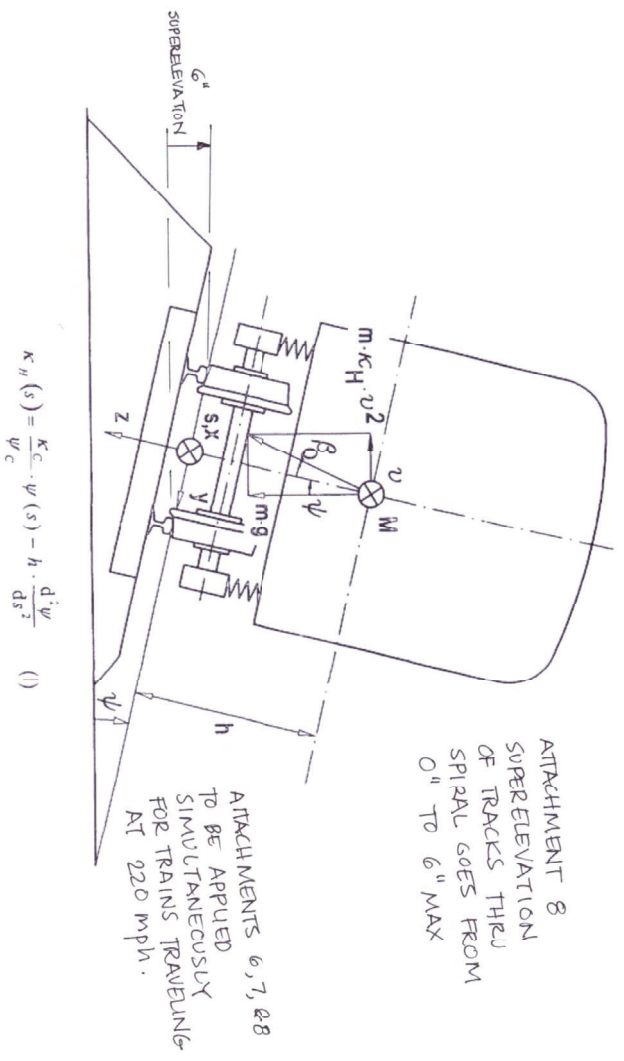


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3/15/18, 7:47 AM



$$K_H(s) = \frac{K_C \cdot \psi(s) - h \cdot \frac{d\psi}{ds}}{\psi} \quad (1)$$

# Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

California High-Speed Train Project Design Criteria  
Chapter 1 – General

Table 1-3: Weather Conditions by Segment

	Record Extreme Maximum Temperature (°F)	Record Extreme Minimum Temperature (°F)	Mean Number of Days with Freezing Temperatures	Mean Maximum Daily Precipitation (inches)	Annual Record Total Snowfall (inches)	Mean Annual Daily Snowfall (inches)	Annual Extreme Mile of Wind (mph)	Annual Occurrence of Gust >50 mph	Annual Number of Days with Heavy Fog
San Francisco – San Jose	108-110 <sup>1</sup>	11-20 <sup>2</sup>	0.5-30.4	2.01-2.50 <sup>3</sup>	21-6.0 <sup>4</sup>	1.1-6.0 <sup>5</sup>	41-45	2.5-3.4	15.5-20.4
San Jose – Merced	111-115 <sup>1</sup>	11-20 <sup>2</sup>	30.5-60.4	1.00-1.50 <sup>3</sup>	0.1-2.0 <sup>4</sup>	0.1-3.0 <sup>5</sup>	41-45	0.5-1.4	30.5-38.4
Merced – Fresno	116-120 <sup>1</sup>	11-20 <sup>2</sup>	30.5-60.4	1.00-1.50 <sup>3</sup>	21-6.0 <sup>4</sup>	0.1-3.0 <sup>5</sup>	41-45	0.5-1.4	30.5-38.4
Fresno – Bakersfield	111-115 <sup>1</sup>	11-20 <sup>2</sup>	30.5-60.4	1.00-1.50 <sup>3</sup>	0.1-2.0 <sup>4</sup>	0.1-3.0 <sup>5</sup>	41-45	0.5-1.4	30.5-38.4
Bakersfield – Palmdale	111-115 <sup>1</sup>	-9-0 <sup>2</sup>	90.5-190.4	1.51-2.00 <sup>3</sup>	48.1-72.0 <sup>4</sup>	1.1-1.8-0 <sup>5</sup>	41-45	0.5-1.4	15.5-20.4
Palmdale – Los Angeles	111-115 <sup>1</sup>	1-10 <sup>2</sup>	30.5-60.4	3.01-3.50 <sup>3</sup>	12.1-24.0 <sup>4</sup>	0.1-9.0 <sup>5</sup>	41-45	0.5-1.4	20.5-25.4
Los Angeles – Anaheim	111-115 <sup>1</sup>	21-32 <sup>2</sup>	0.5-30.4	2.01-2.50 <sup>3</sup>	0.0 <sup>4</sup>	0.0 <sup>5</sup>	41-45	0.5-1.4	20.5-25.4
Los Angeles – San Diego	111-115 <sup>1</sup>	11-20 <sup>2</sup>	30.5-60.4	2.51-3.00 <sup>3</sup>	0.0 <sup>4</sup>	0.1-3.0 <sup>5</sup>	41-45	0.5-1.4	30.5-38.4
Sacramento – Merced	111-115 <sup>1</sup>	11-20 <sup>2</sup>	30.5-60.4	1.51-2.00 <sup>3</sup>	0.1-2.0 <sup>4</sup>	0.1-3.0 <sup>5</sup>	41-45	1.5-2.4	30.5-38.4
Alamogordo	111-115 <sup>1</sup>	11-20 <sup>2</sup>	30.5-60.4	1.51-2.00 <sup>3</sup>	0.1-2.0 <sup>4</sup>	0.1-3.0 <sup>5</sup>	41-45	1.5-2.4	25.5-30.4

This data is included as general information and not for use in application of these design criteria  
Source: National Climatic Data Center (NCDC), National Oceanic and Atmospheric Administration (NOAA), Climate Atlas of the United States, Data Documentation April 2010.  
<http://www7.ncep.noaa.gov/cgi-bin/docs/climateatlas/atlascoc.html>

**Weather Condition Definitions:**

- Record Extreme Maximum Temperature – Highest temperature recorded in the segment
- Record Extreme Minimum Temperature – Lowest temperature recorded in the segment
- Mean Number of Days with Freezing Temperatures – Number of days per year on average that temperatures in the segment are below 32°F (maximum value for the segment)
- Mean Maximum Daily Precipitation – Maximum amount of rainfall recorded over a year in the segment (maximum value for the segment)
- Annual Record Total Snowfall – Maximum amount of snowfall recorded over a year in the segment (maximum value for the segment)
- Mean Annual Daily Snowfall – Maximum snowfall in one day during an average year (maximum value for the segment)
- Annual Extreme Mile of Wind – Average speed obtained during the passage of one mile of wind (maximum value for the segment)
- Annual Occurrence of a Gust > 50 mph – Frequency of gusts of over 50 mph in 1 year during an average year (maximum value for the segment)
- Annual Mean Number of Days with Heavy Fog – Frequency of days with fog resulting in visibility of less than 0.25 miles in an average year (maximum value for the segment)

**Notes:**

- Data is provided in ranges consistent with the source data. Specific values will fall within the range provided by more discrete information is not provided.
- Numbers in bold represent system-wide extreme (maximum/minimum)
- NCDC archives weather data from the National Weather Service, Military Services, Federal Aviation Administration, the Coast Guard, and volunteer observers. NCDC has a database of U.S. climate data and maps that portray the climate of the U.S. by such elements as temperature, precipitation, snow, wind, and pressure. The period of record for most of the data is 1961 to 1990.  
National Climate Data Center, National Oceanic and Atmospheric Administration, Climate Atlas of the United States. <http://cdcc.noaa.gov/docs/climateatlas/climateatlas.pdf>

Page 1-16  
December 2012, Rev. 0.1

ATTACHMENT II  
TEMPERATURE EXTREMES  
FRESNO

HSR 13-06 - EXECUTION VERSION

## Response to Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020)

### **1105-1273**

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

The comment asserts that the project may not be constructed consistent with the 2008 ballot initiative and that the existence of the Draft EIR/EIS itself may result in lower property sales.

Regarding the project's consistency with the 2008 initiative (Prop 1A), please refer to the Authority's 2020 Business Plan (Authority 2020b). In the Business Plan, please refer to Chapter 4, Expanding The System: Getting Beyond the First 119 Miles, which contains a detailed analysis of planned service implementation relative to Prop 1A. The 2020 Business Plan concludes that the Authority's interim service plan is consistent with Prop 1A and further notes that the California Legislature adopted AB 1889 in 2016 to clarify the eligibility of Prop 1A investments in the San Francisco to San Jose Project Section.

Regarding the potential for the project to lower property sales, please refer to Draft EIR/EIS Section 3.12, Socioeconomics and Communities. In this section, Impact SOCIO#12 acknowledges the potential for the project to reduce property values, but that such changes cannot be quantified.

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

### **1105-1274**

Refer to Standard Response FJ-Response-GEN-1: General Opposition to the Project and the California High-Speed Rail System.

### **1105-1275**

Refer to Standard Response FJ-Response-GEN-1: General Opposition to the Project and the California High-Speed Rail System.

Refer also to Chapter 3 of the Authority's 2020 Business Plan (Authority 2020b), which describes improvements to the right-of-way acquisition process that have been implemented for the first construction segment that is currently underway.

No properties have been acquired to date for the San Francisco to San Jose Project Section, and the timing of property acquisition would depend on when funds are available. As identified in SOCIO-IAMF#2, the Authority would acquire the land of 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 treatment and compensation of individuals whose real property is acquired for a federally funded project. Volume 2, Appendix 3.12-A, Relocation Assistance Documents, of the Draft EIR/EIS provides information regarding the rights and benefits of displacees under the Uniform Relocation Assistance Program. It includes information applicable to residences, mobile homes, businesses, farms, and nonprofit organizations.

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

### **1105-1276**

The FY-10 grant was included in the Authority's budget as the Authority expected to recoup the grant rescinded by the previous administration, and did so recently. In June 2021, the State of California and the USDOT finalized settlement negotiations, resulting in the full restoration of the \$929 million in FY-10 grant funding to the Authority. The settlement agreement is available on the Authority's website: <https://hsr.ca.gov/wp-content/uploads/2021/06/California-v.-DOT-Settlement-Agreement-Final-May-26.pdf>, and is further described in a news release also available on the Authority's website: <https://hsr.ca.gov/2021/06/11/statements-fy10-settlement-federal-funding/>.

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 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1105-1277

The Authority has engaged with the Federal government on the need for flexibility with the ARRA grant timeline, especially considering the global pandemic that caused multiple delays for the project. When the State of California and the Authority recently finalized settlement negotiations with the USDOT and the FRA to restore \$929 million in federal funds from the FY-10 grant, the deadlines from that grant were extended for completion of the 119-mile segment currently under construction in the Central Valley. Specifically, civil work was extended from December 2022 to December 2024 and electrified rail installation to December 2026. We hope to see similar movement with the ARRA grant agreement to align these two federal timelines. In the meantime, please refer to page 43 of the Authority's 2020 Business Plan for the current Central Valley construction schedule (Authority 2020b).

The comment is noted but 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.

### 1105-1278

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.

### 1105-1279

The commenter is correct that proceeds from California's Cap-and-Trade Program, which are an important component of funding for the HSR system, are subject to the ebb and flow of the Cap-and-Trade auction market. However, it is anticipated that the HSR project will be financed through a combination of federal, state, and private funds. Please refer to the Draft 2020 Business Plan, Chapter 4: Costs and Funding to Deliver the Phase 1 System, for more detailed information regarding current availability of funding and potential options for future funding (Authority 2020b). The comment did not result in any revisions to the Draft EIR/EIS.

### 1105-1280

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-SS-1: At-Grade Crossing Safety.

The comment raises concerns with safety and operations of the proposed project.

Regarding safety, as discussed under Impact S&S#14, the Draft EIR/EIS 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. Refer to Standard Response FJ-Response-SS-1: At-Grade Crossing Safety, for additional information.

Regarding the operational concerns expressed in the cited report by Mr. Jones, please refer to the response to submission FJ-1121, comment 1007. That response notes that the analysis provided by Mr. Jones does not address the intersection LOS methodology, evaluation or results in the Draft EIR/EIS. The Draft EIR/EIS does analyze the effect of the project on traffic related to the at-grade crossings along the San Francisco Peninsula.

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

### 1105-1281

SFTC and DTX are separate projects under the jurisdiction of the TJPA, and therefore are not addressed in this EIR/EIS. As described in Section 1.1.4, San Francisco to San Jose Project Section, of the Draft EIR/EIS, DTX is a proposed 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 SFTC to connect with Caltrain, BART, San Francisco Municipal Railway, and several bus lines. Although the Authority would not construct the DTX, HSR trains would ultimately use this track to reach the SFTC. TJPA completed construction of the SFTC (Phase 1) and officially opened the transit center in August 2018. 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.

## Response to Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1105-1282

Refer to Standard Response FJ-Response-GEN-1: General Opposition to the Project and the California High-Speed Rail System.

The tunnel in Pacheco Pass is part of the San Jose to Merced Project Section of the California HSR System, and therefore is not addressed in the EIR/EIS for the San Francisco to San Jose Project Section. Please refer to the San Jose to Merced Project Section Draft EIR/EIS for information on capital costs of that HSR project section, including Chapter 6, Project Costs and Operations, and Volume 2, Appendix 6-A, San Jose to Merced Project Section: PEPD Record Set Capital Cost Estimate Report (Authority 2020g).

Refer to Chapter 6, Project Costs and Operations, of the San Francisco to San Jose Project Section Final EIR/EIS for cost estimates for the San Francisco to San Jose project alternatives. Refer to Section 1.1.3, Implementation of the Statewide High-Speed Rail System, of the Final EIR/EIS, for information about project funding. 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.

### 1105-1283

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.

The Tier 1 Bay Area to Central Valley High-Speed Train Program EIR/EIS (Authority and FRA 2008) and the Partially Revised Final Program EIR (Authority 2012) evaluated broad network alternatives including corridors traversing the Altamont Pass, the Pacheco Pass, and both passes to connect the San Francisco Bay Area to the Central Valley for the HSR system. Based on these Tier 1 environmental documents, the Authority and FRA advanced for Tier 2 study the existing Caltrain corridor between San Francisco and San Jose and the Pacheco Pass corridor between the Bay Area and the Central Valley (FRA 2008; Authority 2012d, 2012e). The Authority's and FRA's rationale for selecting the Pacheco Pass corridor over the Altamont corridor is detailed in the Tier 1 EIR/EIS documents and decision documents. The Authority considered the ridership and revenue potential, capital and operating costs, travel times and travel conditions, constructability and logistical constraints, environmental impacts, and public input in determining that the Pacheco Pass network alternative with stations in San Jose and San Francisco was preferred over other alternatives, including those with an Altamont Pass corridor. Potential ridership was one factor considered among many factors. The Bay Area to Central Valley High-Speed Train Program Final EIR/EIS and Partially Revised Final Program EIR provided a side-by-side comparison of six Pacheco Pass network alternatives, eleven Altamont Pass network alternatives, and four alternatives that would use both passes, with Altamont Pass used for local service. The Altamont Pass was thoroughly investigated. Further, the range of alternatives in the Program EIR was determined by a court to be reasonable and to comply with CEQA (Town of Atherton v. California High-Speed Rail Authority (2014) 228 Cal.App.4th 314).

Accordingly, the Authority operated within its discretion to focus its Tier 2 range of



## Response to Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1105-1283

alternatives to those alternatives within the corridors selected in Tier 1 decisions, and to not revisit the Altamont Pass alternatives that it has previously rejected. 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 the analysis provided in previous Tier 1 documents. The comment did it result in any revisions to the Draft EIR/EIS.

### 1105-1284

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.

### 1105-1285

As noted by the commenter, SFTC is a separate project from the HSR project, and it is managed and operated by the Transbay Joint Powers Authority. 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.

### 1105-1286

Refer to Standard Response FJ-Response-GEN-1: General Opposition to the Project and the California High-Speed Rail System.

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

### 1105-1287

The comment asserts that population forecasts used by the Authority are too high. The comment is unclear on whether the population forecasts were too high in past Business Plans adopted by the Authority, the Draft EIR/EIS, or both. Contrary to the assertions of the comment, the Authority’s Business Planning process has updated its growth and ridership forecasts periodically; the 1993 forecasts cited in the comment are not operative in this process. Please refer to Section 2.7, Ridership, of the Draft EIR/EIS, which describes the ridership forecasts developed for the Authority’s 2016 Business Plan, which were used as the basis for the environmental impact analysis. Additional details regarding the 2016 Business Plan modeling and forecasts are provided in the California High-Speed Rail 2016 Business Plan Ridership and Revenue Forecasting: Technical Supporting Document (Authority 2016a), including the source of socioeconomic forecasts and the process to account for a “ramp up” of ridership and revenue over time as the system matures and public awareness of the system increases.

Please refer to Section 1.2, Purpose of and Need for the High-Speed Rail System and the San Francisco to San Jose Project Section, of the Draft EIR/EIS for additional information regarding the project’s Purpose and Need. The need for the HSR system is based on a combination of future travel demand, existing capacity constraints, unreliability of travel, limited modal connections, deterioration of air quality, and legislative mandates to reduce GHG emissions to moderate the effects of transportation on climate change. The contribution of population growth to increased travel demand is just one of many factors driving the need for the HSR system in California. Accordingly, the Purpose and Need for the HSR system would not be invalidated by changes to the population forecasts that indicate future population growth would occur at a slower rate than previously anticipated.

California’s population is still growing, as evidenced by the 2020 Census data, which indicates that California’s population grew 6.1 percent between 2010 and 2020, with faster rates of growth in San Francisco, San Mateo, and Santa Clara Counties (U.S. Census Bureau 2020). Unless new transportation solutions are identified, traffic conditions will only become more congested and delays will continue to increase, even if future population growth occurs at a faster or slower rate than anticipated in a specific forecast, or if levels of ridership growth are attained at a year sooner or later than currently projected. Growth projections are always snapshots, reflecting the historical

## Response to Submission 1105 (Kathy Hamilton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1105-1287

data available, and the analysis of trends, growth capacities, and growth constraints apparent at the times the projections are prepared. Forecasts are subject to subsequent revision and re-evaluation as actual growth takes place under changing circumstances. More important than the specific rate of population growth is the recognition and examination of how the HSR system and its project sections would operate in the context of anticipated growth. Please refer to Section 1.2.1, Purpose of the High-Speed Rail System; Section 1.2.2, Purpose of the San Francisco to San Jose Project Section; and Section 1.2.4, Statewide and Regional Need for the High-Speed Rail System in the San Francisco to San Jose Section Project Section, for additional information about this topic. The comment did not result in any revisions to the Draft EIR/EIS.

### 1105-1288

The comment addresses the potential option of utilizing the initial HSR construction in the Central Valley to provide early operational benefits through introduction of Amtrak service on the HSR. The comment does not relate to the San Francisco to San Jose Project Section nor does it raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS. Please refer to the Authority's adopted 2020 Business Plan, Chapter 4, which describes the Authority's efforts to validate an approach of initiating early high-speed passenger service in the Central Valley as a first building block of the statewide HSR system.

### 1105-1289

Refer to Standard Response FJ-Response-GEN-1: General Opposition to the Project and the California High-Speed Rail System.

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

### 1105-1290

Refer to Standard Response FJ-Response-GEN-1: General Opposition to the Project and the California High-Speed Rail System.

As described in Chapter 2, Alternatives, of the Draft EIR/EIS, Prop 1A requires the HSR system to be designed to have maximum non-stop service times of 30 minutes between San Francisco and San Jose and 2 hours and 40 minutes between San Francisco and Los Angeles Union Station. The Prop 1A travel time requirements are related to the physical design of the system and the capabilities of HSR trains and are different than average operational service times (i.e., average peak hour service times, including station stops). Both project alternatives evaluated in the Draft EIR/EIS are designed to achieve maximum non-stop service times of 30 minutes between San Francisco and San Jose, consistent with Prop 1A requirements.

The comment references Appendix Part C, which is a supplemental declaration of Kathy Hamilton that asserts that the Authority misrepresented the evaluation of travel times for the HSR system, including for the San Francisco to San Jose Project Section with respect to the Prop 1A 30-minute travel time requirement. The Authority reviewed the relevant data and disagrees with the commenter's assertion.

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

## Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020)

**San Francisco - San Jose - RECORD #1121 DETAIL**

Status : Unread  
Record Date : 9/9/2020  
Interest As : Business and/or Organization  
First Name : Gary  
Last Name : Patton  
Attachments : CC-HSR Comment Letter - San Francisco - San Jose-San Project Section DEIR.pdf (650 kb)

**Stakeholder Comments/Issues :**

To the California High-Speed Rail Authority:

Attached, as a PDF file, is a comment letter submitted on behalf of the Community Coalition on High-Speed Rail (CC-HSR). Please do not hesitate to contact me if you have any questions about this comment letter. CC-HSR hopes you will take our comments seriously, and act accordingly. Major, not minor, revisions to the Draft EIR/EIS are required, as is a fundamental reevaluation of the statewide project, considered as a whole, in place of the piecemeal consideration that the Authority has been utilizing so far.

Very best wishes,

Gary A. Patton, Attorney at Law  
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1121-1003

**Gary A. Patton, Attorney At Law**

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September 8, 2020

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

**[Sent By Email To: [san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)]**

RE: Draft EIR/EIS Comment - San Francisco to San Jose Project Section

To The California High-Speed Rail Authority:

This letter is to submit comments on the Draft San Francisco to San Jose EIR/EIS on behalf of the Community Coalition on High-Speed Rail (CC-HSR). The Community Coalition on High-Speed Rail is a nonprofit community organization, founded in 2008. CC-HSR is based on the San Francisco Peninsula and is dedicated to making sure that the state's proposed High-Speed Rail project does not adversely impact local communities and local businesses on the Peninsula (or in other parts of the state), and that the proposed project is constructed in a way that is both economically and environmentally responsible.

**Additional Time For Comments Should Be Provided**

While CC-HSR was happy that the Authority slightly extended the comment period on the Draft EIR/EIS for the San Francisco to San Jose segment of the proposed statewide High-Speed Rail project, CC-HSR also believes that the comment period provided, even with that extension, is inadequate, and that the Authority should provide more time for public comment, in order to comply with the public participation requirements that are part of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

The Covid-19 pandemic has massively curtailed any effective public participation in the current environmental review process – and maximizing opportunities for public participation and comment is one of the main purposes of both CEQA and NEPA. Furthermore, as the Authority is aware, the State Legislature has delayed approval of the Authority's most recently proposed Business Plan, and it is quite possible that the Legislature and/or the Authority may take action, near the end of this year, or early next year, to make significant changes in the proposed project. We believe that the Authority should reopen the comment period for an additional comment period of at least forty-five days, immediately following the Authority's adoption of the latest version of its Business Plan.

## Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

1121-1004

### Introduction

CC-HSR is aware of comments submitted by other parties, pointing out a number of very significant adverse environmental and other impacts that would flow from the construction of the San Francisco to San Jose Project Section of the state's proposed High-Speed Rail project, as that project is currently proposed. We join in those comments and incorporate them by reference here, avoiding the need to submit extensive, duplicative commentary.

CC-HSR does have several specific comments we want to highlight, some of which may be duplicated in the comments of others. We urge the Authority to take our comments seriously, and we further urge the Authority to undertake a more comprehensive alternatives analysis, looking at the proposed High-Speed Rail project as a whole.

The way that the environmental documents have been prepared for the statewide project, segment by segment, and over an extremely lengthy period, has served to obscure the alternatives that are actually available – and that would be better than the current plan. Both the California Environmental Quality Act and the National Environmental Policy Act require a focus on “substance,” not “procedure.” We urge the Authority to comply with the requirements of both CEQA and NEPA, as discussed herein.

### CC-HSR's Main Comments

CC-HSR has four main comments about the proposed project, and the analysis presented in the current Draft EIR/EIS. Responses to these comments must be made as the Authority develops and considers a Final EIR/EIS for the proposed project:

1. THE PROPOSED PROJECT DOES NOT CONFORM TO PROPOSITION 1-A
2. THE PROJECT, AS PROPOSED, WILL PARALYZE THE PENINSULA
3. THE GROWTH AND TRANSPORTATION DEMAND ANALYSIS IS INADEQUATE
4. THE ANALYSIS OF NOISE AND VIBRATION IMPACTS IS INADEQUATE

1121-1005

### [1]

Whether you call it the “San Francisco Transbay Terminal” or the “Salesforce Transit Center,” there is no doubt that the people of the State of California approved the development of a High-Speed Rail system for the state ONLY on the basis that it would connect Los Angeles to the San Francisco Transbay Terminal in downtown San Francisco. The Transbay Terminal is now being called the “Salesforce Transit Center.” The relevant statutory language from Proposition 1A is included on Page 5 of this comment letter. The proposed project, as outlined and analyzed in the current Draft EIR/EIS, has attempted to “piecemeal” the project approved by the voters, and suggests that the project will now only connect Los Angeles (through San Jose and the Central Valley) to an existing, totally inadequate, street-level set of train tracks located at 4<sup>th</sup> and King Streets in San Francisco.

1121-1005

The Final EIR/EIS must be augmented to describe and analyze a project that is *not* piecemealed, and that evaluates the impacts (not to mention the cost) of a project that conforms to the statutory mandate found in Proposition 1-A.

This is not a minor matter. If, in fact, the environmental document has to analyze a proposed project that will connect the Transbay Terminal (Salesforce Transit Center) with Los Angeles, as Proposition 1-A specifies, a much less-costly alternative, with fewer environmental impacts, might well be possible by utilizing the “Altamont Pass” alternative to the “Pacheco Pass” alternative, since the Bay Area Rapid Transit District (BART) is considering a second transbay tunnel from the East Bay to the Transbay Terminal, which could presumably be constructed to serve High-Speed Rail, as well as BART, should the Altamont Pass alternative be selected. Both cost reductions, and a significant reduction in environmental impacts might be expected from the use of such an alternative, and both CEQA and NEPA require this analysis.

The need to provide a real analysis of this “Altamont Pass” alternative, at this point, is highlighted in a subsequent comment. Here, the point is that the current Draft EIR/EIS does not, in fact, evaluate the project that California voters approved, and CC-HSR strongly believes that the Authority has a legal obligation to do such an analysis at this point.

1121-1006

### [2]

Perhaps the greatest single problem found in the current Draft EIR/EIS is associated with the analysis of the travel and transportation impacts of the proposed project – or, rather, with the *lack* of an adequate analysis of these impacts.

First, there is no detailed analysis, whatsoever, of the actual travel time and transportation impacts that will occur in local communities on the San Francisco Peninsula, since the Draft EIR/EIS acts like the only travel time and transportation impacts worth studying are those that affect major north-south highways (Highway 101, 280, etc.). In fact, the largest travel time and transportation impacts that can be expected (and that the current Draft fails to consider in any satisfactory or significant way) are the “internal” travel time and transportation impacts that will be experienced by drivers within the communities through which the trains will pass on the Caltrain corridor. This is true whether proposed Alternative A or Alternative B is selected. The key impacts to local communities will be experienced, largely, on East-West street movements, and not on major highways, but on local streets.

How will parents get their children to school? How will people get to work on time? How will emergency service vehicles respond to emergencies? How will ordinary, daily life in the communities along the Caltrain corridor be impacted by the proposed project? THAT is what the Final EIR/EIS must address. The Draft does not do the analysis required.

# Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

1121-1007

CC-HSR believes that the most immediate impact of the project, if it were ever constructed as proposed, would be to PARALYZE THE PENINSULA by what amounts to traffic gridlock. Attached to this comment letter, as an Appendix, is an analysis by Paul S. Jones, an eminently qualified expert on transportation issues, and who has had extensive personal experience with high-speed rail projects.

Mr. Jones' analysis was originally prepared in connection with a Caltrain study of the so-called "blended system" that is also analyzed by the Authority's current Draft EIR/EIS. In Appendix 2A to the current Draft EIR/EIS, the Authority has identified fifty-seven (57) at-grade intersections that are being proposed in connection with the institution of high-speed train service on essentially the same tracks at Caltrain service. To comply with CEQA and NEPA, the Final EIR/EIS must fully analyze the travel and transportation impacts outlined in the Jones' report, and what kind of "real world" impacts would occur because of those fifty-seven at-grade crossings, each one of which will become an effective "traffic dam" affecting daily (and especially peak hour) travel within local communities. It should also be noted that where the Authority is now proposing "cul de sacs," as a way to eliminate crossing conflicts, the proposed project will fully disrupt current traffic patterns. The impacts of this proposal also needs rigorous analysis.

1121-1008

**[3]**

The Draft EIR/EIS assumes a very significant future growth in both state and regional population, and in transportation and travel demand. The Draft does not analyze the impact that the Covid-19 pandemic has already had on both of these factors; nor does it consider how changes now occurring in these areas may extend into the future. Remote work patterns are now prevailing in many of the industries that the Draft EIR/EIS projects will experience significant workplace growth. Current changes in work patterns, if they continue into the future, are likely radically to change future transportation and travel demand. The Final EIR should address the possibility that changes in work and travel patterns may reduce the projected increase in transportation and travel demand, and it should assess and analyze the proposed project in light of such possible changes.

1121-1009

**[4]**

Just as the Draft EIR/EIS fails to examine how community travel will be disrupted and impacted by the proposed project, it also fails to examine noise and vibration impacts with any particularity. There are "general" discussions of noise and vibration impacts in Section 3.4; however, the generalized impacts outlined need to be considered with much greater specificity, in order to permit a proper evaluation of potential mitigation measures. In the Town of Atherton, as one example, sound walls may well be needed adequately to mitigate noise and vibration impacts that will otherwise be experienced by residences, local businesses, and governmental buildings. It is our understanding that the Town has officially asked for such analysis, and appropriate mitigations. In fact, the

1121-1009

same detailed analysis of noise and vibration impacts, and a very fine grained analysis of potential mitigations is needed for every community along the Caltrain corridor.

1121-1010

**The Need To Consider Available Alternatives**

Besides our "Main Comments," above, and besides endorsing the environmental and other objections to the proposed project made by others, we wish to raise what we consider to be a more fundamental issue: the failure of the current environmental review process to comply with and carry out the mandates of both CEQA and NEPA with respect to the need for a consideration of "alternatives" to the proposed project. Both of these environmental laws require that before carrying out a project that might have significant adverse environmental impacts, a state agency, like the Authority, must study meaningful alternatives that could reduce or eliminate negative environmental impacts that an alternative to the proposed project might avoid.

Because of the way the Authority has chosen to carry out its environmental review of the state's proposed High-Speed Rail project, such an adequate analysis of alternatives has not, in fact, occurred. The Authority has never properly evaluated the whole project in an integrated way that would allow a meaningful and legally-adequate consideration of alternatives, as the Authority makes a final determination about exactly where and how to construct the rail connections that comprise the project.

1121-1011

The overall "project" that the Authority is seeking to carry out is described in the "Fact Sheet" attached to the San Francisco to San Jose Project Section Draft EIR/EIS as: "a system that will provide a reliable high-speed electric-powered rail system that links the major metropolitan areas of the state and that delivers predictable and consistent travel times." The project, in other words, is a *statewide* project and is emphatically not a concatenation of various smaller "segments" that can be considered independently, or as "independent projects."

Perhaps an even better, more specific description of the statewide project that the Authority is charged with carrying out is found in the text of Proposition 1A, a statewide bond measure adopted by the voters in 2008 [Streets and Highways Code §2704.04(a)]:

It is the intent of the Legislature by enacting this chapter and of the people of California by approving the bond measure pursuant to this chapter to initiate the construction of a high-speed train system that connects the San Francisco Transbay Terminal to Los Angeles Union Station and Anaheim, and links the state's major populations centers, including Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego...

Again, it is clear that the state's "project" is the overall system outlined in Proposition 1A, and the Authority has designated as "Phase 1" a system that will

## Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

1121-1011

connect the San Francisco Transbay Terminal (now called the Salesforce Transit Center) to the Los Angeles basin via the Central Valley. The “Fact Sheet” on Page 1 of the Draft EIR/EIS outlines how the Authority has carried out its environmental review on this overall (and Phase 1) statewide project:

The California High-Speed Rail Authority (Authority) certified a Statewide Program Environmental Impact Report / Environmental Impact Statement (EIR/EIS) (Tier 1) in November 2005 as the first phase of a tiered environmental review process for the proposed California high-speed rail (HSR) system planned to provide a reliable, high-speed, electric-powered rail system that links the major metropolitan areas of the state and that delivers predictable and consistent travel times ...

A second program-level (Tier 1) EIR/EIS was completed in 2008 focusing on the connection between the Bay Area and Central Valley; the Authority revised this document under California Environmental Quality Act (CEQA) and completed in 2012. Based on the Program EIR/EISs, the Authority selected preferred corridors and station locations to advance for further study.

The Authority has prepared a project-level (Tier 2) EIR/EIS that further examines the San Francisco to San Jose Project Section (Project Section or project) as part of the larger, 800-mile HSR system planned throughout California. The HSR system would connect the major population centers of Sacramento, the Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego. The HSR system would use 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 (mph) over a dedicated track alignment.

The Project Section would provide HSR service from the Salesforce Transit Center (SFTC) in San Francisco to the San Jose Diridon Station. Once the Transbay Joint Powers Authority’s Downtown Extension 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 Downtown Extension Project to reach SFTC (the ultimate terminal station in San Francisco). The project would facilitate connectivity to regional and local mass transit services, the San Francisco International Airport and Norman Y. Mineta San Jose International Airport, the Bay Area highway network, and the statewide HSR system.

There is a fundamental problem with this approach of “segmenting” a statewide project into discrete elements, so that the “alternatives” considered in the environmental documents for the various “segments” eliminate the possibility of considering alternatives to the overall routing choice that might propose routing differing from the routings examined and discussed in the various “segmented”

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1121-1011

EIR/EIS documents. As appears from the above description, by taking this “segmented” approach to an analysis of a statewide project, the Authority has “piecemealed” its consideration of possible alternatives. By chopping up the integrated, statewide project into discrete “segments,” neither the Authority nor the public is able to evaluate possible alternatives in an intellectually or legally defensible way.

1121-1012

The “first tier” of the environmental review process carried out by the Authority was completed fifteen years ago, in 2005, but that “first tier” EIR/EIS did not consider the entire statewide project. In fact, a crucial piece of the analysis was left out; namely, the connection between the Central Valley and the Bay Area. In order to correct that failure of the environmental review process, the Authority then prepared and considered what it is calling a “second program-level (Tier 1) EIR/EIS, focusing on the connection between the Bay Area and Central Valley.” While prepared in 2008, that so-called “second program-level” EIR/EIS was not actually certified until 2012, because of litigation that successfully challenged the adequacy of that document. Ultimately, as the Authority tells us in the “Fact Sheet” for this Draft EIR/EIS, the Authority modified this “second program-level” EIR/EIS, and then “selected preferred corridors and station locations to advance for further study.”

Here is the problem. It is now clear, from both the current Draft EIR/EIS for the San Francisco to San Jose Segment and the Draft EIR/EIS for the San Jose to Merced Segment, that the so-called “Altamont Pass” routing alternative (rejected in that “second program-level EIR/EIS”) has not been accurately or adequately compared to the “Pacheco Pass” routing that is built-in to both of the segments just mentioned. This problem has occurred because it is now clear, as the impacts in the Merced to San Jose and in the San Francisco to San Jose segments are being documented with specificity, that a comparison of these impacts to the impacts that would occur if an “Altamont Pass” alternative were chosen has never occurred.

1121-1013

Because the “project” is the entire, statewide system, it is not legally or even intellectually defensible to “segment” the overall project in such a way that the various possible alternatives cannot be compared, so that the decision makers and the public actually understand the environmental impacts of the different options. CEQA specifically requires that an EIR describe a reasonable range of alternatives that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of its significant effects, CEQA Guidelines §15126.6(a) and (f). An EIR’s discussion of alternatives must “contain analysis sufficient to allow informed decision making,” *Laurel Heights Improvement Association v. Regents of the University of California* (1988), 47 Cal.3d 376, 404. Because of the way that the environmental analysis of the project has been “piecemealed,” by virtue of the “segmentation” of the project pursued by the Authority, the current EIR/EIS is legally inadequate.

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1121-1014

In order to comply with the requirements of CEQA and NEPA, the Final EIR/EIS must not just discuss the two alternatives found in the current document – both of which are relatively minor variations on a single basic routing proposal. To be adequate, the Final EIR/EIS must properly compare the environmental impacts of the currently proposed, “Pacheco Pass” through San Jose routing with a genuine and distinctly different alternative, the “Altamont Pass” routing. Using the “Altamont Pass” routing, which is feasible, the Final EIR/EIS must consider whether or not that alternative routing would, in fact, be an alternative that could significantly reduce environmental impacts identified in the current Draft EIR/EIS. The Community Coalition on High-Speed Rail strongly believes that this alternative would have significantly fewer adverse environmental impacts, essentially eliminating virtually all of the impacts that would otherwise be experienced on the San Francisco Peninsula.

1121-1015

Both the “Pacheco Pass” and the “Altamont Pass” alignments are viable “alternatives” within the context of the statewide project. CEQA and NEPA mandate that they be properly compared and evaluated. That means that the detailed impacts now identified with the Pacheco Pass alternative, in the recently-prepared Draft EIR/EIS for the Merced to San Jose segment, must be evaluated with respect to an alternative that would reduce or eliminate them; namely, the “Altamont Pass” alternative. Similarly, the impact of these two fundamental alternatives cannot be properly assessed until their different impacts on the both the Merced to San Jose and the San Francisco to San Jose segments are concurrently assessed.

1121-1016

CEQA forbids the “piecemeal” review of the significant environmental impacts of a project, *Paulek v. Department of Water Resources* (App. 4 Dist. 2014) 179 Cal.Rptr.3d 775, 231 Cal.App.4th 35. *Paulek* also holds that whether a project has received improper piecemeal environmental review is a question of law to be reviewed independently. We urge the Authority to do the full alternatives analysis required, and not try to claim that “we already did that,” when the actual analysis carried out earlier was incommensurate with the level of detail that is now available with respect to the impacts of the “Pacheco Pass” alignment.

1121-1017

There is one more important issue related to the need for the Authority to do a robust alternatives analysis in the Final EIR/EIS. That issue is cost. The cost projected for the construction of the “Pacheco Pass” alternative is huge. As we have noted in the “Main Comments” section of this letter, the cost of necessary mitigations for the proposed San Francisco to San Jose segment is also huge. The other major alternative, the “Altamont Pass” route, is likely to cost significantly less – and an adequate alternatives analysis would determine whether that is true, or not, and to what extent. The point is, an apples to apples alternatives analysis is required.

Why is cost relevant? In order for the statewide high-speed rail project actually to be constructed, thus bringing anticipated environmental and transportation benefits to the state, the project must actually be feasible, both in terms of

engineering and cost. Both of those elements are problematic, with respect to the proposed “Pacheco Pass” routing, and so it is important to see if there is an alternative that could actually produce a project that could be successful, and that would also have fewer adverse environmental impacts in and of itself.

That analysis has not been carried out in the recently-prepared Draft EIR/EIS for the Merced to San Jose segment, nor has it been addressed in the San Francisco to San Jose Draft EIR/EIS. It needs to be. To say that “price is no object” is to say that the actual achievement of the statewide project isn’t relevant. Obviously, it is. An article published in the *Manteca Bulletin* in January of 2018 is still pertinent. It makes the point very well:

*Manteca Bulletin*

DENNIS WYATT

Updated: Jan 18, 2018, 10:30 PM

<https://www.mantecabulletin.com/opinion/local-columns/pacheco-pass-may-turn-high-speed-rail-into-jerrys-folly/>

Twenty-seven miles east of Hollister in the heart of earthquake country is where California High Speed Rail could meet its Waterloo.

It is where a problematic 13.5-mile tunnel starts that skirts the northern edge of San Luis Reservoir and drills into a geological mixture of sandstone riddled with weak shale known as the Franciscan Complex. It was the result of the Pacific Plate slipping under the North American Plate to push what is now known as the Diablo Range skyward.

In spots the tunnel will need to run 1,000 feet deep. This is where the high speed rail authority wants to construct the country’s longest and most complex transportation tunnel.

The cost of crossing beneath Pacheco Pass was never fully vetted before the high speed rail authority made what in retrospect is looking more and more like a fatal decision to not go over the somewhat lower Altamont Pass instead.

The rail authority pegged the cost of building the 54-mile segment from Chowchilla to Gilroy at \$5.6 billion. Some of the world’s foremost tunnel experts contend the tunnel alone is likely to run between at least \$5.5 billion and \$14 billion. There is little doubt the segment’s cost has been grossly underestimated.

This week brought yet another confession from the high speed rail folks that they once again underestimated the cost of the initial 119-mile segment from Madera to Bakersfield that was pegged at \$7.8 billion in 2016. Cost overruns have pushed the price tag to \$10.6 billion.

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1121-1017

The problem is private sector investors want to see if the San Francisco to Southern San Joaquin Valley is profitable first before they will consider putting up a single dime. The rail authority has only \$21 billion to get the starter system in place.

There is a now a very good chance emerging that the rail project will run out of funding and therefore political steam before getting the critical starter system in place. If that happens, Jerry Brown's dream of high speed rail being his legacy project will come true but not in the way he envisioned. It could become the most expensive white elephant in the annals of California history serving as the definition of "boondoggle" for generations to come.

There is a way to prevent the high speed rail project from collapsing under the weight of Peter Pan cost estimates and give it a fighting chance to secure private sector funding to help complete the Los Angeles connection and see the day where it would be extended to San Diego and Sacramento. Instead of heading to the Bay Area via Pacheco Pass they should go to San Jose first via the Altamont Pass.

It's already been looked at and was viable but wasn't considered the preferred option due to targeted travel times. But if the goal is to get a starter service up and running that makes sense why not change horses? At the moment you wouldn't be doing it in mid-stream but rather before they are committed to forging a stream that is beginning to look more and more as the event that will succeed in taking the high speed rail project under.

With it's never ending cost overruns fueled by grossly underestimating costs and assuming no pushback from lawsuits and such the project has about as much credibility as ISIS would have in the role of a peacekeeper. It is getting absurd not to see high speed rail as a project that is on a course to bring it near the end of the tracks.

The rail authority could easily modify the ACE forward plan and bring high speed rail up the Union Pacific Corridor from Merced to Manteca and then go down the 120 Bypass median and connect with "straightened" out ACE route over the Altamont Pass into San Jose where it could connect with Caltrain. Even better with plans advancing to try and extend a BART line from where it now ends in Pleasanton in the median of Interstate 580 to connect with an ACE station. BART would connect directly from a high speed rail station on the ACE line in Pleasanton with the Trans Bay Transit station. High speed rail then would continue onto San Jose that is not only larger than San Francisco but is in the heart of the region driving Bay Area growth. It is really laughable that people pushing a vision such as high speed rail can't see where the future lies in the Bay Area. While San

1121-1017

Francisco has seen respectable growth in high tech areas it is nothing compared to the Silicon Valley and its future.

San Jose is clearly emerging as the business hub of the Bay Area. And while San Francisco won't likely ever slip so much that it will become an afterthought, it is not situated like Los Angeles where it has the potential of being a three-dimensional high speed rail hub. Trains could eventually go north and south out of Los Angeles as well as eastward into the Inland Empire and even to Las Vegas and beyond to build a much healthier potential passenger base.

San Jose service can head north and south as well as east into the Bay Area's equivalent of the Inland Empire — the Northern San Joaquin Valley.

1121-1018

The cost of the "Pacheco Pass" construction is almost certainly much greater today than in 2018 – and certainly more expensive than it was in 2012, when the so-called "Tier 2" EIR/EIS was certified. To be able accurately to gauge the possible adverse impacts of the statewide project, and the feasibility of the statewide project, the Authority must insist, as both CEQA and NEPA require, an alternatives analysis that compares the various feasible options, so that the Authority, and the public, which certainly includes the Governor and the State Legislature, have an opportunity to see what project configuration will best achieve state goals while minimizing or avoiding adverse impacts on the environment.

1121-1019

### Summary And Conclusion

The Community Coalition on High-Speed Rail urges the Authority to provide additional time for the public to review and comment on the proposed project, as outlined in this letter.

1121-1020

CC-HSR also urges the Authority to respond to the "Main Comments" made by CC-HSR. That means, specifically, that the Authority must either drastically reconfigure the proposed project or must provide mitigations that will eliminate, or minimize, to the greatest degree possible, the truly horrendous traffic impacts that this letter identifies, and as shown in the analysis by Paul Jones, attached as an Appendix. As proposed in the Draft EIR/EIS, the project would, truly, "paralyze the Peninsula," should the Authority ever seek to construct the project as presented in the current Draft EIR/EIS without making major modifications to address the impacts CC-HSR has identified.

1121-1021

Finally, in order to do a proper analysis of the project as a *statewide* project, the Authority must study reasonably available alternatives to the project presented in the current Draft EIR/EIS. That means, as a practical matter, that the Final EIR/EIS must undertake a detailed analysis of the "Altamont Pass" alternative and take into account impacts to be expected not only in the San Jose to Merced "segment" but in the San Jose to San Francisco "segment," too.



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Thank you for taking seriously our very strongly held view that the current environmental document is both intellectually and legally deficient, and that the public participation process has not truly complied with the requirements of either CEQA or NEPA.

Yours truly,



Gary A. Patton, Attorney  
Community Coalition on High-Speed Rail

cc: Congress Member Anna Eshoo  
State Senator Jerry Hill  
State Senator Jim Beall  
Assembly Member Kevin Mullin  
Assembly Member Marc Berman  
Assembly Member Ash Kalra  
Assembly Member Evan Low  
Local Elected Officials, Peninsula Communities  
Sierra Club  
Green Foothills  
California Rail Foundation  
TRANSDEF  
Caltrain  
Other Interested Persons

## APPENDIX

### Potential Traffic Paralysis Throughout the Peninsula Blended Caltrain/High Speed Rail Impact on Street Traffic

Paul S. Jones  
November 7, 2016

#### Abstract

This engineering analysis, by rail transportation expert Paul S. Jones, whose resume is attached to the report, demonstrates the expected impacts of a “Blended System” Caltrain/High-Speed Rail service currently being proposed as a joint project between the Caltrain Joint Powers Board and the California High-Speed Rail Authority. Mr. Jones convincingly demonstrates that traffic and congestion impacts on the Peninsula will be severe, and that “it would be fair to describe the result as a ‘paralysis’ of traffic on the Peninsula.” The only acceptable solution is to provide full grade separations at all 40 of Caltrain’s grade crossings either prior to or concurrently with the introduction of Blended System service.

#### Introduction

The proposed Caltrain/high speed rail (HSR) Blended System contemplates six Caltrain and four HSR trains traveling in each direction every hour during each morning and evening rush period. This represents doubling the rail traffic now operated by Caltrain. Each of the 40 grade crossings between San Francisco’s Fourth and King Street Station and San Jose’s Diridon Station would experience an increase in rail traffic from 10 trains per rush hour to 20 trains per rush hour.

In June 2013, Caltrain published a report, “Caltrain/HSR Blended Grade Crossing and traffic Analysis” to study the impact of the Blended System on street traffic delays. The report produced by that work alleges that the sharp increase in rail traffic will result in only minimal additional delays to street traffic at the grade crossings. In fact, the Caltrain report is seriously flawed. The purpose of this paper is to review the quality and accuracy of Caltrain’s grade crossing study and to offer evidence that the delays to street traffic resulting from the increased number of Caltrain and HSR trains would be significant and damaging to all Peninsula cities.

The grade crossing report depended heavily on two other Caltrain studies:

- “Caltrain/California HSR Blended Operations Analysis,” prepared by LTK Engineering Services in November 2011
- “Caltrain/California HSR Blended Operations Analysis Supplemental Analysis Requested by Stakeholders,” prepared by Cal Mod Program Team in April 2012

These two studies used a computer simulation, “Train Ops,” designed and operated by LTK Engineering Services to examine combinations of Caltrain and High Speed trains in simulated operation over the existing Caltrain tracks between San Francisco’s Fourth and King Street Station and San Jose’s Diridon Station. They also assessed several alternative high speed rail bypass tracks that might be constructed at different locations along the route. The work was carefully done by

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LTK Engineering, but it was based on schedule modifications and assumptions that cause the results to be questioned.

### Critique of Grade Crossing Report

Before addressing the specific shortcomings of the Grade Crossing Report, it is necessary to examine shortcomings of the two Blended Operations Analysis reports, particularly the schedule modifications and the assumption that Caltrain's CBOSS positive train control system will perform as intended.

### Schedule Modifications

Rather than starting with a current Caltrain Schedule for the five trains per peak hour and adding an additional train to achieve the combination of six Caltrain and up to four High Speed trains per peak hour for the Blended System, LTK adopted a new set of skip-stop services that vary widely from the existing schedule.

Selecting six northbound trains from the current Caltrain schedule that most closely resemble LTK's skip-stop schedule, the present schedule imposes 76 intermediate stops between San Jose and San Francisco. The number of intermediate stops for individual trains varies from 9 to 17. The six trains from LTK's skip-stop schedule would impose only 67 intermediate stops, with five of the six trains making exactly 11 intermediate stops and the sixth making 12 intermediate stops. The simulated LTK schedule provides more balanced train movements, but it completely disregards differences in traffic volumes at the different stations and differences in origins and destinations. In particular intra-peninsular travelers would suffer decreased service. Eleven Caltrain stations would have fewer train stops per peak hour. Three stations (Palo Alto, Redwood City, and Millbrae) would have more service. In addition, one token stop each would be added at the Atherton and Broadway, stations not presently served by Caltrain on week days. The LTK study did not include Baby Bullet trains in its schedule.

### Train Control

The LTK study assumed that Caltrain's CBOSS positive train control overlay system would be in service and performing up to its design objectives. Unfortunately, the installation of the CBOSS System has encountered a number of software and operational problems that have greatly delayed its full implementation. In addition, CBOSS is not compatible with the Union Pacific's positive train control system, nor with the CHSRA's intended positive train control system. Also, the proposed electrification of the Caltrain line, scheduled to take place prior to the utilization of HSR trains on the route, will introduce grounding currents in the rails that will make current impedance measurements inoperative, impacting Caltrain's signaling system. In the process of overcoming these and other teething problems, actual CBOSS system performance may differ substantially from the design performance.

### LTK Simulation Results

The November 2011 LTK study simulated train operations over the present Caltrain track infrastructure and four alternatives that added two track bypass/overtake tracks (four track options) that would allow High Speed trains to overtake Caltrain trains. In addition, station siding tracks were added at Fourth and King, Millbrae, and Diridon stations to provide separate boarding platforms for Caltrain and High Speed train passengers. At present, these stations are the only stops to be made by High Speed trains on the Caltrain tracks. LTK investigated combinations with six simulated Caltrain trains and 0, 1, 2, 3, and 4 High Speed trains per peak hour, and at 79 mph and

110 mph peak speeds. It was soon apparent that for a workable schedule, both Caltrain and High Speed trains would need to operate at the same maximum speed. High Speed trains could go faster only on the bypass tracks.

The April 2012 study included additional investigations of the different bypass/overtake options, including the addition of a long single bypass/overtake track (three track option) in which High Speed trains would operate in both directions over the bypass track. This study concluded that the long middle four track option would provide the best results. This bypass/overtake would extend from south of Hayward Park to south of Redwood City.

### Grade Crossing and Street Traffic Analysis

The June 2013 study of grade crossings was based on the LTK train simulation work at a top speed of 79 mph for Caltrain and High Speed trains. It began with the skip-stop schedule developed for the LTK simulations which was modified to replace two of the multi-stop trains with Baby Bullet trains. The schedule modification was not well done. For example, Trains 418 and 424 would depart Diridon and Lawrence stations at exactly the same minute, hardly possible. The Baby Bullet trains would require 9 minutes between departures at San Jose's Diridon and Sunnyvale stations, as compared with 13 minutes required by Baby Bullet trains today; again, hardly possible.

The study purported to examine both rail and street traffic together. However, the rail traffic was taken from the 2011/2012 studies and the street traffic was estimated traffic for 2035, 23 years later. Caltrain traffic has been growing steadily since the recession in 2008 and now amounts to more than 60,000 passengers per weekday. Many trains are loaded beyond their capacity. Caltrain has purchased used coaches and is extending the length of its trains. If passenger traffic continues to increase to 2035, Caltrain will be severely constrained to handle its traffic with no more than the six trains per peak hour allowed by the Blended System agreement. Caltrain can only increase its capacity by continuing to increase the length of its trains. This would introduce problems concerning platform length and other issues that are likely to impact station dwell times. The time required by trains to traverse grade crossings would also increase.

### Street Traffic Delay Analysis

In the June 2013 study, street traffic delays were analyzed using Synchro software, which is designed to perform street and highway analysis. Synchro is a macroscopic traffic analysis tool designed primarily for evaluating arterial corridors. Trains were modeled as large trucks and the Caltrain line as a highway.

Synchro does not analyze individual vehicle movements but relies on mean performance values. Actual delays at grade crossings are stochastic in nature. Vehicles arrive at grade crossings at irregular intervals. For any mean waiting time, actual vehicle waiting times range from trivial to unbearable. Queues can build up quickly and decline slowly adding to the sense of delay.

The study acknowledged that reductions in gate down times would result only from (1) overlapping train crossings, in which a through train would pass a train that is stopped at the station and from two trains that would cross at the same grade crossing at the same instant, and (2) from the elimination of upstream gate closings at crossings ahead of a train stopped at a station. Scheduling train crossings is very difficult because Caltrain trains cannot operate to precise schedules. Station dwell times are highly variable over a range as long as five minutes. There are delays due to wheelchair and bicycle loading and unloading, variations in passenger boarding

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queues at different doors, and crowding in vestibules. All have significant impacts on dwell times. If overlapping passes at specific times and places are required, they can only be achieved by slowing one of the passing trains so that a pass can be achieved without additional lowering of crossing gates, or by extending gate down time.

The Synchro model dwelt with only one street intersection at each grade crossing. It did not consider queuing at adjacent intersections or complex multi intersection problems. It examined only five intersections in detail:

- 16<sup>th</sup> Street, 7<sup>th</sup> Street, and Mississippi Street in San Francisco
- 25<sup>th</sup> Avenue and El Camino Real in San Mateo
- 25<sup>th</sup> Avenue and Delaware Street in San Mateo
- Broadway and El Camino Real in Redwood City
- Churchill Avenue in Palo Alto

It did not examine the complex interactions at Burlingame Avenue in Burlingame, Ravenswood Avenue in Menlo Park, and other complex traffic situations on the Caltrain route.

All of the short comings enumerated above must be corrected before any credence can be placed in Caltrain's grade crossing analysis.

### A Straightforward Approach to Grade Crossing Analysis

Caltrain's grade crossings can be divided into two groups: crossings that are adjacent to stations and crossings that are more than one quarter mile distant from the end of the station.

Gate down times at crossings adjacent to stations are longer than those away from the stations because trains entering and leaving the stations are either slowing to stop or accelerating from a stop. Upstream crossings, crossings ahead of a stopped train, also suffer from needless gate down time because the gates lower as the train approaches the station and then rise when the train comes to a stop. Caltrain's CBOSS positive train control system is supposed to eliminate these needless gate closures by knowing that the train will stop and presumably monitoring its speed to ensure that it will stop. The penalties at adjacent crossings are directional. The gate that closes ahead of a stopping northbound train becomes the gate that closes for a southbound train entering the station.

In the Caltrain system between San Francisco's Fourth and King Street Station and San Jose's Diridon Station there are five crossings adjacent to stations for northbound trains and seven crossings adjacent to stations for southbound trains. These are (see next page):

	Northbound	Southbound
San Mateo		First Avenue Third Avenue Fourth Avenue Maple Street
Redwood City	Brewster Street Broadway	
Menlo Park	Oak Grove Avenue Glenwood Avenue	Ravenswood Avenue
Mountain View Sunnyvale	Castro Street	Sunnyvale Avenue

Broadway in Burlingame and Fair Oaks and Watkins in Atherton are adjacent to the Broadway and Atherton Stations, but are not included in the list because there is no weekday Caltrain service to either of these stations.

The gate downtimes at crossings away from stations are determined by the speed of the trains through the crossings. By Federal regulation, the crossing bells must sound, and the gates come down between 15 and 20 seconds before a train enters the crossing. Gate action typically takes 7 to 10 seconds to raise or lower the gates. There is nothing that CBOSS can do to reduce these times.

### Train Crossings

It is difficult to ensure that two opposite bound trains will cross at a particular grade crossing or station because of the critical timing required to effect these efficiently. A station crossing by a through train at 79 mph takes only 13 seconds, and a grade crossing takes only 7 seconds. It is possible to slow one train or the other, but this introduces train control and scheduling difficulties as well as lengthening passenger travel time. One must conclude that train crossings are advantageous when they occur but cannot be scheduled.

The string diagrams in Caltrain's November 2011 report, the latest reference that deals with the existing Caltrain track structure, illustrate tentative schedules for different combinations of Caltrain and HSR trains. The diagram for six Caltrain and four HSR trains per direction at maximum speeds of 79 mph is of particular interest because it is most likely to represent the initial joint operation between Caltrain and HSR. This diagram is based on LTK Engineering's simulation work. The string diagrams illustrate from 0 to 8 crossings at stations during the two-hour peak hour simulation, with an average of 4 per station or 2 per peak hour. With schedule fluctuations due to random differences in station dwell times, it would be overly optimistic to rely on even this small number of station crossings, but with outstanding performance by CBOSS, between 1 and 2 crossings may occur.

Train crossings at grade crossings away from stations are even more problematical because they are literally split second occurrences. To ensure these crossings, it would be necessary to carefully monitor the progress of each train on the Caltrain System and to adjust speeds to make the crossing happen without extensive gate down time.

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### Gate Down Times /Crossings Adjacent to Stations

Assuming that CBOSS does its job and prevents grade crossing gates upstream from a station from closing before the train accelerates out of the station, the downstream gate will close 15 seconds before the train enters the crossing and remain closed until the last car of the train has cleared the crossing, often until the train comes to a stop at the station. On the average, this the gate is down for 60 seconds. The downstream gate does not lower again until the next train approaches the station.

At present, the upstream gate will close as the train approaches the station and will remain closed until the train comes to a complete stop. Then, the gate will rise, but it will close again as the train accelerates from a stop and stay closed until the train clears the crossing. On average, both the initial and following closures take 60 seconds. With CBOSS functioning as designed, the first gate closure will not occur.

For through trains, both the downstream and upstream gates will perform like crossings away from stations.

### Crossings Away from Stations

Gate down times for crossings away from stations depend entirely on the speed of the crossing train. By Federal regulation, the crossing bell must sound and the gate come down 15 to 20 seconds before the train enters the crossing to allow motorists and pedestrians time to clear the crossing. The gates must remain down until the last car of the train clears the crossing. Down times for crossings of wide thoroughfares are longer than those for narrow streets, but the differences are small and are neglected in this analysis.

Allowing 7 seconds for gates to lower and 7 seconds for them to rise, both optimistic, gate down time is 29 seconds longer than the train transit time. Trains crossing a 120-foot roadway would have the following transit times, and corresponding down times for different train speeds:

Train Speed	Transit Time	Total Gate Down Time
Mph	Seconds	Seconds
25	24	53
40	15	44
55	11	40
70	9	38
79	8	37

The gate down times for high speed rail (HSR) trains will be the same as for Caltrain's EMU trains. As noted above, the LTK study established that a workable schedule for six Caltrain and four HSR trains in each direction per peak hour requires that all trains operate at the same top speed and follow similar speed-distance profiles.

### Gate Downtimes by Crossing Type

The total gate down time for each crossing depends on the length and speed of the trains crossing the street and the width of the street. Because the trains proposed by CHSRA are approximately the same length as Caltrain's proposed EMU trains, no distinction need be taken between the two types of trains.

### Crossings Adjacent to Stations

The down time per peak hour for gates adjacent to stations depends on the mix and direction of stopping trains and the number of through trains. From analysis of the LTK string charts, the number of stopping trains at Caltrain stations varies from 2 to 12. Thus, the gate down time for stopping trains would be:

Number of Stopping Trains	Gate Down time
Per peak hour	Minutes
2	3
4	6
6	9
8	12
10	14
12	16

### Crossings Away from Stations

As noted, gate down times for crossings away from stations depend largely on the speeds of the crossing trains. For crossings within one half mile of a station, crossing speeds will be lower because the trains that stopped at the station will not yet have accelerated to maximum speed, and the arriving trains are slowing in preparation to stop. These crossings will experience a mix of different down times. Therefore, each crossing has a unique total down time for peak hours. For uniform train speed, the total down time for ten trains in each direction per peak hour would be:

Train Speed, mph	Gate Down Time, min.
25	17.7
40	14.7
55	13.3
70	12.7
79	12.3

### Comparison Between Today's Caltrain and Blended Caltrain/HSR System

Gate down times for the Blended Caltrain/HSR operation can be compared with down times experienced by today's Caltrain operations, and how Caltrain's down times would change with the successful implementation of the CBOSS positive train control.

Blended Service			Caltrain Service		With CBOSS	Without CBOSS
Station	Stops / Through / Down Time	Down Time	Station	Stops / Through / Down Time	Down Time	Down Time
8	12	21 min.	8	2	10 min.	14 min.
6	14	19 min.	6	4	9 min.	12 min.
4	16	17 min.	4	6	8 min.	11 min.
2	18	16 min.	2	8	8 min.	8 min.

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All times are in minutes per peak hour. Thus, under the Blended service, crossings with 8 station stops would have a total down of 21 minutes per peak hour, more than one third of the elapsed time. In contrast, if CBOSS performs as designed, today's Caltrain would experience only 10 minutes down time per peak hour. The difference is very large, particularly for crossings adjacent to stations that experience large volumes of peak hour automobile traffic.

It is apparent that with a successful CBOSS implementation, the Blended System train traffic will more than double gate down time for all grade crossings adjacent to stations. For crossings away from stations, the gate down times for the Blended System would be exactly double those experienced today.

These very significant increases in crossing gate down times will, of necessity, greatly increase street traffic congestion in and around all grade crossings, with particular emphasis on those near stations. The exact extent of the traffic problem will extend well beyond the immediate proximity of grade crossings to traffic on nearby and some distant arterial streets and other streets.

### Significance of Gate Down Time

The significance of the increased gate down time brought about by the Blended System can be presented in terms of a grade crossing that is away from a station in terms of the present Caltrain service and the Blended System. Equally spaced trains operating at different speeds would produce the following down times per peak hour:

	Train Speed		
	40 mph	55 mph	70 mph
<b>Present operation, 10 trains/hour</b>			
Gate down time/peak hour	7.35 min.	6.67 min.	6.35 min.
Gate Up time/peak hour	52.65 min.	53.33 min.	53.65 min.
Mean interval between trains	5.26 min.	5.33 min.	5.36 min.
Cars crossing/interval	39	40	40
<b>Blended System, 20 trains/hour</b>			
Gate down time/peak hour	14.70 min.	13.33 min.	12.70 min.
Gate up time/peak hour	45.30 min.	46.67 min.	47.30 min.
Mean interval between trains	2.26 min.	2.33 min.	2.37 min.
Cars crossing per interval	16	17	17

The numbers of vehicles crossing are based on an interval of 8 seconds between vehicles.

Thus, by introducing the Blended System the number of vehicles that can cross the rail grade for each gate up period is reduced by almost 60 percent. For busy crossings at the peak hours it is quite likely that not all of the vehicles in a queue in front of the closed gates will be able to cross the tracks in the short interval available. This not only adds additional delay to the stranded drivers and their passengers, it may add appreciably to the overall congestion of the busy streets in the immediate vicinity.

The overall reduction in vehicle traffic per rush hour would be 12 to 14 percent by the introduction of the Blended System, much greater than that predicted by the Caltrain Grade Crossing study.

In reality, the intervals between successive trains at a grade crossing are not uniform but will vary widely depending on the actual performance of the trains in the system at any particular time. There would certainly be instances where drivers are delayed for more than one gate down interval. Heavy traffic, traffic congestion, overly timid drivers, and other delays will add to the difficulty of crossing the Caltrain tracks. Impatience due to long waits can lead to reckless chances, dangerous acts, and road rage. With even slight irregularities in the train performance, the short mean interval time of less than two minutes will result in some crossing gate up intervals that are very short. It is hoped that the CBOSS System will establish a minimum gate up time that will discourage aggressive motorists when the gate up times are very short. Such a minimum would further reduce the amount of time available for automobile traffic to cross the tracks, adding even more congestion. At very best, the Blended System will greatly degrade the quality of life on the San Francisco Peninsula, and it would be fair to describe the result as a "paralysis" of traffic on the Peninsula. The only acceptable solution is to provide full grade separations at all 40 of Caltrain's grade crossings either prior to or concurrently with the introduction of Blended System service.

## Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

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### Education

Cornell University, 1951, Bachelor of Mechanical Engineering, with Distinction, (five-year undergraduate program), Academic Standing, Second, Honor Societies: Phi Kappa Phi, National Scholastic, Tau Beta Pi, International engineering, Pi Tau Sigma, National Mechanical Engineering, Kappa Tau Pi, Industrial Engineering  
Golden Gate University, 1959, Master of Business Administration,  
Thesis: "Organizing the Engineering Function in a Contracting Firm"  
Stanford University, 1972, Ph.D. Industrial Engineering,  
Dissertation: "A Least Cost Equipment Selection Technique for Distribution Warehouses"

### Registration

Registered Mechanical Engineer, 11096, and Industrial Engineer, 571, California

### Professional Society Membership

American Society of Mechanical Engineers  
Institute of Electrical and Electronic Engineers  
INFORMS, Information and Operations Research Society

### Professional Experience

1951-3, Lt. JG, USNR, Korean War, Main Propulsion Assistant, USS John R. Craig (DD885)  
1953-6, Engineer, Elliott Company, Manufacturer of power plant equipment  
1956-9, Engineer, M. W. Kellogg Company, Oil and Chemical Contracting  
1959-1972, 1982- 1992, S.R.I. International, Program Manager Transportation and Material Management  
1972-77, Associate Professor, Industrial and Systems Engineering, Georgia Institute of Technology  
1977-82, Principal, Systan, Inc., Transportation consulting firm  
1992-Present, Independent Consultant

### High Speed Rail Experience:

Principal in Charge of Initial High Speed Rail Design Study- Madrid to Barcelona, Spain.

Beginning with 30 potential route alternatives, civil engineering studies reduced the number to 6. The surviving 6 were studied in detail using 1:20,000 scale maps. Vertical and horizontal alignments were laid out. Cost estimates were prepared for the civil work. Travel demand was estimated considering both present travel along the route and potential induced travel. A modal share was estimated for the high speed service on the basis of different fare levels. High speed travel estimates were used to prepare a schedule of arrivals and departures for each station. Train set procurement was determined for each level of service. An organization structure was designed and operating and maintenance costs were estimated for each route alternative and fare structure.

The 6 alternatives were then compared over 20 years of service. The analysis concluded that the line could not be built using private capital alone but would require public money for most or all of the infrastructure. The line, following the preferred route, was built using public money for the infrastructure. The actual passenger volume for the first year of operation was within five percent of the first year travel volume estimated in the patronage study.

Train set selection for Madrid to Seville and Seoul to Pusan routes.

Principal high speed train offerings were applied to service on the routes. A careful technical assessment was made of each train offering, producing a set of candidate trains. Economic comparisons among candidates were made in terms of first cost, travel times between station pairs, operating costs, maintenance costs, and political considerations.

### Conventional Railroad Work

Work has been performed for major U. S. railroads and for railroads in Malaysia and Thailand. Assignments included the following:

- Design of a national railroad network model
- Social and economic impacts of railroad mergers
- Service improvement planning
- Cost reduction opportunities in the movement and storage of export coal
- Inland Container movement
- Economic life of railroad grading and tunnel bores
- Container and trailer-on-flat-car service design and evaluation
- Locomotive replacement policy
- Refrigerated car replacement policy
- Locomotive maintenance policy
- Scheduling track maintenance crews
- Rail replacement policy
- Improved material management procedures



## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020)

### 1121-1003

Refer to Standard Response FJ-Response-OUT-1: Public Involvement Process.

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

### 1121-1004

The Authority appreciates the comments on the Draft EIR/EIS. In subsequent individual comments, the commenter raised concerns about alternatives considerations, transportation, noise and vibration, and travel demand. Each of these specific comments is addressed below. The Authority considered and responded to all comments on the Draft EIR/EIS received during the comment period between July 10 and September 9, 2020. Regarding the comment that the Authority should undertake a more comprehensive alternatives analysis and review the statewide HSR system as a whole, please refer to the response to submission FJ-1121, comment 1010. With respect to the concerns raised about the Authority's environmental review process for the HSR system, please refer to the response to submission FJ-1121, comment 1012, and Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process. As described in Section 2.5, Alternatives Considered during Alternatives Screening Process, of the Draft EIR/EIS, the Authority undertook a thorough and detailed alternatives analysis process to identify the appropriate alternatives to carry forward for further study in the Draft EIR/EIS. This process was consistent with the requirements under CEQA and NEPA. The comment did not result in any revisions to the Draft EIR/EIS.

### 1121-1005

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

The commenter asserts that the Draft EIR/EIS attempts to piecemeal the statewide HSR system and that project alternatives would only connect to the existing 4th and King Street Station. Please refer to the response to submission FJ-1121, comment 1010, which addresses the assertion of piecemealing. With respect to the commenter's assertion that the project alternatives would only connect to the existing 4th and King Street Station, Section 2.4.3, Stations, of the Draft EIR/EIS clearly explains that the existing 4th and King Street Station would serve as the interim terminal station for the project until the DTX provides HSR access to the SFTC. The DTX and SFTC projects were analyzed pursuant to NEPA and CEQA in the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report (USDOT et al. 2004) and adjustments to the tunnel design were subsequently analyzed in the Transbay Transit Center Program Final Supplemental EIS/EIR (USDOT et al. 2018).

The commenter also asserts that the project alternatives evaluated in the Draft EIR/EIS are not consistent with Prop 1A. 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 alternatives development process for the blended system focused largely on blended system operations and achieving the objectives of predictable and consistent operational service travel times for both HSR and Caltrain service, while also providing consistency with Prop 1A time requirements for system design.

The commenter requests consideration of an Altamont Pass alignment relative to the Pacheco Pass alignment. Please refer to the responses to submission FJ-1121, comments 1010 through 1018 for a discussion of why the San Francisco to San Jose Project Section Draft EIR/EIS appropriately focuses its analysis of alternatives on the existing Caltrain corridor between San Francisco and San Jose and the Pacheco Pass corridor between the Bay Area and the Central Valley.

With respect to the commenter's assertion the proposed transbay rail tunnel between SFTC and Oakland (referred to as the "Link 21" project) could serve the HSR system,

## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1121-1005

while initial planning has commenced, there is no certainty regarding if or when a transbay rail crossing may be completed. Moreover, timing is also uncertain for the DTX that would link the 4th and King Street Station to SFTC (and thus some possible future transbay rail connection). Accordingly, reliance on a future transbay rail tunnel is infeasible for the HSR system.

### 1121-1006

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The commenter states that the Draft EIR/EIS focuses on freeway conditions and does not address east-west travel effects on local roadways. The study intersections evaluated in Section 3.2, Transportation, of 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, most of which are intersections on east-west streets adjacent to at-grade rail crossings along the corridor (refer to Volume 2, Appendix 3.2-A, Transportation Data on Intersections, for a list of the studied intersections). The Draft EIR/EIS evaluates the effect of the project on delays, or LOS, at the study intersections, which provides an indication of local traffic performance. 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 project corridor, and for other project sections in the HSR system, to provide a fair and consistent evaluation of project impacts. Impact TR#5 in Section 3.2 of the Draft EIR/EIS identifies adverse NEPA effects at study intersections based on the criteria for delay identified in Section 3.2.4.4, Method for Evaluating Impacts 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. 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 comment raises concerns about emergency response times. Section 3.11, Safety and Security, of the Draft EIR/EIS includes an assessment of the continuous permanent impacts on emergency access and response times due to station traffic and increased gate-down time, based on a geospatial assessment of the potential effect on travel time between the nearest fire station and various 0.25-mile grid cells along routes across the rail corridor. Impact S&S#6 identifies effects at eight at-grade crossings, and Mitigation Measures SS-MM#3 (Emergency Vehicle Priority Treatments near HSR Stations) and



## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1121-1006

SS-MM#4 (Emergency Vehicle Priority Treatments Related to Increased Gate-Down Time Impacts at at-grade crossings) are identified to address these impacts.

The comment also expresses concern about the effects of traffic delays on communities. Please 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.

### 1121-1007

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

Please refer to the response to submission FJ-1121, comment 1006, which addresses the methodology and significance criteria for the evaluation of intersection operations in the Draft EIR/EIS.

The analysis provided by Paul S. Jones as an attachment to the comment references a June 2013 Caltrain Report as well as analyses prepared by LTK Engineering in November 2011 and the CalMod Program Team in April 2012. Mr. Jones notes that these studies indicate that the increase in rail traffic will result in minimal additional delays to street traffic at the grade crossings, and the balance of the analysis focuses on a critique of those studies. The project description and study methodology in the Draft EIR/EIS vary significantly from the June 2013 Caltrain Report and the comments provided are not applicable. For example, the Draft EIR/EIS applied micro-simulation to analyze intersection LOS adjacent to the at-grade crossings and was based on a prototypical HSR and Caltrain schedule that accounts for variable train speeds and gate-down times at the at-grade crossings, which were primary recommendations in the Paul S. Jones analysis based on his critique of the 2013 report. The analysis provided by Paul S. Jones does not address the intersection LOS methodology or results in the Draft EIR/EIS.

The impact analysis in Section 3.2, Transportation, of the Draft EIR/EIS includes summarized technical information sufficient to allow a full assessment of the environmental impacts of the project and to identify mitigation measures to avoid, reduce, or minimize the project's significant impacts. With respect to traffic congestion, Impact TR#5 in Section 3.2 summarizes NEPA-related adverse intersection LOS effects, while detailed tables and figures depicting existing conditions and project effects on intersection LOS are included in Appendix 3.2-A, Transportation Data on Intersections, in Volume 2. 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 how the Authority identified mitigation for LOS impacts.

## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1121-1007

Permanent road closures and relocations associated with the HSR project are fully addressed under Impact TR#4 in Section 3.2. As discussed under that impact, while permanent road closures and relocations would cause shifts in traffic patterns, they would not cause a degradation in operations of the roadway network.

### 1121-1008

Refer to Standard Response FJ-Response-GEN-7: Effects of COVID-19 on HSR Ridership.

The comment asserts that the Draft EIR/EIS assumes a very significant rate of future growth in state population and thus also projected transportation demand. As discussed in Section 1.2.4, Statewide and Regional Need for the High-Speed Rail System in the San Francisco to San Jose Project Section, the need for the HSR system is based on a combination of future travel demand, existing capacity constraints, unreliability of travel, limited modal connections, deterioration of air quality, and legislative mandates to reduce GHG emissions to moderate the effects of transportation on climate change. The contribution of population growth to increased travel demand is just one of many factors driving the need for the HSR system in California.

California's population is still growing, as evidenced by the 2020 Census data, which indicates that California's population grew 6.1 percent between 2010 and 2020, with faster rates of growth in San Francisco, San Mateo, and Santa Clara Counties (U.S. Census Bureau 2020). Unless new transportation solutions are identified, traffic conditions will only become more congested and delays will continue to increase, even if future population growth occurs at a faster or slower rate than anticipated in a specific forecast, or if levels of ridership growth are attained at a year sooner or later than currently projected. Growth projections are always snapshots, reflecting the historical data available, and the analysis of trends, growth capacities, and growth constraints apparent at the times the projections are prepared. Forecasts are subject to subsequent revision and re-evaluation as actual growth takes place under changing circumstances. More important than the specific rate of population growth is the recognition and examination of how the HSR system and its project sections would operate in the context of anticipated growth. Please refer to Section 1.2.1, Purpose of the High-Speed Rail System; Section 1.2.2, Purpose of the San Francisco to San Jose Project Section; and Section 1.2.4 for additional information about this topic. The comment further asserts that the growth forecasts do not take effects of the COVID-19 pandemic into consideration. Please refer to Standard Response FJ-Response-GEN-7: Effects of COVID-19 on HSR Ridership, which addresses this topic.

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

## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1121-1009

Please refer to the response to submission FJ-1121, comment 1007, which addresses the commenter's concerns about traffic congestion.

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 and vibration analysis results which were based on an evaluation of impacts to all noise- and vibration-sensitive receptors affected by either project alternative. Section 3.4.7, Mitigation Measures, discusses the various noise mitigation measures for the project and explains the Authority's noise mitigation guidelines, which consider multiple factors to determine the reasonableness and feasibility of noise barriers and were applied consistently to all cities and communities along the Caltrain corridor. 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 and vibration assessment methodology, criteria, impacts, levels, and locations before mitigation can be found in Volume 2, Appendix 3.4-A, Noise and Vibration Technical Report.

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.

### 1121-1010

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

Section 1.1.4, San Francisco to San Jose Project Section, of the Draft EIR/EIS explains that the analysis in the Draft EIR/EIS is focused on evaluating the approximately 49 miles of the Caltrain corridor between the interim 4th and King Street Station in San Francisco and West Alma Avenue in San Jose. Section 1.1.4 also explains that this analysis overlaps with the northern portion of the San Jose to Merced Project Section between Scott Boulevard in Santa Clara and West Alma Avenue in San Jose. The San Jose to Merced Project Section is also identified as one of the Tier 2 EIR/EISs in Section 1.1.3.5, Project-Level Environmental Reviews, of the Draft EIR/EIS.

Both NEPA and CEQA encourage tiering of environmental documents. The Authority has used a tiered environmental review process to support tiered decisions for the HSR system. Tiering of environmental documents means addressing a broad program in "Tier 1" environmental documents, then analyzing the details of individual projects within the larger program in subsequent project-specific or "Tier 2" environmental documents. The Authority and the FRA prepared two Tier 1 documents for the statewide HSR system. Importantly, the Authority and the FRA focused their second Program EIR/EIS on the HSR connection between the Bay Area and the Central Valley, comparing 21 network alternatives for the HSR system in that geographic area. Program or first-tier EIR/EISs are deliberately focused on the "big picture" impacts of proposed actions and the broad policy choices related to such actions. To avoid repetition and to help focus the document on issues ripe for decision, a lead agency may tier its environmental documents so that later project-level or second-tier EIR/EISs incorporate and build upon the analysis and decisions made at the program level. A first-tier EIR/EIS may therefore be limited to the analytical information necessary for an informed decision on the broad policy issues presented, with detailed analysis of potential impacts of a more specific decision to follow when a second-tier EIR/EIS is prepared. In a project-level EIR/EIS that follows a program EIR/EIS (or, put another way, a second-tier EIR following a first-tier EIR/EIS), tiering has the effect of focusing the analysis on a narrower geographic area and the more specifically defined project. Tiering is also useful for the HSR system because it would be impractical to evaluate the entire 800-mile HSR system at a project-specific level in a single EIR/EIS.

## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1121-1010

The 800-mile statewide HSR system was divided into eight project sections after the Authority and FRA selected alignment corridors and station locations for most of the statewide HSR system after the program-level EIR/EIS was completed (Leavitt 2009). Each project section contains logical termini, which permits each project section to be evaluated independently under both federal and state law and not “piecemealed,” as the commenter incorrectly asserts. As explained in Section 2.2, Independent Utility, of the Draft EIR/EIS, the San Francisco to San Jose Project Section connects logical termini and would have independent utility if other project sections are not built.

The San Francisco to San Jose Project Section EIR/EIS properly tiers by: being consistent with the broad policy decisions previously reached about the system; explaining the relationship between the first tier and the second tier (program EIR/EISs and project-level EIR/EISs); utilizing the program EIR/EISs for background information and to inform the second-tier analysis; making the program EIR/EISs available to the public; and focusing on and analyzing the impacts of implementing a specifically defined HSR project between San Francisco and San Jose.

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

### 1121-1011

The Authority respectfully disagrees that the “project” is the entire statewide HSR system, rather than the San Francisco to San Jose Project Section. NEPA and CEQA provide a lead agency with discretion to define the project it proposes to pursue and the timing of environmental review. Tiering is an important tool to streamline environmental review and avoid repetition. Accordingly, under CEQA, “[e]nvironmental impact reports shall be tiered whenever feasible, as determined by the lead agency”(Public Resources Code, section 21093(b).). Further, the Legislature has declared that “tiering is appropriate when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review” (Public Resources Code, section 21093(a).). Similarly, the CEQ’s NEPA regulations encourage tiering “to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review” (40 CFR 1502.20.).

As described in Draft EIR/EIS Section 1.1.2, the Decision to Develop a Statewide High-Speed Rail System, the Authority has exercised its discretion to make initial decisions for the statewide system as a whole, including: whether to pursue high-speed rail, or expand freeways, airports, and conventional rail, or do nothing; train technology; preferred corridors and station locations to advance for Tier 2 study; and mitigation strategies to be utilized in Tier 2 study. The Authority also had discretion to adopt the reasonable approach of dividing the 800-mile statewide HSR system into smaller geographic areas between logical termini for more detailed Tier 2 study. Please also refer to the response to submission FJ-1121, comment 1010. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1121-1012

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

The comment suggests the 2005 Statewide High-Speed Train Final Program EIR/EIS "left out" the connection between the Central Valley and the Bay Area. The comment is not accurate. Chapter 2 of the 2005 Program EIR/EIS provides an explanation of the background of alternatives screening at the program level, including consideration of connections between the Bay Area and Merced over the Pacheco Pass and the Altamont Pass, and identifies the controversy over the fact that the Altamont Pass corridor was eliminated from study in that document during alternatives screening (Final Program EIR/EIS, Volume 1, Section S.4.4). The 2005 Final Program EIR/EIS evaluated a Pacheco Pass corridor as part of the Statewide System (Final Program EIR/EIS, Volume 1, Figure 2.6-22). However, as the comment acknowledges, the Authority and FRA decided in 2005 to prepare a second Program EIR/EIS to further evaluate the connection between the Bay Area and the Central Valley (Authority Resolution No. 05-01, 11/2/2005; FRA Record of Decision, 11/18/2005). The second Program EIR/EIS evaluated what that document described as "network alternatives" that utilized the Altamont Pass (11 alternatives), the Pacheco Pass (6 alternatives), and a combination of both passes (4 alternatives) (2008 Final Program EIR/EIS, 2012 Partially Revised Final Program EIR). The second Program EIR/EIS document compared the various network alternatives across the array of environmental topics at a programmatic level and provided adequate disclosure of the environmental consequences of the alternatives to support the Authority's decision to advance the Pacheco Pass network alternative serving San Francisco via San Jose.

Neither NEPA nor CEQA require the full statewide system nor the Bay Area to Central Valley portion to be the defined project or alternative and analyzed at the Tier 2 level in a single EIR/EIS, as this has cumulatively been addressed through the Tier 1 EIR/EISs. The San Francisco to San Jose Project Section is appropriately defined as the proposed project and appropriately tiers from the Authority's prior decisions. 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) 47Cal.3d 376, 404) of a reasonable range of alternatives, but does not duplicate the analysis provided in previous Tier 1 documents. In other words, the

### 1121-1012

Authority relies on the high-level geographic routing decisions made in the Tier 1 process and does not need to revisit those prior decisions in the Tier 2 environmental review process. Based on the Tier 1 process, the corridors advanced for Tier 2 study were the existing Caltrain corridor between San Francisco and San Jose and the Pacheco Pass corridor between the Bay Area and the Central Valley. Accordingly, for the San Francisco to San Jose Project Section and the San Jose to Merced Project Section, the Authority operated within its discretion to focus its range of alternatives to those alternatives within these corridors, and to not revisit the Altamont Pass alternatives it previously rejected.

Finally, as explained in Section 2.2, Independent Utility, of the Draft EIR/EIS, the Authority has elected to divide the statewide HSR system into smaller segments for environmental review, each with independent utility, including the San Francisco to San Jose Project Section (Leavitt 2009). There is no piecemealing problem where, as is the case for the San Francisco to San Jose Project Section, the project can be implemented independently (Banning Ranch Conservancy v. City of Newport Beach (2012) 211 Cal.App.4th 1209). Please also refer to the response to submission FJ-1121, comment 1010.

### 1121-1013

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

The Authority respectfully disagrees with the comment's statement that the entire statewide system is the project, and that the EIR/EIS is legally inadequate. Please refer to the responses to submission FJ-1121, comments 1010, 1011, and 1012.

## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1121-1014

The Authority respectfully disagrees that CEQA and NEPA require evaluation of an alternative over the Altamont Pass in this Tier 2 EIR/EIS. Please refer to the response to submission FJ-1121, comment 1012. The 2008 Final Program EIR/EIS (Authority and FRA 2008) and the 2012 Partially Revised Final Program EIR (Authority 2012) provided an Altamont Pass versus Pacheco Pass comparison. The Authority exercised its discretion (as did FRA), to select the Pacheco Pass network alternative serving San Francisco via San Jose to advance for Tier 2 study. In its 2012 decision, the Authority emphasized that the decision involved a series of tradeoffs and balancing considerations, and that each of the 21 network alternatives studied represented different types and degrees of environmental impacts. Notably, “[t]he basic choice of how to connect the Bay Area to the Central Valley (Pacheco, Altamont, or Pacheco with Altamont) involves creation of environmental impacts in different locations, rather than avoiding impacts altogether.” (Authority Resolution 12-17, Exhibit A: Bay Area to Central Valley High-Speed Train, CEQA Findings of Fact and Statement of Overriding Considerations, section 8.2.6 April 2012). The selection of which alternative to advance for Tier 2 study thus involved weighing different types and amounts of impacts and benefits in different locations, along with the ability to meet the purpose and need. Having undertaken that balancing and selected the Pacheco Pass network alternative serving San Francisco via San Jose, the Authority had discretion to focus the San Francisco to San Jose Project EIR/EIS on alternatives consistent with the Tier 1 decision. The comment did not result in any revisions to the Draft EIR/EIS.

### 1121-1015

The comment suggests the Authority must evaluate Pacheco Pass alignments with Altamont Pass alignments at the Tier 2 level to comply with CEQA and NEPA. The Authority disagrees. As described in prior responses to submission FJ-1121, comments 1010 through 1014, the Authority has discretion to focus its Tier 2 EIR/EISs on the corridors selected at the conclusion of the Tier 1 EIR/EIS processes, and the Bay Area to Central Valley Final Program EIR/EIS and Partially Revised Final Program EIR provided a comparison of Altamont Pass and Pacheco Pass. Please refer to Section 1.1.2, The Decision to Develop the Statewide High-Speed Rail System, and Section 2.2, Independent Utility, of the Draft EIR/EIS. As explained in those sections, the Authority's Tier 1 decisions established the broad framework for the HSR system that serves as the foundation for the Tier 2 environmental review of individual projects. In other words, the Authority has appropriately relied on the programmatic routing decisions made in the Tier 1 process, and the comment has not identified facts that undermine the prior decision or require the Authority to revisit those prior decisions in the Tier 2 environmental review process. Based on the Tier 1 process, the corridors advanced for Tier 2 study were the existing Caltrain corridor between San Francisco and San Jose and the Pacheco Pass corridor between the Bay Area and the Central Valley. Accordingly, for both the San Francisco to San Jose Project Section and the San Jose to Merced Project Section, the Authority exercised its discretion to focus its range of alternatives to those alternatives within these corridors, to the exclusion of any Altamont Pass alternatives. 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 the analysis provided in previous Tier 1 documents.

## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1121-1016

Please refer to the response to submission FJ-1121, comments 1010 to 1015. Both NEPA and CEQA encourage tiering of environmental documents. Public Resources Code Section 21093 identifies the purpose of tiering as allowing a lead agency to focus on the issues ripe for decision at each level of environmental review, which in this instance involved selection of which corridors to advance for Tier 2 study (Town of Atherton v. California High-Speed Rail Authority (2014) 228 Cal.App.4th 314, 344). Here, the Tier 1 analysis was sufficiently detailed to support the decision to select the Pacheco Pass network alternative serving San Francisco via San Jose. The fact that Tier 2 study in the San Francisco to San Jose and San Jose to Merced Project Sections have yielded more detail is consistent with the tiering and does not, in and of itself, require the Authority to revisit alternatives studied at the Tier 1 level, but not selected. The comment did not result in any revisions to the Draft EIR/EIS.

### 1121-1017

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

The comment requests evaluation of the costs of an Altamont Pass alignment relative to the Pacheco Pass alignment based on an assertion that an Altamont Pass route may cost less than the Pacheco Pass alignment in light of potential costs for the tunnels through the Pacheco Pass and a second assertion that the mitigation costs for the San Francisco to San Jose Project Section would be “huge”. The comment quotes from a 2018 opinion piece from the Manteca Bulletin that in addition to expressing concern about tunnelling costs, supports an Altamont Pass alignment that would modify ACE rail plans with a “straightened out” route over the Altamont Pass to San Jose, perhaps with connection to a BART extension into Livermore, among other features.

Under NEPA and CEQA, when a programmatic document (Tier 1) has already analyzed corridor alternatives and a lead agency has made informed decisions about them, it can proceed to prepare project-level documents (Tier 2) that focus only within the selected corridor. The Authority considered the ridership and revenue potential, capital and operating costs, travel times and travel conditions, constructability and logistical constraints, environmental impacts, and public input in determining that the Pacheco Pass network alternative with stations in San Jose and San Francisco was preferred over other alternatives, including those with an Altamont Pass corridor. There is no requirement to revisit such corridor decisions unless there are changed conditions that substantially alter the fundamental basis of the corridor decisions made previously.

The Tier 1 decisions established the broad framework for the HSR system that serves as the foundation for the Tier 2 environmental review of individual projects. In other words, the Authority relies on the high-level geographic routing decisions made in the Tier 1 process and does not need to revisit those prior decisions when it advances to the Tier 2 environmental review process. Based on the Tier 1 process, the corridor advanced for Tier 2 study between the Bay Area and the Central Valley was the Pacheco Pass corridor. Accordingly, the Authority operated within its discretion to focus its range of alternatives to those alternatives within the Pacheco Pass corridor, to the exclusion of any Altamont Pass alternatives. Refer to the San Jose to Merced Project Section EIR/EIS for additional information about alternatives evaluation and selection



## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1121-1017

between the Bay Area and Central Valley.

When making assertions about potential benefits of an Altamont Pass corridor over a Pacheco Pass corridor, this comment does not provide any potential new information in regards to environmental impacts of a Pacheco Pass corridor or an Altamont Pass corridor that warrants reconsideration of the Tier 1 decisions.

The comment asserts there are “huge” mitigation costs associated with the San Francisco to San Jose project section. The comment letter references potential mitigation for noise and vibration and related to traffic in other comments, but does not reference any other mitigations. The Draft EIR/EIS included mitigation for noise and vibration, including potential noise barriers and other measures (see Section 3.4, Noise and Vibration). The Final EIR/EIS includes potential site-specific traffic mitigation measures. The actually proposed noise, vibration, and traffic mitigation measures are only a small portion of the overall project cost, and constitute routinely expected mitigations for a project of this size and character. Consequently, the identification of mitigation in the Tier 2 document is not new or unanticipated information or indication of any changed circumstances that would warrant revisiting the Tier 1 corridor decision. A further note that if Altamont Pass corridor alternatives were advanced into a Tier 2 evaluation, then that Tier 2 document would certainly have also identified such mitigations for impacts of those such alternatives as well. Any Altamont Pass alternative reaching San Jose and San Francisco would have to be routed through many existing urban areas which would increase environmental impacts in such areas and the need for mitigation like the alternatives analyzed in the San Francisco to San Jose Project Section and San Jose to Merced Project Sections EIR/EISs

In the Tier 1 Program EIR/EIS for the Bay Area to Central Valley segment (both the 2012 and 2010 documents), it was concluded that capital and operating costs are not substantially different between the Pacheco Pass and Altamont Pass alternatives that meet the purpose and need of the proposed HST system and serve similar termini stations.

Regarding the assertion that there are substantial costs for tunnelling through the Pacheco Pass and that potentially warrants revisiting the Tier 1 decision about the

### 1121-1017

Altamont Pass vs. Pacheco Pass corridors, tunnelling is a costly construction method. However, as noted above, cost is only one factor among many considered in the Tier 1 corridor decision, Tier 2 evaluation of any Altamont Pass alternatives would likely have identified additional costs with tunnelling included in those alternatives as well, and the mere identification of additional tunnelling costs for Pacheco Pass does not make the Pacheco Pass alignment infeasible. As explained in Chapter 6, Project Costs and Operations, in the Draft EIR/EIS for the San Francisco to San Project Section, Alternative A (the Preferred Alternative) has an estimated cost of \$4.3 billion (\$2018). There is an overlap between the San Francisco to San Jose Project Section and the San Jose to Merced Project Section between Scott Boulevard and West Alma Street with an estimate cost for Alternative A of \$1.1 million (\$2018). As explained in Chapter 6 in the Draft EIR/EIS for the San Jose to Merced Project Section, Alternative 4 (the Preferred Alternative) has an estimated cost of \$16.5 billion (\$2018) from Scott Boulevard in Santa Clara to the Central Valley Wye. As explained in Chapter 6 in the EIR/EIS for the Central Valley Wye, the selected alternative would have an estimate cost of \$3.6 billion (\$2015). Excluding the overlap, and adjusting to common 2018 dollars, the total cost from San Francisco through the Central Valley Wye for the Preferred Alternative would be \$23.5 billion (\$2018).

In the 2010 Tier 1 environmental document for the Bay Area to the Central Valley (Revised Final Program EIR/EIS), the cost estimate (\$2006) for Altamont Pass Alternatives reaching San Jose and San Francisco ranged from \$12.6 to \$15.1 billion and the equivalent Pacheco Pass alternatives ranged from \$12.5 to \$17.1 billion. Inflating to 2018 dollars using the California Construction Cost Index, the range of costs for the Altamont Pass Alternatives would be \$18.0 to \$21.5 billion and the range of costs for the Pacheco Pass Alternatives would be \$17.9 to \$24.4 billion (\$2018).

In order to compare these estimates to the current estimates, one must remove the costs of the Merced Station and the extension from Merced to the Central Valley Wye since the Central Valley Wye costs above do not include the extension to Merced. Excluding those cost estimates from the Tier 1 estimates, and inflating to 2018 dollars, the equivalent costs for the Altamont Pass Alternatives would be \$17.6 to \$21.0 billion and for the Pacheco Pass Alternatives would be \$17.3 to \$23.9 billion (\$2018).

## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1121-1017

As can be seen, the range of Tier 1 estimates for Altamont Pass Alternatives and the Pacheco Pass alternatives were roughly similar. When comparing the Tier 2 estimate for the Preferred/Selected alternatives in the Bay Area to Central Valley segments to the Tier 1 estimates, the Tier 2 estimate is approximately \$400 million less than the high range of the Tier 1 estimate for Pacheco Pass alternatives and approximately \$2.5 billion higher than the high range for the Tier 1 estimate for the Altamont alternatives. As noted above, it is likely that a Tier 2 estimate for Altamont Pass alternatives would be higher than the older Tier 1 estimates given that further engineering development tends to reveal additional costs as further details are understood for projects as complex as the HSR project. This is particularly likely for the tunnelling elements of Altamont Pass alternatives relevant to tunnels through the inner coast range between the inner Bay Area and the Tri Valley and through the Altamont Hills for any Altamont Pass alternative. Such tunnels would be required in order to provide service times required for the high-speed rail service per Prop 1A; without such tunnels train service would be much slower over both of these ranges.

Because the current Tier 2 estimate for the preferred/selected alternatives is within the range of the Tier 1 estimate for the Pacheco Pass alternatives, this information does not require a reevaluation of the Tier 1 decision about corridors. Furthermore, the difference noted above between the Tier 2 estimate for the preferred/selected alternatives and the Tier 1 estimate for the Altamont Pass alternatives is only approximately 12% and the likely costs for Altamont Pass alternatives, particularly as it relates to the tunnel elements, would be higher than in the Tier 1 estimates which would likely close the gap between the preferred/selected alternative and Pacheco Pass Alternatives. Consequently, the updated project costs are not a substantial change constituting new information that would warrant revisiting Tier 1 alternatives, including Altamont Pass alternatives, that have been previously dismissed.

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

### 1121-1018

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process.

The comment requests evaluation of the costs of an Altamont Pass alignment relative to the Pacheco Pass alignment. The Tier 1 decisions established the broad framework for the HSR system that serves as the foundation for the Tier 2 environmental review of individual projects. In other words, the Authority relies on the high-level geographic routing decisions made in the Tier 1 process and does not need to revisit those prior decisions when it advances to the Tier 2 environmental review process. Based on the Tier 1 process, the corridor advanced for Tier 2 study between the Bay Area and the Central Valley was the Pacheco Pass corridor.

Please refer to the response to submission FJ-1121, comment 1017 for further information regarding assertions about the increased costs of the current project compared to the Altamont Pass alternatives.

### 1121-1019

Refer to Standard Response FJ-Response-OUT-1: Public Involvement Process.

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

### 1121-1020

Please refer to the response to submission FJ-1121, comments 1006 and 1007, which address the traffic concerns raised in this letter. Consistent with the requirements under CEQA and NEPA, the Draft EIR/EIS analyzed potential impacts and identified applicable mitigation measures to reduce, minimize, or avoid any significant impacts. The comment did not result in any revisions to the Draft EIR/EIS, and reconfiguration of the project alternatives is not warranted.

## Response to Submission 1121 (Gary Patton, Community Coalition on High-Speed Rail, September 9, 2020) - Continued

### 1121-1021

Please refer to the responses to submission FJ-1121, comments 1010 and 1012. The Draft EIR/EIS is compliant with both NEPA and CEQA. Please also see the response to submission FJ-1121, comments 1015 through 1018 for a discussion of why the San Francisco to San Jose Project Section Draft EIR/EIS appropriately focuses its analysis of alternatives in the existing Caltrain corridor between San Francisco and San Jose. Impacts associated with the San Jose to Merced Project Section are detailed in the San Jose to Merced Project Section Final EIR/EIS.

## Submission 1036 (Donald Dennehy, Crown Sheet Metal & Skylights Inc., August 11, 2020)

**San Francisco - San Jose - RECORD #1036 DETAIL**

**Status :** Unread  
**Record Date :** 8/11/2020  
**Interest As :** Business and/or Organization  
**First Name :** Donald  
**Last Name :** Dennehy

**Stakeholder Comments/Issues :**

1036-99 | This is not what the voters passed when they voted for high speed rail. This project needs to be stopped immediately for wasting taxpayer dollars. I am making a formal request as a taxpayer for this project to be stopped immediately, and if nothing else this project is stopped until an audit can be completed by an independent 3rd party auditor and the findings be reported to all California Taxpayers.

## Response to Submission 1036 (Donald Dennehy, Crown Sheet Metal & Skylights Inc., August 11, 2020)

### 1036-99

Refer to Standard Response FJ-Response-GEN-1: General Opposition to the Project and the California High-Speed Rail System.

# Submission 1149 (Barry Shotts, Darling Ingredients Inc., September 9, 2020)

<b>San Francisco - San Jose - RECORD #1149 DETAIL</b>	
Status :	Unread
Record Date :	9/10/2020
Interest As :	Business and/or Organization
First Name :	Barry
Last Name :	Shotts
Attachments :	Draft EIR.EIS Comments from Darling.San Francisco to San Jose.9.9.20.pdf (122 kb)

**BARRY J. SHOTTS**  
 ATTORNEY AT LAW  
 1715 TAINTER STREET  
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 TEL: 415-595-2821

September 9, 2020

**Stakeholder Comments/Issues :**

Dear Mr. Kelly - Please find attached comments on the Draft EIR/EIS for the San Francisco to San Jose HSR Project Section from Darling Ingredients Inc.

Thank you for your time and consideration.

\* Barry Shotts

Barry J. Shotts

Attorney At Law

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1149-1844

1149-1845

Mr. Brian Kelly  
 Chief Executive Officer  
 California High-Speed Rail Authority  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113  
 Attn: Draft San Francisco to San Jose Project Section

VIA EMAIL [[san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)]

Re: Darling Ingredients Inc. — Draft EIR/EIS Comments

Dear Mr. Kelly:

On behalf of Darling Ingredients Inc. (“Darling”), we would like to thank you for the opportunity to review the Draft Environmental Report/Environmental Impact Statement (the “Draft EIR/EIS”) for the San Francisco to San Jose Section of the High-Speed Rail System (the “Project”). Darling is generally supportive of the proposed Project, including the Project’s goal of improving air quality, reducing congestion, and improving inter-city transportation safety and travel time. At the same time, Darling is concerned about the impact the Project could have on freight rail within the Bay Area, and therefore wishes to provide the following comments on the Draft EIR/EIS for your consideration.

**Darling’s San Francisco Facility Operations**

With roots dating back to the late 19<sup>th</sup> Century, Darling is the world’s leading innovative developer and producer of sustainable organic ingredients. Headquartered in Irving, Texas, Darling operates approximately 200 facilities on five continents, with approximately 10,000 employees.

Among its facilities, Darling owns and operates a food processing by-product conversion facility located at Pier 92 (429 Amador Street) in San Francisco, California (the “Darling SF Facility”). These by-products are converted into finished fats and proteins for use as ingredients in the production of food, feed, fuel and fertilizer.

The Darling SF Facility is rail served, which enables Darling to efficiently ship its finished products to its customers. As the Draft EIR/EIS notes, Darling relies upon the “South City Switcher” route operated by Union Pacific Railroad (“UP”), which provides freight rail service to and from industrial shippers located along the eastern waterfront of San Francisco. See Draft

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Submission 1149 (Barry Shotts, Darling Ingredients Inc., September 9, 2020) - Continued

Mr. Brian Kelly  
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1149-1845

EIR/EIS at page 3.2-44. Without rail service, Darling would have to rely entirely upon truck shipments to move its finished products, including via U.S Highway 101. Darling has the ability to ship approximately 150 railcars per month (15,000 tons/month) of finished product, which translates to approximately 1500 truck trips per month.

1149-1846

**The Draft EIR/EIS Fails to Adequately Study or Mitigate the Impacts of the Project on Freight Rail**

Because of its reliance upon freight rail, Darling is concerned about the potential impacts the Project may have upon freight rail service to its San Francisco facility. The Draft EIR/EIS concludes that during Project construction, impacts would be “significant under CEQA for both project alternatives because project construction would substantially disrupt or interfere with freight rail operations,” owing to numerous track closures, disruptions and relocations, resulting in “delays and rescheduling of freight service” which “could result in the temporary diversion of freight to trucks, which would result in additional noise, air quality, GHG emissions compared to transport by rail.” Draft EIR/EIS at page 3.2-93. Disruptions to service are anticipated to last hours, days or even years. Draft EIR/EIS at page 3.2-93.

After construction, the Project would also permanently impact freight rail service given that High Speed Rail (“HSR”), Caltrain passenger rail service and freight rail would all share two tracks between “CP Coast,” a control point north of San Jose, California, and San Francisco under either Project alternative, “with potential freight timing and capacity conflicts.” Draft EIR/EIS at pages 3.2-93, 94. The construction and operation of the Project would therefore significantly impact freight rail service to the Darling SF Facility.

1149-1847

The Draft EIR/EIS opines that this disruption could be mitigated by “longer trainsets,” “additional trains” and service “staggered over several nights,” versus the service which is provided now. Draft EIR/EIS at page 3.2-94. The Draft EIR/EIS therefore concludes that these impacts “would be less than significant under CEQA for both project alternatives because the project would not create a change in freight rail service such that diversions to truck or other freight modes would occur,” resulting in “secondary impacts related to air quality, noise, GHG emissions, or traffic operations.” Id.

As a freight rail shipper, Darling can attest to the fact that these measures will not prevent freight rail shipments from being diverted to truck transport. Longer trains will not work because freight rail operations are already highly constrained, and there is only limited capacity for the staging of rail cars within UP’s railyard facilities and spur facilities operated by shippers, including Darling. Additional trains will not work for the same reasons; and the Project, by further narrowing freight rail windows, will make it nearly impossible to add additional trains. Staggering freight rail service “over several nights” will not work because customers require and demand the timely delivery of products.

1149-1848

In short, Darling relies upon efficient, timely and dependable freight rail service for its operations. And, as the Draft EIR/EIS also notes, “[f]reight service varies in response to freight customer needs and activity.” Draft EIR/EIS at page 3.2-44. The significantly reduced windows for freight rail as a result of the Project will severely impact the ability of freight rail

Mr. Brian Kelly  
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September 9, 2020

1149-1848

to meet variable customer needs, giving Darling no choice but to send products by truck instead of by rail. As noted above, Darling’s inability to utilize freight rail to ship its products to customer would increase area truck trips by approximately 1500 trips per month, with a corresponding increase in vehicle miles travelled (“VMT”), an impact not discussed or studied by the Draft EIR/EIR. Darling suspects that many other shippers within the area would also have to divert freight rail shipments to truck trips as a result of the Project, compounding these (unstudied) impacts.

1149-1849

At the same time, the only mitigation measure proposed to deal with these significant impacts falls far short of what CEQA requires. Mitigation Measure TR-MM#3 would require that, “[p]rior to construction the contractor would prepare a railway disruption control plan for Authority approval.” Draft EIR/EIS at page 3.2-98. The “goal of the plan” —referred to as a “Railway Disruption Control Plan - would be to “minimize the duration of disruption of passenger and freight operations” and to “coordinate” with UP and Caltrain “in advance and during any potential disruption to passenger or freight operations or Caltrain or UPRR facilities.” Id.

No further details are given. There is no indication that UP or any freight rail shippers have been consulted about such a plan (Darling was certainly not consulted). No third-party agency would have any oversight over this plan. No performance standards are provided, and there is no assurance that UP will approve any such plan or that it could be enforced.

As the court noted under similar circumstances in *Gray v. County of Madera*, 167 Ca. App. 4<sup>th</sup> 1099, 1119 (Cal. Ct. App. 2008), the HSR Authority “has not committed itself to a specific performance standard” but rather has “committed itself to a specific mitigation goal.” It has also left itself, and not another agency with enforceable oversight, as the only agency to carry out the railway disruption plan. TR-MM#3 is therefore inadequate as a measure to mitigate impacts to freight rail operations under CEQA, because it impermissibly defers any detailed mitigation standards to some future date, to be decided upon by the Project applicant itself. CEQA requires more.

1149-1850

**Summary**

In sum, while Darling supports the Project’s goals of improving air quality, reducing congestion, and improving inter-city transportation safety and travel time, Darling is concerned about the impacts the Project will have upon freight rail and the lack of any concrete, enforceable mitigation of those impacts. The Draft EIR/EIS must therefore be revised to include clear, enforceable mitigation measures to reduce the impacts of the Project to freight rail to a level of insignificance, after close coordination with UP, freight rail shippers and other stakeholders.

## Submission 1149 (Barry Shotts, Darling Ingredients Inc., September 9, 2020) - Continued

Mr. Brian Kelly  
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September 9, 2020

We appreciate your time and consideration of the points raised in this letter.

Very truly yours,



Barry J. Shotts

cc: John Sterling, Esq.  
Bill McMurtry

## Response to Submission 1149 (Barry Shotts, Darling Ingredients Inc., September 9, 2020)

### 1149-1844

The comment is introductory material describing the commenter's general support for the project and an overview of concerns described later in subsequent more detailed comments. No comments regarding the adequacy of the analysis in the Draft EIR/EIS are provided in this comment and no further response or revision is required.

### 1149-1845

The comment describes Darling's San Francisco facility and its reliance on rail freight service. No comments regarding the adequacy of the analysis in the Draft EIR/EIS are provided in this comment and no further response or revision is required.

### 1149-1846

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As discussed in the standard response and as shown in revisions in the Final EIR/EIS Section 3.2, Transportation, the analysis of construction disruption has been updated to provide more specific durations for construction access constraints and freight facility impacts during construction. Refer to Tables 3.2-24 through 3.2-27, in the Final EIR/EIS Section 3.2, which identify and quantify the specific locations and durations of construction disruption to freight operations and facilities. As shown therein, the disruption are limited in both geography and time. The reference to "2 years" in regards to passing track construction is not a reference to two years of blocked freight access, but rather that at times there would be single-tracking in the passing track segment over 2 years. Additionally, as discussed in the standard response, Mitigation Measure TR-MM#3 has been expanded to require additional coordination between the Authority and freight operators and shippers and other measures to minimize disruption during construction including advance notifications months in advance of any temporary track access constraints. With mitigation, disruptions would be limited in duration and extent, and freight operators and shippers will be able to plan long ahead to optimize operations, which will minimize actual disruption to freight service and will avoid a substantial diversion of freight from rail to truck modes, thus resulting in a less-than-significant impact under CEQA.

Regarding operations, based on the analysis in the EIR/EIS (as updated through additional analysis in the Final EIR/EIS), the project would not result in substantial diversion of freight from rail to truck modes, and thus would not result in significant secondary impacts. As discussed in the standard response, daytime operations between South San Francisco and San Francisco during off-peak hours should be maintainable as should evening/nighttime freight service even though early evening access may be somewhat more constrained due to increased passenger service. There would be adequate track capacity for current and forecasted freight service along the Caltrain Corridor, including to the Darling SF Facility.

## Response to Submission 1149 (Barry Shotts, Darling Ingredients Inc., September 9, 2020) - Continued

### 1149-1847

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in the standard response and in the revisions to the Final EIR/EIS Section 3.2, Transportation, with the HSR blended operations, adequate track capacity would remain to accommodate routine existing and forecasted average freight operations both during the daily operational window (that provides service from South San Francisco to San Francisco) and during the evening/nightly operational window. Contingency procedures that might include additional trains, longer trains, or switching are not expected to be required on any routine basis, but might be employed infrequently if freight operations spike beyond the forecasted average levels on a temporary basis. Freight service levels periodically fluctuate, and on occasion increase beyond the average service conditions. While daytime access can be accommodated, it likely cannot be expanded, but there will remain the more extensive evening/night window of access after the evening peak hour period for additional trains. As noted in the standard response, the average length of trains on the corridor is much less than the maximum length of trains used in the common services, which indicates that the system can and does handle longer trains on occasion. Based on existing dispatch data, freight services can and do stagger trains over several days on occasion (but not frequently), so this has been and can be accommodated by existing facilities and operating and crew procedures. As such, since these contingency procedures are only expected to be necessary in limited conditions, their effect on freight operations, reliability, and cost is also expected to be limited overall.

### 1149-1848

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. Accordingly, significant secondary effects on VMT are not expected.

### 1149-1849

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment asserts that Mitigation Measure TR-MM#3 falls short of what CEQA requires because it lacks details, freight shippers and operators have not been consulted, there is no third-party oversight or enforcement, and there are no performance standards.

As explained in the standard response, the Authority modified Mitigation Measure TR-MM#3 in the Final EIR/EIS to incorporate additional consultation requirements for coordination between the Authority and freight operators and shippers. These provisions include the establishment of a freight stakeholder committee with quarterly coordination meetings throughout the construction duration; consultation with Caltrain, UPRR, and freight operators and shippers during preparation of the construction disruption plan, including provision of a draft plan for review and comment prior to finalization; and notification of planned closures at least 3 months in advance. Revisions were also made to TR-MM#3 to incorporate other measures to minimize disruption during construction, including limiting the number of simultaneous track closures within each subsection, limiting closure of tracks to periods when train service is less frequent, and providing safety measures for freight and passenger rail operations through construction zones. These additions to TR-MM#3 provide further detail of the purposes of the railway disruption control plan. This approach is the same approach that was used for the PCEP to address potential disruption during construction. As revised, TR-MM#3 provides sufficient detail as to the controls and outcomes.

Regarding consultation during preparation of the EIR/EIS, freight shippers and operators have had the opportunity to review and comment on the NOI/NOP and the Draft EIR/EIS, and some freight representatives have participated in periodic community working group meetings where they have provided description of concerns regarding the freight analysis and conclusions and the concerns of freight shippers and operators. The Authority has considered that input throughout preparation of the Final EIR/EIS and has made specific revisions to the analysis and the mitigation concerning freight in the Final EIR/EIS in response to those concerns.

Regarding oversight or enforcement of TR-MM#3 by a third party, the comment does not identify what entity that would be or could be. For public agency projects, like the HSR project, it is standard and routine for the public lead agency to provide oversight and enforcement of mitigation measures adopted under CEQA and NEPA. Furthermore, it is

## Response to Submission 1149 (Barry Shotts, Darling Ingredients Inc., September 9, 2020) - Continued

### **1149-1849**

required under CEQA that public lead agencies implement the adopted mitigation through the Mitigation Monitoring and Reporting Plan. This is a legal obligation. The Authority is the legally-mandated public state agency who has the responsibility to implement the HSR project, which also includes implementing the mitigation fairly, objectively, and fully. The commenter is speculating that the Authority will not do so, which is without merit, and without the support of any cited substantial evidence. The Authority will enforce compliance with mitigation measures, including TR-MM#3, during construction through binding contracts with design-build contractors and will provide oversight of that implementation throughout construction as it has done for the sections of the HSR system constructed to date.

The performance standard of 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.

### **1149-1850**

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

This comment is a summary of prior comments provided and responded to above.

# Submission 1111 (Steven Vettel, Farella Braun + Martel LLP, on behalf of Calvano Development, September 9, 2020)

<b>San Francisco - San Jose - RECORD #1111 DETAIL</b>	
Status :	Unread
Record Date :	9/9/2020
Interest As :	Business and/or Organization
First Name :	Steven
Last Name :	Vettel
Attachments :	2020-09-08 Calvano comments on SF to San Jose Draft EIR_EIS.PDF (129 kb)

**Stakeholder Comments/Issues :**

Attached please find Calvano Development's comment letter on the San Francisco to San Jose Draft EIR/EIS.

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 He/Him/His  
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September 8, 2020

*Via E-Mail [san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)*

California High Speed Rail Authority  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113

Re: San Francisco to San Jose Project Section  
Comments on Draft EIR/EIS

To the California High Speed Rail Authority:

The following comments on the San Francisco to San Jose Project Section Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") are submitted on behalf of Calvano Development. Calvano Development is the beneficial owner of several parcels of land situated near the northeast corner of El Camino Real and Millbrae Avenue near the Millbrae Station and within the Transit Oriented Development ("TOD") zone of the City of Millbrae's 2016 Millbrae Station Area Specific Plan ("MSASP") area.

1111-319

These comments are submitted in the context of the analysis of land use impacts associated with construction of the HSR Millbrae Station. As described on pages 2-82 to 2-85 and 3.13-56 to 3.13-58 of the Draft EIR/EIS, HSR proposes to acquire by eminent domain and permanently convert 7.8 acres of land to the west of the existing Millbrae Caltrain/BART Station, including Calvano's property, to construct an entrance hall for HSR and four large surface parking lots. This element of the project would be in direct conflict with the approved MSASP and would foreclose construction of the already approved Millbrae Serra Station residential/commercial project or any other transit-oriented development between the existing tracks and El Camino Real to the west, including on the Calvano property.

1111-320

The Draft EIR/EIS states on page 3.13-56 that this proposal for the Millbrae Station would be in conflict with the MSASP and that the land use impacts of this conflict would be a significant and unavoidable impact. Yet, the Draft EIR/EIS offers no mitigation measures or project alternatives to reduce or avoid this impact, in violation of CEQA.

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# Submission 1111 (Steven Vettel, Farella Braun + Martel LLP, on behalf of Calvano Development, September 9, 2020) - Continued

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1111-321

**The Draft EIR/EIR fails to identify any potential measures to mitigate the Project's significant land use impact.**

Section 15126.4 of the CEQA Guidelines requires an EIR to describe feasible measures to minimize significant adverse impacts. The Draft EIR/EIS fails to identify any measures to lessen the project's significant land use impact associated with the Millbrae Station entrance hall and surface parking.

1111-322

Figure 3.13-13 and accompanying text of the Draft EIR/EIS acknowledge that future vertical development above the HSR proposed surface parking lots and surrounding the proposed entrance hall consistent with the MSASP is possible, but only as a future scenario after all land to the west of the station is taken by HSR and the entrance hall and surface parking lots are constructed. We submit that joint development by the HSR and area property owners of the entrance hall facilities, structured parking, and commercial and residential TOD development consistent with the MSASP (occurring during development of the Station expansion and parking, not after) must be evaluated as a feasible mitigation measure to lessen the project's significant land use impact.

1111-323

**The Draft EIR/EIS fails to analyze a range of reasonable alternatives to the proposed Millbrae Station configuration.**

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project which would avoid or substantially lessen any of the significant effects of the project. Yet, the Alternatives Chapter of the Draft EIR/EIS fails to identify any alternatives that would lessen the significant land use impact of the project's Millbrae Station plan, focusing instead on program level alternatives that were already considered in prior CEQA documents. The only differences between the Draft EIR/EIS Alternative A and Alternative B are different locations for the Light Maintenance Facility in Brisbane, passing tracks between San Mateo and Redwood City, and various approaches to San Jose Diridon Station. In the context of Millbrae Station, there is no difference between Alternative A and Alternative B (both propose taking all land west of the station for the station expansion and permanent surface parking lots), such that the Draft EIR/EIS does not provide a range of Millbrae Station alternatives for HSR and other decision makers to consider to avoid the project's significant land use impacts.

1111-324

Because no Millbrae Station and parking configuration alternatives are identified, there is no analysis of whether such an alternative would reduce the significant land use impacts of the project, in violation of CEQA. We request that the Draft EIR/EIS be revised to include one or more alternatives that would avoid conflicts with the MSASP, allow approved and contemplated TOD development (including structured parking) in the area west of the station to proceed in conjunction with the entrance hall construction, and eliminate the acres of surface parking proposed by the project.

Very truly yours,

Steven L. Vettel

cc: Mark Calvano, Calvano Development  
3545713619830.1

## Response to Submission 1111 (Steven Vettel, Farella Braun + Martel LLP, on behalf of Calvano Development, September 9, 2020)

### 1111-319

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment asserts that the project would be in direct conflict with the MSASP. The 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 planned Millbrae Serra Station Development project). The Draft EIR/EIS discloses both consistencies and inconsistencies with the MSASP.

The comment also asserts that the project would foreclose the construction of the Millbrae Serra Station Development project or any other TOD between the existing tracks and El Camino Real.

The impacts on the Millbrae Serra Station Development project are disclosed in Impact LU#4 in Section 3.13, Station Planning, Land Use, and Development of the EIR/EIS. However, as explained under Impact LU#4, the project would not preclude future TOD west of the tracks (i.e., between El Camino Real and the tracks).

In response to comments on the Draft EIR/EIS, the Authority developed a design variant—the RSP Design Variant—for the Millbrae Station that would reduce the degree of conflicts with both existing and planned development (i.e., development under the MSASP, whose plan area includes parcels owned by the commenter). 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.

### 1111-320

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The commenter raises concerns about the project's conflicts with the Millbrae Station Area Specific Plan and the proposed Millbrae Serra Station Development project and the lack of mitigation to address these impacts in the Draft EIR/EIS.

As explained under Impact LU#4 in Draft EIR/EIS Section 3.13, Station Planning, Land Use, and Development, conflicts that would occur between the Millbrae Station design under both project alternatives and the Millbrae Serra Station Development project were found to be significant under CEQA. CEQA requires that a lead agency consider and implement mitigation for significant impacts only where such mitigation would be feasible. NEPA requires that an EIS evaluate a reasonable range of alternatives and include a reasonably complete discussion of possible mitigation measures. As described in Section 2.6.2.4, Alternative A, and Section 2.6.2.5, Alternative B, of the Draft EIR/EIS, the Millbrae Station design under both project alternatives would include two new tracks and platforms to accommodate blended service, a new station entrance hall with ticketing and support services, and surface parking. The Authority based the design and size of the Millbrae Station facilities on anticipated ridership of the statewide HSR system through 2040. The Millbrae Station design under Alternatives A and B includes replacement parking for BART and Caltrain parking spaces that would be displaced by the project. The purpose of replacing displaced BART and Caltrain parking is to avoid negatively affecting transit ridership and revenue by reducing the supply of parking for BART and Caltrain riders. For these reasons, the Authority determined that it would not be feasible to reduce the size of or relocate its Millbrae Station facilities. Accordingly, the Draft EIR/EIS did not identify any feasible mitigation measures or alternatives that could avoid or reduce the project's impacts on existing and planned land uses near Millbrae Station.

However, as further described in Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, in response to comments on the Draft EIR/EIS, the Authority has considered a potentially feasible design variant—the RSP Design Variant—for the Millbrae Station that would eliminate replacement parking and thereby reduce land use conflicts with existing and planned development. This design variant

## Response to Submission 1111 (Steven Vettel, Farella Braun + Martel LLP, on behalf of Calvano Development, September 9, 2020) - Continued

### 1111-320

was evaluated in the Revised/Supplemental Draft EIR/EIS circulated for public review and was subsequently incorporated into this Final EIR/EIS.

### 1111-321

Please refer to the response to submission FJ-1111, comment 320, which addresses this topic.

### 1111-322

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment requests that a joint development between HSR and property owners in Millbrae be evaluated. As shown in Figure 3.13-13 of the Draft EIR/EIS, the Millbrae Station would not preclude the development of TOD at the Millbrae Station, including a joint development. While the Authority is committed to working with the City of Millbrae and developers 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 Authority cannot commit to joint development at this time because funding has not yet been identified for this Project Section. Any future joint development would be required to undergo its own separate environmental review, per CEQA and NEPA, separate from this EIR/EIS.

In addition, please refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, which addresses the feasibility of alternatives proposed by commenters and describes the design variant for the Millbrae Station considered by the Authority to reduce 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.

### 1111-323

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, 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.

### 1111-324

Please refer to the response to submission FJ-1111, comment 323, which addresses this topic.

# Submission 1082 (Tessa Woodmansee, Garden Alameda Village Association, August 19, 2020)

**San Francisco - San Jose - RECORD #1082 DETAIL**

Status : Unread  
Record Date : 9/4/2020  
Interest As : Business and/or Organization  
First Name : Tessa  
Last Name : Woodmansee

**Stakeholder Comments/Issues :**

MS. WOODMANSEE: All right. Thank you so much.

MR. GOLDMAN: -- if you would please --

MS. WOODMANSEE: It worked.

MR. GOLDMAN: -- tell us your name and spell your first and last name. Let us know any affiliation that you have. And then you may begin your comment.

MS. WOODMANSEE: Okay. Great. Thank you so much. Tessa Woodmansee. My affiliation is that I am the founder of the neighborhood association called Garden Alameda Village Association. And let's see, was there any other questions you asked me to say? Okay. That was it. And I'm just --

MR. GOLDMAN: Yeah. If you -- if you would just --

MS. WOODMANSEE: -- I'm really just a citizen. I'm just a citizen and neighbor and --

MR. GOLDMAN: Tessa, would you please just spell your --

MS. WOODMANSEE: Okay. Sure.

MR. GOLDMAN: -- first and last name first and then begin your comment?

MS. WOODMANSEE: Okay. Great. Tessa, T-E-S-S-A, Woodmansee, W-O-O-D-M-A-N-S-E-E. All right.

So I guess you're doing a great job. I guess this is not the time -- I guess I'm on a timer now, three minutes; right? So I better just do it; right?

MR. GOLDMAN: Go ahead.

1082-201

MS. WOODMANSEE: All right. Fine. So, basically, I would like to say that I prefer the viaduct. And in the research that I've done on the project, I would say the viaduct has more -- less impact on our neighborhood. I am located at Stockton Avenue between Villa and Chile. That's where our home is. And we also have our Garden Alameda Neighborhood right there. And, of course, we also have the College Park Neighborhood to the north. And so that's where, you know, I'm representing as a neighbor to say the impacts on our neighborhood with the HSR, from what I understand so far, and I appreciate the verbal comment, that I can do this, is that it would be -- noise and vibration would be very close to our home at the ground level. And then, also, the honking of the horns is a requirement because it's at ground level and the impacts, what they would be.

So to move it east to the viaduct on posts and have it above ground so that it would, you know, be further away, and there isn't much neighborhood, really, right there, where we have a lot of neighborhood to the west of the tracks, which is, like I said, the Garden Alameda and our College Park Neighborhoods. And, of course, Willow Glen issues there but I haven't really looked into that exactly.

So, basically, just saying that the viaduct would provide that type of relief in terms of noise and vibration. So even though it's not preferred because it's more expensive, they said \$2 billion more, I still think -- I guess maybe \$2 billion, I'm not sure, though it is more expensive they said, that it still would be worth it because noise and vibration destroy our quality of life, so I think that's an issue there, so that's my preference there.

I guess I'm getting onto -- do I have my little timer? No. So --

MR. GOLDMAN: You have two minutes left.

MS. WOODMANSEE: I was going to say --

MR. GOLDMAN: I'm sorry. You have one minute left.

MS. WOODMANSEE: All right. Okay.

MR. GOLDMAN: Sorry.

MS. WOODMANSEE: So, where am I? So, basically, noise, and the issue with noise is a big issue, so that's what we want to mitigate as much as we can. And from what I understand, there is more noise that would come from -- even if we go for the track, how do we mitigate the noise? And that's what we're asking, is to mitigate the noise, to stop the honking. You know, that would be a great thing. We've had other problems in our neighborhood with the regular train, the freight train, and they've been able to stop the honking. That would be a request.

MR. GOLDMAN: You have 30 seconds remaining.

MS. WOODMANSEE: And -- okay, thank you. And so, basically, you know, noise is the big thing, and vibration, very concerned about that. And so we really need to know more about those.

We need more meetings, that's the thing. We need more comments, time. We need more education. This has been very quick because there's been so many developments in our area, so we need more education, so we need to really be more informed about this. This has been very quick that this EIR has come up, so -- and especially with the high impacts to the neighborhood. We need a lot more education so we can, hopefully, mitigate or eliminate the negative impacts. So --

MR. GOLDMAN: Thank you.

MS. WOODMANSEE: -- that's what we're hoping for.

MR. GOLDMAN: Thank you very much for your comment.

MS. WOODMANSEE: Okay. I guess --

MR. GOLDMAN: I am going to --

MS. WOODMANSEE: -- I guess you're --

MR. GOLDMAN: -- put your --

MR. GOLDMAN: Okay.

MR. GOLDMAN: I'm sorry? We're going to put

you --

MS. WOODMANSEE: I guess you're not -- you're not available for any education right now, that this is only for comments?

MR. GOLDMAN: That's correct. We're not responding to any questions. This is to recite your comment. But if you have questions, you're welcome to email them to -- you see the email address on the screen.

MS. WOODMANSEE: Okay.

MR. GOLDMAN: Or you're also welcome to call our hotline at (800) 435-8670.

MS. WOODMANSEE: Oh, is that -- oh, is that --

MR. GOLDMAN: So we are muting you at this point and allowing others to raise their hands. Thank you for your comment.

## Response to Submission 1082 (Tessa Woodmansee, Garden Alameda Village Association, August 19, 2020)

### 1082-201

The commenter's preference for Alternative B as a result of fewer noise and vibration impacts in the Garden Alameda Neighborhood is noted and will be presented to Authority decisionmakers when considering project approvals. 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 within the entire corridor 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.

### 1082-202

Refer to Standard Response FJ-Response-OUT-1: Public Involvement Process.

The Authority has conducted extensive community outreach, which is documented in Chapter 9, Public and Agency Involvement, of the Final EIR/EIS. As described in Chapter 9, the Authority's public and agency involvement program includes informational materials and informational and scoping meetings, including open houses, public and agency scoping meetings, meetings with individuals and groups, presentations, and briefings. The Authority has been educating the public about this project, the environmental process, and the environmental analysis and documentation since 2009. Publication and distribution efforts are described in Chapter 9 as well as in the standard response referenced above. The Authority is committed to continuing this engagement with the agencies and communities in the project area 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.

## Submission 1127 (Tessa Woodmansee, Garden Alameda Village Association, September 10, 2020)

**San Francisco - San Jose - RECORD #1127 DETAIL**

**Status :** Unread  
**Record Date :** 9/10/2020  
**Interest As :** Individual  
**First Name :** Tessa  
**Last Name :** Woodmansee

**Stakeholder Comments/Issues :**

- 1127-374 \* The Viaduct option either long or short would be better for my neighborhood south of Taylor Street From Stockton avenue to The Alameda--Garden Alameda historic neighborhood. The Viaduct by being further from our neighborhood will bring less noise and vibration especially no horn honking.
- 1127-375 \* Any and all construction in our highly polluted and noisy neighborhood must use broadband self-adjusting backup beepers from Brigade electronics
- 1127-376 \* The viaduct or the on track alternative on Taylor street should bring improvements to the intersections of stockton and Taylor Street to make both these street designs and crosswalks much safer for pedestrian access.
- 1127-377 \* The railroad underpass should be widened and made safer for pedestrians and bicyclists and redesigned to separate the pedestrians from the car traffic like the campbell avenue and bascom ave underpass under hwy17- making a separated promenade for walkers and bikers.
- 1127-378 \* The building fo the electrical poles on stockton avenue should be well designed covered with plant life at the base and accompanied by many more street trees on both sides of stockton avenue and taylor street corner as well.
- 1127-379 \* Any walls that are created by the viaduct should be planted with vines and live plants wherever possible at the ground level and reaching up.
- 1127-380 \*if the on track configuration is chosen then the college park station should become a quiet zone with no horn honking required
- 1127-381 \* State of the art or better diesel trucks for all operations should be the cleanest.
- 1127-382 \* In light of climate change and the science that says we need to reduce our emissions by 50% by 2030, the HSR should be reduced by ending its operations in San Jose Diridon Station--making it San Jose to Anaheim and then transferring to The CalTrain to use the bullet trains to to move HSR passengers to San Francisco.
- 1127-383 \*There should be a lot more community outreach for HSR before, during and after it is built
- 1127-384 \* The Diridon historic station should be preserved



## Response to Submission 1127 (Tessa Woodmansee, Garden Alameda Village Association, September 10, 2020)

### 1127-374

The commenter's preference for Alternative B as a result of fewer noise and vibration impacts in the Garden Alameda Neighborhood is noted and will be presented to Authority decisionmakers when considering project approvals. 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 within the corridor 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.

### 1127-375

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. The contractor would be given the flexibility to reduce noise in the most efficient and cost-effective manner, but consistent with typical construction practices contained in FTA and FRA guidelines for minimizing construction noise, this may include the use of smart back-up alarms which automatically adjust the alarm level based on the background level. The comment did not result in any revisions to the Draft EIR/EIS.

### 1127-376

The commenter's request for pedestrian safety improvements at the intersection of Stockton Avenue and Taylor Street in San Jose is noted. However, because neither project alternative would result in impacts on pedestrian and bicycle access at the intersection of Stockton Avenue and Taylor Street, no modifications to this intersection are proposed as part of either project alternative. The Authority recommends that the commenter provide this feedback regarding the existing conditions to the City of San Jose's Department of Transportation, which is the agency with jurisdiction over city streets. The comment did not result in any revisions to the Draft EIR/EIS.

### 1127-377

The comment requests that an existing underpass be widened to separate pedestrians and cyclists from vehicle traffic. While the commenter does not clearly identify which underpass is being referred to, it is believed to be the West Taylor Street underpass based on the context of the comment. While the request is noted, the existing railroad underpass at West Taylor Street would not be modified under either project alternative. The comment did not result in any revisions to the Draft EIR/EIS.

### 1127-378

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 a descriptionn explanation of the process whereby the Authority and local jurisdictions would develop aesthetic treatments, including for structures, including 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.No revisions to the Draft EIR/EIS are needed.

### 1127-379

Please refer to the response to submission FJ-1127, comment 378. The comment did not result in any revisions to the Draft EIR/EIS.

### 1127-380

Regarding establishing Quiet Zones, please refer to Section 3.4.7, Mitigation Measures, NV-MM#4, which explains that 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 1127 (Tessa Woodmansee, Garden Alameda Village Association, September 10, 2020) - Continued

### 1127-381

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 Tier 4 standards are the most recent requirements for off-road equipment and require the most stringent emission controls. AQ-IAMF#5 requires that all on-road trucks used in project construction use an engine of model year 2010 or later. The comment did not result in any revisions to the Draft EIR/EIS.

### 1127-382

The Authority's statutory mandate, as set forth in the California High-Speed Rail Act, is to direct the development and implementation of intercity HSR service that is fully integrated with the state's existing transportation network. The Authority considered an array of programmatic network alternatives in its Bay Area to Central Valley High-Speed Train Final Program EIR/EIS (Authority and FRA 2008) for connecting HSR between the San Francisco Bay Area and the Central Valley. One such programmatic alternative was the Pacheco Pass: San Jose Terminus network alternative, described in Chapter 7 of the 2008 Program EIR/EIS in Table 7.2-15 and Figure 7.2-15. Another such programmatic alternative with the Altamont Pass: San Jose Terminus network alternative, described in Chapter 7 of the 2008 Program EIR/EIS in Table 7.2-4 and Figure 7.2-4. The Authority's principal rationale for rejecting both alternatives was that they did not adequately meet the underlying purpose and need and project objectives by serving only one of three major urban centers in the San Francisco Bay Area, and only one of the region's major commercial airports (Authority 2012b). The Authority selected the Pacheco Pass serving San Francisco via San Jose to advance for further study in the Tier 2 environmental documents, in part due to the ability to reach San Francisco and San Jose on a single alignment utilizing the Caltrain corridor. HSR service to San Francisco via a "one seat ride" is an integral element of the statewide system. Further, as explained in Section 1.1.3.1, California State Legislation and Funding, the HSR system is identified as an integral measure to achieving the state's GHG reduction goals as described in Assembly Bill 32, Senate Bill 32, and the California Air Resources Board's Scoping Plan (California Air Resources Board 2008).

### 1127-383

Refer to Standard Response FJ-Response-OUT-1: Public Involvement Process.

As demonstrated in the standard response referenced above, the Authority has conducted extensive outreach as part of the alternatives analysis and environmental review processes. The Authority is committed to continued stakeholder engagement during final design and construction. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1127 (Tessa Woodmansee, Garden Alameda Village Association, September 10, 2020) - Continued

### 1127-384

The project's impacts on the SPRR Depot District (Hiram Cahill Depot/Diridon Station) were evaluated in Section 3.16, Cultural Resources, and Chapter 4, Section 4(f)/6(f) Evaluation, of the Draft EIR/EIS.

As described under Impact CUL#4 in Section 3.16, the project would retain and reuse the SPRR Depot District but would change character-defining features of the historic district. This would result in a significant impact under CEQA and adverse effect under Section 106. The project includes CUL-IAMF#1, CUL-IAMF#2, CUL-IAMF#6, CUL-IAMF#7, and CUL-IAMF#8. As specified in the EIR/EIS, these project features would help protect the SPRR Depot District. In addition, CUL-MM#8 would apply in the event of unanticipated effects or inadvertent damage to elements of the depot. The Authority 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, including the SPRR Depot District, as represented in the San Jose to Merced Project Section HASR in July 2019, as well as the FOE on those historic properties in March 2020 (Authority 2019c).

As described in Section 4.6.2.23, Southern Pacific Railroad Depot/Diridon Station, Hiram Cahill Depot Use Assessment (ID#0497), the Authority made a finding of adverse effect and Section 4(f) use for the SPRR Depot District for Alternatives A and B. As described in Section 4.7.1.1, Southern Pacific Railroad Depot/Diridon Station/Hiram Cahill Depot, the Authority assessed the potential for avoidance alternatives and determined that there is no feasible and prudent alternative to the use of the SPRR Depot District.

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

## Submission 1114 (Barry Shotts, Graniterock, September 9, 2020)

**San Francisco - San Jose - RECORD #1114 DETAIL**

**Status :** Action Pending  
**Record Date :** 9/9/2020  
**Interest As :** Business and/or Organization  
**First Name :** Barry  
**Last Name :** Shotts  
**Attachments :** Draft EIR.EIS Comments from Graniterock.San Francisco to San Jose.9.8.20.pdf (167 kb)

**Stakeholder Comments/Issues :**

Dear Mr. Kelly - On behalf of Graniterock, please find attached a letter containing comments on the Draft EIR/EIS for the San Francisco to San Jose Project section.

Thank you for your consideration.

\* Barry Shotts

Barry J. Shotts

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## Submission 1114 (Barry Shotts, Graniterock, September 9, 2020) - Continued

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September 8, 2020

Mr. Brian Kelly  
Chief Executive Officer  
California High-Speed Rail Authority  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113  
Attn: Draft San Francisco to San Jose Project Section

VIA EMAIL [san.francisco\_san.jose@hsr.ca.gov]

Re: Graniterock — Draft EIR/EIS Comments

Dear Mr. Kelly:

On behalf of Graniterock, we would like to thank you for the opportunity to review the Draft Environmental Report/Environmental Impact Statement (the “Draft EIR/EIS”) for the San Francisco to San Jose Section of the High-Speed Rail System (the “Project”). As discussed below, Graniterock is generally supportive of the proposed Project, including the Project’s goal of improving air quality, reducing congestion, and improving inter-city transportation safety and travel time.

At the same time, Graniterock is concerned about the impact the Project could have on freight rail within the Bay Area, and therefore wishes to provide the following comments on the Draft EIR/EIS for your consideration.

### Graniterock’s Bay Area Operations

Incorporated in Watsonville, California on February 14, 1900, Graniterock operates today with its original California Contractor License #22 as a regional construction materials producer and heavy civil contractor employing over 1,000 people. Graniterock provides a wide range of products and services to clients in the San Francisco Bay Area and beyond. The cornerstone of Graniterock’s business is the A.R. Wilson Quarry, a granite quarry located in Aromas, California (the “Quarry”). Opened in 1895, the A.R. Wilson Quarry’s original purpose was to provide ballast rock for the Southern Pacific Railroad. The Quarry is therefore located adjacent to mainline railroad track with long rail spurs serving the facility. Today, the Quarry produces aggregate predominantly used for construction materials (concrete & asphalt) throughout the San Francisco Bay Area.

Land Use | Real Estate | Environmental  
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Mr. Brian Kelly  
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Graniterock operates four key facilities within the Bay Area: (1) the “Capitol Yard,” a 23-acre property located at 100 Granite Rock Way in San Jose, California which receives aggregate/rock from the Quarry for distribution and for the production of concrete and other construction materials; (2) the “Berryessa” facility, located at 11711 Berryessa Road in San Jose, California, which receives aggregate, rock and sand from the Quarry for the production and distribution of ready-mix concrete; (3) the Redwood City facility, located at 365 Blomquist Street in Redwood City, California, which receives aggregate, rock and sand from the Quarry for the production and distribution of ready-mix concrete, hot mix asphalt and other construction materials; and (4) the South San Francisco facility, located at 1321 Lowrie Avenue in South San Francisco, California, which receives aggregate, rock and sand from the Quarry for the production and distribution of hot mix asphalt and other construction materials. Bridges, roadways, airports, water, sewer and storm drain facilities and other critical infrastructure have all been constructed in the Bay Area for generations utilizing Graniterock’s premier products and expertise.

All four Graniterock facilities within the Bay Area are strategically located, not only because of their close proximity to Graniterock’s customers, but also because these facilities are among the few construction materials facilities within the Bay Area which are rail served. Rail is therefore a critical element of Graniterock’s operations within the Bay Area. Approximately 1,000,000+ tons of aggregate, rock and sand per year is transported by rail from the A.R. Wilson Quarry to these four Graniterock facilities for the production and distribution of construction products. Without timely and efficient rail service at Graniterock’s Bay Area facilities, all aggregate and rock would have to be sent by individual trucks from the Quarry to Graniterock’s Bay Area facilities, primarily via U.S. Highway 101. These facilities, by being able to receive rail shipments, can also effectively serve as local hubs and consolidate the transportation and delivery of construction materials to projects throughout the Bay Area, reducing long haul truck traffic on already congested regional highways.<sup>1</sup>

### Graniterock’s Use of Freight Rail

Because Graniterock supplies materials for the construction of projects throughout the Bay Area, its business volume and shipping needs vary in response to customer demand. That said, Graniterock’s typical freight rail schedule within the Bay Area, operated by Union Pacific Railroad (“UP”), includes the following movements:

- Same day service five days a week from the Quarry to Graniterock’s Redwood City facility
- Service three days a week from the Quarry to Graniterock’s Berryessa facility
- Weekly service as customer demands require from the Quarry to Graniterock’s South San Francisco facility.
- Weekly service as customer demands require from the Quarry to the Capitol Yard.

<sup>1</sup> In fact, Graniterock is in the planning stages of a modernization plan for the Capital Yard to expand the volume of material the facility can receive by rail, in addition to other improvements, and has submitted conceptual plans for the project to both the City of San Jose and Union Pacific Railroad.

# Submission 1114 (Barry Shotts, Graniterock, September 9, 2020) - Continued

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In total, Graniterock is responsible for approximately 70% of the freight rail handled along the Peninsula. The efficient and timely delivery of materials via rail is in turn highly dependent upon a number of factors, including a consistent, dependable freight rail schedule that is also scalable to customer demand, the staging of rail cars within UP's railyards and siding track operated by Graniterock and other rail shippers as capacity permits, and the efficient and timely return of empty rail cars after materials are delivered.

Without timely and efficient freight rail service, all of this material would have to be handled by trucks on already congested highways within the Bay Area. On average, one rail car can handle 115 tons of aggregate/rock, versus a truck, which can only handle 25 tons of material. Over 4 trucks are therefore needed to ship what can be handled in one rail car alone.

While Graniterock currently ships approximately 1,000,000+ tons of rock, sand and aggregate from the Quarry per year, this amount is expected to grow as the Bay Area continues to grow. As noted in the Draft EIR/EIS, "[f]reight rail traffic is expected to increase at a compound annual growth rate of 3.5 percent to 2040" with "the primary products by tonnage moved in the Bay Area" including "construction inputs (non-metallic mineral products, gravel, and natural sands)..." Draft EIR/EIS at page 1-25. Meanwhile, roadways within the Peninsula are already at capacity, as "[e]xisting truck traffic along these corridors ranges between 5000 and 15,000 trucks per day." Draft EIR/EIS at page 1-24.

1114-789

**The Draft EIR/EIS Fails to Adequately Study or Mitigate the Impacts of the Project on Freight Rail**

Against this background, Graniterock is concerned about the potential impacts of the Project upon freight rail service on the Peninsula, and beyond. As the Draft EIR/EIS notes:

[T]he number of rail cars between San Jose and San Francisco over the past decade has averaged about 60 to 80 cars per day in each direction (once loaded, once empty). *This translates to 20,000 to 30,000 loaded rail cars carrying 2 to 3 million tons of cargo between San Jose and the San Francisco Peninsula each year, the equivalent of at least 100,000 truck trips annually.* During peak years in the past decade, the numbers were substantially higher. (Peninsula Freight Rail Users' Group 2014).

Draft EIR/EIS at page 3.2-44 (emphasis added).

The critical role played by freight is expected to grow. As a "conservative assessment," the Draft EIR/EIS assumes that freight rail will increase at the rate of 3.5 percent per year, which means the number of daily trains will more than double from 2016 to 2040. Draft EIR/EIS at page 3.2-90.

1114-790

As the Draft EIR/EIS notes, freight rail service within the Peninsula and Project area is provided by UP pursuant to a trackage rights agreement ("TRA") between the Peninsula Corridor Joint Powers Board (the "PCJPB") and UP, which was originally entered into in 1991. The PCJPB

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owns the right-of-way and controls passenger rail rights between San Francisco and "CP Lick," a control point located in the Communications Hill area in San Jose, south of the San Jose Diridon Station. UP owns a track referred to as "MT-1" that runs from "CP Coast," a control point located in Santa Clara, California, southward, past CP Lick and to Gilroy, California. Draft EIR/EIS at pages 3.2-44 and 3.2-49. Under this arrangement, passenger rail and freight rail share track between CP Coast and San Francisco.

Because of this track sharing, the TRA already limits freight rail operations to one 30-minute window between 10:00 a.m. and 3:00 p.m., whereas the PCJPB must provide one track exclusively for freight rail between midnight and 5:00 a.m. within the PCJPB corridor (from CP Coast to San Francisco). Draft EIR/EIS at page 3.2-49.

As the Draft EIR/EIS notes, the section from San Jose Diridon Station to CP Coast "is a pinch point for rail services" in light of the number of freight and passenger rail lines which all converge within and traverse this 3.1-mile segment. Draft EIR/EIS at page 3.2-90. And, as noted above, the number of freight trains is expected to more than double from 2016 to 2040. Current freight rail operations are therefore already highly constrained and dependent upon close coordination with passenger rail operations established by the TRA, with operations expected to expand and to remain very sensitive to customer needs and economic development. See Draft EIR/EIS at page 3.2-44.

1114-791

Given the importance of freight rail to the Project area and region, the Draft EIR/EIS acknowledges that:

The project would have a significant impact if it would substantially disrupt or interfere with freight operations or require greater temporal separation that would change freight rail service such that resultant diversions to truck or other freight modes would result in significant secondary impacts related to air quality, noise, GHG emissions, or traffic operations (as defined by the other applicable significance criteria in this Draft EIR/EIS).

Draft EIR/EIS at page 3.2-19.

At the same time, the Draft EIR/EIS notes the many impacts the Project would have upon freight rail service. During Project construction, impacts would be "significant under CEQA for both project alternatives because project construction would substantially disrupt or interfere with freight rail operations," owing to numerous track closures, disruptions and relocations, resulting in "delays and rescheduling of freight service" which "could result in the temporary diversion of freight to trucks, which would result in additional noise, air quality, GHG emissions compared to transport by rail."<sup>2</sup> Draft EIR/EIS at page 3.2-93. Disruptions to service are anticipated to last hours, days or even years. Draft EIR/EIS at page 3.2-93.

<sup>2</sup> Because the demand for Graniterock's construction products peaks during the construction season—typically from April to October—the disruption of freight rail service during construction of the Project, also during the construction season, would hit at a particularly bad time.



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1114-792

After construction, the Project would also permanently impact freight rail service given that High Speed Rail (“HSR”), Caltrain passenger rail service and freight rail would all share two tracks between CP Coast and San Francisco under either Project alternative, “with potential freight timing and capacity conflicts,” particularly in light of the mandatory temporal separation required by the Federal Railroad Association (“FRA”) between passenger and freight rail service. Draft EIR/EIS at pages 3.2-93, 94.

At the same time, the Draft EIR/EIS blithely and inappropriately waves these impacts away, with no evidence or analysis or support. The Draft EIR/EIS speculates that this disruption to an already highly constrained system would merely cause “inconvenience,” which could be mitigated by “longer trainsets,” “additional trains” and service “staggered over several nights,” versus the same day service which is provided now. Draft EIR/EIS at page 3.2-94. The Draft EIR/EIS then concludes that these impacts “would be less than significant under CEQA for both project alternatives because the project would not create a change in freight rail service such that diversions to truck or other freight modes would occur,” resulting in “secondary impacts related to air quality, noise, GHG emissions, or traffic operations.”

Respectfully, all of this is mere hope and speculation. In the thousands of pages comprising the Draft EIR/EIS, there is no mention of any effort by the High-Speed Rail Authority or report authors to meet with UP<sup>3</sup> or with any shippers, including the Peninsula Freight Rail Users’ Group or Graniterock which, as noted above, ships 70% of material handled by freight rail along the Peninsula. Longer trains will not work because freight rail operations are already highly constrained, and there is only limited capacity for the staging of rail cars within UP’s railyard facilities and spur facilities operated by shippers, including Graniterock. Additional trains will not work for the same reasons; and the Project, by further narrowing freight rail windows, will make it nearly impossible to add additional trains. Staggering freight rail service “over several nights” will not work because customers require and demand the timely production and delivery of construction materials, particularly during a highly time constrained construction project.<sup>4</sup>

1114-793

While the Draft EIR/EIS hopes and speculates that the Project will not result in the diversion of freight from rail to trucks, as a shipper with decades of pertinent experience, Graniterock can testify that this is exactly what will happen. In addition to the fact that normal freight rail operations would be severely disrupted, as the Draft EIR/EIS notes, “[f]reight service varies in response to freight customer needs and activity.” Draft EIR/EIS at page 3.2-44. If customers cannot receive what they need when they need it by freight rail—including when same day service is suddenly “staggered” over “several nights” - Graniterock and other shippers will have no choice but to transport materials by truck. This is fact, not speculation.

1114-794

<sup>3</sup> To the extent the Draft EIR/EIS bases any of its projections upon current UP scheduling and crews within the Project area, Graniterock was recently informed by UP that its schedule is now changing, and the Draft EIR/EIS is already out of date in this respect.

1114-795

<sup>4</sup> Although impacts would be most severely felt between CP Coast and San Francisco, where HSR, Caltrain and freight rail would share track, the compression of freight rail hours, “staggered” trains, preclusion of round trip trains, and the resultant uncertainty of these disruptions in service anywhere within the Project area would also, given the highly interconnected nature of a rail system, cause delays and have a ripple effect throughout the system, including south of CP Coast and including the tying up and idling of rail cars. These impacts would disrupt Graniterock’s Berryessa and Capitol Yard operations south of CP Coast and likely would disrupt the operations of other shippers within this area.

1114-793

In the case of Graniterock alone, if the 1,000,000+ tons of material currently shipped by rail from the A.R. Wilson Quarry must instead be transported by truck, because of freight rail service closures, disruptions and uncertainties, the direct result will be an additional *40,000 truck trips per year along this one route alone*,<sup>5</sup> a significant impact by any measure which has not been considered, analyzed or studied by the Draft EIR/EIS. It has also been estimated that one UP double-stack train can take up to 300 trucks off of already congested highways, that rail is almost four times more fuel efficient than trucks, and that rail generates a carbon footprint an average of 75 percent less than moving freight by truck (Union Pacific 2020). The likely conversion of rail to truck shipments would therefore have a significant impact upon VMT, air quality, and GHG emissions, as well as traffic operations. Moreover, given that demand for freight rail service is projected to more than double by 2040, the impacts of the almost certain diversion from freight rail to truck can be expected to more than double from these current projections as well. The Draft EIR/EIS’s conclusion that Project operations would have an insignificant impact upon freight rail is therefore conclusory, without substantial evidence and contradicted by the record before the HSR Authority.<sup>6</sup>

1114-796

Unfortunately, the one mitigation measure proposed to deal with these significant impacts lacks both detail and substance. After entirely dismissing the impact of Project operations upon freight rail, the Draft EIR/EIS says that, to deal with potentially significant impacts from Project construction, “[p]rior to construction the contractor would prepare a railway disruption control plan for Authority approval.” Draft EIR/EIS at page 3.2-98. The “goal of the plan” - identified as TR-MM#3 —Implement Railway Disruption Control Plan - would be to “minimize the duration of disruption of passenger and freight operations” and to “coordinate” with UP and Caltrain “in advance and during any potential disruption to passenger or freight operations or Caltrain or UPRR facilities.” Id.

These are encouraging goals, but no further information is given. There would be no apparent oversight of this “railway disruption control plan” other than by the HSR Authority itself. UP has apparently not been consulted, which is critical since UP controls much of the right-of-way sought within Project area, nor freight rail customers, such as Graniterock. The time for “coordination” to ensure that the Project will not disrupt freight rail operations, leading to a host of secondary environmental impacts, is *before* Project approval, when the public can be fully informed of the impacts of the Project, and not afterwards.

While this plan would have the right intentions, the problem is that there are no details provided in the Draft EIR/EIS on exactly *how* freight operations would be maintained, and there would be no apparent oversight or enforcement of any such mitigation measures by an impartial authority. As the court noted under similar circumstances in *Gray v. County of Madera*, 167

1114-797

<sup>5</sup> As noted above, one truck can only handle 25 tons of aggregate/rock versus a rail car, which can transport 115 tons.

<sup>6</sup> The Draft EIR/EIS casually and inappropriately concludes these many impacts are “insignificant” with only a footnoted reference to the “common practice on other light density freight lines shared with transit such as the River Line in New Jersey and some of the San Diego Trolley System.” Draft EIR/EIS at page 3.2-94, footnote 18. There is no evidence offered anywhere in the document that these other rail lines bear any resemblance to the Project area in terms of service volume, layout and potential conflicts.

## Submission 1114 (Barry Shotts, Graniterock, September 9, 2020) - Continued

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1114-796

Ca. App. 4<sup>th</sup> 1099, 1119 (Cal. Ct. App. 2008), the HSR Authority “has not committed itself to a specific performance standard” but rather has “committed itself to a specific mitigation goal.” It has also left itself, and not another agency with enforceable oversight, as the only agency to carry out the railway disruption plan. TR-MM#3 is therefore inadequate as a measure to mitigate impacts to freight rail operations under CEQA, because it impermissibly defers any detailed mitigation standards to some future date, to be decided upon by the Project applicant itself. It is the proverbial “plan to have a plan,” which falls far short of the mark required by CEQA.

### Summary

1114-798

In sum, while Graniterock supports the Project’s goals of improving air quality, reducing congestion, and improving inter-city transportation safety and travel time, Graniterock is alarmed at the almost casual indifference the Project gives to freight rail and its importance to the Bay Area. The Draft EIR/EIS must be revised to include clear, enforceable mitigation measures to reduce the impacts of the Project to freight rail to a level of insignificance, after close coordination with UP, freight rail shippers and other stakeholders.

We appreciate your time and consideration of the points raised in this letter.

Very truly yours,



Barry J. Shotts

cc: Kevin Jeffery, Esq.  
Pat Mapelli  
Dan Slavin

## Response to Submission 1114 (Barry Shotts, Graniterock, September 9, 2020)

### 1114-789

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

This comment describes information presented in the Draft EIR/EIS but does not provide any comments on the adequacy of the environmental analysis in the Draft EIR/EIS. As explained in the standard response, the freight impact analysis has been updated in the Final EIR/EIS to include more recent data on existing freight service levels and to take into account updated freight forecasts along the Caltrain Corridor.

### 1114-790

This comment describes information presented in the Draft EIR/EIS but does not provide any comments on the adequacy of the environmental analysis in the Draft EIR/EIS. Accordingly, no further response and no revisions to the Draft EIR/EIS are required in response to this comment.

### 1114-791

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

This comment describes information presented in the Draft EIR/EIS but does comment on the adequacy of the environmental analysis in the Draft EIR/EIS. Regarding the durations of disruption to service during construction, please see the standard response referenced above and related updates to the analysis of freight impacts in Section 3.2, Transportation, of the Final EIR/EIS. The standard response addresses concerns raised in the comment on impacts to freight rail. As described in the Final EIR/EIS, the project is expected to result in less than significant impacts on freight rail operations after mitigation.

### 1114-792

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in detail in the the standard response and in the analysis of freight rail impacts in Section 3.2, Transportation, the Final EIR/EIS addresses potential impacts to freight rail service and operations during construction and operations based on data and analysis based on reasonable projections, not based on speculation. As explained in the standard response, the analysis has been updated in the Final EIR/EIS to provide a more in-depth review of both construction and operational impacts on freight rail, including use of updated data and forecasts, and specific considerations of the duration of disruptions during construction and the track capacity during operations. The standard response provides specific responses to the concerns raised in this comment (and in other comments concerning freight rail). Of note, TR-MM#3 has been modified in the Final EIR/EIS to require coordination with freight operators and shipper including requirements to: (1) Establish a freight stakeholder committee to provide an information and feedback forum throughout construction with a minimum of quarterly coordination meetings; (2) Consult with Caltrain, UPRR, and freight operators and shippers during preparation of the construction disruption plan, including provision of a draft plan for comment prior to completion; (3) Notify Caltrain, UPRR, and freight operators of planned closures at least 3 months prior to planned track closures or planned closure of access to freight rail facilities (including spurs and yards).

### 1114-793

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in detail in the standard response and in the analysis of freight rail impacts in Section 3.2, Transportation, the Final EIR/EIS addresses potential impacts to freight service and operations during construction and operations is based on data and analysis based on reasonable projections, which constitute substantial evidence and thus is not conclusory. The analysis has been updated in the Final EIR/EIS to provide a more in-depth review of both construction and operational impacts on freight, including use of updated data and forecasts, and specific considerations of the duration of disruptions during construction and the track capacity during operations.

## Response to Submission 1114 (Barry Shotts, Graniterock, September 9, 2020) - Continued

### 1114-794

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

Railroad schedules change from time to time. The analysis in the Draft EIR/EIS was based on the data that was made available by the PCJPB at the time of preparation of the Draft EIR/EIS. In response to comments on the Draft EIR/EIS, the Authority requested updated data from the PCJPB, and the PCJPB provided 2019 and 2020 dispatch data to the Authority. The 2019 data, including timing of freight operations, was used to represent the updated baseline for the analysis in the Final EIR/EIS. Thus, the updated analysis in the Final EIR/EIS reflects the most recent dispatch data that is available and is considered representative, including data on timing of freight operations. The comment notes that UPRR is changing its schedules but does not provide any details or description concerning such changes. As such, no response can be provided to information from third parties that has not been provided to the Authority.

### 1114-795

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in the standard response, HSR project operations are not expected to result in disruptions of freight rail operations south of CP Coast.

### 1114-796

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment asserts that the EIR/EIS dismisses operational impacts on freight rail. The Authority disagrees with this assertion. The EIR/EIS analyzes operational impacts on freight rail based on available data and projections and consideration of track capacity, freight timing, and HSR/Caltrain blended operations. The comment provides no substantiation of the EIR/EIS's alleged dismissal of operational impacts. As explained in the standard response, Mitigation Measure TR-MM#3 has been modified in the Final EIR/EIS to incorporate additional consultation requirements with respect to coordination between the Authority and freight operators and shippers. These provisions include the establishment of a freight stakeholder committee with quarterly coordination meetings throughout the construction duration; consultation with Caltrain, UPRR, and freight operators and shippers during preparation of the construction disruption plan, including provision of a draft plan for review and comment prior to finalization; and notification of planned closures at least 3 months in advance. Revisions were also made to TR-MM#3 to incorporate other measures to minimize disruption during construction including limiting the number of simultaneous track closures within each subsection, limiting closure of tracks to periods when train service is less frequent, and providing safety measures for freight and passenger rail operations through construction zones. These additions to TR-MM#3 provide further detail of the purposes of the railway disruption control plan. This approach is the same approach that was used for the PCEP to address potential disruption during construction. As revised, TR-MM#3 provides sufficient detail as to the controls and outcomes. Regarding the assertion that UPRR controls much of the right-of-way within the project area, that is incorrect. In the San Francisco to San Jose Project Section, the right-of-way used by the HSR project is primarily controlled by Caltrain. Regarding "oversight or enforcement of any such mitigation measures by an impartial authority", the comment does not identify who such an authority would be or could be. For public agency projects, like the HSR project, it is standard and routine for the public lead agency to provide oversight and enforcement of CEQA adopted mitigation measures. Furthermore, it is required under CEQA that public lead agencies implement the adopted mitigation through the Mitigation Monitoring and Reporting Plan. This is a legal obligation. The Authority is the legally-mandated public state agency who has the responsibility to implement the HSR project, which also includes implementing the

## Response to Submission 1114 (Barry Shotts, Graniterock, September 9, 2020) - Continued

### 1114-796

mitigation fairly and objectively and fully. The commenter is speculating that the Authority will not do so, which is without merit, and without the support of any cited substantial evidence.

The Authority will enforce compliance with mitigation measures, including TR-MM#3, during construction through binding contracts with design-build contractors and will provide oversight of that implementation throughout construction as it has done for the other project sections of the HSR system constructed to-date.

The performance standard of 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.

### 1114-797

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

Footnote 18 on page 3.2-94 of the Draft EIR/EIS was only intended for informational purposes to indicate that the practices of using longer trainsets or staggering trains are not unprecedented. The reference to these other systems was not the basis for any conclusions in the Draft EIR/EIS. The footnote has been deleted in the Final EIR/EIS to avoid any confusion.

### 1114-798

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment provides a summary of comments provided above, which have each been responded to. No further response is required.

# Submission 1117 (Scot Marsters, Greater East San Carlos Neighborhood Association, September 9, 2020)

Dear High Speed Rail Authority,

As the Board members of the Greater East San Carlos neighborhood association of San Carlos, California we say:

1117-1834

We voted for High Speed rail and we support the concept, we also favor Alternative A without passing tracks. Alternative A allows for more even scheduling of trains over time. It also does not impact our neighborhood like the other alternative might.

1117-1835

We have concerns that after a year of Covid-19 that vehicle traffic will be increased on the freeways, and that people will be less likely to take mass transit including High Speed rail. Would you please include this calculation into your projections?

1117-1836

With a continued push to develop housing for train riders on the peninsula, the existing CalTrain and Blended system need to optimize their schedules for local riders not just Baby Bullets and express trains. Please explain how will your project help with this?

1117-1837

After enduring years of construction of separated road and tracks crossings when the berms were constructed to separate tracks from the roadway, we can assure you that the impacts of construction are not minor. Even once the construction phase ended, it had lasting effects on people's lives in the form of business closures and health consequences. And so, we sought and have obtained assurances from SamTrans and High-Speed Rail representatives that construction of either alternative in San Carlos will occur on property to the west of the existing CalTrain right of way and that any construction of additional tracks would not interfere with Old County Road in any way.

1117-1838

In the event that a pedestrian undercrossing is needed in a new location along the tracks in San Carlos, please make sure that no existing undercrossing is removed or accordingly you would not be "maintaining or improving access to neighborhoods".

1117-1839

Additional circulation options would be encouraged by both the City and the Neighborhood!

1117-1840

We have looked at your idea of moving the San Carlos Train Station south near Brittan and believe that this option would be acceptable provided it did not result in the additional tracks that would accompany the idea in the other alternative. This has the potential to provide transit to all the new construction occurring in that area.

1117-1841

Under Table 3.5.9 What does it mean that San Carlos has the highest measured magnetic and electric fields? Where are they coming from?

1117-1842

Under Table 3.5.12 What is "Predicted 60Hz magnetic field" for two trains passing scenario?

1117-1843

In Figure 3.12.4 You are missing dots for PAMF, licensed childcare, parks and recreation community facilities in San Carlos, essentially all the community amenities east of El Camino between Ralston and Whipple.

Sincerely,

The Greater East San Carlos Neighborhood Association

Dimitri Vandellos (President)

Scot Marsters (Past President & Board Member)

Ben Fuller (Past President & Board Member)

Sam Herzberg (Past Co-President & Board Member)

Tim Hilborn (Board Member)

## Response to Submission 1117 (Scot Marsters, Greater East San Carlos Neighborhood Association, September 9, 2020)

### 1117-1834

The commenter's support for the project and preference for Alternative A are noted and will be presented to Authority decision makers when considering project approvals. 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.

### 1117-1835

Refer to Standard Response FJ-Response-GEN-7: Effects of COVID-19 on HSR Ridership.

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

### 1117-1836

The HSR project includes track 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 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 for maintenance of a "clock-face" regular internal service for Caltrain. The Authority will work with Caltrain, as the host railroad, on joint scheduling for both Caltrain and HSR service to optimize both services, 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.

### 1117-1837

The comment expresses concern about the potential for construction activities along Old County Road to result in adverse consequences in San Carlos. Old County Road generally runs parallel and to the immediate east of the Caltrain corridor.

Under Alternative A (the Authority's Preferred Alternative), HSR trains would use the existing Caltrain corridor. Accordingly, Alternative A would have no temporary or permanent effects on Old County Road in San Carlos. Please refer to the project plans in Volume 3, Preliminary Engineering Plans, Book A2, sheet 14.

Alternative B, includes construction of a passing track in this area. Please refer to the project plans for Alternative B in Volume 3, Book B2, sheet 14. The passing track requires expansion of the existing Caltrain right-of-way by approximately 15 feet to accommodate two additional tracks. This would require modifications to the San Carlos Caltrain Station and platforms to accommodate the passing track, and would require realignment of Old County Road in the immediate vicinity of the relocated station. In addition, Alternative B would require a temporary construction easement extending along Old County Road. Construction impacts referenced by the commenter are addressed in the Draft EIR/EIS, including impacts on business relocations (addressed in Section 3.12, Socioeconomics and Communities) and construction air quality impacts (addressed in Section 3.3, Air Quality and Greenhouse Gases).

The comment expressing a preference to not interfere with Old County Road is noted and will be presented to Authority decision makers when considering project approvals. The comment did not result in any revisions to the Draft EIR/EIS.

### 1117-1838

Under Alternative B, the existing San Carlos Station and Arroyo Avenue pedestrian underpasses would be removed and replaced with a new underpass to serve the relocated station. Holly Street, which is 700 feet north of the existing station pedestrian underpass, would continue to provide access beneath the tracks and the new underpass at the relocated station would be within 250 feet of the existing Arroyo Avenue underpass. The new underpass would maintain neighborhood access. The comment did not result in any revisions to the Draft EIR/EIS.



## Response to Submission 1117 (Scot Marsters, Greater East San Carlos Neighborhood Association, September 9, 2020) - Continued

### 1117-1839

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 when considering project approvals.

### 1117-1840

The Draft EIR/EIS evaluates two project alternatives, which have different project elements in San Carlos. Alternative A would retain the existing two-track railway configuration through San Carlos, as well as the existing San Carlos Caltrain Station location. Alternative B would construct a four-track passing track through San Carlos and would relocate the San Carlos Station platforms approximately 2,260 feet south of their current location. 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 commenter requests consideration of an alternative that would not build additional passing tracks but would relocate the San Carlos Station further south. The relocation of the San Carlos Caltrain Station is proposed under Alternative B only because construction of the passing track requires reconstruction of the station. There is no operational need under Alternative A to relocate the San Carlos Caltrain Station and doing would require a greater level of construction activity, resulting in greater construction emissions, and greater levels of disruption to existing passenger and freight rail services without offering significant environmental advantages. Accordingly, the Authority does not consider this to be a feasible alternative.

### 1117-1841

The comment asserts that the measurement site in San Carlos had the highest measured magnetic field strength and requested an explanation.

The comment refers to Table 3.5.9 of the Draft EIR/EIS, which actually shows that the highest measured ambient magnetic field (V/m) measurements were recorded in San Jose (site 14), with levels more than twice as high as those at San Carlos (site 7).

The range of magnetic field strengths presented in Table 3.5-9 is typical for developed, urban and suburban settings. As described in both Section 3.5.5.2, Local Conditions, and in Volume 2, Appendix 3.5-A, Pre-Construction Electromagnetic Measurement Survey of Locations along the San Francisco to San Jose Project Section, of the Draft EIR/EIS, measured levels depend almost entirely on a site's proximity to power lines (medium-voltage distribution and high-voltage transmission lines) and other electrical system infrastructure. The presence of such infrastructure explains the measurements recorded at site 7.

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 1117 (Scot Marsters, Greater East San Carlos Neighborhood Association, September 9, 2020) - Continued

### 1117-1842

The comment requests clarification on what the predicted magnetic field strengths would be when two trains pass one another. In order to predict the magnetic field strengths when two trains are passing there are a number of factors that first need to be considered: (1) If and when the trains are operating on the same traction power segment. Magnetic field increases would only arise when two trains pass if they are operating on the same traction power segment because magnetic fields are largely generated by the currents flowing in the OCS rather than the trains themselves. (2) The individual train speeds. (3) The location of the passing point relative to the traction power stations. (4) Whether either or both trains are accelerating or braking.

Given the number of factors involved and their nature, predicting the magnetic field strengths of passing trains is complex and situational. However, even when two trains pass, the magnetic field strengths will nearly always be less than those presented in Table 3.5-12 of the EIR/EIS because the predicted magnetic field strengths presented in Table 3.5-12 assume the worst-case conditions of (1) a maximum current draw of 930 Amperes, and (2) the train being close to a TPSS, meaning that the majority of the return current flows would be directed through the rails rather than the negative feeder wire. Two trains running at steady speeds and passing within the Project Section will always fall well short of this value.

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

### 1117-1843

The comment states that a figure in Section 3.12, Socioeconomics and Communities, does not depict certain public facilities. The cited figure (and its related series) is intended to depict certain types of community/public facilities including school and childcare facilities; places of workshop; emergency services/hospitals; nursing homes/senior facilities; cultural centers; social services facilities; and rehabilitation centers and shelters).

Accordingly, Figure 3.12-4 identifies facilities that meet the above definition. The figure does depict childcare facilities both west and east of El Camino Real in San Carlos. The figure does not identify the Palo Alto Medical Foundation in San Carlos as a community facility because it does not contain a hospital or emergency services. Parks and recreation facilities are not included on the figure because they do not meet the definition of community/public facilities. Refer to Draft EIR/EIS Section 3.14, Parks, Recreation, and Open Space, for an analysis of the project's impacts on parks and recreational resources.

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

# Submission 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020)

**San Francisco - San Jose - RECORD #1115 DETAIL**

**Status :** Unread  
**Record Date :** 9/9/2020  
**Interest As :** Business and/or Organization  
**First Name :** Jennifer  
**Last Name :** Hernandez  
**Attachments :** HSR Draft EIR\_EIS San Jose to San Francisco Comment Letter, Baylands Development, Inc. 09-08-2020(78219251.1).pdf (336 kb)

**Stakeholder Comments/Issues :**

On behalf of our client, Baylands Development, Inc., please see the attached comment letter on the Draft EIR/EIS for the San Francisco to San Jose section of the High Speed Rail project.

Thank you,

Bradley Brownlow

Bradley Brownlow | Holland & Knight

He/Him/His

Partner

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September 8, 2020

San Francisco to San Jose Project Section: Draft EIR/EIS  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113  
[san francisco@hsr.ca.gov](mailto:san francisco@hsr.ca.gov)

Re: San Francisco to San Jose Project Section Draft EIR/EIS

Dear Madame or Sir:

Holland & Knight LLP represents Baylands Development, Inc. in matters relating to the San Francisco to San Jose section of the California High-Speed Rail Project ("Project"). Baylands Development is the proponent of the approximately 684-acre Brisbane Baylands Specific Plan project currently pending in the City of Brisbane. Brisbane Baylands is planned as a sustainable community comprised of 2,200 residential units, 7 million square feet of lab, research and development, hotel and commercial space, and related recreational amenities and open space. The Project would be constructed in part on the Brisbane Baylands property. As such, Baylands Development is deeply concerned about the Project's potential adverse environmental effects on Brisbane Baylands and its future residents and visitors.

On behalf of Baylands Development, we respectfully submit these comments to ensure that the California High Speed Rail Authority ("Authority") fully complies with the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 *et seq.* ("CEQA Guidelines"). After carefully reviewing the Project's draft environmental impact report/environmental impact statement ("Draft EIR/EIS"), we have determined that, for multiple reasons, it fails to comply with CEQA.

The Draft EIR/EIS is "the heart of CEQA" and is intended to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.*

Atlanta | Austin | Boston | Charlotte | Chicago | Dallas | Denver | Fort Lauderdale | Houston | Jacksonville | Lakeland  
Los Angeles | Miami | New York | Orlando | Philadelphia | Portland | San Francisco | Stamford | Tallahassee | Tampa  
Tysons | Washington, D.C. | West Palm Beach

# Submission 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020) - Continued

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(1998) 47 Cal.3<sup>rd</sup> 376, 392 (“*Laurel Heights*”). The Draft EIR/EIS, however, fails to fully and accurately inform the public and decision makers of the Project’s environmental consequences and ways to mitigate those consequences and thus fails to achieve CEQA’s fundamental purpose. To comply with the law, the Authority must revise the Draft EIR/EIS to cure the CEQA errors identified below, and it must recirculate the revised draft so that the public and decision makers have a fair opportunity to assess the full scope of the Project’s environmental harms.

1115-2488

## I. The Draft EIR/EIS Fails To Describe The Project Or Analyze Its Impacts In Sufficient Detail.

The “fundamental 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.” *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4<sup>th</sup> 412, 428 (“*Vineyard*”) (emphasis added). This is particularly true in this case because the Draft EIR/EIS is a project-level EIR and thus is required to “examine in detail site-specific considerations.” *In Re Bay Delta Programmatic Envntl. Impact Report Coordinated Proceedings* (2008) 43 Cal.4<sup>th</sup> 1143, 1169. The Draft EIR/EIS fails to meet this legal standard. Rather, the Draft EIR/EIS is characterized by analysis conducted at a regional scale that discounts sensitive local areas and lets important details fall through the cracks.

The Draft EIR/EIS’s impact analysis is so generic and regionally focused that it fails to adequately inform decision makers and the public about the full scope of the Project’s environmental effects on *local* resources and sensitive receptors. For example, the Draft EIR/EIS defers identification of localized Project specifics that clearly implicate environmental concerns, such as construction truck routes, road closure and relocation routes, construction parking areas, construction staging areas, permanent and temporary noise barrier locations, aesthetic design treatments, utility relocations, biologically sensitive non-disturbance zones, biological mitigation areas, emergency vehicle priority treatments and traffic control devices, new fire station sites, relocated housing and business sites, temporary and permanent pedestrian and bicycle access routes, and building demolition sites.

Given this lack of detail, the Draft EIR/EIS might, at best, be useful as a regionally-focused *programmatic* environmental document. But as a *project-level* document, the Draft EIR/EIS’s lack of detail is prejudicial error because it fails to make a good faith effort at full disclosure, as required by CEQA Guidelines section 15151. “CEQA’s demand for meaningful information is not satisfied by simply stating information will be provided in the future.” *Vineyard* at 431. This is particularly true for a project-level document because there are no assurances that additional CEQA review will be conducted in the future. Thus, the Draft EIR/EIS must be revised to include the missing details now, as CEQA requires.

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## II. The Draft EIR/EIS Violates CEQA Because It Fails To Specify Whether Environmental Impacts Would Be Significant In The Absence Of Mitigation.

The Draft EIR/EIS relies on 93 so-called “Impact Avoidance and Minimization Features” (IAMFs) to reduce or avoid many of the Project’s adverse environmental effects, sometimes alone and sometimes in combination with other mitigation measures described (and identified as “mitigation measures”) in the report. The Draft EIR/EIS explains that the IAMFs are incorporated into, and are considered to be part of, the Project (unlike the other mitigation measures described in the report).<sup>1</sup> But the IAMFs are not components of the Project’s physical design. They are simply mitigation measures by another name and are expressly intended to minimize the Project’s adverse impacts related to air quality, aesthetics, biological resources, cultural resources, geology, water, land use, open space, energy, utilities, electromagnetic interference, noise and vibration, safety and security, socioeconomic, transportation, and hazards and hazardous material.<sup>2</sup> Indeed, the IAMFs cover typical mitigation requirements that one would expect to see imposed on a project of this kind - *e.g.*, fugitive dust plans, construction worker resource awareness training programs, resource management plans, preconstruction survey requirements, waste disposal plans, *etc.*

1115-2490

Since the Draft EIR/EIS treats the IAMFs as Project features, it often compresses the analysis of impacts and mitigation measures into a single issue, thereby engaging in an analytical shortcut that reviewing courts have determined violates CEQA. *Lotus v. Department of Transportation* (2014) 223 Cal.App.4<sup>th</sup> 645, 655 (“*Lotus*”). For example, the Draft EIR/EIS determines that 17 of the Project’s 21 transportation impacts will be less than significant and do not require mitigation. But its descriptions of 10 of these impacts<sup>3</sup> expressly state that one or more IAMFs will be implemented as part of the Project and on that basis determines that the impacts will be less than significant and do not require mitigation. For every one of these 10 impacts, the Draft EIR/EIS fails to clearly indicate the significance of the impact *without implementation of the relevant IAMFs*, and then fails to separately analyze the sufficiency of the IAMFs to mitigate those impacts using an applicable significance threshold, in violation of Public Resources Code section 21100(b). Similarly, the Air Quality analysis assumes implementation of all air quality IAMFs as part of the Project’s emissions calculations, and never explains the significance of, or quantifies, the Project’s total emissions standing alone, without implementation of the IAMFs.<sup>4</sup>

This “compressed analysis” of the Project’s significant effects and the feasible measures for avoiding or reducing those effects is the exact analytical format rejected by the court in *Lotus* because it denies the public the ability to accurately assess the significance of an impact in the absence of mitigation and to evaluate whether other more effective mitigation measures than those proposed should be considered. *Lotus* at 655. This is even true for those impacts that the

<sup>1</sup> Draft EIR/EIS at 2-71, 3.1-8.

<sup>2</sup> Draft EIR/EIS at 2-71 through 2-74.

<sup>3</sup> *I.e.*, Impacts TR#1, TR#3, TR#4, TR#6, TR#7, TR#12, TR#13, and TR#15 through TR#18.

<sup>4</sup> Draft EIR/EIS Appendix 3.3-A, section 6.4.6.

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Draft EIR/EIS indicates will be reduced or avoided through a combination of IAMFs and other identified mitigation measures because the Draft EIR/EIS still fails to assess the significance of the impact in the absence of IAMFs. According to the *Lotus* court, “this shortcutting of CEQA requirements subverts the purposes of CEQA by omitting material necessary to informed decision making and informed public participation.” *Lotus* at 658.

1115-2491

This analytical deficiency, which the *Lotus* court makes clear “cannot be considered harmless,” is not restricted to the Draft EIR/EIS’s transportation and air quality impact analyses. The same fatal flaw applies with equal force to the Draft EIR/EIS’s analysis of the following impacts:

Resource Category	Impact Number
Air Quality	AQ#1 through AQ#5, AQ#7, AQ#14
Noise and Vibration	NV#1, NV#2
Electromagnetic Fields/Interference	EMF/EMI#3 through EMF/EMI#9
Public Utilities & Energy	PUE#1, PUE#2, PUE#6, PUE#7, PUE#10 through PUE#13
Biological Resources	BIO#1, BIO#3 through BIO#12, BIO#14 through BIO#22, BIO#24
Hydrology & Water Quality	HYD#2, HYD#4, HYD#6 through HYD#14
Geology & Soils	GEO#1 through GEO#11
Hazards & Hazardous Waste	HMW#1 through HMW#14
Safety & Security	S&S#1, S&S#2, S&S#4, S&S#5, S&S#7 through S&S#9, S&S#11 through S&S#19
Socioeconomics	SOCIO#1, SOCIO#4, through SOCIO#8
Land Use	LU#1, LU#2
Parks, Recreation & Open Space	PK#1 through PK#3, PK#5, PK#6, PK#8 through PK#11, PK#13
Aesthetics & Visual Quality	AVQ#1, AVQ#4, AVQ#8, AVQ#11, AVQ#13, AVQ#14, AVQ#17
Cultural Resources	CUL#4 through CUL#6

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To cure this fatal defect, the Draft EIR/EIS’s impact analysis must be revised to clearly analyze and determine the significance of all impacts without assuming implementation of any mitigation requirements, including the IAMFs, and then analyze the ability of each IAMF and other identified mitigation measures to reduce or avoid those impacts. Once revised, the Draft EIR/EIS must be recirculated in accordance with Public Resources Code section 21092.1 so that the public and decision makers have a meaningful opportunity to accurately assess the significance of the Project’s impacts in the absence of the IAMFs and to evaluate whether other more effective mitigation measures than those proposed should be considered.

1115-2492

**III. Many Of The IAMFs And Mitigation Measures Identified In The Draft EIR/EIS Are Improperly Deferred In Violation Of CEQA.**

Per CEQA Guidelines section 15126.4(a)(1)(B), the formulation of the details of a mitigation measure may not be deferred until some future time except in very limited circumstances. According to controlling caselaw, deferred mitigation is permissible only if three preconditions are satisfied. First, the EIR must explain, on the basis of substantial evidence, why it is impractical or infeasible to include the mitigation details in the EIR. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670. Second, the EIR must describe a performance standard that identifies the specific criteria the lead agency will apply in determining that the impact will be mitigated. *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 945; *Cleveland National Forest Found. v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 443; CEQA Guideline § 15126.4(a)(1)(B). Third, the EIR must describe potential mitigation actions that are known to feasibly achieve the specified performance standard. *North Coast Rivers Alliance v. Marin Mun. Water District* (2013) 216 Cal.App.4th 614, 630; CEQA Guideline § 15126.4(a)(1)(B).

Many of the IAMFs and other mitigation measures identified in the Draft EIR constitute improperly deferred mitigation and are thus fatally defective because they merely call for the future preparation and implementation of a plan, program, or “memorandum” to describe as yet unspecified mitigation actions and as yet unspecified mitigation performance standards. To compound this error, the Draft EIR/EIS does not explain why it is impractical or infeasible to include the full mitigation details and performance standards at this stage of the CEQA process, as required by controlling law.

1115-2493

One representative example of an improperly deferred mitigation measure is Impact Avoidance And Minimization Feature BIO-IAMF#5, which the Draft EIR/EIS relies on to reduce or avoid Project impacts caused by the permanent conversion or degradation of habitat for special-status species. (*i.e.*, Impact BIO#1). BIO-IAMF#5 calls for the future preparation of a “biological resources management plan” that “is intended to serve as a comprehensive document that sets out a range of [biological resource] avoidance and minimization measures to support the appropriate and timely implementation of those measures.”<sup>5</sup> BIO-IAMF#5 does not set forth any

<sup>5</sup> Draft EIR/EIS Appendix 2-E at 2-E-5.

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mitigation performance standards for determining when impacted biological resources are adequately avoided or minimized. Moreover, BIO-IAMF#5 fails to establish potential mitigation actions that are known to feasibly achieve an applicable performance standard. Instead, it only states that the plan would contain as yet unspecified “measures for the protection of special-status species,” as yet unspecified “measures to preserve topsoil and control erosion,” and as yet unspecified “measures for the protection of vernal pool habitat and riparian areas.”<sup>6</sup>

1115-2494

The following chart identifies those IAMFs and other mitigation measures identified in the Draft EIR/EIS that fail to establish either adequate performance standards or potential mitigation actions that are known to feasibly achieve an applicable performance standard (or both) and thus violate CEQA Guidelines section 15126.4(a)(1)(B):

IAMF Number/Mitigation Measure Number	Failure to Describe Adequate Performance Standard	Failure to Establish Feasible Mitigation Actions
AQ-IAMF#1 Fugitive Dust Control Plan	X	
BIO-IAMF#5 Biological Resources Management Plan	X	X
BIO-MM#1 Restoration and Revegetation Plan	X	X
BIO-MM#2 Weed Control Plan	X	X
BIO-MM#7 Plant Salvage and Relocation Plan	X	X
BIO-MM#8 Compensatory Mitigation Plan	X	X
BIO-MM#14 Dewatering Plan	X	X
BIO-MM#15 Fish Rescue Plan	X	X
BIO-MM#16 Underwater Sound Control Plan		X

<sup>6</sup> *Id.*

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IAMF Number/Mitigation Measure Number	Failure to Describe Adequate Performance Standard	Failure to Establish Feasible Mitigation Actions
BIO-MM#31 Bat Avoidance and Relocation Plan	X	X
BIO-MM#37 Aquatic Compensatory Mitigation Plan	X	X
CUL-IAMF#5 Archeological Monitoring Plan	X	X
CUL-IAMF#6 Plan for Protection of Historic Built Resources	X	X
CUL-MM#1 Historic Built Resource Mitigation Program	X	X
CUL-MM#3 Pre-Contact Archaeological Resources Mitigation Program	X	X
CUL-MM#4 Historic Resources Relocation Plan	X	X
CUL-MM#5 Plan for Mitigating Noise and Vibration Effects on Historic Resources	X	X
GEO-IAMF#1 Construction Management Plan	X	X
GEO-IAMF#5 Hazardous Minerals Management Plan	X	X
GEO-IAMF#13 Paleontological Resources Monitoring and Mitigation Plan	X	X
HMW-IAMF#3 Hazardous Materials Work Barrier Technical Memo	X	X

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IAMF Number/Mitigation Measure Number	Failure to Describe Adequate Performance Standard	Failure to Establish Feasible Mitigation Actions
HMW-IAMF#4 Undocumented Contamination Management Plan	X	X
HMW-IAMF#5 Safe Demolition Plan	X	X
HMW-IAMF#6 Hazmat Spill Prevention Plan	X	X
HMW-IAMF#7 Hazmat Waste Plan	X	X
HMW-IAMF#10 Hazmat Monitoring Plans	X	X
HYD-IAMF#1 Stormwater Management Plan	X	
LU-IAMF#3 Land Restoration Plan	X	X
NV-IAMF#1 Noise and Vibration Technical Memo	X	
NV-MM#2 Construction Vibration Monitoring Memo	X	X
NV-MM#6 Special Trackwork Technical Memo	X	X
NV-MM#7 Additional Noise Analysis	X	X
PK-IAMF#1 Park and Open Space Impact Minimization Technical Memo	X	X
PK-MM#1 Trail and Park Access Memo		X

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IAMF Number/Mitigation Measure Number	Failure to Describe Adequate Performance Standard	Failure to Establish Feasible Mitigation Actions
PK-MM#2 Permanent Park Access Memo		X
PK-MM#4 Tamian Park Access Memo		X
PUE-IAMF#4 Utility Interruption Coordination Memo	X	X
SS-IAMF#1 Construction Safety Transportation Management Plan	X	X
SS-IAMF#2 Safety and Security Management Plan	X	X
SS-IAMF#2 Valley Fever Action Plan	X	X
SS-IAMF#2 Site Specific Safety and Security Plans	X	X
SS-MM#1 Construction Staging Plan		X
SS-MM#2 Driveway Access Control Plan	X	
SOCIO-IAMF#1 Construction Management Plans	X	X
TR-IAMF#2 Construction Transportation Plan	X	
TR-IAMF#7 & TR-IAMF#8 Construction Truck Route Plan	X	X
TR-IAMF#12 Pedestrian and Bicycle Safety Plan	X	X
TR-MM#3 Railway Disruption Control Plan	X	X

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IAMF Number/Mitigation Measure Number	Failure to Describe Adequate Performance Standard	Failure to Establish Feasible Mitigation Actions
TR-MM#5 Pedestrian Improvement Plan	X	X
AVQ-MM#1 Visual Impact Minimization Memo	X	
AVQ-MM#2 Light and Glare Impact Minimization Memo	X	X
AVQ-MM#3 Design Memo	X	X
AVQ-MM#6 Visually Sensitive Receptors Memo	X	

1115-2495

**IV. The Draft EIR/EIS Fails As An Informational Document Because It Does Not Include The Text Of The IAMFs.**

CEQA requires the Draft EIR/EIS to “set forth” and “describe” the measures proposed to minimize the Project’s effects on the environment.<sup>7</sup> Here, the Draft EIR/EIS does not set forth or describe the text of the IAMFs, even though they are admittedly intended to minimize the Project’s significant effects. Rather, the text of the IAMFs is relegated to Appendix 2-E of the Draft EIR/EIS. This violates CEQA’s informational requirements. As explained by the California Supreme Court, information that CEQA requires be set forth in an environmental impact report “must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. Information scattered here and there in EIR appendices or a report buried in an appendix is not a substitute for good faith reasoned analysis.” *Vineyard* at 442. To cure this defect, the Draft EIR/EIS must be revised to clearly set forth the full text of each IAMF in the body of the document itself, rather than an appendix, and must be recirculated in accordance with Public Resources Code section 21092.1 so that the public and decision makers have a meaningful opportunity to review the requirements of each IAMF and independently assess their efficacy.

<sup>7</sup> Pub. Res. Code § 21100; CEQA Guidelines § 15126.4(a)(1).

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**V. The Draft EIR/EIS’s Description Of The Environmental Setting Fails To Take Account Of The Novel Coronavirus That Causes COVID-19.**

CEQA requires the Draft EIR/EIS to describe existing environmental conditions in the vicinity of the Project – *i.e.*, the “environmental setting” of the Project.<sup>8</sup> The environmental setting serves as the “baseline” for measuring the magnitude and significance of the Project’s environmental effects.<sup>9</sup> As stated by the California Supreme Court, CEQA’s fundamental purpose cannot be achieved unless the Draft EIR/EIS “delineate[s] environmental conditions prevailing absent the project, defining the ‘baseline’ against which predicted effects can be described and quantified.” *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447. CEQA Guidelines section 15360 defines the term “environment” to include natural and man-made conditions existing within the area affected by the Project.

Despite the fact that the Draft EIR/EIS was prepared in the midst of a worldwide pandemic that has had a significant adverse effect on public transit across the nation,<sup>10</sup> the document fails to even mention the novel coronavirus that causes the deadly COVID-19 disease.<sup>11</sup> In the Bay Area, the exponential spread of COVID-19 has so far infected more than 45,500 residents, killed more than 740 residents,<sup>12</sup> and has directly resulted in a 90% reduction in transit ridership on both BART<sup>13</sup> and Caltrain because, in our physically distanced “new normal,” most commuters now work from home or drive to work in single occupancy vehicles.<sup>14</sup> It is reasonably foreseeable that the Project would be similarly impacted were it in operation today. While work to develop a vaccine for this widespread disease is ongoing, experts caution that that it may take many years for a vaccine to be approved and brought to market at scale, assuming it is possible to create a vaccine at all.<sup>15</sup>

Christopher Whitty, the United Kingdom’s Chief Medical Officer, recently testified to Parliament that there is “concerning evidence” that a coronavirus vaccine may never be

<sup>8</sup> CEQA Guidelines § 15125.

<sup>9</sup> CEQA Guidelines §§ 15125, 15126.2(a).

<sup>10</sup> *See, e.g.*, De La Garza, Alejandro, *COVID-19 Has Been ‘Apocalyptic’ for Public Transit. Will Congress Offer More Help?*, Time Magazine, July 21, 2020 (<https://time.com/5869375/public-transit-coronavirus-covid/>);

<sup>11</sup> The only exception is the Draft EIR/EIS’s introductory “Fact Sheet” which explains that public access to physical copies of the document may be limited due to COVID-19, and that public hearings to accept public comments may be held virtually due to COVID-19. *See* Draft EIR/EIS Fact Sheet, pp. 5, 7.

<sup>12</sup> KQED, *Corona Virus Live Updates: Bay Area Now Has More Than 45,000 COVID-19 Cases*, July 24, 2020 (<https://abc7news.com/coronavirus-bay-area-live-updates-update-california-shelter-in-place/6332692/>).

<sup>13</sup> Schwartz, Katrina, *How COVID-19 Hit Bay Area Public Transit Hard – and What That Means For You*, KQED, June 18, 2020 (<https://www.kqed.org/news/11824758/how-coronavirus-is-affecting-public-transit-and-what-that-means-for-you>).

<sup>14</sup> Swan, Rachel, *Caltrain Derailed: Advocates Predict Shutdown Would Mean Disaster for Bay Area*, Mass Transit Magazine, July 16, 2020 (<https://www.masstransitmag.com/rail/news/21146350/ca-caltrain-derailed-advocates-predict-shutdown-would-mean-disaster-for-bay-area>).

<sup>15</sup> Thompson, Stuart A., *How Long Will A Vaccine Really Take?*, New York Times, April 30, 2020 (<https://www.nytimes.com/interactive/2020/04/30/opinion/coronavirus-covid-vaccine.html>).

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developed, citing the fact that no vaccine has ever been approved for other forms of coronavirus and evidence that “immunity [to the virus] wanes relatively quickly[.]”<sup>16</sup> a view that is shared by Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases.<sup>17</sup> In fact, scientists at the University of California, San Francisco are so discouraged about the likelihood of developing a COVID-19 vaccine that they have abandoned vaccine research and are focused solely on the development of therapeutics to manage, but not cure, the disease.<sup>18</sup> Thus, if a vaccine is developed, it is very likely to only be partially effective, at best.<sup>19</sup> Moreover, the World Health Organization and other scientific bodies have concluded that climate change and rampant deforestation will significantly increase the transmission potential of new and different viruses harmful to humans, and that similar pandemics will likely become more frequent.<sup>20</sup>

Although the Draft EIR/EIS discloses, assesses and mitigates for the Project’s potential impacts related to Valley Fever (as CEQA requires), it is completely silent with respect to the hazards associated with novel coronaviruses like the one that causes COVID-19. Related foreseeable impacts include, for example, the public health hazards associated with bringing Project-related construction workers and transit riders in close contact with each other and with rail employees.<sup>21</sup> Moreover, the Draft EIR relies on 2016 ridership forecasts and makes certain train capacity assumptions to assess Project impacts related to transportation, air quality, noise, electrical demand, and fossil fuel use, even though the accuracy of such forecasts and assumptions is highly questionable in a COVID-impaired world where transit operators are

<sup>16</sup> Bienkov, Adam, *Scientists Fear The Hunt For A Coronavirus Vaccine Will Fail and We Will All Have To Live With The ‘Constant Threat’ of COVID-19*, Business Insider, April 25, 2020 (<https://www.businessinsider.com/coronavirus-vaccine-may-be-impossible-to-produce-scientists-covid-2020-4>).

<sup>17</sup> Lovelace Jr., Berkeley, *Dr. Anthony Fauci Says There’s A Chance Corona Virus Vaccine May Not Provide Immunity For Very Long*, CNBC, June 2, 2020 (<https://www.cnbc.com/2020/06/02/dr-anthony-fauci-says-theres-a-chance-coronavirus-vaccine-may-not-provide-immunity-for-very-long.html>).

<sup>18</sup> Fimrite, Peter, *Studies Show Coronavirus Antibodies Might Fade Fast, Raising Questions About Vaccines*, San Francisco Chronicle, July 30, 2020 (<https://www.sfchronicle.com/health/article/With-coronavirus-antibodies-fading-fast-focus-15414533.php?fbclid=IwAR3AuefbiDF8ggN4gPQJpPePE6xv0g7TH28h50W7JA1AWey9vr6KUR6pPc>).

<sup>19</sup> Sample, Ian, *Why We May Not Get A Coronavirus Vaccine*, May 22, 2020, The Guardian (<https://www.theguardian.com/world/2020/may/22/why-we-might-not-get-a-coronavirus-vaccine>).

<sup>20</sup> See, e.g., World Health Organization, *Climate Change and Human Health: Climate Change and Infectious Disease*, 2003 (<https://www.who.int/globalchange/summary/en/index5.html>); Daszak, Peter, *COVID-19 Stimulus Measures Must Save Lives, Protect Livelihoods, and Safeguard Nature to Reduce the Risk of Future Pandemics*, Inter Press Service News Agency, April 27, 2020 (<http://www.ipsnews.net/2020/04/covid-19-stimulus-measures-must-save-lives-protect-livelihoods-safeguard-nature-reduce-risk-future-pandemics/>); Wallace-Wells, David, *The Coronavirus Is a Preview of Our Climate-Change Future*, *Intelligencer*, April 8, 2020 (<https://nymag.com/intelligencer/2020/04/the-coronavirus-is-a-preview-of-our-climate-change-future.html>).

<sup>21</sup> Center for Disease Control, *What Bus Transit Operators Need to Know About COVID-19*, April 14, 2020 (<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/bus-transit-operator.html>).

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imposing social distancing protocols,<sup>22</sup> and where more and more workers telecommute or drive personal vehicles to work.<sup>23</sup>

Since the Draft EIR/EIS completely fails to even mention, much less consider, the local and regional presence of the novel coronavirus that causes COVID-19, its description of the environmental setting is insufficiently comprehensive and thereby precludes consideration of all of the Project’s significant impacts “in the full environmental context” that CEQA requires.<sup>24</sup>

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**VI. The Alternatives Analysis Violates CEQA Because It Does Not Analyze a Reasonable Range Of Alternatives That Would Avoid Or Reduce The Project’s Significant Effects.**

CEQA requires the Draft EIR/EIS to analyze a range of reasonable alternatives to the Project, or its location, which would feasibly attain most of its basic objectives *but would avoid or substantially lessen any of the significant effects of the Project*, and to evaluate the comparative merits of such alternatives.<sup>25</sup> These legal requirements stem from CEQA’s fundamental statutory policy requiring lead agencies to evaluate and consider feasible alternatives and mitigation measures to reduce or avoid a project’s significant environmental effects.<sup>26</sup> The Draft EIR/EIS violates this statutory mandate by failing to analyze a reasonable range of alternatives that can feasibly reduce or avoid the Project’s significant effects.

According to the Draft EIR/EIS, the so-called Alternative A is the “Project” for purposes of CEQA Guidelines section 15124. The only alternative to the Project that the Draft EIR/EIS considers (with the exception of the required “No Project” alternative) is the so-called Alternative B.<sup>27</sup> But Alternative B would not avoid or substantially reduce any of the Project’s significant effects. In fact, Alternative B would cause more significant effects than would the proposed Project. For example, even with all feasible mitigation, the Project would cause 12 significant impacts (*i.e.*, Traffic Impacts TR#8 and TR#11; Air Quality Impact AQ#3; Noise and Vibration Impacts NV#1, NV#2, NV#6 and NV#9; Safety and Security Impacts S&S#1 and S&S#6; Land Use Impacts LU#4 and LU#5; Cultural Resource Impact CUL#4). But Alternative B would not avoid or reduce any of these significant Project effects. And the significance of

<sup>22</sup> See, e.g., Bay Area Rapid Transit Social Distancing Protocol (<https://www.bart.gov/sites/default/files/docs/BART%20Social%20Distancing%20Protocol%20completed.pdf>); Caltrain Social Distancing Protocol ([https://www.caltrain.com/about/MediaRelations/news/Caltrain\\_Updates\\_Novel\\_Coronavirus\\_COVID-19\\_.html](https://www.caltrain.com/about/MediaRelations/news/Caltrain_Updates_Novel_Coronavirus_COVID-19_.html)).

<sup>23</sup> Swan, Rachel, *California Bay Area Transit Prepares for Uncertain Future*, Government Technology, April 28, 2020 (<https://www.govtech.com/fs/transportation/California-Bay-Area-Transit-Prepares-for-Uncertain-Future.html>); Sohn, Emily, *Your Daily Commute Won’t Ever Be The Same*, National Geographic, May 11, 2020 (<https://www.nationalgeographic.com/science/2020/05/coronavirus-your-daily-commute-will-never-be-the-same-cvd/>); Mikula, Andrew, *Survey Suggests Demand for Telecommuting After COVID-19 Crisis*, May 26, 2020 ([https://pioneerinstitute.org/better\\_government/survey-suggests-demand-for-telecommuting-after-covid-19-crisis/](https://pioneerinstitute.org/better_government/survey-suggests-demand-for-telecommuting-after-covid-19-crisis/)).

<sup>24</sup> CEQA Guidelines § 15125(c).

<sup>25</sup> Pub. Res. Code §§ 21002, 21002.1(a), 21100(b)(4); CEQA Guidelines § 15126.6.

<sup>26</sup> Pub. Res. Code section 21002.

<sup>27</sup> Draft EIR/EIS at 2-1, 2-3.

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Cultural Resources Impact CUL#4 would be far greater under Alternative B than would occur under Project conditions.<sup>28</sup> By failing to analyze any alternatives that could reduce any of the Project's significant effects, and by only analyzing a single alternative that would in fact exacerbate the Project's significant effects (thus precluding its adoption), the Draft EIR/EIS sets forth range of alternatives that is patently unreasonable and in violation of CEQA. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566 (EIR must consider alternatives that "offer substantial environmental advantages over the project proposal"). To cure this fatal defect, the Draft EIR/EIS must be revised to consider alternatives that can feasibly reduce or avoid the Project's significant effects, and once revised the document must be recirculated for further public review and comment in accordance with Public Resources Code section 21092.1.<sup>29</sup>

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## VII. The Alternatives Analysis Violates CEQA Because It Improperly Rejects Alternatives That Are Capable of Reducing At Least One of the Project's Significant Effects.

The Project would cause a significant and unavoidable land use impact - *i.e.*, Impact LU#5 - related to the permanent alteration from land use conversion at the Project's proposed Brisbane Light Manufacturing Facility (LMF). Specifically, both the Project and Alternative B would cause a significant and unavoidable land use impact because the Brisbane LMF would require the permanent acquisition of lands designated as planned development.<sup>30</sup> The Draft EIR/EIS rejected for analysis two alternatives that would have avoided or reduced Impact LU#5 by locating the LMF to either the Port of San Francisco Piers 90-94 ("Port Site Alternative") or the San Francisco International Airport ("SFO Site Alternative").

The Draft EIR/EIS rejects the Port Site Alternative on the purported basis that the Port site is undersized and because "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." Similarly, the Draft EIR/EIS concludes that the SFO site is adequately sized, but nevertheless rejects the SFO Site Alternative on the basis that "[p]roviding the necessary lead tracks from the SFO site to the Caltrain mainline

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<sup>28</sup> Per the Draft EIR/EIS, under Cultural Resources Impact CUL#4, the Project would only cause a significant and unavoidable impact with respect to 75 South Autumn Street in San Jose, whereas Alternative B would cause a significant and unavoidable impact with respect to the Santa Clara Railroad Historical Complex, the Sunlite Baking Company, and 415 Illinois Avenue in San Jose, in addition to 75 South Autumn Street in San Jose. (Draft EIR/EIS at 3.16-75, 3.16-80, 3.16-84.). As another example, Alternative B's significant and unavoidable impacts are also greater than the Project's significant and unavoidable impacts under Impact LU#5.

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<sup>29</sup> For example, the Draft EIR/EIS could consider an alternative that would reduce or avoid cultural resource impacts to 75 South Autumn Street by realigning the new road that the Project proposes be run through the cultural resource. The Draft EIR/EIS could also consider alternatives that would reduce or avoid the Project's significant safety impacts by grade separating some rail crossings that would otherwise significantly impact emergency vehicle response times. This is a non-exclusive list of examples of potentially feasible alternatives that should have been, but were not, evaluated in the Draft EIR/EIS. It must be noted, however, that a lead agency's duty to consider a reasonable range of alternatives is not conditioned on the public demonstrating that feasible alternatives exist.

*Laurel Heights*, 47 Cal. at 405.

<sup>30</sup> Draft EIR/EIS at 3.13-85.

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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."<sup>31</sup>

The Draft EIR/EIS rejection of the Port Site Alternative and the SFO Site Alternative violates CEQA because such determination is made on the basis of bare conclusions and not on facts and analysis supported by substantial evidence. *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 404 ("*Laurel Heights*") (EIR's rejection of alternative must be based on "facts and analysis, not just the agency's bare conclusions or opinions.") For example, there is no substantial evidence or analysis in the Draft EIR/EIS to substantiate its claim that the Port site is undersized, or that the SFO site would require infeasible modifications to the US 101 interchange. Nor is there any evidence or analysis supporting the Draft EIR/EIS's assertion that the SFO Site Alternative is infeasible because it would require acquisition of a leasehold interest, a claim that is undermined by the fact that both the Project and Alternative B would require property acquisitions in order to locate the LMF in Brisbane.<sup>32</sup> Finally, there is no evidence or analysis to support the determination that the Port Site Alternative would cause more significant impacts to "adjacent dense urban neighborhoods" as compared to the Project, a claim that is undermined by the Draft EIR/EIS's admission that there is "dense urban development throughout the Project Section" extending from San Francisco to San Jose.<sup>33</sup> Without such evidence and analysis, the Draft EIR/EIS fails as an informational document and thus violates CEQA.

Moreover, the mere fact that the Port Site or SFO Site Alternatives might be more costly than the Project is not a sufficient basis for rejecting them for analysis altogether. It is well settled that an EIR "must focus on alternatives capable of eliminating any significant adverse environmental effects or reducing to them to a level of insignificance, *even if these alternatives would impede to some degree attainment of the project objectives, or would be more costly.*" *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733 ("*Kings County*") (emphasis added). CEQA forbids the rejection of an alternative on the basis of economic infeasibility absent "meaningful comparative data" that demonstrates that the additional costs or lost profits associated with such alternative are so severe it would make it impractical. *Kings County* at 736; *Center For Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 884. Here, there is no comparative economic data in the record that supports the lead agency's rejection of the Port Site and SFO Site Alternatives for full analysis in the Draft EIR/EIS. The Draft EIR/EIS's rejection of the Port Site and SFO Site Alternatives on economic grounds without substantial evidence and analysis demonstrating that they are economically infeasible constitutes a prejudicial abuse of discretion. *Kings County* at 712. To cure this defect, the Port Site and SFO Site Alternatives must be adequately analyzed and the Draft EIR/EIS must be recirculated in accordance with Public Resources Code section 21092.1.

<sup>31</sup> *Id.*

<sup>32</sup> Draft EIR/EIS at 3.13-86.

<sup>33</sup> Draft EIR/EIS at 2-35.

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**VIII. The Alternatives Analysis Violates CEQA Because It Fails to Meaningfully Compare the Environmental Harms Of The Project To The Harms Of The “No Project” Scenario And Misidentifies The Project As The Environmentally Superior Alternative To The Project.**

Per CEQA Guideline section 15126.6(e)(2), if the environmentally superior alternative is the required “No Project” alternative, then the Draft EIR/EIS must identify an environmentally superior alternative among the other alternatives to the Project. The Draft EIR/EIS claims that the Project is environmentally superior to the No Project alternative, but provides no substantial evidence or analysis in support of this claim. Indeed, the alternatives analysis doesn’t even compare the environmental harms of the Project to the environmental harms of the No Project scenario, even though CEQA Guidelines section 15126.6 expressly requires the alternative analysis to “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison” of the alternatives. Instead, the alternatives analysis merely asserts without evidence that the Project would offer three environmental benefits that would not be realized by the No Project alternative (*i.e.*, lower vehicle miles traveled, fewer greenhouse gas emissions, and reduced need for freeway and airport improvements) and on this basis – and without regard for the Project’s environmental harms – determines that the Project is environmentally superior to the “No Project” alternative.<sup>34</sup>

In fact, the Project would cause at least 12 significant and unavoidable impacts that would not occur under the No Project scenario (*i.e.*, Impacts TR#8, TR#11, AQ#3, NV#1, NV#2, NV#6, NV#9, S&S#1, S&S#6, LU#4, LU#5, CUL#4).<sup>35</sup> Thus, on balance, the No Project alternative is in fact environmentally superior to the Project, even if the Project might offer 3 environmental benefits that are not offered by the No Project scenario (assuming these claimed benefits are supported by substantial evidence, which is not the case).

On the basis of its unsupported claim that the Project is environmentally superior to the No Project scenario, and since the only other analyzed alternative (*i.e.*, Alternative B) would cause a greater number of significant impacts than would the Project (a distinct CEQA violation discussed in Section IV), the Draft EIR/EIS is forced to identify the Project as the environmentally superior alternative to the Project. Setting aside the Draft EIR/EIS’s absurd conclusion that the Project can somehow be considered an *alternative* to itself, its failure to adequately compare the environmental harms of the Project to those of the No Project alternative is a fatal defect that must be cured in a second draft recirculated for additional public review in accordance with Public Resources Code section 21092.1.

<sup>34</sup> Draft EIR at 8-17.

<sup>35</sup> It must be noted that these significant Project impacts are in fact categories of significant impacts, not individual impacts. For example, while the Draft EIR/EIS determined that Project Impact CUL#4 would be significant and unavoidable, this single impact heading actually covers multiple cultural resources and the Draft EIR/EIS confirms that the Project would cause significant and unavoidable impacts to at least five different cultural resources under the single Impact CUL#4 heading.

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**IX. A Revised Draft EIR/EIS Must Be Recirculated For Public Review And Comment.**

CEQA requires recirculation “[w]hen significant new information is added to an environmental impact report” following the comment period. Pub. Res. Code § 21092.1. The Authority may not rely on a draft report “that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR/EIS] that is insulated from public review.” *Mountain Lion Coalition v. California Fish and Game Comm’n* (1989) 214 Cal.App.3d 1043, 1052. Given the CEQA errors described above, the Final EIR/EIS cannot legally be predicated on the inadequate Draft EIR/EIS without significant revision and recirculation to allow the public a fair opportunity “to test, assess, and evaluate the data and make an informed judgement as to the validity of the conclusions to be drawn therefrom.” *Sutter Sensible Planning, Inc. v. Board of Supervisors of Sutter County* (1981) 122 Cal.App.3d 813, 822. Failure to recirculate will necessarily expose the Authority to clear and avoidable CEQA liability.

Sincerely yours,

HOLLAND & KNIGHT LLP



Jennifer L. Hernandez

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## Response to Submission 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020)

### 1115-2487

The Authority appreciates the comments on the Draft EIR/EIS. In subsequent individual comments, specific comments were provided regarding the commenter's belief that the Draft EIR/EIS does not comply with CEQA. Each of these specific comments is addressed below.

The Draft EIR/EIS was developed in compliance with CEQA and NEPA. 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 for a full assessment of the environmental impacts of the project. The EIR/EIS also includes a discussion of mitigation measures as required by CEQA and NEPA.

The Authority determined that recirculation of the Draft EIR/EIS based on the concerns identified in this letter is not required.

### 1115-2488

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 San Francisco to San Jose Project Section of the HSR system at an appropriate level of detail for a project-level environmental document based on the project description and the engineering drawings included in Volume 3, Preliminary Engineering Plans.

The commenter asserts that the EIR/EIS defers identification of localized information about the project, impacts, and mitigation. The Authority disagrees with assertion. Some of the examples provided by the commenter as "deferred project specifics" were identified in the Draft EIR/EIS. For example, permanent road closures are identified in Table 3.2-15 in Section 3.2, Transportation; a description of large construction staging areas located outside of the existing Caltrain right-of-way is provided in Section 2.10.2.1, Operational Right-of-Way, in Chapter 2, Alternatives; proposed noise barrier locations are identified in Table 3.4-21 in Section 3.4, Noise and Vibration; and utility conflicts and the proposed approach to relocating or protecting them in place are identified in Volume 2, Appendix 3.6-A, Public Utilities and Energy Facilities.

Other examples provided by the commenter of "deferred project specifics," such as detailed construction logistics and aesthetic treatments, are not identified in the Draft EIR/EIS; rather, the Draft EIR/EIS outlines the process by which the Authority would coordinate with local jurisdictions on these topics and incorporate their feedback into the design and construction process. For example, with respect to specific logistics for construction, the Authority's standard process to date has involved third-party agreements with local jurisdictions. Third-party agreements are arranged with the Authority prior to construction and 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 Project Section. As set forth in TR-IAMF#2, the construction transportation plan would be developed and implemented in close consultation with affected jurisdictions, offering ample opportunity for local jurisdictions' concerns to be understood and incorporated. The comment did not

## Response to Submission 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020) - Continued

### 1115-2488

result in any revisions to the Draft EIR/EIS.

### 1115-2489

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.

### 1115-2490

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

The comment asserts that Impacts TR#1, TR#3, TR#4, TR#6, TR#7, TR#12, TR#13, and TR#15 through TR#18 in the Draft EIR/EIS Section 3.2, Transportation, improperly rely on project features (IAMFs) and compress the analysis by determining that the impacts would be less than significant and do not require mitigation with incorporation of the IAMFs. The Authority disagrees with this assertion. For CEQA purposes, each of these 11 impacts describes whether the project alternatives result in significant impacts as evaluated against the relevant threshold of significance. The analysis describes the effectiveness of the IAMFs in avoiding or minimizing impacts, where relevant, and does not omit discussion of the relevant thresholds of significance. Inclusion of IAMFs as part of the project does not interfere with disclosure of the project's impacts or consideration of mitigation measures. Further, of the 11 transportation impacts identified by the commenter, three impacts (Impact TR#1, TR#13, and TR#17) do not include any discussion of IAMFs and two impacts (Impact TR#3, TR#4) were determined to be less-than-significant impacts because they relate to automobile delay which does not constitute a significant environmental impact under CEQA. Only three of these 11 impacts (Impact TR#3, TR#6, TR#15) include a discussion of IAMFs in relation to the CEQA conclusion.

The comment also asserts that the air quality analysis violates CEQA because it does not explain the significance of or quantify the project's total emissions without inclusion IAMFs. Refer to Section 6.4.7, Project Design Features, within the Final EIR/EIS Volume 2, Appendix 3.3-A, Air Quality and Greenhouse Gases Technical Report, for additional information regarding the emissions benefits achieved through these project design features. For example, fugitive dust reductions from earthmoving best practices (AQ-IAMF#1) was assumed to reduce PM from ground disturbance (e.g., scraping and grading activities) by 75 percent. Please also refer to the responses to submission FJ-1115, comments 2491 and 2494.

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



## Response to Submission 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020) - Continued

### 1115-2491

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

The comment asserts that the Draft EIR/EIS impact analysis violates CEQA as discussed by the *Lotus* court and lists approximately 125 impact areas across the resource topics it claims suffer from this “analytical deficiency.” The Authority disagrees with this assertion.

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 that the Authority committed to for all project sections. The Draft EIR/EIS describes the effectiveness of the IAMFs in avoiding or minimizing impacts and does not omit discussion of the relevant thresholds of significance. Accordingly, 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.

For example, one of the impacts the commenter identifies as deficient is Impact AQ#1 in Section 3.3, Air Quality and Greenhouse Gases. This impact quantifies construction emission from the project alternatives within the San Francisco Bay Area Air Basin. The emissions calculations incorporate project features the Authority committed to that minimize air quality impacts (AQ-IAMF#1 through AQ-IAMF#6), which are described in detail 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 basic and enhanced fugitive dust control measures. As discussed in Section 6.4.7, Project Design Features, of Appendix 3.3-A, Air Quality and Greenhouse Gases Technical Report, of the Final EIR/EIS, 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. It would be unhelpful and unnecessary to consider the emissions calculations without these standardized controls because the Authority has committed to

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implement these for this project. Furthermore, the Technical Report discloses the effectiveness of the IAMF. Nonetheless, even with incorporation of these project features, the analysis in Impact AQ#1 concludes that construction of the project alternatives would have a significant impact under CEQA because construction emissions would still exceed the applicable BAAQMD CEQA thresholds. Accordingly, the Authority proposed mitigation measures (AQ-MM#1 and AQ-MM#2) to reduce and offset the impacts on air quality resources. In this manner, the analysis discloses emissions with the project features, clearly explains the effectiveness of the IAMFs in avoiding or minimizing impacts, bases the impact conclusion under CEQA on the relevant thresholds of significance, and identifies feasible mitigation measures to further avoid, minimize, rectify, eliminate, or compensate for the significant impact. This analysis does not obscure the project impacts or effectiveness of mitigation measures.

Another example of an impact the commenter identifies as deficient is Impact GEO#6 in Section 3.9, Geology, Soils, Seismicity, and Paleontological Resources. This impact assesses the risks of increase exposure of people to injury or loss of life or property to damage or destruction from construction on landfills. The impact assessment takes into consideration project features, including GEO-IAMF#1 and GEO-IAMF#10, that would be incorporated into the engineering design of the project. As explained under Impact GEO#6, the potential for settlement is minimized through 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 (GEO-IAMF#1). These methods are commonly used for structures constructed on landfills and the specific method selected will be informed by additional site-specific geotechnical analysis prepared by a licensed geotechnical engineer during final design. Additionally, structures will 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 engineering design and construction methods will address ground settlement and prevent potential risks of injury, loss of life, or destruction of property. Therefore, no additional mitigation is required. An evaluation of the project impacts without consideration of applicable engineering standards or without consideration of ground improvement measures identified in the IAMFs would be of limited informational value because such a scenario would not occur.



## Response to Submission 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020) - Continued

### 1115-2491

The commenter also identified Impact HYD#2 in Section 3.8, Hydrology and Water Resources, as deficient. As described under Impact HYD#2, the Draft EIR/EIS concludes that the project would not result a substantial alteration of the existing drainage patterns, substantially increase the rate or amount of surface runoff, result in substantial erosion or siltation on- or offsite, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. The project design would maintain existing drainage patterns by providing culverts and bridges for concentrated flows to pass through the project or realigning aquatic resources to flow around the project. Realigned channels would be near the original aquatic resource, and changes in drainage patterns and hydrology would be similar to existing conditions. The Authority included HYD-IAMF#1 as part of the project to govern the process by which the project design would address new drainage systems and upgrade existing drainage systems to handle expected runoff quantities. HYD-IAMF#1 requires the contractor to develop a stormwater management and treatment plan prior to construction to permanently control stormwater runoff from the project. Engineers will quantify the runoff that would be generated by the project and incorporate stormwater management measures (BMPs) to manage the flows in accordance with the Phase II MS4 permit, which establishes the performance standards in HYD-IAMF#1. These BMPs include LID features such as detention basins, bioretention facilities, and pervious pavement. As defined by the Phase II MS4 permit, these LID features will 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 will be upgraded to maintain adequate drainage system capacity. These LID features and drainage upgrades will be incorporated into the design of dedicated HSR facilities 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. Through these effective management and control measures, substantial permanent impacts on drainage patterns, stormwater runoff, and water quality would be avoided, and impacts would be less than significant. Accordingly, no mitigation would be required. The analysis presented in Impact HYD#2 discloses potential impacts, the applicable thresholds of significance, and the effectiveness of the IAMFs in avoiding or minimizing impacts, and therefore, is consistent with the requirements of CEQA and NEPA and does not

### 1115-2491

improperly compress the analysis.

Further, the commenter identified many of the hazardous materials and waste impact analyses as deficient, including Impact HMW#5 in Section 3.10, Hazardous Materials and Wastes. As discussed in Section 3.10, hazardous materials and wastes are highly regulated by federal and state laws that the Authority is required to comply with, and these requirements are reflected in the IAMFs incorporated into the project. For example, prior to building demolition, the Authority's contractor will evaluate whether the structures proposed for demolition contain asbestos, in accordance with 15 U.S.C. Section 2601 et seq. and 40 C.F.R. Part 763, Subpart G. Asbestos-containing materials will be handled in accordance with OSHA standards in 29 C.F.R. Section 1926.1101. HMW-IAMF#5 also requires construction contractors to prepare demolition plans with specific provisions for ACM abatement for all structures slated for demolition or renovation. Licensed asbestos contractors are required to handle any ACM and implement standard control measures, such as screened fencing, water application for dust minimization, and asbestos air monitoring, during demolition so that demolition would not present a safety risk to construction workers, the public, or the environment. As a result, ACM exposure during project construction would not result in a significant hazard to the public, workers, or the environment. The Authority is required to comply with federal and state laws that regulate hazardous materials and wastes, and project features such as HMW-IAMF#5 facilitate verification of the contractor's compliance with these regulations. Accordingly, consideration of these IAMFs as project features when evaluating these potential projects impacts is appropriate.

As illustrated by the examples discussed above, the impact analysis in the Draft EIR/EIS, including those impacts identified by the commenter, provide summarized technical information and an analysis of the project impacts against the applicable thresholds of significance in a manner sufficient to allow for a full assessment of the environmental impacts of the project. The Draft EIR/EIS describes feasible mitigation measures, where applicable, to further avoid, minimize, rectify, eliminate, or compensate for the impact, as required by CEQA and NEPA. The inclusion of IAMFs does not preclude or obfuscate the required disclosure of the project's environmental impacts and analysis of potential mitigation measures. The Authority determined that recirculation of the Draft EIR/EIS based on the concerns identified in this comment is not required.

## Response to Submission 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020) - Continued

### 1115-2491

### 1115-2492

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 also refer to the response to submission FJ-1115, comment 2494 which addresses the commenter's detailed assertions regarding IAMFs and mitigation measures constituting improperly deferred mitigation.

### 1115-2493

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

The Authority disagrees that BIO-IAMF#5 improperly defers mitigation. BIO-IAMF#5 specifically includes a commitment of preparing a BRMP that will compile the biological resource mitigation measures in the EIR/EIS and permit conditions for the project section and tie implementation of the measures to applicable steps in the construction process. Further, the BRMP will define specific responsibilities and timing to allow for the timely and appropriate implementation of the measures. BIO-IAMF#5 facilitates the Authority's compliance with the mitigation measures in the EIR/EIS and does not introduce new or different measures from those identified in the EIR/EIS. It therefore works in concert with the specific mitigation measures identified in the EIR/EIS and does not improperly defer mitigation. The comment did not result in any revisions to the Draft EIR/EIS.

### 1115-2494

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 commenter lists 54 IAMFs and MMs included in the Draft EIR/EIS that it asserts constitute improperly deferred mitigation, alleging they fail to establish either adequate performance standards or potential mitigation actions that are known to feasibly achieve an applicable performance standard (or both). The Authority disagrees with this assertion.

Many of the IAMFs reflect standard requirements for design and construction and standard procedures to be followed during construction. These are incorporated into the project delivery specifications and will result in a tangible avoidance or minimization of environmental impacts as described in the impact analysis sections. Many of the IAMFs reflect compliance with regulatory requirements (e.g., AQ-IAMF#1), or industry-recognized performance standards (e.g., EMI/EMF-IAMF#1), which the Authority will impose on the selected construction contractor. Other IAMFs reflect the Authority's established guidelines, direction, and practices to avoid or minimize impacts for non-regulatory topics such as aesthetics. In addition, the Draft EIR/EIS provides an extensive set of specific, enforceable mitigation measures that are consistent with NEPA and CEQA requirements.

For example, the commenter claims that AQ-IAMF#1 fails to describe adequate performance standards. AQ-IAMF#1 requires preparation of a fugitive dust control plan that will minimize fugitive dust emissions consistent with BAAQMD's basic and enhanced fugitive dust control measures. Preparation of the fugitive dust control plan by the contractor at the time of construction 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. The measure includes specific performance standards for the plan, which are consistent with BAAQMD's regulatory standards, and types of actions that may achieve the standards.

The commenter also claims that several biological and aquatic resource mitigation measures fail to describe adequate performance standards and fail to establish feasible mitigation actions. The Authority disagrees. For example, performance standards in

## Response to Submission 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020) - Continued

### 1115-2494

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." Another example is BIO-MM#8, which outlines a clear requirement, process, and framework for the implementation of the species-specific compensatory mitigation that include mitigation ratios and additional details on compensatory mitigation actions. The Authority has already prepared a PCMP, available upon request, which demonstrates the feasibility of implementing the compensatory mitigation for the project.

Another example is HYD#1. 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 the applicable CEQA thresholds pertain to exceeding capacity, providing adequate capacity through meeting the criteria required by the IAMF avoids any significant impacts.

Another example is TR-MM#3. Please refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight. As explained in the standard response, Mitigation Measure TR-MM#3 has been modified in the Final EIR/EIS to incorporate additional consultation requirements with respect to coordination between the Authority and freight operators and shippers. These provisions include the establishment of a freight stakeholder committee with quarterly coordination meetings throughout the construction duration; consultation with Caltrain, UPRR, and freight operators and shippers during preparation of the construction disruption plan, including provision of a draft plan for review and comment prior to finalization; and notification of planned closures at least 3 months in advance. Revisions were also made to TR-MM#3 to incorporate other measures to minimize disruption during construction, including limiting the number of simultaneous track closures within each subsection, limiting closure of tracks to periods when train service is less frequent, and providing safety measures for freight and passenger rail operations through construction zones. These additions to TR-MM#3 provide further

### 1115-2494

detail of the purposes of the railway disruption control plan. This approach is the same approach that was used for the PCEP to address potential disruption during construction. As revised, TR-MM#3 provides sufficient detail as to the controls and outcomes for the mitigation measure.

These examples illustrate how IAMFs will be effective in avoiding or minimizing environmental impacts and how the proposed mitigation measures meet CEQA and NEPA requirements and are not improperly deferred mitigation. Please also refer to Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, in the Final EIR/EIS for the complete text of the IAMFs, which includes some additional clarification of requirements, procedures, and performance standards since publication of the Draft EIR/EIS.

## Response to Submission 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020) - Continued

### 1115-2495

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. All of these documents are available to the public on the Authority's website. As the commenter notes, the full text of the IAMFs is provided in Appendix 2-E, Project Impact Avoidance and Minimization Features, in Volume 2 of the Draft EIR/EIS. Section 2.6.2.3, High-Speed Rail Project Impact Avoidance and Minimization Features, in Volume 1 of the Draft EIR/EIS, lists the titles of the IAMFs and refers the reader to Appendix 2-E. Within every resource section in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of Volume 1 of the Draft EIR/EIS, a reference to Appendix 2-E is included in the Introduction, the Methods for Evaluating Impacts, and the Environmental Consequences subsections. Further, each resource section discusses how the IAMFs avoid or minimize impacts. Including the full text of the IAMFs within Chapter 2, Alternatives, of the Draft EIR/EIS would introduce an additional 30 pages into the project description, which would decrease readability and would not enhance the value of the document as an informational tool. The full text was not included within each resource section in Chapter 3 for the same reason. The information about the IAMFs is not scattered or buried in an appendix or report that is difficult for the reader to locate; rather, the reader is clearly directed to Appendix 2-E in multiple places in the environmental analysis in Volume 1. The comment did not result in any revisions to the Draft EIR/EIS and would not require recirculation.

### 1115-2496

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. Similarly, NEPA requires a description of the affected environment. The NOP and NOI for the Project Section were published in May 2016, which established the existing conditions baseline for the Draft EIR/EIS. No revisions to the description of existing environmental conditions are required to reflect COVID-19. Although the current coronavirus pandemic has had a dramatic effect on public transit ridership and public transit agencies, the Authority does not anticipate that COVID-19 will significantly affect the need for, or travel demand associated with, the HSR system, as explained in the standard response referenced above.

Finally, the commenter asserts that the EIR/EIS should evaluate the effects of project construction on public health hazards such as COVID-19. NEPA requires an evaluation of the adverse environmental and related social and economic effects of the proposed action. CEQA is focused on the physical impacts of the proposed project on the environment. Health concerns about a human virus, such as the virus that causes COVID-19, are not an impact of the project on the environment, and therefore do not need to be evaluated under NEPA or CEQA.

The Authority has well-established protocols to safeguard the health of construction workers that have been employed on the HSR project in the Central Valley during the COVID-19 health emergency. As described in Section 3.11, Safety and Security, of the Draft EIR/EIS, similar protective measures would be implemented during construction of the San Francisco to San Jose Project Section. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020) - Continued

### 1115-2497

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.

The Authority disagrees with the commenter's assertions that the Draft EIR/EIS's alternatives analysis violates CEQA. 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 appropriately 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) and 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. Chapter 8, Preferred Alternative, of the Draft EIR/EIS sets forth the Authority's Preferred Alternative (Alternative A). Alternative A was selected as the Preferred Alternative based on the data contained in the Draft EIR/EIS. Additionally, the Authority has identified all feasible mitigation measures which would substantially lessen the significant environmental effects of the project.

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.

### 1115-2498

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

The elimination of LMF alternatives at the Port of San Francisco and the San Francisco International Airport from further consideration was based on a variety of factors, not solely cost and leaseholder interests, as the commenter suggests. Please refer to Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, for further information regarding the need and siting criteria for the LMF, as well as further information regarding the dismissal of the referenced LMF alternatives. 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. Recirculation of, or revisions to, the Draft EIR/EIS on the basis of this comment is not warranted.

### 1115-2499

The commenter correctly states that Alternative B would have greater impacts on built historic resources and existing and planned land uses. This 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 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020) - Continued

### 1115-2500

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

As described in Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process and Standard Response FJ-Response-ALT-3: Light Maintenance Facility Alternatives Consideration, 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. The comment did not result in any revisions to the Draft EIR/EIS.

### 1115-2501

The Draft EIR/EIS does not identify the No Project Alternative as the environmentally superior alternative under CEQA for the reasons disclosed in Section 8.5, Environmentally Superior Alternative. The conclusion that the No Project Alternative is not the environmentally superior alternative is supported by the analysis of the potential environmental impacts of the project alternatives and the No Project Alternative in the environmental consequences section of each resource topic within Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, 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 greenhouse gas 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 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 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 improvements 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 guidelines, to provide a basis for decision makers and

## Response to Submission 1115 (Jennifer Hernandez, Holland & Knight LLP, for Baylands Development, Inc., September 9, 2020) - Continued

### 1115-2501

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 impacts of the No Project Alternative compared to the project alternatives can be ascertained by comparing the discussion of the No Project Alternative and the project alternatives within the environmental consequences section of Sections 3.2 through 3.18, Chapter 4, Draft Section 4(f)/6(f) Evaluation, and Chapter 5, Environmental Justice, of the Final EIR/EIS. As discussed therein, 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, which is clearly described in the Final EIR/EIS. The relative benefits and impacts of the project alternatives and the No Project Alternative are both considered when identifying the environmentally superior alternative (i.e., the alternative that causes the least damage to the biological and physical environment). As described in Section 3.1.5.4, Methods for Evaluating Impacts, of the Final EIR/EIS, the Final EIR/EIS evaluates the impacts of the No Project Alternative and the project alternatives as required by CEQA and NEPA. The No Project Alternative provides 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. The impacts of project actions also are evaluated against thresholds to determine whether a project action would result in no impact, a less-than-significant impact, or a significant impact under CEQA.

The comparison of 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 that rejected the No Project Alternative. The comment did not result in any revisions to the Draft EIR/EIS.

### 1115-2502

The Authority appreciates the comments on the Draft EIR/EIS. Prior individual comments in this letter provided specific concerns regarding inadequacies under CEQA. Each of these specific comments is addressed above. The Authority developed the Draft EIR/EIS in accordance with CEQA and NEPA requirements. The Authority determined that recirculation based on the concerns identified in this letter is not required.



# Submission 1092 (Peggy O'Laughlin, Matteoni, O'Laughlin & Hetchman, September 4, 2020)

**San Francisco - San Jose - RECORD #1092 DETAIL**

**Status :** Unread  
**Record Date :** 9/4/2020  
**Interest As :** Business and/or Organization  
**First Name :** Carol  
**Last Name :** Ann Bianco-Webb  
**Attachments :** Comment Letter to CA High-Speed Rail 9-2-20.pdf (806 kb)

**Stakeholder Comments/Issues :**

Please see attached letter also being sent via regular U.S. Mail today.

Carol Ann Bianco-Webb, Legal Secretary  
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Norman E. Matteoni  
 Peggy M. O'Laughlin  
 Bradley M. Matteoni  
 Barton G. Hechtman  
 Gerry Houlihan

September 2, 2020

Via U.S. Mail and Email to [San.Francisco\\_San.Jose@hsr.ca.gov](mailto:San.Francisco_San.Jose@hsr.ca.gov)

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

**Re: Millbrae Serra Station LLC's Comments to California High-Speed Rail Authority's (CHSR) Draft EIR Environmental Impact Report for the Proposed Millbrae Station**

Dear Authority:

This firm represents Millbrae Serra Station, LLC (MSS), Millbrae El Camino, LLC, VAM Millbrae Serra, LLC, VAM Millbrae Linden, LLC and Vincent A. Muzzi, each of these LLC's Managing Member, who owns with his family the 3.5-acre property adjoining the westerly entrance to the Millbrae BART Station. The property owners object to CHSR's proposed Millbrae Station Plan which destroys their approved development project which is ready for construction on acquiring the necessary right of way for the California Drive extension.

Our comments set forth below show that CHSR's Draft Environmental Impact Report and Environmental Impact Statement for San Francisco to San Jose Project Section (Draft EIR) is legally deficient in its analysis of the proposed Millbrae Station and further environmental review is required for the draft EIR to conform to the California Environmental Quality Act (CEQA).

**Background**

In 2013 Mr. Muzzi filed an application to redevelop his property for a mixed-use, high-density transit-oriented development (TOD), known as the Millbrae Serra Station project. The project conforms with and fulfills the goals, policies and design requirements of the Millbrae Station Area Specific Plan (MSASP). In 2018 the City of Millbrae



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approved the project allowing construction to proceed up to 488 high density housing units, 15% of which are affordable, 280,000 square feet of Class A office and 25,000 square feet of retail and all required parking.

The CHSR was fully aware of the MSS development project and participated in the hearing process for both it and the MSASP update. During the City's public hearing process on the MSASP update and its environmental review, and on the rezoning and 18-month review process and final approval of the MSS project, the CHSR made no objections to the project. In fact, representatives of CHSR stated repeatedly on the record and at public hearings their endorsement of the MSASP and the MSS project, which includes the planned extension and relocation of California Drive. It was only after the City's final April 2018 approval of the MSS project that the City and Mr. Muzzi learned of CHSR's proposed plans to use his property for surface parking lots and roadway right-of-way to add a bypass track and a new and enlarged station platform destroying the MSS project and the City's plan for California Drive. The draft EIR concludes that "construction of the Millbrae Station would conflict with the approved Millbrae Serra Station Development Project." (Draft EIR, p. 3.13-58.) The Station plan also makes clear to the Muzzi Family that CHSR intends to acquire by condemnation their property sometime in the future.

We have carefully reviewed the Draft EIR and find it does not comply with the requirements of CEQA. The Draft EIR claims to be a project level EIR but as further explained below, it lacks the required detail on the Millbrae Station plan to be considered a project level EIR. The draft EIR further fails to analyze potential mitigation measures and alternatives to the project to reduce the magnitude or avoid entirely the significant impact of the bypass track and the additional and expanded station platform on the MSASP and the MSS project and fails to establish the project's need for any surface parking or why it must be located on the MSS project site.

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**1. The Draft EIR Does Not Provide the Required Detail for a Project Level EIR.**

The Draft EIR states it is a project level environmental review, the second-tier analysis to the prior 2008 program EIR/EIS. Pursuant to CEQA, "A program EIR is distinct from a project EIR which is prepared for a specific project and must examine in detail site-specific considerations." (*Town of Atherton v. California High-Speed Rail Authority* (2014) 228 Cal.App.4th 314, 344; Pub. Resources Code § 15161.) Pursuant to Public Resources Code section 21166, because this is a project EIR, the Millbrae Station plan will not be subject to further environmental review. Because of this, it is incumbent on the CHSR to ensure that the environmental effects of its proposed

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Millbrae Station are completely and fully disclosed, discussed and evaluated in this Draft EIR to achieve the CEQA goals of informed decisionmaking and avoidance or lessening of significant impacts.

Unfortunately, this draft EIR provides, at best, only a cursory analysis of the Millbrae Station particularly as to CHSR's plan to 1) displace and eliminate an entitled TOD development with surface parking lots and 2) to reconfigure California Drive in a manner that conflicts with the MSASP and the City approved TOD development by CHSR's proposed placement of the bypass track and station platforms. "An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed projects." (*Laurel Heights Improvement Assoc. v. Regents of the University of California* (1988) 47 Cal.3d 376 at pp. 404-405.) The draft EIR does not include such sufficient detail to meet the criteria for a project-level analysis.

1092-420

**2. The Draft EIR is Inadequate for Failing to Analyze Mitigation Measures and Alternatives to the Project to Lessen or Avoid the Station's Significant Impacts.**

The Draft EIR discusses only two project alternatives, Alternative A and Alternative B. For the San Bruno to San Mateo section, where the planned Millbrae Station is located, these alternatives are identical. (Draft EIR, p. 8-4.) The draft EIR presents only one schematic plan for the Millbrae Station. That is it, no alternatives to this plan are raised or discussed in the draft EIR.

The Draft EIR concludes that the Millbrae Station project impact on the approved MSS development and the MSASP is a significant impact simply by stating:

"Overall the impact under CEQA on existing and planned land use patterns for HSR modifications to stations would be significant under both project alternatives. This is due to the substantial change in land use patterns that would occur at the Millbrae Station due to the introduction of incompatible land uses and due to the effects on the planned Millbrae Serra Station Development project." (Draft EIR p. 3.13-59.)

"CEQA compels government first to identify the significant effects of projects and then to mitigate those adverse effects through the imposition of feasible mitigation measures or through the selection of feasible alternatives." (*Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1233; Pub. Resources Code §§ 21002;

# Submission 1092 (Peggy O'Laughlin, Matteoni, O'Laughlin & Hetchman, September 4, 2020) - Continued

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21081 subd. (a); CEQA Guidelines §§ 15002 subd. (a)(3), 15021 subd. (a)(2), 15091 subd. (a)(1).)

The draft EIR identifies the significant effect of the Station project but goes no further. It fails to evaluate ways to mitigate the effects, the central goal of the legislature in enacting CEQA. Instead it takes the easy way out and concludes, as to this significant impact on the MSASP and its approved Serra Station development project, that, "No feasible mitigation is available to address these impacts." (Draft EIR p. 3.13-59.) The draft EIR provides no information or evidence explaining the basis for its conclusion.

For example, the City of Millbrae is not even included in the list of cities and counties in *Table 7 Policy Inconsistency, Reconsideration, and Rationale for Station Planning, Land Use and Development* (Draft EIR p. 2-5-30). Neither does Appendix 2-E: *Project Impact Avoidance and Minimization Features* discuss any measures to lessen or avoid the Millbrae Station Project impacts. (Draft EIR p. 2-E-1 – p. 2-E-34). *Appendix 3.18 A, Table 6 City of Millbrae Non-Transportation Plans and Projects List* ignores the Millbrae Serra Station development project entirely. Even *Appendix 2-J: Policy Consistency Analysis* which is to address the CEQA requirement that an EIR "discuss the inconsistencies between the proposed project and applicable general plans, specific plans and regional plans (CEQA Guidelines § 15125)" is silent on the Station project's inconsistency with MSASP. (Draft EIR p. 2-J-1.)

The governing CEQA Guidelines on the evaluation of a reasonable range of alternatives provides:

An EIR shall 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 decisionmaking and public participation.

(CEQA Guidelines § 15126.6 subd. (a).)

1092-421

This draft EIR is inadequate for failing to present any sort of analysis of reasonable alternatives to the project and thereby precluding informed

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decisionmaking and public participation. The lack of an alternative analysis is not excused under CEQA because "... these alternatives would impede to some degree the attainment of the project objectives or would be more costly." (CEQA Guidelines § 15126.6 subd. (b).)

This lack of an alternative analysis is particularly inexcusable given that Mr. Muzzi has shared with CHSR representatives various engineering, architectural and parking studies that present and analyze potential alternatives to the CHSR's Millbrae Station plan. These alternatives are both reasonable and feasible as CEQA requires and preserve the MSS development project and the MSASP uses for the City while accommodating CHSR's and Caltrain's stated future station and track needs. (Attached as Exhibit A are two of the alternative developments, *California Drive Alternatives # 1 and # 2 Millbrae Serra Station TOD*.)

1092-422

The draft EIR should have presented "meaningful information" on other potential reasonable alternatives. (CEQA Guidelines § 15126.6 subd. (f).) Some of the alternatives it should have evaluated include:

- 1) Adopting CHSR's original plan to underground the Station and track below the existing BART Station;
- 2) Moving the CHSR by-pass track and platform of the Caltrain track south of Millbrae Avenue overpass where there are unused BART tracks that could accommodate the by-pass and not encroach into the City of Millbrae's long proposed California Drive designated area;
- 3) Eliminate the need for a bypass track altogether by making the Millbrae Station platform usable by both Caltrain and HSR equipment and accessible to both sets of passengers so as to avoid the need for a second platform and/or using reasonable scheduling to allow for optimum platform use by both carriers; and
- 4) If a second platform is needed, move the platform and bypass track to the existing open area owned by Caltrain and BART south of the Millbrae Avenue Overpass (where it doesn't impact the heart of the MSASP) and again, use train schedule timing to permit either a Caltrain or CHSR to use the combined Millbrae platform or to create a separate CHSR platform south of the existing station, and
- 5) Continue the undergrounding of BART's existing line from its current underground location approximately 1,500 feet northerly of the existing BART station and coming out at existing grade 1,500 feet south of the existing station within BART's

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existing right-of-way and accommodating CHSR's new by-pass track at grade above the lowered BART track.

1092-423

The Draft EIR does speculate the planned Station would not preclude some other future TOD project which could be integrated with the Millbrae Station. (Draft EIR p. 3.13-58). This speculation does not qualify as either a mitigation measure or a project alternative. The fact remains the CHSR's present Station plan absolutely precludes the construction of the approved MSS development and conflicts with the City's land use plan and plans for reconfiguring California Drive as set forth in the MSASP. And the draft EIR fails to consider mitigation measures or present a range of reasonable alternatives to try to lessen or avoid this significant impact.

1092-424

**3. The Draft EIR Fails to Provide Any Evidence in Support of the Station's Parking Needs or to Analyze Mitigation Measures and Alternatives to Avoid the Displacement of the MSS Development by Surface Parking Lots.**

The Draft EIR is woefully deficient in providing evidence and information justifying the project's need for four surface parking lots which will displace the planned MSS development approved by the City pursuant to its MSASP land use plan for the Station area and conflicts with the City's plan to reroute and extend California Drive, a long-held goal and development requirement of the MSASP to alleviate the traffic congestion at the intersections of Millbrae Avenue and El Camino Real and Rollins Road and Millbrae Avenue.

CHSR's alleged need for parking at the Millbrae Station was first raised in CHSR's 2020 Draft Business Plan and this Draft EIR. Previously the CHSR had informed the City of Millbrae and members of the public at separate meetings that CHSR's parking needs were to be offsite at SFO or BART and there was no need for designated CHSR parking at Millbrae. Neither did CHSR, nor Caltrain and BART, inform the City of BART's and Caltrain's parking needs as part of the Millbrae Station project which would replace and destroy MSS's project. In April of 2018 CHSR did not object to the City of Millbrae's approval of the MSASP update and final approval of the Serra Station project, even though it now discloses its intent to use this same property for surface parking. Also, if parking was so needed for the Millbrae Station why did CHSR, along with Caltrain and SamTrans, raise no objections to the 2018 City approval of the removal of 600 existing ground level parking spaces from the Millbrae Station resulting from BART's TOD development of over 400 units of housing, 150,000 square feet of offices, a 164 room hotel and 44,000 square feet of retail on the eastside of the Station?

1092-425

The draft EIR does not provide any discussion of mitigation measures or alternatives to CHSR's planned use of surface parking on the west side of the existing station. No parking studies were completed by CHSR to evaluate the feasibility of reducing the amount of parking, or other locations for the parking lots away from MSS's property, the feasibility of providing below-grade parking or a parking structure to reduce the amount of valuable land needed for parking. The draft EIR simply states on parking "The Authority would replace displaced parking and add 37 new space." (Draft EIR p. 2-137.) The parking lots will be "surface" parking lots (Draft EIR p. 3. 13-57) and are located as shown on Figure 2.34 Millbrae Station. While the draft EIR states the parking lots are to replace displaced parking on a 1:1 ratio that is a mere statement of CHSR's plan, not an analysis of the amount of parking that is actually needed for the planned project, or why this location was chosen, why the parking is surface rather than below grade or in a parking structure.

1092-426

The draft EIR does not provide any detail on the parking usage whether it is solely for vehicles or will it also include space for bus parking, waiting or storage? CHSR has recently shared there is planned bus use of the parking area. If the parking is to be for buses, which we have been told by CHSR is the case, it does not indicate either the sources, number or direction from which said buses are to come to the west side of the Millbrae Station. The draft EIR does not mention, no less analyze, this bus use or need for.

1092-427

The Millbrae Station is to be integrated with the existing multi-modal transportation hub the purpose of which is to encourage use of public transportation reducing reliance on private vehicles. These are also all stated CHSR project goals. The project's plan to use coveted, entitled TOD property for surface parking obviously conflicts with these goals and should be subject to great scrutiny in this environmental review process.

1092-428

CHSR's unexplainable change of position on its alleged surface parking needs without any supporting studies, documentation or other evidence and using this specific, entitled property for that alleged purpose raises serious Constitutional concerns that the CHSR is engaging in inappropriate "land banking" of the MSS property for CHSR's own future TOD development or for CHSR's spin-off of the MSS property to another private developer for a TOD project.

**CONCLUSION**

1092-429

Millbrae Serra Station supports public transportation and the High-Speed Rail. But, unfortunately, the proposed Millbrae Station plan fails the Millbrae community. It

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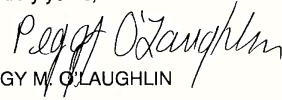
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violates the commitment by BART, Caltrain, and Samtrans that underpinned Millbrae's 1997 acceptance and support of these agencies placement of the Millbrae Station, east of the then existing rail lines, and by which these same public agencies accepted Millbrae's right to private, tax base, development in the area adjacent to west side of the Millbrae Station. It ignores and overrides the City's long held plans for the land west of the BART Station for the mixed-used TOD development project, realized by the approval of the MSS and which will relocate and extend California Drive per the MSASP.

1092-430

CEQA mandates that CHSR conduct further environmental review of its Millbrae Station plan. Because the draft EIR finds a significant impact it must now engage in a meaningful evaluation and analysis of reasonable alternatives and mitigation measures to reduce or avoid this significant impact.

Very truly yours,



PEGGY M. O'LAUGHLIN

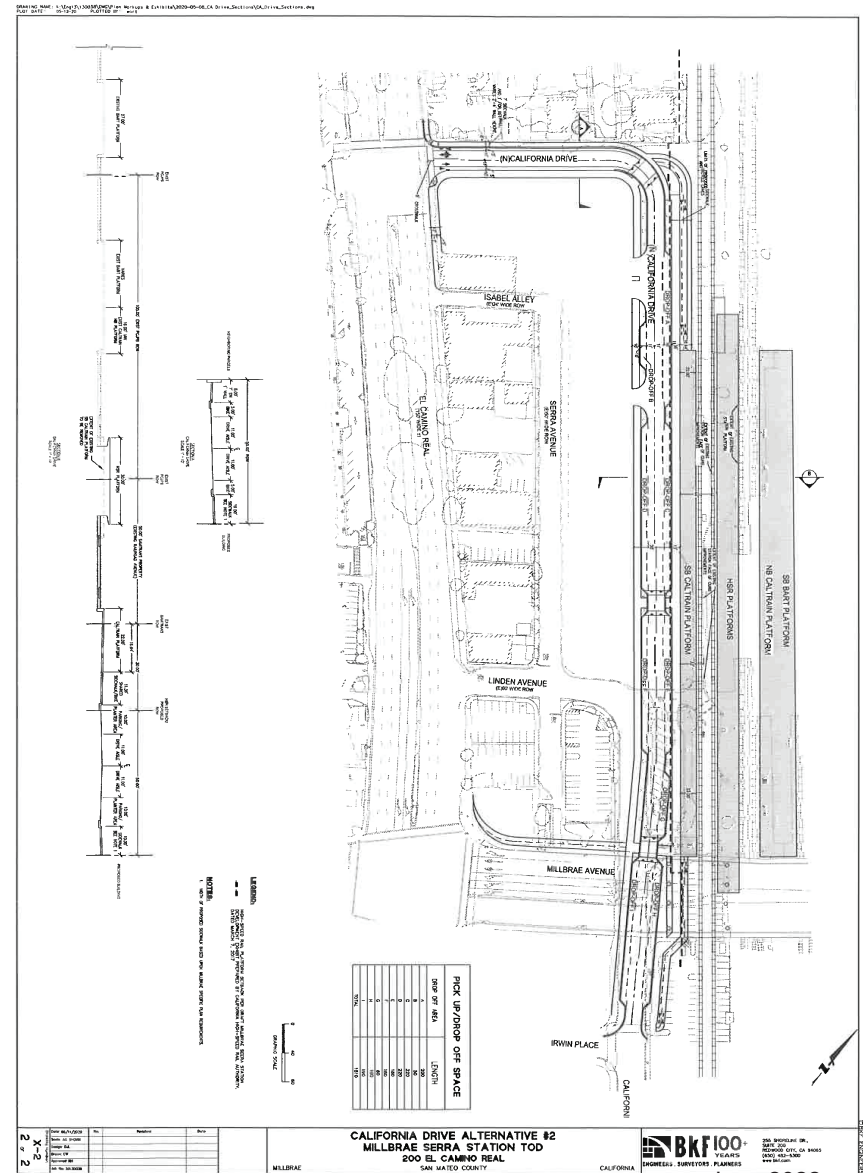
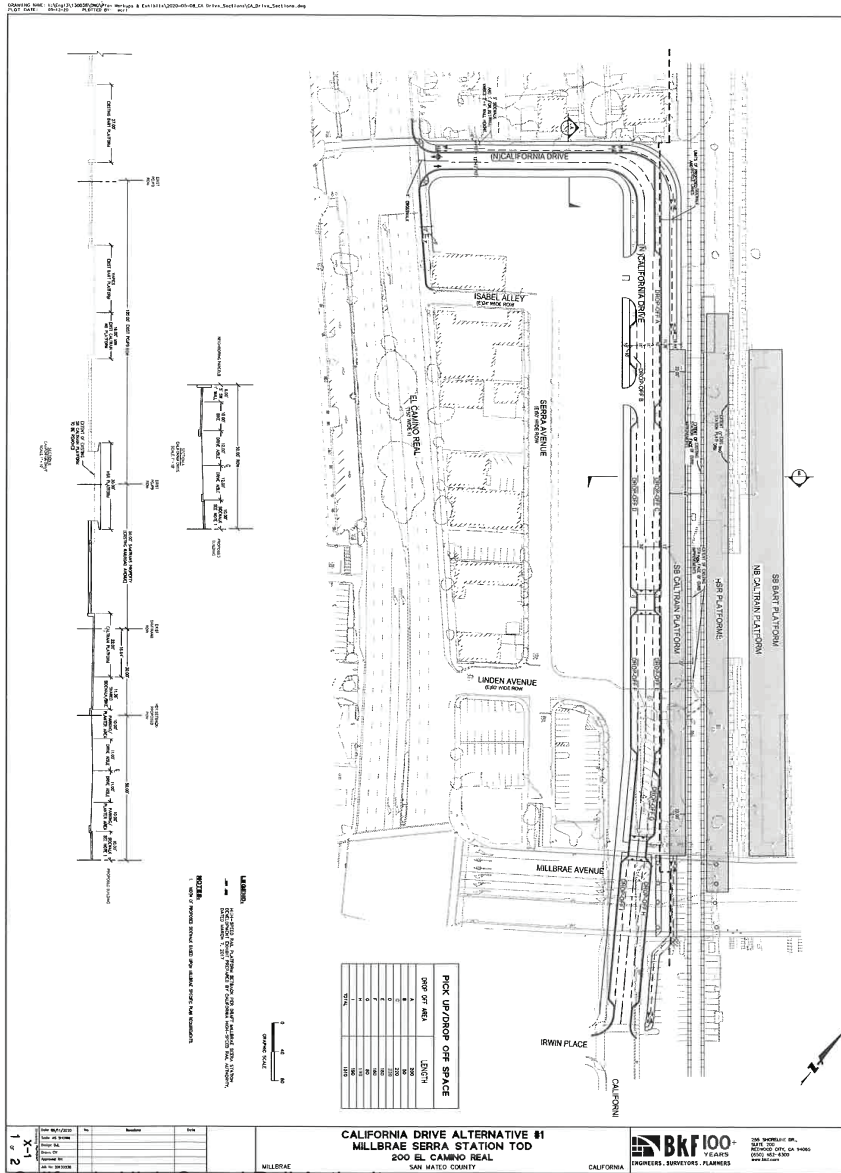
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Enclosures

cc: Vincent A. Muzzi, Millbrae Serra Station, LLC

**EXHIBIT A**



# Submission 1092 (Peggy O'Laughlin, Matteoni, O'Laughlin & Hetchman, September 4, 2020) - Continued



## Response to Submission 1092 (Peggy O'Laughlin, Matteoni, O'Laughlin & Hetchman, September 4, 2020)

### 1092-417

Refer to Standard Response FJ-Response-GEN-1: General Opposition to the Project and the California High-Speed Rail System.

The Authority appreciates your comments on the Draft EIR/EIS. The commenter's opposition to the Millbrae Station design evaluated in the Draft EIR/EIS is noted. Each of the specific subsequent comments on the environmental impact analysis in the Draft EIR/EIS is addressed below.

### 1092-418

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, FJ-Response-GEN-6: Level of Detail in Analysis and Mitigation.

The comment asserts that the Authority did not inform the City of Millbrae and the developer for the Millbrae Serra Station Project about HSR parking requirements and made no objections to the Millbrae Serra Station Project, which was approved by the City of Millbrae in 2018. The Authority respectfully disagrees with this characterization. The Authority has coordinated extensively with the City of Millbrae throughout the environmental process for the San Francisco to San Jose Project Section. The Authority provided the City of Millbrae with projected HSR ridership information in 2015. The Authority submitted a comment letter on the Draft EIR for the MSASP in August 2015, identifying the need to include HSR travel demand and parking demand in the MSASP analysis. As described in Draft EIR/EIS Chapter 9, Public and Agency Involvement, and as shown in Table 9-2, the Authority conducted monthly meetings with the Millbrae Station Area Intermodal Working Group (which included representatives from the City of Millbrae) between August 2016 and July 2017 to discuss issues related to the HSR project configuration and integration of the Millbrae Station. The Authority participated in three meetings with the Millbrae City Council. At the February 2017 meeting, the Authority presented the Millbrae Station site plan concept, including the location of replacement surface parking, to the Millbrae City Council.

While the proposed HSR project modifications to the Millbrae Station would conflict with the approved Millbrae Serra Station Project, they would not preclude future development of an integrated and mutually-supporting mixed-use development at the site. The Authority supports plans for TOD at the Millbrae Station and remains committed to working with the City of Millbrae and the site developer 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.

Additionally, as described in the Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Consideration, the Authority has developed a design variant—the RSP Design Variant—for the Millbrae Station that would eliminate replacement parking and reduce conflicts with planned development. This design variant was evaluated in a Revised/Supplemental Draft EIR/EIS circulated for public review and was subsequently



## Response to Submission 1092 (Peggy O'Laughlin, Matteoni, O'Laughlin & Hetchman, September 4, 2020) - Continued

### 1092-418

incorporated into this Final EIR/EIS.

In subsequent individual comments, the commenter raised concerns regarding the level of detail of the Draft EIR/EIS and consideration of mitigation measures or alternatives to minimize impacts on the Millbrae Serra Station project. These specific comments are addressed below.

### 1092-419

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, 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, including those associated with the Millbrae Station, 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 the detailed analyses and reports that support the Volume 1 Report.

The Draft EIR/EIS includes an analysis of the impacts of the project on the City of Millbrae's MSASP and the approved Millbrae Serra Station Development in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS. Impact LU#4 identified a significant and unavoidable land use impact due to the permanent alteration of the land uses planned in the Millbrae Serra Station Development project. Impact LU#4 also clarifies that implementation of the HSR modifications would not preclude future development of an integrated and mutually-supporting mixed-use development at the site, with the Millbrae Station as its anchor and focal point. Figure 3.13-13 depicts an illustrative concept of a potential future retrofit of the site.

Furthermore, in response to comments on the Draft EIR/EIS, the Authority has considered a design variant—the Millbrae Station Reduced Site Plan—for the Millbrae Station that would 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. Please refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations for more details regarding alternatives considered for the Millbrae Station.

## Response to Submission 1092 (Peggy O'Laughlin, Matteoni, O'Laughlin & Hetchman, September 4, 2020) - Continued

### 1092-420

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment expresses concern about the Draft EIR/EIS's consideration of alternatives, particularly with regard to the Millbrae Station.

The Authority acknowledges that the Millbrae Station design evaluated in the Draft EIR/EIS was proposed to be 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. 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.

The commenter raises concerns about the project's conflicts with the proposed Millbrae Serra Station Development project and the lack of mitigation to address this impact in the Draft EIR/EIS. As explained under Impact LU#4 in Section 3.13, Station Planning, Land Use, and Development, of the Draft EIR/EIS, conflicts that would occur between the Millbrae Station design under both project alternatives and the Millbrae Serra Station Development project were found to be significant under CEQA. CEQA requires that a lead agency consider and implement mitigation for significant impacts only where such mitigation would be feasible. NEPA requires that an EIS evaluate a reasonable range of alternatives and include a reasonably complete discussion of possible mitigation measures. As described in Section 2.6.2.4, Alternative A, and Section 2.6.2.5, Alternative B, of the Draft EIR/EIS, the Millbrae Station design under both project alternatives would include two new tracks and platforms to accommodate blended service, a new station entrance hall with ticketing and support services, and surface parking. The Authority based the design and size of the Millbrae Station facilities on anticipated ridership of the statewide HSR system through 2040. The Millbrae Station design under Alternatives A and B includes replacement parking for BART and Caltrain parking spaces that would be displaced by the project. The purpose of replacing displaced BART and Caltrain parking is to avoid negatively affecting transit ridership and revenue by reducing the supply of parking for BART and Caltrain riders. For these

### 1092-420

reasons, the Authority determined that it would not be feasible to reduce the size of or relocate its Millbrae Station facilities. Accordingly, the Draft EIR/EIS did not identify any feasible measures or alternatives that could avoid or reduce the project's impacts on existing and planned land uses near Millbrae Station.

However, as further described in Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, in response to comments on the Draft EIR/EIS, the Authority has considered a potentially feasible design variant—the RSP Design Variant—for the Millbrae Station that would eliminate replacement parking and thereby 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 in July 2021 and 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 (including reduced impacts under Impact LU#4) relative to the Millbrae Station design evaluated in the Draft EIR/EIS.

The commenter correctly notes that the Millbrae Serra Station Development was not identified in Volume 2, Appendix 3.18-A, Cumulative Nontransportation Plans and Projects List, or Appendix 2-J, Policy Consistency Analysis, of the Draft EIR/EIS. This was an inadvertent oversight and the Authority has added the Millbrae Serra Station Development project to Table 6 in Appendix 3.18-A, and has added a discussion of project's inconsistency with the MSASP to Section 3.13.3, Consistency with Plans and Laws, and to Table 7 in Appendix 2-J, of the Final EIR/EIS. These inadvertent omissions from the appendices did not affect the analysis in the Draft EIR/EIS because the Draft EIR/EIS acknowledged conflicts with the Millbrae Station Area Specific Plan and the Millbrae Serra Station Development. Further, the Draft EIR/EIS's cumulative impact analysis noted that while the project would result in impacts on the Millbrae Serra Station Development Project and planned development consistent with the 2018 Brisbane General Plan amendment, the project would not preclude the planned land use pattern of development in Brisbane and Millbrae (characterized as development around transit).

The commenter correctly notes that Appendix 2-E, Project Impact Avoidance and Minimization Features, of the Draft EIR/EIS does not include specific measures to

## Response to Submission 1092 (Peggy O'Laughlin, Matteoni, O'Laughlin & Hetchman, September 4, 2020) - Continued

### 1092-420

lessen or avoid the Millbrae Serra Station Development project. This is because the IAMFs were developed to apply to all project sections at a statewide level to ensure consistency across all HSR project sections and to reflect uniformity in the commitment of the Authority to avoid and minimize impact of the project throughout project design and planning.

### 1092-421

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment asserts inadequate analysis of alternatives concerning the Millbrae Station, further asserting that the Authority should have considered alternatives for the Millbrae Station prepared at the direction of Millbrae Serra Station, LLC.

The Authority acknowledges that the Millbrae Station design evaluated in the Draft EIR was the same for both Alternatives A and B. 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 potential alignment alternatives for the Project Section. 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. 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 Millbrae Station Reduced Site Plan—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.

With respect to the two alternative development concepts provided in Exhibit A of submission FJ-1092, these represent new concepts not previously provided to the Authority. The Authority has reviewed these exhibits and concluded that they do not provide any new or substantive design input that merits consideration to inform a project alternative. These alternatives reconfigure the Authority's station site plan to maximize the size of a singular TOD project on the entire west side of the station, but do not address the Authority's needs for station facilities, rail corridor infrastructure, station access, or platform safety.

## Response to Submission 1092 (Peggy O'Laughlin, Matteoni, O'Laughlin & Hetchman, September 4, 2020) - Continued

### 1092-421

With respect to station facilities, neither development concept includes any of the necessary station facilities (e.g., station headhouse, public areas, support facilities or vertical circulation to a station concourse) required per the Authority's design requirements for the Millbrae Station (Design Criteria Manual, Chapter 14, Station). Neither concept accounts for bicycle parking or ADA parking.

The development concepts propose bicycle facilities within the rail right-of-way, in an area where public access is prohibited and where OCS poles would be located. In addition, these concepts create safety hazards by not segregating bicycle, pedestrian, and vehicle flows as set forth in Design Criteria Manual, Section 14.4.2.3, Bicycles. The concepts propose a cycle track route that terminates at both ends of the southbound Caltrain platforms, rather than a separate continuous Class I or Class IV route along the rail right-of-way to and from the station entrance. Both concepts require bicyclists to use the pedestrian sidewalk and curbside pick-up/drop-off areas to ride to through the station area, or bicyclists have to use the vehicle travelway, which creates bicycle/vehicle safety conflicts. A shared sidewalk for pedestrians and bikes does not meet the standards for any bike facility classes. Neither development concept provides a continuous route through the station area or direct access to the station entrance.

Regarding platform safety, the development concepts conflict with NFPA 130 public access/egress requirements for the southbound Caltrain platform ends, which are reserved for emergency access and egress. The limited use of platform ends for public access or egress is only permitted if all emergency access/egress requirements are met under NFPA 130. The proposed bicycle facilities terminate at the platform ends and makes no provision to limit bicyclists riding onto the platform, which is prohibited per Caltrain safety standards.

In summation, the development concepts presented in Exhibit A do not address the Authority's needs, do not conform to the Authority's design requirements for the Millbrae Station, or meet safety requirements for station platforms. For these reasons, the Authority considers these concepts infeasible, and further evaluation is not warranted.

### 1092-422

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

### 1092-423

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

Please refer to the response to submission FJ-1092, comment 420, which describes the conclusions of the Draft EIR/EIS with respect to conflicts with the Millbrae Serra Station Development project, explains the Authority's evaluation of potential feasible alternatives and mitigation measures that could have impacts on planned land uses near Millbrae Station, and explains that the Authority has considered 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 the Revised/Supplemental Draft EIR/EIS and 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.

## Response to Submission 1092 (Peggy O'Laughlin, Matteoni, O'Laughlin & Hetchman, September 4, 2020) - Continued

### 1092-424

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment asserts that the Draft EIR/EIS does not provide evidence for the Millbrae Station parking needs and does not evaluate alternatives or mitigation measures to minimize impacts on planned development. Millbrae Station parking needs are described in the Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Consideration. Additionally, as further detailed in this standard response, the Authority has developed a design variant for the Millbrae Station that would eliminate replacement parking and 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.

The comment also asserts that the Authority did not raise objections to approval of the MSASP or Millbrae Serra Station Development project. The Authority disagrees with this characterization, as described in detail in the response to submission FJ-1092, comment 418.

### 1092-425

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment states that the Draft EIR/EIS should have analyzed parking in greater depth to identify the project's need for parking, the feasibility of having underground parking or parking structures, and alternative locations for parking. Regarding Millbrae Station parking needs, Standard Response FJ-Response-ALT-2 describes that the Authority has been considering replacement of displaced Caltrain and BART parking throughout station design and planning. The primary purpose of proposed on-site parking is replacement of displaced parking (approximately 288 spaces), with a lesser purpose of providing a modest amount of parking for HSR passengers (37 spaces). In regard to HSR rider demand for parking at Millbrae in 2040, the estimated demand overall is 840 parking spaces for park-and-ride HSR riders at the Millbrae Station. From this information, it can be readily seen that the proposed 37 on-site spaces is far less than the overall parking demand, which will mostly be met off-site as a result.

The location of replacement parking for displaced Caltrain and BART spaces is the location with the conflict with the MSASP and the Serra Development which is the primary concern of the commenter. The location of the 37 on-site spaces for HSR passengers is not in conflict with the Serra Development but is at a location of current commercial use and planned mixed use under the MSASP. Regarding comments about underground parking or parking garages, please refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations. 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 planned development by eliminating replacement parking for the displaced Caltrain and BART parking. 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.

## Response to Submission 1092 (Peggy O'Laughlin, Matteoni, O'Laughlin & Hetchman, September 4, 2020) - Continued

### 1092-426

The commenter asserts that the Authority indicated that there is planned bus use of the Millbrae Station parking area. If that was conveyed to the commenter, the Authority apologizes for any confusion. There would be no bus parking located in the surface parking lots west of the station in the Millbrae Station design evaluated in the Draft EIR/EIS. The Authority has no plans and has not evaluated bus use of the parking area. There are existing busways located west and east of the station and SamTrans also has bus stops along El Camino Real near the station. As explained in Section 2.6.2, High-Speed Rail Alternatives for the San Francisco to San Jose Project Section, of the Draft EIR/EIS, SamTrans bus stops would be along El Camino Real at the new signalized intersection and pedestrian crossings at Chadbourne Avenue, with direct access to the Millbrae Station. The bus service at the Millbrae Station is discussed in Section 3.2.5.4, Transit, and shown on Figure 3.2-7 in the Draft EIR/EIS. The modes of access to the Millbrae Station are shown in Table 3.2-3.

### 1092-427

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The standard response referenced above addresses the Authority's parking policies that guided the Millbrae Station design evaluated in the Draft EIR/EIS. It also explains that in response to comments on the Draft EIR/EIS, the Authority has considered a design variant for the Millbrae Station that would not include replacement parking for BART and Caltrain, and would thereby reduce land use conflicts with existing and planned development. This design variant was evaluated in the Revised/Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS.

### 1092-428

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment alleges that the proposed surface parking at the Millbrae Station is a form of "land banking" for the Authority to construct or direct its own future TOD project.

As described in Section 2.7.4, Ridership and Station Area Parking, of the Draft EIR/EIS, while the proposed station modifications would affect approved planned development, they would not preclude potential future TOD. This is consistent with the City's desire for TOD at the Millbrae Station, and the Authority's policies of supporting TOD to achieve GHG emissions reductions.

With respect to the commenters suggestion that the Authority could "bank" the station development site for its own purposes, the Authority is mandated to provide statewide HSR service, and does not have the legislative authority to acquire property for the sole purpose of land development. Please refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations, for more information.

### 1092-429

Please refer to the response to submission FJ-1092, comment 427.

### 1092-430

The comment states that the EIR/EIS should include an analysis of reasonable alternatives and mitigation measures to address significant impacts of the Millbrae Station Design. Please refer to the response to submission FJ-1092, comment 420, which describes the conclusions of the Draft EIR/EIS with respect to conflicts with the Millbrae Serra Station Development project, explains the Authority's evaluation of potential feasible alternatives to minimize impacts on planned land uses near Millbrae Station, and explains that the Authority has considered a design variant for the Millbrae Station—the RSP Design Variant—that would reduce land use conflicts with existing and planned development.

Submission 1168 (John Muniz, Millbrae Historical Society, September 14, 2020)



MILLBRAE HISTORICAL SOCIETY  
Post Office Box 511 • Millbrae, California 94030  
A NON-PROFIT CORPORATION

High Speed Rail Authority  
770 L Street, Suite 620  
Sacramento, CA 95814

September 9, 2020

1168-1378

As the operators of the Millbrae Train Museum since October of 2004, we have several concerns regarding the moving of our historic 1907 former Southern Pacific Train Station and the historic railroad sleeping car 'Civic Center'.

In conjunction with the move, we request that a replica of the original freight building be constructed in order to help us further, and accurately, promote the history of railroading on our peninsula. Also, we would like to replace the original wood floor and sub-basement (possibly a full basement) within the scope of the move.

1168-1379

Also, as we have had plans since 2003 to build a slow-speed 1 and 1/10th mile excursion line between the Caltrain rails and California Drive, we ask again that space be considered for such, as well as additional out-buildings, space for additional historic railcars, and a connection to Caltrain to add or remove our rail equipment, in the construction of your new system. We originally apprised you of this line in our letter to you dated March 31, 2009.

1168-1380

Finally, we do not see provisions for parking in the draft EIR for the Millbrae Station area, nor for the space needed for our existing railroad car. Needless to say, we will need ample space for our staff and visitors to park their vehicles, both for normal hours of operation, as well as for special events.

1168-1381

Our current location gives our visitors an accurate feel for how train riders used the train station to get to and from the various trains. Separating the station from the tracks destroys this experience. With the Museum next to the tracks, visitors will be able to step up onto our historic train once the funding

1168-1381

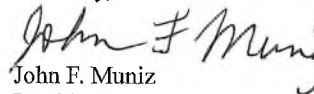
is secured to build the slow-speed track. This is also part of our long-term plan to fund the Museum. Our Train Museum is already a critical part of the City of Millbrae's economic vitality, as we are and attraction for visitors.


1168-1382

Please also be advised that we are the organization that saved this historic structure from planned destruction, by working with the Southern Pacific Railroad, and other various government organizations, to have the building placed on the National Register of Historic Places, (#78000770) in 1976.

This historic structure is indeed more than just an 'old building', it is living history, and its location is very important.

Sincerely,

  
John F. Muniz  
President

  
Vernon W. Bruce  
Train Museum Director



Submission 1168 (John Muniz, Millbrae Historical Society, September 14, 2020) - Continued



## Response to Submission 1168 (John Muniz, Millbrae Historical Society, September 14, 2020)

### 1168-1378

The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIR/EIS. The request is noted and will be presented to Authority decision makers when considering project approvals and consultation on preparation of the MOA and BETP. The comment did not result in any revisions to the Draft EIR/EIS.

### 1168-1379

The March 2009 letter referenced in the comment was provided when the fully-grade-separated four-track system was under consideration. Work on the four-track system was suspended in mid-2011 to consider blended operations. The environmental review process for the blended system was initiated in May 2016. As a part of project initiation, the Authority held public meetings and solicited input from the public and affected agencies, including the Millbrae Historical Society. The Authority sent letters to the Millbrae Historical Society in November 2015 and reached out by email and phone in May 2016 to invite the society's participation in the cultural resources investigation that was to be conducted in accordance with Section 106 of the NHPA, as well as NEPA and CEQA. There was no response from the historical society to this invitation and the Authority consequently prepared the Section 106 Finding of Effect Report for the San Francisco to San Jose Project Section, which documented the project's impacts to the historic Millbrae Station and concluded that there would be no adverse effect under Section 106. The Authority will coordinate with the Millbrae Historical Society during subsequent phases of station planning to integrate historical and interpretive features into the station plan.

Regarding the commenter's request for space for an excursion line and other facilities on the west side of the Caltrain corridor, this was not a key consideration in the design of the tracks and platforms approaching the Millbrae Station and may not be feasible given that the westernmost Caltrain track would be shifted west by up to 40 feet to accommodate construction of two new tracks serving a center HSR platform and a new Caltrain outboard platform. Please refer to Book A1, sheet 9 and Book A3, sheet 42 in the Draft EIR/EIS Volume 3, Preliminary Engineering Plans, for detailed plans depicting the track modifications and station site concept.

### 1168-1380

For the Millbrae Station design evaluated in the Draft EIR/EIS, under both Alternatives A and B, the relocation of the existing historic Southern Pacific Depot/Millbrae Station ("Historic Depot") as well as parking is shown on Book A3, sheets 41 and 42 in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS. The Authority also evaluated a RSP Design Variant in the Revised/Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS. Both the Millbrae Station design evaluated in the Draft EIR/EIS and the RSP Design Variant provide adequate space for the historic rail car to be placed next to the Historic Depot as well as multi-modal accessibility for staff and visitors to the Historic Depot.

## Response to Submission 1168 (John Muniz, Millbrae Historical Society, September 14, 2020) - Continued

### 1168-1381

The comment asserts that the current location of the historic SPRR Depot, which houses the Millbrae Train Museum, gives visitors an accurate feel for historic use of the station and that relocating the museum away from the tracks would impair this experience. The comment further asserts that the museum is a critical part of the City of Millbrae's economic vitality.

As shown in EIR/EIS Volume 3, Preliminary Engineering Plans, project plans for both project alternatives would relocate the SPRR Depot (and museum) approximately 100 feet north of its existing location, as well as about 40 feet west in order to accommodate track modifications. Refer to Volume 3, Book A3, sheet 42.

As set forth in the Revised/Supplemental Draft EIR/EIS, the Authority has developed a design variant for the Millbrae Station Area (RSP Design Variant). The RSP Design Variant would also relocate the SPRR Depot from its current site, to a location about 23 feet west and 34 feet south of its existing site. Refer to Revised/Supplemental Draft EIR/EIS Figure 3.20-1.

As detailed in Draft EIR/EIS Section 3.16, Cultural Resources, the SPRR Depot was previously relocated to its current location in association with past station improvements. Impact CUL#4 further notes that relocation of a historic building would typically undermine integrity of location. However, because the SPRR Depot/Millbrae Station has already been relocated from its original location, the relocation proposed as part of the project would not further degrade that aspect of integrity. Therefore, it is not anticipated that project-related changes (inclusive of Alternative A, B, and the RSP Design Variant) would affect the integrity of the setting, feeling, or association of the historic property. Accordingly, it is not anticipated that there would be substantial economic or community impacts associated with the relocation of the Millbrae Train Museum.

### 1168-1382

The Draft EIR/EIS and HASR acknowledge the SPRR Depot/Millbrae Station (ID#12) as listed in the NRHP. The project's impacts on SPRR Depot/Millbrae Station were evaluated in the Draft EIR/EIS Section 3.16, Cultural Resources, and Chapter 4, Section 4(f)/6(f) Evaluation. As explained in Section 3.16.7.3, Historic Built Resources, the SPRR Depot/Millbrae Station has previously been relocated from its original location. While location and proximity to the rail line are included as character-defining features of the property, because the proposed relocation site is only 100 feet north and only set back an additional 40 feet from the existing rail right-of-way, it would still retain integrity of setting, feeling, and association.

Your organization's history of advocacy for this resource as a historic property and community asset is noted. This comment will be presented to Authority decision makers when considering project approvals and consultation on preparation of the MOA and BETP. The comment did not result in any revisions to the Draft EIR/EIS.

## Submission 945 (Greg Greenway, Peninsula Freight Rail Users Group, July 14, 2020)

**From:** [Galli, Morgan\(PB\)@HSR](mailto:Galli.Morgan(PB)@HSR)  
**To:** [Kai Walcott; Joey Goldman](mailto:Kai.Walcott;Joey.Goldman)  
**Cc:** [Chan, Yvonne@HSR](mailto:Chan.Yvonne@HSR); [Fleischer, Rebecca@HSR](mailto:Fleischer.Rebecca@HSR)  
**Subject:** FW: HSR EIR/EIS: Request to Extend Deadline for Comments  
**Date:** Wednesday, July 15, 2020 4:18:58 PM

Please see request below and Boris' response.

**Morgan Galli**  
Northern California Regional Stakeholder Manager  
California High-Speed Rail  
w: (415) 243-4641  
[morgan.galli@hsr.ca.gov](mailto:morgan.galli@hsr.ca.gov)  
[www.hsr.ca.gov](http://www.hsr.ca.gov)

**From:** Lipkin, Boris@HSR <[Boris.Lipkin@hsr.ca.gov](mailto:Boris.Lipkin@hsr.ca.gov)>  
**Sent:** Wednesday, July 15, 2020 2:06 PM  
**To:** Greg Greenway <[seaportindustrial@yahoo.com](mailto:seaportindustrial@yahoo.com)>  
**Cc:** Galli, Morgan(PB)@HSR <[Morgan.Galli@hsr.ca.gov](mailto:Morgan.Galli@hsr.ca.gov)>; Tung, James@HSR <[James.Tung@hsr.ca.gov](mailto:James.Tung@hsr.ca.gov)>; Chan, Yvonne@HSR <[Yvonne.Chan@hsr.ca.gov](mailto:Yvonne.Chan@hsr.ca.gov)>; Yip, Yosef(PB)@HSR <[Yosef.Yip@hsr.ca.gov](mailto:Yosef.Yip@hsr.ca.gov)>; Amy Buckmaster <[amy@redwoodcitychamber.com](mailto:amy@redwoodcitychamber.com)>  
**Subject:** RE: HSR EIR/EIS: Request to Extend Deadline for Comments

Hi Greg,

Thanks for always inviting us back and engaging the team as we have been developing the program in the corridor. We will certainly take your request under consideration and will make sure that you know once we've made a decision.

In the meantime, I would encourage you (and/or others who may be reviewing the documents together with you) to visit the open house website ([www.MeetHSRNorCal.org](http://www.MeetHSRNorCal.org)) and join either an open house webinar or sign up for office hours if our team can help you navigate and find the necessary information in the documents that would help facilitate your review.

All the best,

Boris

**From:** Greg Greenway <[seaportindustrial@yahoo.com](mailto:seaportindustrial@yahoo.com)>  
**Sent:** Tuesday, July 14, 2020 6:44 PM  
**To:** Lipkin, Boris@HSR <[Boris.Lipkin@hsr.ca.gov](mailto:Boris.Lipkin@hsr.ca.gov)>  
**Cc:** Galli, Morgan(PB)@HSR <[Morgan.Galli@hsr.ca.gov](mailto:Morgan.Galli@hsr.ca.gov)>; Tung, James@HSR <[James.Tung@hsr.ca.gov](mailto:James.Tung@hsr.ca.gov)>; Chan, Yvonne@HSR <[Yvonne.Chan@hsr.ca.gov](mailto:Yvonne.Chan@hsr.ca.gov)>; Yip, Yosef(PB)@HSR

<[Yosef.Yip@hsr.ca.gov](mailto:Yosef.Yip@hsr.ca.gov)>; Amy Buckmaster <[amy@redwoodcitychamber.com](mailto:amy@redwoodcitychamber.com)>  
**Subject:** HSR EIR/EIS: Request to Extend Deadline for Comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Boris,

It was great to have Morgan and James at the Chamber last week to update our transportation & housing committee on the HSR Business Plan and environmental document for SF-SJ. It was perfect timing to have the presentation the day before the EIR/EIS was released. Thanks to the entire team for years of outreach and updates to Peninsula stakeholders, and congratulations on reaching this project milestone.

While I'm sure that many Chamber members would appreciate it as well, I'm making a request on behalf of Peninsula Freight Rail Users Group (PFRUG) to extend the deadline for public comment on the EIR/EIS for the San Francisco-San Jose project segment.

Rather than the legal minimum of 45 days, please extend the deadline for comment on the EIR/EIS to 90 days.

Why?

- Because it is good government practice to allow time for public comment
- Because of the pandemic - there will be no meetings in person in the next 45 days
- Because if the agency did it for the SJ-Merced segment, why not do it for this segment?
- Because this document has been anticipated for a long time and has many stakeholders who are eager to digest it
- Because of the complexity of the project and length of the document - stakeholders need time to review and comment
- Because fewer people will express concerns about the project if they have time to give their input - go slower now, go faster later
- Because thoughtful and constructive comments will improve the project and help the HSR board consider all impacts and tradeoffs

Practically speaking, any organization that has a board that must review a comment letter needs more than 45 days to generate and approve meaningful comments (especially now with online meetings).

Thanks to you and your team for your hard work,

Greg Greenway  
Executive Director  
Peninsula Freight Rail Users Group (PFRUG)

945-64

## Response to Submission 945 (Greg Greenway, Peninsula Freight Rail Users Group, July 14, 2020)

**945-64**

Refer to Standard Response FJ-Response-OUT-1: Public Involvement Process.

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

Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020)

San Francisco - San Jose - RECORD #1148 DETAIL

Status : Unread  
 Record Date : 9/10/2020  
 Interest As : Business and/or Organization  
 First Name : Greg  
 Last Name : Greenway  
 Attachments : PFRUG HSR EIR Comments 090920.pdf (219 kb)

Stakeholder Comments/Issues :

Attached is a letter from Peninsula Freight Rail Users Group on the EIR/EIS for the HSR San Francisco-San Jose segment.  
 Thank you for your consideration of our comments.  
 Greg Greenway PFRUG Executive Director



September 9, 2020

DELIVERED BY EMAIL  
[san francisco\\_san.jose@hsr.ca.gov](mailto:san francisco_san.jose@hsr.ca.gov)

Mr. Brian Kelly  
 Chief Executive Officer  
 California High-Speed Rail Authority (CHSRA)  
 100 Paseo de San Antonio, Suite 300  
 San Jose, CA 95113

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

Dear Mr. Kelly:

Following are comments from the Peninsula Freight Rail Users Group (PFRUG) on the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the California High-Speed Rail project section from San Francisco to San Jose. PFRUG members include freight rail shippers on the Caltrain corridor, the two public ports on the Peninsula (San Francisco and Redwood City) and other business and labor stakeholders.

1148-1070 |  
 1148-1071 |  
 1148-1072 |  
 1148-1073 |  
 1148-1074 |  
 1148-1075 |

PFRUG has participated actively in the planning process for HSR since 2009 (since the Peninsula Rail Program that included Caltrain electrification), and more recently in the HSR Community Working Group for San Mateo County. We have had a very positive working relationship with CHSRA over the years. While we support and have advocated for HSR, we have concerns about how the EIR/EIS describes, analyzes and seeks to mitigate the project's impacts on freight rail. Some general observations:

- The EIR/EIS does not accurately describe the impacts of the project on freight rail.
- The broad conclusions about freight rail impacts are not supported by transparent analysis in the available public documents.
- The mitigation measures to reduce freight rail impacts outlined in the EIR/EIS are cursory and lack the detail needed to evaluate their potential efficacy.
- The analysis of construction impacts and long-term impacts are not adequately informed by the operational realities of freight rail operators and shippers.
- The EIR/EIS understates the secondary environmental impacts of the project as a result of its likely impacts on freight rail.

This letter details these concerns and offers thoughts from freight rail shippers going forward.

Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued



**The Mutual Benefits of Passenger and Freight Rail**

1148-1076

PFRUG supports CHSRA’s efforts to develop a statewide high-speed rail network. There is also a vital public interest in preserving the viability of freight rail service on the Peninsula. Freight rail shippers generate high-quality jobs and significantly reduce traffic congestion and air pollution by using rail to move goods that are essential to our regional and state economy.

As the EIR/EIS points out, the California State Rail Plan “establishes a statewide vision and objectives, sets priorities, and develops policies and implementation strategies to enhance passenger and freight rail service in the public interest. It also details a long-range investment program for California’s passenger and freight infrastructure” (p. 3.2-4).

The first High-Speed Rail Business Plan in 2012 recognized that “America’s freight rail system is the envy of the world” and that freight rail is a vital component of California’s intermodal infrastructure for goods movement by “providing efficient connections to and from California’s ports.” The most recent approved HSR Business Plan in 2018 affirmed that freight railroads “play vital roles in the national and statewide economy by maintaining and expanding their ability to move freight by rail, to serve the state’s ports and other shippers, and to help relieve the state’s crowded highway network.” The Business Plan also recognizes that, “A well-defined and collaborative relationship between the Authority and the freight railroads in California is critical to the successful implementation of the high-speed rail program.

The Caltrain Strategic Plan 2004-2023 notes, “The Caltrain right-of-way provides the only freight rail access to the Peninsula and San Francisco. It plays a key role in goods movement and alleviating truck traffic congestion on local roads and highways. Understanding freight needs is essential for Caltrain to continue improving regional mobility and supporting local businesses” (p. 12).

Because the advantages of passenger and freight rail are complementary and mutually reinforcing, planning for HSR on the Caltrain corridor should maximize the long-term public benefits of both.

**Baseline Assumptions about Freight Rail Volume and Movement**

1148-1077

PFRUG has estimated that the number of rail cars between San Jose and San Francisco over the past decade has averaged about 60-80 cars per day in each direction (once loaded, once empty). This translates to 20,000–30,000 loaded rail cars carrying 2-3 million tons of cargo on the Peninsula each year, the equivalent of 100,000–150,000 truck trips annually. During peak years, the numbers have been higher.

1148-1077

The EIR/EIS references these data as accurate. It also assumes an annual increase in rail cargo of 3.5% per year, which amounts to a doubling of freight volume to 4-6 million tons by 2040, the time horizon for the EIR/EIS analysis. This is consistent with the EIR/EIS projection that the number of freight trains on the corridor would increase over the same period from 2-4 trains per day to 5-10 trains per day.

These figures are reasonable for the purpose of environmental review. As analysis proceeds for the final EIR/EIS and through project design, it is important to emphasize several factors:

1148-1078

- **Continue to use actual historical averages for the current baseline.** Cargo volume varies year-to-year based on market demand. Any analysis must account for these fluctuations in projecting future volume over several decades.

1148-1079

- **Take into account the return of empty rail cars** at each stage of the analysis.

1148-1080

- **Consider the needs of future freight rail service.** National, state and regional plans make it clear that freight volume will increase significantly over time. On the Caltrain corridor there is strong momentum from the ports, Union Pacific (UP) and companies that ship products by rail to expand the capacity for bulk exports and future rail cargo. While the cumulative analysis in the EIR/EIS acknowledges that freight rail volume will grow over time, it does not account for opportunities for dramatic growth that may not yet be expressed in adopted plans. In planning for an HSR project that will begin service in a decade and operate for the next century, a 20-year time frame is brief. A realistic project planning horizon should account for freight realities well beyond the minimum for the EIR/EIS.

1148-1081

With respect to freight movement on the Peninsula, the EIR/EIS relies on UP dispatch data from 2012, “the only data made available to HSR by Caltrain” (p. 3.2-44).

1148-1082

- **Why is 2012 data the most recent available?** The Trackage Rights Agreement (TRA) between UP and Caltrain calculates UP’s annual contribution to track maintenance using a formula based on freight volume. These data should be available for every year.
- **Data on daily operations must be updated for the EIR/EIS.** The EIR/EIS describes freight movement as characterized in the Caltrain electrification EIR, certified in 2015. This is accurate for certain periods of time, but not necessarily accurate today. For example, the balance of daytime and nighttime deliveries has been different in 2020 than in 2012. If Caltrain cannot provide updated dispatch data, CHSRA should request it from UP, as well as updated information about UP crew capacity that has changed since 2012.



# Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued



**Construction Impacts on Freight Rail**

1148-1083

The EIR/EIS describes the project’s construction impacts in **Impact TR#18: Temporary Impacts on Freight Rail Operations**. It suggests that closure or removal of freight track ranging from hours to days would disrupt freight rail operations (p. 3.2-91). It describes a “qualitative evaluation of construction impacts on freight rail service... based on potential changes in freight service access, routing, operating hours, and overhead clearance” (p. 3.2-18).

- **The analysis needs to be supplemented by close consultation with freight rail operators and shippers** to make it meaningful and realistic (i.e., translate the qualitative evaluation into a quantitative analysis of what is likely to happen given the anticipated disruptions).

1148-1084

- **Service disruption for hours and days is highly likely to result in diversion to trucking.** Individual businesses make decisions about mode changes, and their choices have downstream ripple effects. For example, delivery of aggregate (the highest volume product moved by rail on the Peninsula) affects the availability and timing of the delivery of concrete, which is a perishable end product. Shippers of aggregate, like shippers of many other products, are therefore highly sensitive to rail service disruption.

1148-1085

- **The EIR/EIS should include a review of Caltrain’s experience** with electrification and advanced signaling construction over the past few years, including the actual effect on freight diversion and lessons learned. This would add valuable real-world information to the qualitative analysis and would aid in project planning.

1148-1086

- **Diversion of freight during construction will have secondary environmental effects.** In addition to its likely underestimation of diversion of cargo from rail, the EIR/EIS acknowledges that the project would result in “potentially temporary diversion to other freight modes” (p. 3.2-113), with “temporary” meaning the estimated 5-year period of construction. If the project will lead to diversion from rail, the EIR/EIS needs to analyze the impact on traffic congestion, air quality and greenhouse gas emissions, which it dismisses. Rail is a much more fuel efficient and environmentally friendly way to move goods.

1148-1087

- **Freight rail disruptions have significant economic costs.** Inconveniences translate into dollars. Trucking is more expensive than rail, and the cost is shared by the businesses that ship the products, their business customers and all consumers. Given that disruptions for hours and days will occur over five years of construction, it is also reasonable to anticipate that freight rail operators will increase costs to shippers. Disruptions in rail access will cause uncertainty for operators regarding deliveries, switches, crew assignments and demand from shippers. Under these conditions, operators could reasonably be expected to raise rail rates, putting further pressure on shippers to divert to trucking and increasing costs to consumers.

The EIR/EIS offers two measures to reduce the construction impacts of the project on freight rail: **TR-MM#3: Implement Railway Disruption Control Plan** and **TR-IAMF#9: Protection of Freight and Passenger Rail during Construction**. Our comments on these measures:

1148-1088

- From the standpoint of CEQA and NEPA, what is the difference between a Mitigation Measure (MM) and an Impact Avoidance and Minimization Feature (IAMF)?

1148-1089

- The description of both TR-MM#3 and TR-IAMF#9 should be much more specific and detailed. Throughout the entire EIR/EIS, including the TR-00 Transportation Technical Report, there is minimal detail about what these mitigation and minimization measures would entail. In chapter 3.2, for example, the substantive description of these measures amounts to a single paragraph each.

1148-1090

- Nevertheless, the report concludes that these measures would render the acknowledged impacts to freight rail “less than significant” (p. 3.2-111). What is the underlying analysis that supports this conclusion? Are there technical studies not included in the public documents that define the threshold for significance and support the summary statement that these measures “would be effective in minimizing the disruption of passenger and freight rail services during project construction” and “would not result in secondary impacts” (p. 3.2-98)? The conclusion is clear but the description of how and why these mitigation measures would work is not.

1148-1091

- The measures outlined in the EIR/EIS would not necessarily bring project impacts to a less-than-significant level. The report asserts that longer trains could possibly compensate for shorter hours, but constraints on yard space limit the ability to run longer trains. In addition, operators have specific logistical considerations that affect the length of trains and the timing of train movements. The EIR/EIS suggests that switching adjustments could make up for lost hours and days of service, but it is not explained how this would occur. If it means two switches per night, it would require double crews. If it means extending one switch over two nights, this would actually cut volume in half, with empty rail cars and cars that could not be unloaded the night before robbing capacity from the next day’s shipments in a continuing cycle. In reality, shippers might not wait two days to move the same amount of freight they currently move in one day; they would likely divert to trucks. The rail operator would probably not charge the same rates while using more locomotives and larger crews to move the same amount of cargo in a shorter time; they would likely raise rates.

1148-1092

- For some products carried by rail, such as hazardous waste, it is not an option to switch to trucking on short notice or make up for deliveries on alternate days, meaning that businesses would be forced to stop operations and put their assets on standby if rail service is disrupted.

Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued



1148-1093

- In addition to disruptions of hours or days at a time, the EIR/EIS suggests that “freight operations may be limited to overnight hours for up to 2 years” in the case of the passing track segment (p. 5-27). What analysis supports the conclusion that this will not lead to diversion of cargo from rail? We strongly encourage you to consult both current freight shippers (UP and Republic/San Francisco Bay Railroad) regarding the realistic environmental implications of this possibility.

1148-1094

- The CEQA conclusion in the section on cumulative construction impacts is confusing. It asserts that the reason the impacts are less than significant is that Mitigation Measure #3 will minimize the impacts, but then concludes that the project does not require mitigation because the impacts are less than significant (pp. 3.18-13 to 3.18-14). This analysis needs clarification. A reasonable interpretation is that the impacts on freight ARE significant from a CEQA standpoint, but that MM#3 might be able to reduce those impacts to a less-than-significant level.

1148-1095

- To provide a more realistic and meaningful mitigation program going forward, the CHSRA and its construction contractors must work closely with freight rail operators and shippers on program details prior to finalizing the EIR/EIS. We also understand that construction plans will be developed separate from the EIR/EIS during detailed design. We appreciate the goal of reducing freight disruptions during construction, and we encourage you to coordinate and work closely with both current operators, the ports and freight rail shippers.

1148-1096

- A realistic mitigation program would include these components, among others:
  - A specific strategy for communicating with freight operators and shippers as early as possible about closures and delays;
  - An effort to confine closures and delays to weekends (as the EIR/EIS notes);
  - Minimization of multiple days of closures and delays;
  - Inclusion of liquidated damages in construction contracts, so the costs of construction “inconveniences” would be the responsibility of contractors and the project rather than being borne by operators, shippers and consumers;

**Long-Term Impacts on Freight Capacity and Operations**

1148-1097

The EIR/EIS describes the ongoing impacts of the project on freight rail in **Impact TR#19: Continuous Permanent Impacts on Freight Rail Capacity** and **Impact TR#20: Continuous Permanent Impacts on Freight Rail Operations**.

The conclusions about freight rail impacts are surprising and generally unsubstantiated. While the EIR/EIS asserts that the project “would result in continuous permanent effects on freight rail capacity,” it concludes that the project would have no significant environmental impacts (pp.

1148-1097

3.18-13 to 3.18-14). Freight operating hours would be constrained while freight volume is continuously increasing, but there will be no measurable diversion to other modes and no need for mitigation. Our comments:

- As with construction impacts, **where is the analysis to support the conclusion?** It is impossible to examine the underlying reasoning without access to the data and modeling.

1148-1098

- Specifically, **what is the basis for the judgement that diversion of freight from rail to other modes is “not likely” to occur** (p. 3.2-94)?

1148-1099

- **What are the assumptions about operational adjustments** that render the impacts nothing more than an “inconvenience” for freight? The EIR/EIS seems to assume that freight operators and shippers have an extraordinary capacity to handle twice as much volume as today, under more restrictive conditions, without diverting any cargo to other modes.

1148-1100

- **What does “partially constrained” operating hours mean** (p. 3.2-94)? What is the anticipated impact on freight operating hours? Currently, freight trains run from the early evening until early morning between San Jose and San Francisco.

1148-1101

- **What are “peak operating hours” for HSR?** We find these mentioned but not specified in the EIR/EIS, but in an open house meeting they were described as 6-9am and 4:30-7:30pm. Can CHSRA confirm this as the expectation of peak hours for HSR? If these are the anticipated peak hours, why would freight operating hours be constrained? If peak HSR hours end at 7:30 pm, could freight trains operate from roughly 8:00pm until 5:00am?

1148-1102

- **Will HSR trains run after peak hours?** What is the impact on freight of moving HSR trains for maintenance or positioning after operating hours as mentioned briefly in the EIR/EIS?

1148-1103

- Regarding **daytime freight traffic**, the EIR/EIS states that HSR will be able to accommodate a 30-minute operating window for freight as recognized in the existing Trackage Rights Agreement. However, it mischaracterizes the language of the TRA by stipulating that freight trains must operate at speeds up to 79 miles per hour (which is not specified in the TRA).

1148-1104

- Regarding the **height of the overhead contact system**, PFRUG appreciates that the EIR/EIS does not anticipate any reduction in clearance (p. 3.2-94). It is worth noting that Caltrain maintained the existing standard of 22.5 feet of clearance for its electrification project.

1148-1105

- PFRUG is concerned about having sufficient **storage capacity for freight**, a consideration that is heightened by the prospect of shortened operating hours. The EIR should analyze the impacts of the project on freight yard capacity and should connect these impacts to the analysis of a potentially restricted operating window.

Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued



1148-1106

- The comments above regarding construction impacts apply with additional force to “continuous and permanent” impacts over the next twenty years and beyond:
  - “Inconvenience” translates to increased costs for operators, shippers, businesses and consumers.
  - Freight shippers are extremely sensitive to unpredictability in service, and diversion from rail to other modes is a decision made by individual businesses.
  - The EIR/EIS assertion that operational changes can address the anticipated “inconveniences” is problematic and can only be substantiated or qualified through close collaboration with freight rail operators and shippers, which does not seem to have occurred for the draft document.

1148-1107

- In summary, the project impacts on freight rail would be significant. If it constrains operating hours as cargo volume increases each year and the number of trains doubles over 20 years, it is hard to understand how freight rail operations could be “maintained overall” without serious impacts on goods movement and regional ports. The EIR/EIS should explain in greater detail how it is possible to move much more cargo in less time. It is not sufficient to assert that some combination of operational changes might work.

**Secondary Environmental Impacts**

1148-1108

For the reasons outlined above, the EIR/EIS underestimates the likely diversion to trucking because it does not fully and accurately account for operational and business impacts of the project. As a result, it understates “secondary environmental impacts” that would occur if cargo is moved from rail to other modes. While acknowledging some possible temporary diversion during construction, the EIR/EIS essentially concludes that there will be no overall secondary environmental impacts because freight rail operators and shippers can accommodate any disruptions, constraints, costs and inconveniences posed by the project. Our comments:

1148-1109

- The EIR/EIS must analyze the project’s secondary impacts on traffic congestion, air quality and greenhouse gas emissions. It must take greater account of the operational and economic impacts of restricted hours and service disruptions because they would almost certainly lead to diversion of cargo from rail to trucking. These business and operational effects are relevant to the environmental analysis because they would produce more traffic congestion, air pollution and greenhouse gas emissions.

1148-1110

- The EIR/EIS should take into account the length of highway truck trips caused by diversion when measuring air emissions and vehicle miles traveled. In the case of construction aggregates, diverting freight rail on the Peninsula could result in additional truck trips of at least 80 miles each way.

1148-1111

- Diversion would therefore likely cause significant secondary environmental impacts by CEQA/NEPA standards. As noted above, rail is a far more fuel efficient and cleaner way to move cargo compared with trucks. Rail efficiencies offer a decrease in trucking volumes by a factor of five (one rail car holds five times the volume of a truck).

1148-1112

**The Prospect of Freight Abandonment**

A brief section of the EIR/EIS regarding the Trackage Rights Agreement between the Caltrain Joint Powers Board and Union Pacific deserves mention and demands context (p. 3.2-49). First, there is a suggestion that Caltrain could seek to abandon freight rail service on the Peninsula if it makes a “significant change in the method of delivery of commuter service and that system is inconsistent with freight service.” Second, it notes that Caltrain has sought to assume common carrier rights from UP as the proposed final step in transitioning to a freight rail short line. Third, as noted earlier, there is a characterization of the current TRA that suggests daytime freight operations could be eliminated if freight trains cannot operate up to 79 mph. Our comments:

1148-1113

- The negotiating process for a possible short line begun by Caltrain and UP in 2016 has not moved forward in several years. There has been no recent action to select a short line operator for freight, no replacement of the 1991 Trackage Rights Agreement, and no apparent effort by Caltrain to assume common carrier rights for freight.

1148-1114

- The terms of the TRA allow that Caltrain may apply to the federal government for abandonment of freight service under certain conditions but it certainly does not prohibit UP or any other party from petitioning the federal government to deny that request.

1148-1115

- There is no doubt that many parties, including PFRUG and other stakeholders, would object vehemently to any effort to abandon freight rail on the Peninsula.

1148-1116

- It is extremely unlikely that the federal government would approve such a request.

1148-1117

- Elimination of freight rail on the Peninsula would have catastrophic effects on the integrated system of multi-modal goods movement through the ports of San Francisco and Redwood City.

## Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued



- 1148-1118 |
- It would be entirely against the public interest to approve such a request.
- 1148-1119 |
- Prohibition of limited daytime freight deliveries on the Peninsula would have a severe negative impact on cargo movement, the economy and the environment.
- 1148-1120 |
- This raises several questions: How does this relate to HSR in the context of the EIR/EIS? Is it anticipated that HSR would have any impact on either of these possible outcomes or influence their likelihood in any way? What is the purpose of these considerations being raised in the EIR/EIS?

### **Beyond Environmental Review**

1148-1121 | The CEQA/NEPA review process provides valuable information about project impacts, but it does not provide all the information policymakers need to make informed decisions. We have suggested that a more realistic analysis of the operational and business impacts of HSR on freight rail would produce a more realistic analysis of environmental impacts, but it is also essential for policy makers to consider broader issues as you move forward with the project.

1148-1122 | A loss of freight rail capacity would have serious negative impacts on the public interest. Because of rail efficiencies, any diversion of goods movement from rail would increase shipping costs and raise the price of products to businesses and consumers throughout the economy. In effect, Californians would be paying twice for high-speed rail.

Our concerns about the draft environmental document should not detract from our appreciation of the constructive working relationship PFRUG has had with HSR staff over many years. We look forward to continued participation in the planning process and a successful project in which passenger and freight rail work together for the future of the Bay Area and California.

Sincerely,



Greg Greenway  
Executive Director

## Response to Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020)

### 1148-1070

The comment describes PFRUG's involvement in the planning process and provides an introductory statement regarding their concerns about the project's impacts to freight rail. The specific comments regarding the Draft EIR/EIS that follow are addressed below.

### 1148-1071

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The Authority disagrees with the commenter's assertion that the Draft EIR/EIS does not accurately describe the impacts of the project on freight rail.

### 1148-1072

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in detail in the standard response and in the analysis of freight impacts in Section 3.2, Transportation, the EIR/EIS addresses potential impacts to freight service and operations during construction and operations based on data and analysis based on reasonable projections. The sources of the information used in the analysis are cited. All references cited in the Draft and Final EIR/EIS are available, upon request, from the Authority.

### 1148-1073

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in the standard response, the Authority has revised TR-MM#3 in the Final EIR/EIS to add detail based on additional analysis of potential construction effects and comments received on the Draft EIR/EIS. This is the only mitigation measure proposed in regards to freight rail.

### 1148-1074

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in detail in the standard response and in the analysis of freight impacts in Section 3.2, Transportation, the EIR/EIS addresses potential impacts to freight service and operations during construction and operations based on data and analysis based on reasonable projections, not based on speculation. The freight impact analysis was updated in the Final EIR/EIS to address specific comments from PFRUG and other rail operators and users.

### 1148-1075

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in detail in the standard response and in the analysis of freight impacts in Section 3.2, Transportation, the Final EIR/EIS concludes that the project will not result in substantial diversion of freight from rail to other modes. The analysis supporting this conclusion includes reasonable data and forecasts, assessment of durations of disruption during construction (which overall would be limited), and assessment of track capacity (which indicates that overall capacity can support existing and forecasted freight levels). Consequently, since the Final EIR/EIS concludes that substantial diversion from rail to other modes would not occur, the EIR/EIS also appropriately concludes that secondary environmental impacts would not be substantial.

### 1148-1076

The comment describes the benefits of freight rail service economically and environmentally as recognized in the State Rail Plan, Caltrain planning documents, and the Authority's business plans. The comment is noted. The comment does not provide any specific comments on the adequacy of the analysis in the Draft EIR/EIS, so no further response or revisions to the EIR/EIS are necessary.

## Response to Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued

### 1148-1077

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment describes information about freight service levels, stating that it is consistent with information presented in the Draft EIR/EIS. As described in the standard response, the Authority updated the analysis in the Final EIR/EIS to take into account more recent data on existing freight levels and operational characteristics and to take into account updated freight rail forecasts from the 2018 State Rail Plan.

### 1148-1078

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The Draft EIR/EIS used baseline freight dispatch data from 2012 in the analysis. The Final EIR/EIS was updated to take into account more recent 2019 data based on existing freight levels and operational characteristics. In addition, the updated analysis in the Final EIR/EIS examined track capacity and the ability to accommodate more trains than were running in 2012 or 2019 and found that there was capacity to accommodate forecasted freight average increases out to 2040.

### 1148-1079

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The analysis in the Draft EIR/EIS considered freight trains hauling both empty and loaded cars.

### 1148-1080

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment suggests that the Authority should consider possible dramatic growth in rail traffic. As explained in the standard response, the Authority updated the freight forecast used for the analysis of cumulative conditions in the Final EIR/EIS based on the most recent California State Rail Plan from 2018. The Authority believes it is reasonable and appropriate to rely on the 2018 State Rail Plan for freight growth forecasts in the Final EIR/EIS. It would be speculative to assume dramatic growth that is not expressed in adopted plans.

### 1148-1081

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The Draft EIR/EIS used baseline freight dispatch data from 2012 in the analysis because when the Authority requested data on baseline freight volumes, the PCJPB directed the Authority to use the 2012 data that had been used in the PCEP EIR, which Caltrain said was roughly representative of baseline conditions. In response to comments, the Authority requested more updated freight dispatch data from the PCJPB, which provided 2019 and 2020 data. Since 2020 data is inevitably influenced by the COVID-19 pandemic economic disruptions, the Final EIR/EIS was updated to take into account the more recent 2019 data on existing freight levels and operational characteristics.

## Response to Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued

### 1148-1082

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in the standard response and in revisions to Final EIR/EIS Section 3.2, Transportation, the analysis was updated to take into account not only the differences in freight volumes, but also differences in freight service timing as reflected in the 2019 data versus the 2012 data used in the Draft EIR/EIS. In regards to obtaining data from UPRR on their freight operations, UPRR is routinely reluctant to provide their private data; thus, obtaining data from the PCJPB, as a public agency, represents the most reasonably accessible data.

Please refer also to the response to submission FJ-1148, comment 1081.

### 1148-1083

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The IAMFs and mitigation measures (including TR-MM#3 as revised in the Final EIR/EIS) discussed in the EIR/EIS include advanced coordination with Caltrain, UPRR, and freight users about the timing for construction activity, the use of shoofly tracks (where right-of-way space allows), scheduling of track connection work to minimize disruption, and maintenance of at least one available track overnight throughout construction (except at discrete locations and for limited periods of time).

### 1148-1084

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

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.

### 1148-1085

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

Regarding learning from Caltrain's experience with managing effects during recent construction projects, the Authority has been and will be coordinating with Caltrain concerning all aspects of construction within the Caltrain corridor. TR-MM#3 was initially developed based on a similar measure as included in the Caltrain PCEP EIR and has been modified in the Final EIR/EIS in response to comments, as discussed in greater detail in the standard response.

### 1148-1086

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

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. Given this lack of substantial diversion, significant secondary effects on VMT, air quality, GHG emissions, or traffic operations are not expected.

### 1148-1087

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

### 1148-1088

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



## Response to Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued

### 1148-1089

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment requests that the Authority revise TR-MM#3 and TR-IAMF#9 to include more detailed and specific information.

As explained in the the standard response referenced above, TR-MM#3 has been modified in the Final EIR/EIS to incorporate additional consultation requirements with respect to coordination between the Authority and freight operators and shippers. These provisions include the establishment of a freight stakeholder committee with quarterly coordination meetings throughout the construction duration; consultation with Caltrain, UPRR, and freight operators and shippers during preparation of the construction disruption plan, including provision of a draft plan for review and comment prior to finalization; and notification of planned closures at least 3 months in advance. Revisions were also made to TR-MM#3 to incorporate other measures to minimize disruption during construction including limiting the number of simultaneous track closures within each subsection, limiting closure of tracks to periods when train service is less frequent, and providing safety measures for freight and passenger rail operations through construction zones. As revised, TR-MM#3 provides sufficient detail as to the controls and outcomes.

Refer to Draft EIR/EIS Volume 2, Appendix 2-E, Project Impact Avoidance and Minimization Features, for a complete description of TR-IAMF#9.

### 1148-1090

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment requests the underlying analysis supporting the EIR/EIS conclusions and supporting the assessment of effectiveness of mitigation concerning freight impacts. The standard response referenced above describes that the analysis was based on available data on freight operational conditions and forecasts, an assessment of track capacity, identification of the durations and locations of construction disruption, consideration of construction mitigation, and identification of HSR blended operational effects. The sources of information relied upon are referenced in the EIR/EIS and all references are available from the Authority upon request.

Regarding the effectiveness of mitigation to minimize potential disruptions during construction, please refer to submission FJ-1148, comment 1089, which describes how Mitigation Measure TR-MM#3 has been revised in the Final EIR/EIS to provide further details regarding the railway disruption control plan. As revised, TR-MM#3 provides sufficient detail as to the controls and outcomes to effectively minimize the duration of disruption of passenger and freight operations and maintain a reasonable level of service while allowing for an expeditious completion of construction. The Authority will enforce compliance with mitigation measures, including TR-MM#3, during construction through binding contracts with design-build contractors and will provide oversight of that implementation throughout construction as it has done for the other project sections of the HSR system constructed to-date.

## Response to Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued

### 1148-1091

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in the standard response and in revisions to the Final EIR/EIS Section 3.2, Transportation, on a routine operational basis, with the HSR blended operations, there would remain adequate track capacity to accommodate both existing and forecasted average freight operations both during the daily operational window and during the nightly operational window. Contingency procedures that might include additional trains, longer trains, or switching are not expected to be required on any routine basis, but might be employed if freight operations spiked beyond the forecasted average levels on a temporary basis. As noted in the standard response, the average length of trains on the corridor is much less than the maximum length of trains used in the common services, and under existing conditions, freight services can and do stagger trains on occasions. As such, since these contingency procedures are only expected to be necessary in limited conditions, their effect on freight operations, reliability, and cost is also expected to be limited overall.

### 1148-1092

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment expresses concern about hauling of hazardous waste and the potential for staggering deliveries. As described in the standard response and in the revisions to the Final EIR/EIS Section 3.2, Transportation, staggering of deliveries is not expected to be a routine occurrence on the Caltrain corridor, either during construction or during project operations. In accordance with the revised TR-MM#3 in the Final EIR/EIS, there will be advanced coordination and notification to all freight operators many months in advance of any planned disruptions such that shippers can plan their operations accordingly (as such, there will not be a case of "short notice" asserted in the comment). As described in the standard response and updated analysis in the Final EIR/EIS, the frequency and duration overall of construction disruption will be discrete and limited. With advance coordination and notification, freight operations, including hauling of hazardous waste, can be planned well in advance. During operations, blended service is not expected to disrupt freight access; instead, hours of operation would be partially constrained. The analysis of track capacity indicates adequate capacity to continue existing and forecasted freight operations.

### 1148-1093

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As discussed in the standard response, the construction analysis and operational analysis of freight impacts have been updated in the Final EIR/EIS in response to public comments. The Draft EIR/EIS described the potential restriction of freight to overnight hours in relation to the passing track construction under Alternative B, which might occur over a 2-year period. As discussed in the standard response, upon further analysis, it appears this duration would be approximately 4 months instead.

Passing track construction under Alternative B would occur from north of Whipple Avenue in Redwood City to south of 9th Avenue in San Mateo and thus would only affect freight operations using that segment. While there is a limited daylight service between South San Francisco and San Francisco involving one daily round trip, this location is outside of the passing track area, and during construction of the passing track, train service during the morning hours (outside of peak Caltrain hours) would be possible. Other freight operations routinely operate overnight at present and have done so for a long time. For freight services from the south to Redwood City, this section of the Caltrain corridor would also not be disrupted by passing track construction. Thus, the restriction to overnight service for passing track construction would only affect service from the south to South San Francisco or from Redwood City to South San Francisco. As discussed in the standard response and the updated analysis in Final EIR/EIS Section 3.2, Transportation, these freight services currently operate in the evening and overnight. Consequently, a restriction to overnight hours in the passing track segment would be a continuation of current practices.

For these reasons, the restriction to overnight hours for 4 months during construction of the passing track segment under Alternative B is not expected to result in substantial disruption of freight operations and thus is not expected to result in diversion of cargo from rail to trucks.

### 1148-1094

The reference in the last paragraph in Section 3.18.6.1, Transportation, of the Draft EIR/EIS stating that no mitigation is required was in reference to operations, not construction. The commenter is correct that Mitigation Measure TR-MM#3 is required to reduce construction period effects to a less than significant level. This text has been clarified accordingly in the Final EIR/EIS.

## Response to Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued

### 1148-1095

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in the standard response, the Authority modified Mitigation Measure TR-MM#3 in the Final EIR/EIS to include the following requirements concerning coordination: (1) Establish a freight stakeholder committee to provide an information and feedback forum throughout construction with a minimum of quarterly coordination meetings; (2) Consult with Caltrain, UPRR, and freight operators and shippers during preparation of the construction disruption plan, including provision of a draft plan for comment prior to completion; and (3) Notify Caltrain, UPRR, and freight operators of planned closures at least 3 months prior to planned track closures or planned closure of access to freight rail facilities (including spurs and yards). The Authority is committed to working with freight operators and shippers in developing and implementing the railway disruption control plan before and during construction.

### 1148-1096

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in the standard response, the Authority modified Mitigation Measure TR-MM#3 in the Final EIR/EIS to incorporate additional consultation requirements for coordination between the Authority and freight operators and shippers, including notification of planned closures at least 3 months in advance. Revisions were also made to TR-MM#3 to incorporate other measures to minimize disruption during construction including limiting the number of simultaneous track closures within each subsection, limiting closure of tracks to periods when train service is less frequent, and providing safety measures for freight and passenger rail operations through construction zones. Regarding the request to add liquidated damages to TR-MM#3, the Authority does not think this is necessary or appropriate, as the project is not expected to result in substantial disruption of freight operations during construction with implementation of the updated mitigation.

### 1148-1097

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in detail in the standard response and in the analysis of freight impacts in Final EIR/EIS Section 3.2, Transportation, the EIR/EIS addresses potential impacts to freight service and operations during construction and operations based on data and analysis based on reasonable projections, which constitute substantial evidence. In response to comments, the analysis has been updated in the Final EIR/EIS to provide a more in-depth review of both construction and operational impacts on freight, including use of updated freight operational volumes, timing, and forecasts; specific considerations of the duration and locations of disruptions during construction; and updated analysis of track capacity during operations. The standard response provides specific responses to the concerns raised in this comment (and in other comments concerning freight).

While the project would have some effects during construction (limited and discrete disruptions in certain areas that would be managed through a railway disruption control plan that includes consultation with freight operators and shippers well in advance of disruption) and during operation (some limitation on operational hours surrounding peak passenger rail hours), these effects would not hinder the continued freight operations overall and would accommodate the forecasted freight service increases (should they be realized).

## Response to Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued

### 1148-1098

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

Please refer to the Standard Response FJ-Response-TR-4 and the revised analysis in Impact TR#18 and TR#19 in Section 3.2, Transportation. As explained in the Standard Response and Impact TR#18, the Authority assessed the temporary access and disruption to freight access and facilities during construction and that assessment shows that there would be limited disruption of access or operations throughout construction and there would remain adequate capacity to service expected freight service needs. This is the basis of conclusion that there would not be substantial diversion of freight from rail to other modes due to the project during construction. As explained in the Standard Response and Impact TR#19, the Authority assessed the permanent capacity for freight operations during blended service operations and that assessment shows that there would remain adequate capacity to service expected freight service needs including forecasted 2040 freight levels. This is the basis of conclusion that there would not be substantial diversion of freight from rail to other modes due to the project during operations.

### 1148-1099

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

### 1148-1100

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

### 1148-1101

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

A specific HSR operating schedule has not been developed yet and thus the exact peak operating hours have not been developed yet, but the 6 a.m. to 9 a.m. morning period and 4:30 p.m. to 7:30 p.m. afternoon/evening period cited in the comment are a reasonable estimate of peak operating hours. The standard response addresses the project impacts on operating hours for freight.

Please also refer to the response to submission FJ-1148, comment 1102 regarding effects during off peak hours.

### 1148-1102

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As detailed in Standard Response-TR-4, during off-peak hours, the Authority expects to operate up to three trains per hour per direction between San Jose and San Francisco and up to four trains per hour per direction south of San Jose. Thus, during off peak-hours, there will be an increase of passenger trains with the HSR project, in addition to an increase in passenger train speed (up to 110 mph with the HSR project, compared to existing speeds of up to 79 mph). In order to maintain temporal separation between freight trains and passenger trains, freight trains will have to be scheduled in such a way that they do not compromise passenger train operations or service. Thus, while freight trains can operate outside of peak hours, there could be affects on scheduling trains until midnight. After HSR and Caltrain operational hours (nominally between midnight and 6 a.m.), there would not be any need for such restrictions in scheduling and freight access would be unimpeded.

### 1148-1103

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

Regarding the citation of 79 mph in the Draft EIR/EIS concerning “commuter service train speeds”, the TRA itself does not reference a specific speed. As a result, the Authority deleted the reference to 79 mph in the Final EIR/EIS. While the TRA does not reference a specific speed, the TRA does state that freight operations during daytime must be “capable of operating at commuter service train speeds” and “will operate at such speeds when directed by the owner”. Caltrain routinely reaches 79 mph on straight sections of track between San Jose and San Francisco at present.

## Response to Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued

### 1148-1104

The comment is correct that the HSR project is not expected to result in a reduction of overhead clearance compared to existing conditions. It should be noted, however, that as explained in detail in the EIR for the Caltrain Electrification project (PCJPB 2015b), the existing Caltrain corridor between San Jose and San Francisco has a number of areas that have less than 22.5 feet of clearance under existing conditions including, but not limited to, the bridge over San Francisquito Creek and the 4 tunnels in San Francisco. This comment does not raise an issue with the adequacy of the Draft EIR/EIS analysis, and no further response or revisions to the Draft EIR/EIS is required.

### 1148-1105

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The project will not displace existing freight storage yard capacity between the 4th and King Street Station in San Francisco and West Alma Avenue in San Jose. The project would require some realignments of freight tracks in certain locations as shown in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS, but the project will not reduce freight track or yard capacity. A statement to this effect has been added to Section 3.2, Transportation, in the Final EIR/EIS.

As described in Standard Response FJ-Response-TR-4: Project Impacts on Freight, with HSR operations, adequate track capacity and available operating times would remain to accommodate forecasted freight growth out to 2040. As current freight operations on occasion utilize longer trains than used on average, run additional trains beyond the standard weekly averages, and stagger deliveries, it is anticipated that the occasional implementation of these contingencies could be accommodated with existing train storage facilities.

### 1148-1106

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As described in the the standard response, no substantial disruption of freight service is anticipated due to project operations. Adequate track capacity and available operating times would remain to accommodate forecasted freight growth out to 2040. For these reasons, it is not anticipated that there would be any substantial changes in costs for freight operators or shippers.

### 1148-1107

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

### 1148-1108

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

### 1148-1109

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

### 1148-1110

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 and, as a result, is not expected to result in significant secondary impacts to traffic or air quality due to such diversion.

### 1148-1111

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

### 1148-1112

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment summarizes parts of Section 3.2.5.6, Freight Rail Service, of the Draft EIR/EIS describing the TRA between the PCJPB and UPRR. As explained in the standard response, the Authority revised the Draft EIR/EIS to delete the reference to 79 mph. The other items described in the comment accurately describe the allowances in the TRA. The comment does not provide any specific comments on the adequacy of the analysis in the Draft EIR/EIS or any description of inaccuracies in the description other than the reference to 79 mph, so no further response or revisions are necessary.

## Response to Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued

### 1148-1113

The Final EIR/EIS analyzes potential effects to freight service in the context of existing and potential future freight service along the Caltrain Corridor, regardless of whether UPRR retains the freight trackage rights, Caltrain assumes them, or they are assigned to short line operator. The comment does not identify any specific inaccuracies in the Draft EIR/EIS analysis and thus no further response or revision is required.

### 1148-1114

The comment notes that the Draft EIR/EIS describes that under the TRA, Caltrain can apply to the federal government for abandonment of freight service under certain conditions. This is a correct statement. The comment also asserts that the the TRA does not prohibit UPRR or any other party from petitioning the federal government to deny that request. This statement is incorrect. Section 8.3(c) of the TRA states: "In the event that Owner demonstrates a reasonably certain need to commence construction on all or substantially all of the length of the Joint Facilities (including User's Cahill/Lick Line) of a transportation system that is a significant change in the method of delivery of Commuter Service which would be incompatible with Freight Service on the Joint Facilities (other than User's Cahill/Lick Line), Owner may, at its sole cost and expense, file no sooner than nine months prior to the commencement of such construction for permission from the ICC to abandon the Freight Service over the portion of the Joint Facilities (excluding User's Cahill/Lick Line) upon which the construction is to occur. User shall not object to or oppose such a filing; however, it shall be allowed to participate in the abandonment proceedings." The "Owner" is the PCJPB. The ICC refers to the Interstate Commerce Commission, which is now the STB. The "User" is Union Pacific. Thus, per this section of the TRA, UPRR "shall not object to or oppose such a filing", but it can participate in the proceedings. Accordingly, the description in the Draft EIR/EIS is correct in regards to UPRR and the commenter is wrong in asserting that UPRR is not prohibited from petitioning the STB to deny such a request. Other parties are not limited by the TRA, however, because they are not signatories to the TRA. Since the Draft EIR/EIS language is correct, the comment did not result in any revisions to the Draft EIR/EIS.

### 1148-1115

The comment is noted but does not concern the adequacy of the analysis in the Draft EIR/EIS and thus no further response or revision to the Draft EIR/EIS is required.

### 1148-1116

The comment is noted but does not concern the adequacy of the analysis in the Draft EIR/EIS and thus no further response or revision to the Draft EIR/EIS is required.

### 1148-1117

The comment is noted but does not concern the adequacy of the analysis in the EIR/EIS and thus no further response or revision in required.

### 1148-1118

The comment is noted but does not concern the adequacy of the analysis in the EIR/EIS and thus no further response or revision is required.

### 1148-1119

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The existing TRA between the PCJPB and UPRR requires the PCJPB to allow for at least one daytime 30-minute freight window on each track between 10:00 a.m. and 3:00 p.m. for freight trains that are capable of operating at commuter service train speeds. While construction and operation of the HSR project would cause some disruptions to freight service, the HSR project would not prohibit limited daytime freight deliveries on the Peninsula.

## Response to Submission 1148 (Greg Greenway, Peninsula Freight Rail Users Group, September 9, 2020) - Continued

### 1148-1120

The comment asks why the Draft EIR/EIS discusses the potential future outcomes of discussions about potential changes to the TRA by Caltrain in regard to freight service. The TRA establishes the rights that freight service has in relation to the Caltrain corridor including required hours of track access, the conditions of that track access, and the potential options Caltrain has concerning freight service. This information is provided as background on current trackage rights arrangements in the project corridor and the potential for changes that may or may not be realized. Caltrain is the host railroad for the Caltrain corridor, not the Authority, and thus any actions in regards to potential changes in the TRA are the purview of Caltrain. The Draft EIR/EIS analyzes the physical impacts of the HSR project on freight service based on change from existing conditions. Separate potential future changes in the TRA that Caltrain might initiate are not factored into making conclusions in the impact analysis.

### 1148-1121

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

### 1148-1122

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment expresses concern regarding potential impacts on the use of railroads in moving freight. Please refer to the standard response referenced above, which addresses this topic.



## Submission 1017 (Tera Freedman, San Bruno Mountain Watch, August 10, 2020)

**San Francisco - San Jose - RECORD #1017 DETAIL**

**Status :** Unread  
**Record Date :** 8/10/2020  
**Interest As :** Business and/or Organization  
**First Name :** Tera  
**Last Name :** Freedman

**Stakeholder Comments/Issues :**

1017-102

Please do not destroy areas:  
005-162-240, 005-162-360, 005162-250, 096-010-030, 055-162-190.

- 1) You will destroy IceHill historical building.
- 2) You will destroy Mission Blue Nursery that supplies native plants to renew the San Bruno Mountain Parklands and surrounding areas. The plants that grow in the nursery better the endangered butterflies and habitat through replanting native plants on the mountain. You would leave no home for the Nursery that has been on that property for over ten years and serves the Bay Area, local schools and businesses.
- 3) You will destroy Wetlands that surrounds Ice Hill and Ice Hill.
- 4) You will destroy the Fire station removal and replacement.
- 5) Frog habitat

Please find another spot for the temporary construction easement from Alternative B plan. Please do not use Alternative A plan.

Thank you, Tera Freedman

## Response to Submission 1017 (Tera Freedman, San Bruno Mountain Watch, August 10, 2020)

### 1017-102

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

The commenter raises concerns with the impacts of both the East and West Brisbane LMF and expresses opposition to either project alternative. The comment is noted and will be presented to Authority decision makers as part of the Final EIR/EIS when considering project approvals.

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 Draft EIR/EIS. Specifically, the Draft EIR/EIS discloses the displacements required for construction of the project in Section 3.12, Socioeconomics and Communities. Both project alternatives would require displacement of the 1924 Machinery and Equipment Building (which is not included in the historic properties evaluated in Section 3.16, Cultural Resources, because it was determined to be ineligible for NRHP, CRHR, or Local Register designation through survey evaluation), the Mission Blue Nursey, and the Brisbane Fire Station. 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), which establishes minimum standards for the treatment of and compensation to individuals whose real property is acquired for a federally funded project. Additionally, as described under Impact S&S#3 in Section 3.11, Safety and Security, the Authority would relocate the Brisbane Fire Station prior to demolition of the existing Brisbane Fire Station under both project alternatives to ensure emergency vehicle access and response times would be maintained.

The Draft EIR/EIS discloses the project's impacts on biological and aquatic resources in Section 3.7, Biological and Aquatic Resources. Section 3.7.9, Mitigation Measures, describes the proposed mitigation measures to avoid, minimize, rectify, reduce, eliminate, or compensate for biological and aquatic impacts. However, it should be noted that while the Draft EIR/EIS does identify impacts on wetlands and waters in the vicinity of the Brisbane LMF, no impacts on frogs were identified as the Brisbane LMF area is highly disturbed and lacks suitable habitat for, and historical occurrences of,

### 1017-102

frogs.

The commenter also requests that the Authority find a different location for the TCEs for the West Brisbane LMF under Alternative B. The temporary and permanent footprint of the West Brisbane LMF are shown in Figure 3.13-12 in Section 3.13, Station Planning, Land Use, and Development. As shown in the figure and described under Impact LU#1, the TCEs for the West Brisbane LMF are primarily concentrated at the southern end of the Brisbane LMF and would be required to construct the relocated Tunnel Avenue overpass and realign Lagoon Road. Relocating these TCEs would not be feasible and would not avoid the project impacts described above, as those impacts are largely a result of the permanent right-of-way rather than TCEs.

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

# Submission 1135 (Jill Rodby, Seaport Industrial Association, September 9, 2020)

**San Francisco - San Jose - RECORD #1135 DETAIL**

Status : Unread  
Record Date : 9/10/2020  
Interest As : Business and/or Organization  
First Name : Greg  
Last Name : Greenway  
Attachments : SIA HSR Comments 090920.pdf (246 kb)

**Stakeholder Comments/Issues :**

Attached are comments from Seaport Industrial Association on the HSR EIR/EIS.



675 Seaport Boulevard, Redwood City, CA 94063

September 9, 2020

**SENT BY EMAIL**

[san francisco\\_san jose@hsr.ca.gov](mailto:san francisco_san jose@hsr.ca.gov)

Mr. Brian Kelly  
Chief Executive Officer  
California High-Speed Rail Authority (CHSRA)  
100 Paseo de San Antonio, Suite 300  
San Jose, CA 95113

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

Dear Mr. Kelly:

Seaport Industrial Association (SIA), an organization whose members include the Port of Redwood City and freight rail shippers in the port area, offers the following comments on the High-Speed Rail (HSR) San Francisco-San Jose project section. SIA has been a longtime supporter of High-Speed Rail and Caltrain electrification, and we have worked closely with HSR staff to help inform the local business community about the project. Our comments are offered in the spirit of improving the analysis of project impacts and ensuring that the project can be successful in the Bay Area and beneficial for California.

1135-466

**Improve the description, analysis and mitigation of project impacts on freight rail**

The EIR/EIS asserts that the project's impacts on freight rail will amount to an "inconvenience" and are "not likely" to result in diversion from rail to other nodes. What are the underlying assumptions, analysis and threshold of significance to justify this conclusion? We have not found these details in the main document, appendices or technical reports, making the conclusion appear unsubstantiated.

Given the description of how the project would affect freight rail, it is highly likely that the impacts would be significant. During construction, if the project routinely causes "hours or days" of service disruption, it is nearly certain that individual shippers would opt to move cargo from rail to trucks. Regarding "permanent and continuous" impacts, if the project constrains the hours of operation for freight rail as cargo volume increases 3.5% per year and the number of trains doubles over the next 20 years, how is it possible that freight operations could be "maintained overall" without diversion to trucks? What is the analysis that supports the conclusion that diversion to other nodes is unlikely?

## Submission 1135 (Jill Rodby, Seaport Industrial Association, September 9, 2020) - Continued

Seaport Industrial Association  
High-Speed Rail EIR/EIS Comments  
September 9, 2020

1135-467

**The EIR/EIS does not adequately study the project's environmental impacts**

The EIR/EIS does not accurately characterize the impacts on freight rail, underestimating the likely diversion to trucks during five years of construction and possibly permanently thereafter. Because of this, the EIR/EIS must analyze the project's potential "secondary" impacts on traffic congestion, air quality and greenhouse gas emissions. Rail is a far more fuel efficient and environmentally friendly way to move cargo compared with trucks. Rail efficiencies offer a decrease in trucking volumes by a factor of five (one rail car generally holds as much cargo as five trucks). Diversion would likely cause significant "secondary" environmental impacts at CEQA/NEPA thresholds.

1135-468

**Real world impacts beyond CEQA/NEPA**

The environmental review process provides valuable input to policymakers, but it does not provide all the information they need to make informed decisions. While social and economic impacts might not be included within the scope of CEQA/NEPA certification, it is essential for decision makers to understand broader impacts before approving a project. In this case, the EIR/EIS must analyze business and operational factors because they are key determinants of environmental impacts ("secondary" effects of diversion from rail). A study that ignores or underestimates these factors is not realistic.

The EIR/EIS says freight rail could be adversely affected by the project. Because of rail efficiencies, diversion to other modes would increase shipping costs and raise prices to businesses and consumers. A "continuous permanent" disruption of freight rail on the Peninsula would be devastating to the multi-modal shipping networks at the Port of San Francisco and the Port of Redwood City. Our public ports are absolutely essential for goods movement. They should be consulted prior to completing the final report.

Given the certainty of growing demand for goods into the future, constraining freight rail capacity would be irresponsible and have irreparable impacts on the regional and statewide economy. The EIR/EIS must give decision makers and the public an accurate representation of the project's impacts so we can collectively and realistically address them. Please consult closely with freight rail operators and shippers going forward.

Thank you for your consideration.

Sincerely,



Jill Rodby  
SIA Board President

## Response to Submission 1135 (Jill Rodby, Seaport Industrial Association, September 9, 2020)

### 1135-466

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The commenter questions the assumptions in the Draft EIR/EIS that the project's impacts are not likely to result in diversion from rail to other modes. Based on the analysis in the Draft EIR/EIS and the revised analysis in the Final EIR/EIS, for the most part, freight operations would be able to continue throughout project construction. Closures would overall be limited in extent and occur during nights and weekends, with accommodation for alternative daytime operations where allowed by Caltrain and necessary to address nighttime closures. The existing TRA specifies that freight has rights to use a single track during one daytime 30-minute window and between midnight and 5 a.m. In most cases, freight access consistent with the TRA would be provided throughout project construction, with some discrete exceptions and locations, but overall freight service would be able to operate and freight capacity would remain sufficient to accommodate baseline freight volumes. As such, it is expected that, with implementation of IAMFs (TR-IAMF#9) and mitigation (TR-MM#3 as revised in the Final EIR/EIS), there would be limited potential for substantial diversion of freight rail to truck during construction. The conclusions in the EIR/EIS are based on the identification of the discrete locations and extent of disruptions, and the identification of practical methods to avoid and minimize disruption to freight service, including advanced coordination with Caltrain, UPRR, and freight users about the timing for construction activity, the use of shoofly tracks (where right-of-way space allows), scheduling of track connection work to minimize disruption, and maintenance of at least one available track overnight throughout construction (except at discrete locations and for limited periods of time).

Regarding operational effects to freight service and operations, please refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight, which describes updates to incorporate more recent data on both existing freight levels and more recent forecasts of future freight levels, and provides further analysis of project effects on capacity during project operations. Updates were also made to the freight analysis in Section 3.2, Transportation, of the Final EIR/EIS to provide additional substantiation for the conclusions concerning operational freight impacts.

### 1135-467

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

As explained in the standard response and in the freight impact analysis in Section 3.2, Transportation, the project is not expected to result in substantial diversion of rail freight to trucks. Therefore, significant secondary effects on traffic congestion, air quality, and greenhouse gas emissions are not expected. Additional analysis was conducted for the Final EIR/EIS to validate this conclusion.

### 1135-468

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment expresses concern regarding potential impacts on the use of railroads in moving freight, asserts that project impacts on freight have not been articulated, and asserts that freight rail operators have not been adequately consulted.

Regarding potential impacts, please refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight. As noted in the standard response, baseline and 2040 freight operations are expected to be able to operate within the Caltrain corridor without disruption due to blended Caltrain/HSR operations under nearly all conditions in those areas north of CP Coast where Caltrain, HSR, and freight would use the same track. There would not be a "continuous permanent" disruption to freight rail or diversion from freight from rail to truck modes, as demonstrated by the analysis in the EIR/EIS. Consequently, there would not be social or economic disruptions associated with the project's effect on freight operations. The standard response also notes revisions to TR-MM#3 that would increase consultation with freight rail operators during construction as a means of avoiding/minimizing any disruptions to freight service.

# Submission 1144 (Edward Saum, Shasta / Hanchett Pak Neighborhood Association, September 9, 2020)



**San Francisco - San Jose - RECORD #1144 DETAIL**

**Status :** Unread  
**Record Date :** 9/10/2020  
**Interest As :** Individual  
**First Name :** Edward  
**Last Name :** Saum  
**Attachments :** 2020.09 SHPNA to CA HSR - Draft SF to SJ EIR\_EIS.pdf (186 kb)

**Stakeholder Comments/Issues :**

To Whom It May Concern:

Attached please find the comments of the Shasta / Hanchett Pak Neighborhood Association (S/HPNA) regarding the High-Speed Rail Authority's Draft San Francisco to San Jose Project Section EIR / EIS.

S/HPNA represents 4,500 households in the neighborhoods immediately west of San Jose Diridon Station, and along the west of the current Caltrain corridor from Park Avenue in the south to West Taylor Street in the north.

[image: photo]

\*Edward Saum\*

Vice President + Director for Planning and Land Use  
Shasta / Hanchett Park Neighborhood Association

408.728.8460 | edward@saumdesignconsulting.com

September 9, 2020

VIA EMAIL [\[san.francisco\\_san.jose@hsr.ca.gov\]](mailto:san.francisco_san.jose@hsr.ca.gov)

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

To Whom It May Concern:

I am writing to you as the Vice President and Director for Planning and Land Use of the Shasta / Hanchett Park Neighborhood Association (S/HPNA), on behalf of the Neighborhood Association (NA), with our comments and concerns regarding the Draft Environmental Impact Report / Environmental Impact Statement (EIR / EIS). The group was founded in 1984 to protect the interests of our historic and beloved community. Over the years, we have worked with the City of San Jose, developers, builders, and our neighbors to create a balanced neighborhood. Because of our involvement, we boast one of the most successful communities in the City of San Jose. S/HPNA represents 4,500 households in neighborhoods immediately west of San Jose Diridon Station, and along the west of the current Caltrain corridor from Park Avenue in the south, to West Taylor Street in the north.

Since the initial meetings for the San Jose Visual Design Guidelines for High Speed Rail, S/HPNA Board members and residents have been intimately involved in the planning stages of High-Speed Rail's infrastructure, operational parameters, and project mitigations. Therefore, it is with substantial concern that we are writing to you regarding the Draft San Francisco to San Jose Project Section EIR / EIS.

Our comments and concerns include, but are not limited to, the following:

1144-469

- **Diridon Integrated Station Concept (DISC)** – The efforts of the City of San Jose's SAAG should be incorporated into any plans HSR develops for Diridon Station. The City of San Jose, HSR, BART, Google, and the Caltrain Joint Powers Board must all work together to avoid a series of incoherent, poorly functioning connections at Diridon Station. The clear conflicts between the proposed DISC and CHSRA's graphics and alignment diagrams raise substantial concerns, as the two are mutually exclusive. The DISC envisions a raised, integrated platform, to increase access and traffic flow of all forms to, through, and beyond the station. Alternative A assumes a stand-alone, at-grade station. Alternative B assumes an aerial Diridon Station. Neither alternative addresses the last mile, access, or traffic issues already faced by Diridon Station. The EIR / EIS must address how to incorporate the current design parameters for the DISC, to create a true intermodal hub. This would, by definition, omit Alternative A from consideration, without a substantial reworking of the DISC.

1144-470

CHSRA must commit to the inevitable supplementary environmental work that will be required to make the DISC program a functional reality. Instead, High Speed Rail (HSR) would complete its EIR before the DISC program would even begin its environmental clearance. CHSRA's EIR assesses alternatives for the HSR project in isolation, but not the broader issues and solutions that will be

# Submission 1144 (Edward Saum, Shasta / Hanchett Pak Neighborhood Association, September 9, 2020) - Continued

1144-470

required to provide a functional multimodal station at Diridon. Therefore, we propose that any construction between Diridon Station and Tamien Station should only proceed after the DISC design has been environmentally cleared.

1144-471

- **Downtown West (Google Project)** – The single largest set of variables in the EIR are the No Viaduct (Alt A), Short Viaduct (Alt B), and Long Viaduct (Alt B) iterations at Diridon Station, yet each iteration ignores the pending environmental clearances for the DISC and Downtown West (Google’s proposed campus immediately adjacent to Diridon Station). Each alternative needs to be studied in the context of the DISC and Downtown West projects; given that the Draft EIR for Downtown West was recently delayed until later this fall, a thorough analysis of HSR’s impacts at Diridon Station cannot be studied at this time. This negates some of the fundamental assumptions about both Alt A and Alt B, until such time that a Supplemental EIR can be completed.

1144-472

As part of your own Displacements & Relocations graphics, Alternative B would displace between 23 and 43 residences, and between 63 and 94 businesses. Alternative B (Short Viaduct) and Alternative B (Long Viaduct) both show the proposed HRA Right-of-Way cutting through multiple parcels of land owned by Google, indicated in their proposal as high-rise offices (per Downtown West Mixed-Use Plan submittal, 10/10/2019). The plan’s Alternative Illustrative Framework has high rise housing and publicly accessible park lands directly in the path of the right-of-way. How does HSR’s proposed construction timeline for Alternative B (both viaduct options) address or mitigate Google’s proposed construction timeline, and proposed use, for which they are about to submit their Draft EIR. The two proposals, in both timeline and end-result, are mutually exclusive.

1144-473

- **Additional Passing Tracks and Caltrain Electrification** – Prior to the pandemic, many residents of the NA, including myself, rode Caltrain to our jobs along the peninsula or in San Francisco. Therefore, we have watched with interest as Caltrain has moved forward with its Caltrain Modification Program (CalMod). CalMod depends upon the running of additional train consists, and the ability of the EMUs to stop and start more quickly. At the same time, HSR has a mandated number of trains that will run along the same two tracks, with performance metrics that include maximum timeframes. To accommodate these performance metrics, Caltrain schedules will have to be designed around HSR traffic, with a limited number of sidings and passing tracks. The presence of additional passing tracks (Alt B) would help to mitigate this impact. We propose that CHSRA must demonstrate that any further efforts to pursue Alt A (no additional passing tracks) will have no greater impact upon Caltrain schedules than Alt B. Given that the intent is for Diridon Station to nearly quadruple its pre-pandemic ridership numbers once CalMod and HSR are complete, and that these efforts are intended to provide decades of reliable service, forgoing the additional passing tracks seems short-sighted.

1144-474

- **A Lack of Community Outreach** – The Draft EIR / EIS is the result of nearly ten years of hearings, public meetings, and community working groups. To push forward the Draft EIR / EIS during a global pandemic, when direct, meaningful community engagement is patently impossible, does a disservice to all of the community members who invested thousands of man hours in the creation of a dynamic, truly community-serving high speed rail service. Even allowing for the extended public comment period (for which we are grateful), and the subsequent ten months to revise the Draft EIR / EIS, the HSR process is months ahead of schedule. Rather than forcing through a Draft document when those with the most insight to offer are possibly facing unprecedented financial and health challenges, why not delay the process until such time that authentic community outreach can be made to all concerned citizens? The project deserves no less than that.

Bringing a transportation service like High-Speed Rail to San Jose is something that can be of great benefit to us all. However, citing that benefit as a reason to approve unassailed an alignment and set of environmental impacts disregard hundreds of hours of previous community involvement is, if you will excuse the transportation idiom, putting the cart before the horse. The scope and vision for High-Speed Rail cannot be compromised for the sake of expedience.

Respectfully submitted,

Edward Saum  
Vice President & Director for Planning & Land Use  
Shasta/Hanchett Park Neighborhood Association



## Response to Submission 1144 (Edward Saum, Shasta / Hanchett Pak Neighborhood Association, September 9, 2020)

### 1144-469

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

The comment suggests that the EIR/EIS should incorporate the DISC preliminary design parameters and the Authority should coordinate with the various agencies working on DISC. The comment asserts that the HSR project alternatives do not address last mile, traffic, and access issues and suggests that the DISC designs would better address them.

As described in Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, the Authority is one of the DISC agency partners and is committed to working with the DISC agency partners to find mutually agreeable solutions to allow both HSR and DISC projects to be implemented. DISC is being advanced through a separate planning process agreed to by the DISC agency partners that is separate from the HSR project and is still at an early conceptual phase of development. While a conceptual layout has been developed for DISC, there is substantial additional work necessary that must be completed in order to commence with the environmental review. Since DISC is not yet approved or constructed and is only at an early phase of design, it does not comprise the environmental baseline for the environmental analysis of the HSR project and it would be premature to consider the DISC project in the cumulative analysis for the HSR project.

Regarding last mile, traffic, and access issues, Draft EIR/EIS Section 3.2, Transportation, analyzes the potential effects of the HSR project alternatives on transit, traffic, and access in relation to the San Jose Diridon Station during both construction and operations. The analysis of impacts to transit and ridership takes into account access to and from the station by all modes (walk, pedestrian, transit, car, taxi/rideshare, etc.). Riders using the HSR service at San Jose Diridon Station would have a wide range of access options given all the existing transit, pedestrian, bicycle connections as well as vehicle-based options. These access options would provide many so-called last mile options in proximity to the station. Construction and operational impacts to transit including Caltrain and other services is fully analyzed in Section 3.2 as well. The commenter does not articulate exactly what last mile impacts, access impacts, or transit impacts, the HSR project may cause, so no further response can be provided. Regarding traffic, the EIR/EIS disclosed HSR project impacts on traffic which at San Jose Diridon Station are due to station ridership and not due to any infrastructure

### 1144-469

aspects of the HSR project. In addition, in the Final EIR/EIS, the Authority has added certain site-specific traffic mitigation measures (TR-MM#3) under consideration to address traffic impacts around the San Jose Diridon Station.

There are no significant unavoidable transportation impact associated with the HSR project alternatives at the San Jose Diridon Station.

## Response to Submission 1144 (Edward Saum, Shasta / Hanchett Pak Neighborhood Association, September 9, 2020) - Continued

### 1144-470

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

The comment suggests that the Authority should commit to the supplementary environmental work for DISC, that the HSR alternatives are being considered in isolation from broader issues and solutions, and that the Authority should not do any construction between San Jose Diridon Station and Tamien Station until DISC is environmentally cleared.

As explained in Standard Response FJ-Response-GEN-3: Consideration of Plans and Projects, the Authority is one of the DISC agency partners and is committed to working with the DISC agency partners to find mutually agreeable solutions to allow both HSR and DISC projects to be implemented. As explained in the standard response, DISC is being advanced through a separate planning process agreed to by the DISC agency partners that is separate from the HSR project and is still at an early conceptual phase of development. Thus, the timing of the environmental review of DISC is up to the agency partners, only one of whom is the Authority, and thus that is a shared responsibility, not the sole responsibility of the Authority.

Regarding HSR being considered in isolation from broader issues and solutions, the Authority disagrees. The Authority has analyzed existing transportation conditions at the San Jose Diridon Station in detail and coordinated with the City of San Jose and all transportation agencies when planning the HSR project and the alternatives in the EIR/EIS including regarding the San Jose Diridon Station. DISC is not necessary to meet the purpose and need of the HSR project as it has ambitions above and beyond the HSR project. While the Authority supports the DISC process, DISC is not yet funded and requires extensive future development and funding to become a reality. It would be premature of the Authority to commit to delay HSR construction at this time between San Jose Diridon Station and Tamien Station while waiting for DISC progress when there is no guarantee that DISC will ever be realized, because that could result in an open-ended delay of realizing the HSR project and the many local, regional, and statewide benefits of the HSR project. However, since the Authority is one of the DISC partner agencies, the Authority will keep the suggestion in mind as DISC planning proceeds and when HSR project construction schedule is closer to realization.

### 1144-471

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

The Authority is one of the DISC agency partners and is committed to working with the DISC agency partners to find mutually agreeable solutions to allow both HSR and DISC projects to be implemented. As explained in the standard response, DISC is being advanced through a separate planning process agreed to by the DISC agency partners that is separate from the HSR project and is still at an early conceptual phase of development. While a conceptual layout has been developed for DISC, there is substantial additional work necessary that must be completed in order to commence with the environmental review. Since DISC is not yet approved or constructed and is only at an early phase of design, it does not comprise the environmental baseline for the environmental analysis of the HSR project and it would be premature to consider the DISC project in the cumulative analysis for the HSR project.

Also as described in the standard response, while the Google project was approved in May 2021, it has not been constructed or even commenced construction, and thus it does not comprise the environmental baseline for the environmental analysis of the HSR project. The Google Project Draft EIR was not released in October 2020, prior to the release of the Draft EIR/EIS for the HSR project, so the Draft EIR/EIS for the HSR project did not have the benefit of the analysis of the Google project in the Draft EIR. However, the Draft EIR/EIS for the HSR project included potential buildout of the Diridon Station Area Plan in the cumulative analysis and thus already reflected cumulative impacts of land use development around the San Jose Diridon Station in combination with the HSR project. The cumulative analysis in the Final EIR/EIS has been updated with additional information available from the October 2020 Draft EIR for the Google project. The additional information from the October 2020 Draft EIR for the Google project included in the cumulative analysis in the Final EIR/EIS for the HSR project provides a description of details concerning the shape of the proposed development around the San Jose Diridon Station and the general nature of cumulative impacts but has not identified new significant or substantially more severe impacts of the HSR project.

Consequently, the EIR/EIS for the HSR project has properly considered the Google Project in the cumulative analysis and analysis. Regarding DISC, it would be premature to analyze it in the cumulative analysis given the early state of planning of DISC at this time.

## Response to Submission 1144 (Edward Saum, Shasta / Hanchett Pak Neighborhood Association, September 9, 2020) - Continued

### 1144-472

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

### 1144-473

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.

### 1144-474

Refer to Standard Response FJ-Response-OUT-1: Public Involvement Process.

In March 2020, California’s Governor Newsom issued Executive Order N-33-20, which ordered individuals living in the State of California to stay home or at their place of residence, effective immediately and until further notice. The transportation sector was identified as one of 16 critical infrastructure sectors whose assets, systems, and networks were considered so vital to California’s health and well-being that work could continue. Consistent with the Executive Order, the Authority has continued work on the environmental reviews and construction of certain HSR project sections during the State of Emergency to maintain the schedule and consistency with requirements of federal funding for the program. Consistent with the terms of the grant agreement with the FRA, the Authority is obligated to complete the environmental reviews for all project sections of Phase 1 of the HSR system before December 31, 2022. Refer to Standard Response FJ-Response-OUT-1: Public Involvement Process for a discussion of how the Authority transitioned the open houses and public hearing for the Draft EIR/EIS to a “virtual” format held online and via telephone. The Authority adhered to NEPA and CEQA regulations, extended the comment period, and conducted a robust outreach process for the Draft EIR/EIS despite the global pandemic. The comment did not result in any revisions to the Draft EIR/EIS.

# Submission 1112 (Lesley Lowe, Stanford University, September 9, 2020)

**San Francisco - San Jose - RECORD #1112 DETAIL**

Status : Unread  
Record Date : 9/9/2020  
Interest As : Business and/or Organization  
First Name : Lesley  
Last Name : Lowe  
Attachments : HSR Letter 8.2020.pdf (118 kb)

**Stakeholder Comments/Issues :**

Please find attached Stanford comments on the Draft San Francisco to San Jose Project Section EIR/EIS.

Lesley Lowe, AICP CTP  
Stanford University | Land Use and Environmental Planning  
650.721.4261 | llowe@stanford.edu<mailto:llowe@stanford.edu>



September 4, 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: Stanford comments on the Draft San Francisco to San Jose Project Section EIR/EIS

Dear Mr. Lipkin:

Stanford University acknowledges the release of the Draft EIR/EIS for the San Francisco to San Jose Project section by the California High-Speed Rail Authority, which we see as a major accomplishment for the Authority. We appreciate your continued engagement of the public in the review process and, furthermore, your consideration of the following comments by Stanford University.

**Importance of rail travel and transit to Stanford**

The railway has been an integral part of Stanford University's history and legacy. In 1869, the first Transcontinental Railroad in North America built by the Central Pacific and Union Pacific Railway Lines provided vital means for improved national and statewide trade, commerce and travel. Leland Stanford as a member of the 'Big Four' was instrumental in the Transcontinental Railroad and the Golden State Railway lines. The retention of Palo Alto's historic train station on our lands and the Stanford community's continued use of the commuter line indicate the importance of the current commuter rail service (Caltrain). As demonstrated in Stanford's commitment to the Caltrain Business Plan, we continue to follow with interest how the proposed high-speed rail project aims to both complement and improve Caltrain service.

**Comments on the Draft EIR/EIS**

Given Stanford's role in the development of the Caltrain Business Plan, we request the Authority to work more closely with Caltrain to ensure the 2040 Caltrain Service Vision can be implemented as established in conjunction with HSR's plans for this section of the corridor. We believe analyzing the adopted Caltrain Service Vision will help the Authority more adequately identify cumulative impacts. Therefore, we ask the Authority to consider:

- Conducting a supplementary analysis to determine the impacts of the additional rail service and infrastructure needs of Caltrain to implement their 2040 Service Vision as part of the Authority's final environmental documents.

1112-2505

## Submission 1112 (Lesley Lowe, Stanford University, September 9, 2020) - Continued

- 1112-2506
- In line with the 2040 Caltrain Service Vision, Caltrain intends to operate eight trains per peak hour per direction, not six trains per hour. Without passing tracks in northern Santa Clara County, the proposed HSR service would have a cumulative impact on passenger rail service, which is currently not addressed in the EIR/EIS.
- 1112-2507
- Palo Alto staff and residents have had extensive discussions regarding grade separations and crossings within the city. The Authority should consider the community's concerns about rail crossings as they relate to multi-modal transportation circulation. Specifically, the project analyzed the at-grade crossings of Alma Street and Churchill Avenue in Palo Alto with four-quadrant gate applications. Both of these roadways provide heavy east-west bicycle access. It is unclear from the environmental analysis if additional right-of-way would be required at Alma Street which could impact Stanford lands.
- 1112-2508
- 1112-2509
- The proposed HSR project includes curve straightening and platform modifications adjacent to Stanford lands at the Palo Alto Transit Station. It is unclear what impacts the high-speed rail project would have on Stanford lands, as the analysis quantifies impacts in large swaths of lands in the San Mateo to Palo Alto Subsection. More details about this work is requested.
- 1112-2510
- The proposed HSR project includes major modifications in Redwood City near and at the Sequoia Station. It is unclear what impacts the high-speed rail project would have on land uses and transit at the station, as the analysis quantifies impacts in large swaths of lands in the San Mateo to Palo Alto Subsection. More details about this work is requested.

It is clear that the Authority has put a tremendous amount of work and thought into this project thus far. We will continue to work with you to ensure that Authority studies the project in a way that both protects the environment and provides equitable and efficient rail service to the corridor.

Sincerely,

*Lesley Lowe*

Lesley Lowe  
Transportation and Environmental Planning Manager

*Jean McCown*

Jean McCown  
Associate Vice President, Government Affairs

## Response to Submission 1112 (Lesley Lowe, Stanford University, September 9, 2020)

### 1112-2505

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.

### 1112-2506

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

As explained therein, the environmental effect of future infrastructure proposed by Caltrain to accommodate the expansion of Caltrain service (beyond that included in the approved, environmentally cleared and funded PCEP, which is six trains per peak hour per direction) will need to be reviewed by Caltrain when it has planned, designed, and environmentally reviewed such improvements. The comment did not result in any revisions to the Draft EIR/EIS.

### 1112-2507

Refer to Standard Response FJ-Response-GS-1: Requests for Grade Separations, FJ-Response-TR-3: Gate-Down Time Calculation Details.

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 not considered a significant impact requiring mitigation.

The comment is noted and will be presented to Authority decision makers as part of the Final EIR/EIS when they consider the project for approval. The comment did not result in any revisions to the Draft EIR/EIS.

### 1112-2508

Both project alternatives are predominantly within the existing Caltrain right-of-way adjacent to Stanford University. It is not anticipated that the acquisition of lands owned by Stanford University would be required for either project alternative. Refer to Book A2, sheets 18 through 20, of the Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS for detailed engineering drawings of the project elements within the City of Palo Alto. The comment did not result in any revisions to the Draft EIR/EIS.

### 1112-2509

The comment requests additional details regarding potential impacts on Stanford lands at the Palo Alto Transit Station. Please refer to Appendix 3.1-A, Parcels within the HSR Project Footprint, of the Draft EIR/EIS, which identifies the areas of land that would require permanent and temporary easements. Pages 39 and 40 of Appendix 3.1-A show the area near the Palo Alto Transit Station and indicate that in this location, the HSR project would remain within the existing Caltrain right-of-way. The only project element requiring additional permanent right-of-way acquisition on Stanford lands is a potential communication radio tower site located adjacent to the Caltrain right-of-way near the Embarcadero Road underpass. For the purposes of environmental clearance, two site options for this communication radio tower have been identified but only one would ultimately be implemented. The comment did not result in any revisions to the Draft EIR/EIS.

### 1112-2510

The comment requests additional details regarding potential impacts in Redwood City near and at the Sequoia Station. As shown on Figures 2-37 and 2-45 in Chapter 2, Alternatives, of the Draft EIR/EIS, the only HSR project elements in Redwood City consist of four-quadrant gates and a co-located radio tower at a PCEP facility. Please refer to Appendix 3.1-A, Parcels within the HSR Project Footprint, of the Draft EIR/EIS, which identifies the areas of land that would require permanent and temporary easements. Pages 33 and 34 of Appendix 3.1-A show the area in Redwood City near and at the Sequoia Station and indicate that at these locations, the HSR project would remain within the existing Caltrain right-of-way. The comment did not result in any revisions to the Draft EIR/EIS.

## Submission 920 (shararaeh tavafrashti, STRADA E.C, LLC, July 14, 2020)

**San Francisco - San Jose - RECORD #920 DETAIL**

**Status :** Unread  
**Record Date :** 7/14/2020  
**Interest As :** Business and/or Organization  
**First Name :** shararaeh  
**Last Name :** tavafrashti

**Stakeholder Comments/Issues :**

920-2

Will the Authority limit the commenting period on the draft environmental document for San Francisco to San Jose to 45 days in light of the limited access to the documents and difficulty to participate in publicly held forums for the general public?

Best Regards  
Shari Tavaf

STRADA E.C., LLC.  
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## Response to Submission 920 (shararaeh tavafrashti, STRADA E.C, LLC, July 14, 2020)

### 920-2

Refer to Standard Response FJ-Response-OUT-1: Public Involvement Process.

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

# Submission 1179 (Peggy Harris, Union Pacific Railroad Company (UPRR), October 16, 2020)



October 16, 2020

Attn: Draft San Francisco to San Jose Project Section EIR/EIS  
 California High Speed Rail Authority  
 770 L Street, Suite 620 MS-1  
 Sacramento, CA 95814

To Whom It May Concern:

Union Pacific Railroad Company (UPRR) submits these comments in response to the California High-Speed Rail Authority's (CHSRA) Draft Environmental Report/Environmental Impact Statement (DEIR/DEIS): San Francisco to San Jose Project Section.

UPRR owns and operates a common carrier freight railroad network in the western two thirds of the United States, including the State of California. Specifically, UPRR owns and operates rail main lines connecting the San Francisco Bay Area to Sacramento and points east and north, and to Los Angeles and points east and southeast. UPRR is the largest rail carrier in California in terms of both mileage and train operations. UPRR also has a multitude of public private partnerships across the state, including active and planned projects with various state agencies and passenger rail partners. UPRR's network in California is vital to the economic health of the state and the nation as whole, and its rail service to California customers is crucial to the current and future success and growth of those customers.

UPRR has been actively engaged in discussions with CHSRA for many years in order to ensure that the safety and efficiency of the UPRR system, including UPRR's ability to serve current and future customers, is preserved during the planning, construction, and operation of the California high-speed rail project. UPRR and CHSRA have entered into several agreements that reflect these interests, including the Memorandum of Understanding and Implementing Agreement Related to High-Speed Rail Development in California dated July 11, 2012 (MOU) and the Engineering, Construction, and Maintenance Agreement Related to the California High-Speed Rail Authority Project Merced to Bakersfield Segment dated December 23, 2014.

UPRR has also submitted formal comments in response to proposals at several points during the environmental permitting process for various aspects of the high-speed rail project. That communication has included comments on plans for the proposed Fresno to Bakersfield high-speed rail segment, the Downtown Bakersfield High-Speed Rail Station Area Plan, the Bakersfield to Palmdale high-speed rail segment, the San Jose to Merced high-speed rail segment, and the recent DEIR/DEIS for Burbank to Los Angeles high-speed rail segment.

1179-2675

CHSRA's San Francisco to San Jose DEIR/DEIS proposes a Preferred Alternative (Alternative A) alignment that seeks to utilize approximately 49 miles of Caltrain Peninsula Corridor Joint Powers Board (JPB) owned right of way where UPRR retains and exercises freight operating rights and along which UPRR owns track and facility infrastructure that would result in a shared corridor, raising several operating, engineering, real estate and commercial franchise challenges through the corridor.

1179-2675

Except where UPRR has, following negotiation with CHSRA, implemented significant capacity improvements and other mitigation measures to address adverse impacts to its franchise, UPRR will not allow any part of the high-speed rail system to be located on UPRR-owned property or diminish UPRR operating rights. UPRR and CHSRA have, however, been engaged in such discussions related to a shared corridor between San Jose and Gilroy since 2017. Where the CHSRA and UPRR alignments run in close proximity, a safe and operationally functional distance must be maintained between them. All CHSRA facilities that may cross above or below UPRR right of way must clear-span the UPRR property and be constructed a sufficient distance away to permit UPRR's full utilization of its property for railroad purposes.

With these general principles as context, UPRR offers these specific points:

1179-2676

- Any new facilities that cross UPRR's right of way in relation to the project, including new or realigned roads, must be grade-separated and comply with UPRR's then-current minimum engineering standards.

1179-2677

- Depending on the design and proximity of the CHSRA facilities to the UPRR right of way, special conditions such as safety barriers may be required.

1179-2678

- The DEIR/DEIS does not clearly illustrate the Preferred Alternative details or impact to UP infrastructure and facilities. There are three primary areas of concern:
  - South San Francisco Yard – need to protect for UPRR yard footprint and continued operations at this location.
  - Redwood City Wye – need to protect the wye configuration for customer access and operating needs.
  - UP Coast Subdivision mainline from Santa Clara through San Jose/Diridon – need to protect for future capacity needs in this corridor segment.

1179-2679

- To comply with the terms of the MOU, CHSRA must design its alignment in a manner that does not interfere with UPRR's access to current or future customers. Section 2(A)(2) of the MOU says CHSRA "will take all steps available under law to avoid impeding UPRR's commercially reasonable access to current and potential customers and the access of current and potential customers to UPRR along the corridor." Drawings for the Preferred Alternative from San Francisco to San Jose appear to depict the CHSRA alignment realigning both JPB and UPRR track infrastructure and right of way for several miles, thereby impacting existing UPRR spur tracks and facilities owned or operated by current UPRR customers. The proposed alignment may also separate UPRR from developable property adjacent to the UPRR main line at various points along the proposed route. Impacts to existing and future freight rail customers associated with the proposed Preferred Alternative alignment are unacceptable. If the Preferred Alternative is chosen as the selected route, UPRR will seek to require modification of the route per the terms of the MOU so that there are no impacts to our ability to serve existing or future customers.

UNION PACIFIC RAILROAD  
 1400 Douglas Street, Stop 1120  
 Omaha, Nebraska 68179

Peggy Harris  
 General Director  
 Network Development

P 402-544-5448  
 C 402-968-6589  
 E peharris@up.com

## Submission 1179 (Peggy Harris, Union Pacific Railroad Company (UPRR), October 16, 2020) - Continued

3

1179-2680

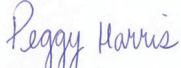
- It is not clear whether the DEIR/DEIS has examined the impact that construction of the CHSRA alignment may have on the future ability of cities or other road authorities to grade-separate roads that cross the UPRR tracks along the route. State and federal policies encourage the elimination of railroad grade crossings for the benefit of safety and the efficient movement of trains and vehicular traffic. The design of the CHSRA alignment and its proximity to the UPRR right of way under the Preferred Alternative may permanently prevent roads that currently cross the freight tracks at grade from being grade-separated in the future. UPRR requests that an analysis be completed to determine the extent of these potential impacts and that the results be formally communicated to the respective roadway authorities who might be impacted and to UPRR.

1179-2681

Considering the potentially serious and detrimental impacts to UPRR facilities, operations, current and future customer access, and to long-term roadway accessibility over UPRR tracks along the Preferred Alternative route, it is imperative that CHSRA continue working with UPRR to develop an alignment that meets UPRR safety and engineering guidelines, addresses the concerns identified in this letter or that have yet to be identified, and meet the obligations outlined in our standing agreements. If CHSRA does select the Preferred Alternative route, then CHSRA must mitigate any and all impacts to UP and our customers. CHSRA must provide solutions to overcome the impacts to UPRR noted above and any others UPRR identifies as the design of the Preferred Alternative route is developed in more detail.

Thank you for considering our comments.

Sincerely,



Peggy Harris  
General Director Network Development

## Response to Submission 1179 (Peggy Harris, Union Pacific Railroad Company (UPRR), October 16, 2020)

### 1179-2675

The comment concerns utilization of the UPRR right-of-way that would result in a shared corridor. Chapter 2, Alternatives, of the Draft EIR/EIS provides narrative descriptions of each alternative, including specific modifications to freight rail alignments that would be required. The Draft EIR/EIS discusses impacts on freight rail service in detail in Section 3.2, Transportation, and explains the trackage rights held by UPRR in this Project Section. Section 3.2.5.6, Freight Rail Service, provides a description of existing freight rail service, and Section 3.2.6.6, Freight Rail Service, analyzes the impacts of the HSR project on freight rail service, under Impacts TR#20, TR#21, and TR#22.

In this Project Section, Caltrain is the host railroad, not UPRR, and the PCJPB owns the main right-of-way containing the mainline tracks, while UPRR owns spur tracks and adjacent right-of-way as well as MT-1 south of Santa Clara. As such, the track design for blended service is different than the design south of CP Lick where UPRR owns the mainline right-of-way.

The HSR project would not cross over the UPRR right-of-way in the San Francisco to San Jose Project Section and as such, the comment concerning clear spanning the UPRR right-of-way is not relevant to this Project Section.

The Authority will continue to engage jurisdictions and stakeholders, including UPRR, during the design, construction, and operation of the project. The comment does not identify any inadequacy in the analysis in the Draft EIR/EIS, so no revisions are necessary.

### 1179-2676

The comment states that any new facilities that cross the UPRR right-of-way must be grade separated and comply with UPRR's minimum engineering standards. The HSR project would not cross over the UPRR right-of-way in the San Francisco to San Jose Project Section. There are some facilities adjacent to the mainline Caltrain tracks to be used by HSR trains in blended service and the HSR project would realign certain freight tracks in the Caltrain corridor. Thus, this comment about grade separating crossovers is not relevant to this Project Section. The comment does not identify any inadequacy in the analysis in the Draft EIR/EIS, so no revisions are necessary.

### 1179-2677

For the San Francisco to San Jose Project Section, HSR trains would either operate within the Caltrain corridor (Alternative A) or would operate within the Caltrain corridor north of Santa Clara and would operate on its own right-of-way south of Santa Clara (Alternative B). Freight operates within the Caltrain corridor, which is owned by the PCJPB between San Francisco and San Jose. While UPRR owns MT-1 south of Santa Clara, it does not own the right-of-way in the Caltrain corridor. UPRR owns some tracks and right-of-way spurs that depart from the Caltrain corridor. Freight and passenger rail would use the same tracks north of Santa Clara. South of Santa Clara, freight would continue to operate on the UPRR-owned MT-1. The HSR project does not include any intrusion barriers between the tracks to be used by HSR trains and those tracks used by freight in this Project Section. As described in Impact S&S#14: Permanent Exposure to Rai-Related Hazards, the potential for collisions between HSR trains and freight trains in this project section would be avoided through temporal separation. In other Project Sections where UPRR controls the right-of-way, intrusion barriers are proposed as part of the HSR project. The Authority will continue to work with UPRR regarding project designs wherever the project would affect UPRR facilities or right-of-way.

## Response to Submission 1179 (Peggy Harris, Union Pacific Railroad Company (UPRR), October 16, 2020) - Continued

### 1179-2678

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The Draft EIR/EIS includes an analysis of impacts to freight operations and service in Section 3.2, Transportation, including construction and operational impacts. Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS shows the specific changes to tracks between San Francisco and San Jose and thus discloses the potential changes related to the South San Francisco Yard, Redwood City Wye, and the UP Coast Subdivision from Santa Clara to south of San Jose Diridon. Section 3.2 articulates the locations of potential disruption during construction when tracks are being relocated or realigned and the potential durations of disruption. As shown in the Volume 3, Preliminary Engineering Plans, the HSR project will maintain the freight tracks and access at the South San Francisco Yard with some mainline realignments (see Book A1, sheet 6), will not hinder access to the Redwood City Wye (see Book A2, sheet 16), and will maintain access to and use of the UP Coast Subdivision, although MT-1 will be realigned in locations (see Book A2, sheets 27 - 31 for Alternative A and Books B5 and B6 for Alternative B) without reducing the capacity of any of these facilities during construction.

Please also refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight, and revisions to Section 3.2 of the Final EIR/EIS to provide clarifications on potential construction and operational effects to freight service and operations. As explained therein, the analysis in Impact TR#18 in Section 3.2 has been expanded and clarified to address potential disruption impacts during construction in regard to track access, track capacity and effects to specific freight facilities along the corridor. Mitigation Measure TR-MM#2 has also been revised to provide additional measures to coordinate with freight operators and shippers and other measures to minimize disruptions during construction. The operational analysis in Section 3.2 under Impact TR#19 has also been updated with more recent freight data and forecasts and additional analysis of potential effects on freight capacity.

### 1179-2679

Refer to Standard Response FJ-Response-TR-4: Project Impacts on Freight.

The comment states that design of the alignment must comply with the terms of the MOU with UPRR. Impacts on UPRR infrastructure and operation have been analyzed in Section 3.2.6.6, Freight Rail Service, of the Draft EIR/EIS. Impact TR#18 in Section 3.2, Transportation, of the Draft EIR/EIS describes temporary impacts on freight rail operations associated with HSR construction. Freight rail operations occur in the rail rights-of-way that would be used for portions of the project construction, and, as a result, project construction would temporarily disrupt freight rail operations. This would inconvenience freight operators and customers and could result in additional truck traffic, if necessary, to meet freight delivery requirements. Section 3.2 identifies the specific locations (by alternative) of potential disruption to freight operations associated with construction. Rail access would be maintained for all existing rail customers within the corridor, and all access would be maintained to both sides of the track to all customers. Please refer to Section 3.2.6.6 for a discussion of construction and operational impacts on freight rail operations. As noted in that section, the Authority and the freight railroads would work together to construct the project in a manner consistent with the agreements negotiated by the Authority's contractor during the final design process. This would enable each entity to conduct its relevant activities in a manner that would reduce impacts on freight railroad operations. TR-MM#3 would be implemented to minimize disruption to freight operations and would be effective in minimizing the disruption to freight rail services during project construction. Additional design refinements may be part of final design, along with supplemental environmental review where required. The Authority will continue coordination with UPRR to address conflicts during planning, design, construction, and operation. The comment does not identify any inadequacy in the analysis in the Draft EIR/EIS, so no revisions are necessary.

## Response to Submission 1179 (Peggy Harris, Union Pacific Railroad Company (UPRR), October 16, 2020) - Continued

### 1179-2680

The comment suggests that the EIR/EIS should include an evaluation of the project's effects on the future ability of cities or other authorities to construct grade separations for roads that cross the UPRR tracks. Currently, no grade separations are planned as part of the HSR project.

Construction of either project alternative would not physically preclude any entity from constructing a grade separation at an at-grade crossing within the Project Section. Neither project alternative would add additional tracks across at-grade crossings between 4th and King Street Station in San Francisco and the San Jose Diridon Station. South of the San Jose Diridon Station, Alternative B would be grade separated and therefore would not affect at-grade crossings. Alternative A would add one track (approximately 20 feet west of the existing tracks) to the at-grade crossings at Auzerais Avenue and West Virginia Street in San Jose. While this additional track would mean any grade separation at these crossings would have to be slightly longer, it would not physically preclude the ability to complete grade separations in the future.

### 1179-2681

The comment is noted and does not indicate any specific concern regarding any of the conclusions in the Draft EIR/EIS. Please refer to Impact TR#18, Impact TR#19, and Impact TR#20 in Section 3.2, Transportation, of the Final EIR/EIS for a discussion of the project's impacts on freight rail operations and facilities. The project would maintain all existing rail access to existing rail customers within the corridor, and existing railroad sidings would be retained or reconstructed. The Authority looks forward to working with the UPRR in the development and implementation of additional phases of the project.



## Submission 994 (Sheila Sandow, Unitarian Universalists of San Mateo, July 28, 2020)

**San Francisco - San Jose - RECORD #994 DETAIL**

**Status :** Unread  
**Record Date :** 7/28/2020  
**Interest As :** Business and/or Organization  
**First Name :** Sheila  
**Last Name :** Sandow

**Stakeholder Comments/Issues :**

For follow up please.

From: Sheila Sandow <sheilasandow@yahoo.com>  
Sent: Friday, July 24, 2020 9:52 AM  
To: HSR info@HSR <info@hsr.ca.gov>  
Cc: John Berdoulay <johnberdoulay@sbcglobal.net>; Betsy Taub <betsytaub@gmail.com>  
Subject: Impact of the High-Speed Rail Project on our property

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello High-Speed Rail Authority,

994-87

Our church, the Unitarian Universalists of San Mateo, owns property at 300, 310, and 314 East Santa Inez Avenue, in San Mateo. Because our property is within two miles of the railroad right-of-way (for both High-Speed and Caltrain), we received notification of the High-Speed Rail Authority's EIR/EIS, and we have reviewed the information available on your website.

We are currently engaged in a process of discernment as to what, if any, impact this project might have on our property and operations, and to determine if we need to submit comment before the end of the comment period. Our initial conclusion is that any impact would take the form of minimal inconvenience, e.g., noise, nearby street closure, and unavailability of some street parking, all caused by construction on East Santa Inez Avenue, at or near the railroad overpass located one-half block due east of our properties. Because you are not holding in-person open houses that would allow us to confirm that conclusion, we are writing to ask if our assessment is accurate.

We look forward to hearing back from you.

Sincerely,  
Sheila Sandow  
Vice President, Board of Trustees  
Unitarian Universalists of San Mateo

(650) 341-5621



## Response to Submission 994 (Sheila Sandow, Unitarian Universalists of San Mateo, July 28, 2020)

### 994-87

The comment's assessment of potential impacts near their property is accurate. Each impact discussion in Section 3.12, Socioeconomics and Communities, of the Draft EIR/EIS provides more detail of each potential impact. The comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIR/EIS, and no revisions are required.

# Submission 1103 (Kevin Beauchamp, University of California, San Francisco, September 9, 2020)

**San Francisco - San Jose - RECORD #1103 DETAIL**

**Status :** Unread  
**Record Date :** 9/9/2020  
**Interest As :** State Agency  
**First Name :** Kevin  
**Last Name :** Beauchamp  
**Attachments :** 2020-09-08 UCSF cmt on HSR SF-SJ DEIR.pdf (222 kb)

**Stakeholder Comments/Issues :**

Thank you for the opportunity to provide comments on the High Speed Rail SF-SJ Segment DEIR. Our comments on the DEIR is attached.

Please reach out to us if you have any questions,  
Tammy

Tammy H. Chan  
Senior Planner

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September 8, 2020

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 100 Paseo De San Antonio, Suite 300  
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Via email to: [san francisco\\_san.jose@hsr.ca.gov](mailto:san francisco_san.jose@hsr.ca.gov)

**RE: Comments on San Francisco to San Jose Section Draft EIR/EIS (DRAFT EIR/EIS)**

The University of California, San Francisco (UCSF) has reviewed the Draft EIR/EIS for the proposed San Francisco to San Jose Section of the California High-Speed Rail (HSR) (the Project). UCSF understands the importance and need for the proposed HSR into San Francisco. Our comment is focused on the intersection conditions of the at-grade crossings at 16<sup>th</sup>/Mississippi/ 7<sup>th</sup> streets and 7<sup>th</sup>/Mission Bay Drive in San Francisco. These intersections are the western gateways into the Mission Bay neighborhood and are located just west of UCSF's Mission Bay campus site.

UCSF's Mission Bay campus and Medical Center, which includes Children's, Women's, and Cancer Hospitals, is located along 16<sup>th</sup> Street, just east of the existing Caltrain tracks that terminate at the Fourth and King Street Caltrain Station in San Francisco. Driven by its commitment to patient care and public safety, UCSF's primary goal is to ensure that patients, patient visitors, patient care workers, as well as emergency vehicles, have 24/7 unimpeded access to its Mission Bay hospitals.

After review of the Draft EIS/EIR, UCSF is concerned that the project as currently proposed would have significant impacts on the UCSF Mission Bay campus and Medical Center, the greater Mission Bay area and its environs, and that the currently proposed project with the at-grade alignment would impede access to the UCSF Mission Bay campus and Medical Center. Mission Bay is already challenged by limited accessibility from the north, south, east and west. Sixteenth Street is a major east-west travel corridor serving Mission Bay. The proposed at-grade alignment has great potential to isolate Mission Bay from the rest of the City. The currently proposed at-grade alignment would further impede consistent surface traffic flow into and out of Mission Bay, a growing neighborhood with the recent opening of the Chase Center, and other upcoming large development projects planned along the Southern Bayfront (i.e. Pier 70, Potrero Station, and Mission Rock). This is in addition to the approximately 1.45 million gsf of future UCSF projects at the Mission Bay campus site proposed under our 2014 Long Range Development Plan (which has a planning horizon of 2035). A 261-bed hospital with additional outpatient space totaling 793,500 gsf is also planned after 2035, in a Future Phase of the Medical Center.

Under Impact TR #5, the Draft EIR/EIS concludes that the project would result in continuous permanent congestion/delay effects on intersection operations from increased gate-down time at at-grade crossings from the operation of HSR trains, but that automobile delay is not a significant impact under CEQA.

1103-364

1103-365



# Submission 1103 (Kevin Beauchamp, University of California, San Francisco, September 9, 2020) - Continued

1103-365

However, UCSF believes that this conclusion does not include adequate analysis of the project's impacts on emergency access and emergency service response time. Per Section 3.2.4.4 of the Draft EIR/EIS, traffic congestion/delay effects may be considered an adverse impact under NEPA. However, no conclusions or specific mitigation measures under NEPA appear to have been identified in the Draft EIR/EIS.

Access to the UCSF Medical Center at Mission Bay is from 16<sup>th</sup> Street, just east of the at-grade crossings. Emergency vehicle access to UCSF's Children Hospital is located on Mariposa and Fourth Streets. Currently, UCSF's Mission Bay emergency department averages 110 monthly 911 ambulance calls, and about 225 intra-facility transport calls per month. The Draft EIR/EIS offers no analysis or data to support its conclusion that the construction and operation of the project would not interfere with emergency access to UCSF. We believe the additional delays associated with the increased gate-down time would impact patient access to care at our Medical Center and emergency vehicle access to the emergency room.

We want to acknowledge that extensive analysis of emergency access was conducted in connection with the environmental review for the Chase Center. Concerns about further deterioration of traffic conditions to UCSF during major events at Chase were raised and the SFMTA board adopted resolutions that ensure ongoing monitoring, management and coordination between the City, UCSF and Chase to facilitate access into and out of Mission Bay and the UCSF hospitals. By concluding that continuous permanent congestion/delay is not a significant impact under CEQA, dismisses the strategies in place to address and alleviate some of the traffic congestion in the area during major events at Chase.

1103-366

The increases in vehicular congestion would also impact UCSF's shuttle system. UCSF's shuttle system provides service for UCSF between all primary campus sites, select secondary sites and public transit. The service is available to UCSF students, faculty, staff, patients and visitors. Our shuttle system transports 2.5 million riders each year. On average, nearly 10,400 people ride the shuttle daily.

There are currently five UCSF shuttle routes that cross the tracks at 16th and Seventh Streets. On average, each route has two inbound/outbound trips per hour. That is approximately 20 crossings an hour with additional frequency on several routes during peak periods. The additional delays and gate-down time associated with project operations would compromise UCSF's ability to transport students, faculty, staff, patients and visitors on a consistent schedule. UCSF's shuttle service provides critical support to our campus and medical center operations. The additional potential delays to an already congested area would render UCSF's shuttle service unreliable, and this is unacceptable to UCSF.

1103-367

While the Draft EIR/EIS concludes that the construction and operation of the project would result in increases in vehicular congestion, delays at intersections, and decreases in bus transit performance because of increased gate-down events at at-grade crossings, the Draft EIR/EIS does not include any feasible mitigation measures to address these impacts, specifically at the at-grade crossings in San Francisco.

1103-368

Chapter 1, Section 1.4 of the Draft EIR/EIS includes a discussion of the project's Relationship to Other Transportation Projects in the Study Area. In 2018, the San Francisco County Transportation Authority (SFCTA) Board selected a preferred route for the HSR project to continue south from 4th and King Street via a tunnel along Pennsylvania Avenue to avoid congestion and some of the conflicts that are currently identified in the Draft EIR/EIS for the at-grade crossing at 16<sup>th</sup> Street. This alignment was also endorsed by Mayor London Breed following the completion of the San Francisco Planning Department's Rail Alignments and Benefits study.

1103-368

UCSF believes the Pennsylvania alignment is the far superior option compared to the currently proposed at-grade alignment that is proposed by the project. The Pennsylvania alignment would place Caltrain and HSR underground, avoiding further degradation of surface traffic flow into and out of Mission Bay at the 16<sup>th</sup> Street and Mission Bay Drive at-grade rail crossings, reducing surface street disruptions due to gate-down time and train crossings, which would be an improvement over existing conditions. It would also improve access into and out of Mission Bay by reknitting some of the existing street network, and has the potential to reduce area congestion as the Mission Bay neighborhood and Southern Bayfront development projects reach full buildout. The Pennsylvania Avenue alignment would also likely have less construction impact on the street level.

The Draft EIR/EIS is completely silent on the City's ongoing effort to study and advance the Pennsylvania Avenue tunneling alignment for the downtown extension of the Caltrain and HSR project. While the Pennsylvania Avenue Alignment will be the subject of a separate subsequent environmental review process, please acknowledge the City's preferred alignment and the additional studies that are currently underway for the Pennsylvania Avenue tunnel in the EIR/EIS. In addition, please confirm the current project would not preclude the development and/or implementation of the Pennsylvania Avenue tunnel extension.

UCSF understands the importance and need for the proposed HSR into San Francisco but has serious concerns about the project as proposed. The unmitigatable permanent congestion and delay on intersections would impact UCSF's ability to provide healthcare services to San Franciscans and the wider community by impeding access to UCSF's Medical Center at Mission Bay by our patients, patient visitors, patient care workers, and emergency vehicles.

Should you have any questions regarding these comments, please contact me at [kevin.beauchamp@ucsf.edu](mailto:kevin.beauchamp@ucsf.edu) or Tammy Chan of my staff at [tammy.chan@ucsf.edu](mailto:tammy.chan@ucsf.edu)

Sincerely,

DocuSigned by:

Kevin Beauchamp

Signature of:

Kevin Beauchamp, AICP  
Executive Director, Physical Planning  
Campus Planning  
UCSF Real Estate

## Response to Submission 1103 (Kevin Beauchamp, University of California, San Francisco, September 9, 2020)

### 1103-364

The comment suggests that the project would impede access to the UCSF Mission Bay campus and medical center due to the effects of added gate-down time at the 16th Street at-grade crossing. Additional delays would be experienced along 16th Street due to added HSR trains, as the number of peak hour round trips crossing 16th Street would increase from 6 round trips with Caltrain service initially to 8 round trips and ultimately to 10 round trips with HSR service. Other routes to the campus and medical center would not be affected by the added gate-down time at 16th Street including Fourth Street and Third Street from the north; Mariposa Street, 18th Street, and 20th Street from the west; and Third Street, Pennsylvania Avenue, and Indiana Street from the south.

For a discussion of effects at the 16th Street at-grade crossing, please refer to Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS, which indicates that an adverse effect on LOS under NEPA from permanent traffic congestion/delay would occur at intersections adjacent to the 16th Street at-grade crossing in San Francisco. No feasible mitigations are available to address this adverse effect at the 16th Street at-grade crossing. Impact TR#11 also identifies continuous permanent transit impacts on MUNI Route 55 where it operates along 16th Street at the existing 16th Street at-grade crossings. MUNI already plans to implement bus transit signal priority on 16th Street, and no other feasible mitigations are available to address the project's impact on MUNI Route 55.

### 1103-365

Refer to Standard Response FJ-Response-TR-1: Site-Specific Mitigation for Traffic Impacts.

The comment states that the Draft EIR/EIS does not identify conclusions or specific mitigation measures related to traffic congestion/delay effects under NEPA and does not include adequate analysis of the project's impacts on emergency access and emergency service response time. Emergency access to the UCSF Benioff Children's Hospital is provided via the Mariposa Street/Fourth Street intersection and access to this intersection via Mariposa Street from the west is not affected by added gate-down time as the rail line is grade separated at its crossing with Mariposa Street. Other access routes to the emergency room at the UCSF Benioff Children's Hospital that would not be affected by the added gate-down time at 16th Street include Third Street from the north; 18th Street and 20th Street from the west; and Third Street, Pennsylvania Avenue, and Indiana Street from the south.

Please refer to Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS, which indicates that an adverse effect on LOS under NEPA from permanent traffic congestion/delay would occur at intersections adjacent to the 16th Street at-grade crossing 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 effects at 16th Street due to increased gate-down time. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1103 (Kevin Beauchamp, University of California, San Francisco, September 9, 2020) - Continued

### 1103-366

The comment states vehicular congestion would impact UCSF shuttles. Please refer to Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS, which incorporates impacts on shuttle services into the analysis of vehicle congestion/delay. Shuttles 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 an adverse effect on LOS under NEPA would occur at intersections adjacent to the 16th Street at-grade crossing in San Francisco. Shuttle services are accounted for and incorporated into this effect on intersection operations. No feasible mitigations are available to address adverse NEPA effects on LOS at the 16th Street at-grade crossing. The comment did not result in any revisions to the Draft EIR/EIS.

### 1103-367

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 concludes the project would result in increase in vehicular congestion, delays at intersections, and decrease in bus transit performance, but does not include any feasible mitigation measure to address these impacts, specifically at the at-grade crossings in San Francisco. There are two at-grade rail crossings along the corridor in San Francisco, one at Mission Bay Drive and the second at 16th Street. South of 16th Street, all of the crossings in San Francisco are grade-separated. Additional delays would be experienced at these two 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.

Please refer to Impact TR#5 in Section 3.2, Transportation, of the Draft EIR/EIS for a description of the adverse effect on LOS under NEPA that would occur at intersections adjacent to the 16th Street and Mission Bay Drive at-grade crossings in San Francisco. Shuttle services, such as those operated by UCSF, are incorporated into this effect on intersection operations. 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 16th Street/Seventh Street/Mississippi Street intersection due to increased gate-down time at the 16th Street at-grade crossing or to address the 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. 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. Impact TR#11 identifies significant continuous permanent effects on high-frequency bus routes in San Francisco, including MUNI Route 55 at the 16th Street crossing and MUNI Routes 30 and 45 near the 4th and King Street Station area. TR-

## Response to Submission 1103 (Kevin Beauchamp, University of California, San Francisco, September 9, 2020) - Continued

### 1103-367

MM#2 identifies bus transit priority treatments for Fifth Street and Townsend Street along MUNI Routes 30 and 45 in San Francisco. The Draft EIR/EIS indicates that the effects are significant and unavoidable under CEQA for both project alternatives for MUNI Route 55 at the 16th Street at-grade crossing, and for MUNI Routes 30 and 45 near the 4th and King Street Station, while the interim HSR station at 4th and King Street Station is in operation.

### 1103-368

To address this comment, the Authority has added discussion of the Pennsylvania Avenue Extension project to Section 1.4.1, Salesforce Transit Center, Downtown Rail Extension, and Pennsylvania Avenue Extension, of the Final EIR/EIS. The title of this subsection has been updated to reflect the new content. Based on a review of initial concepts for the Pennsylvania Avenue Extension, the Authority does not believe the HSR project would preclude the Pennsylvania Avenue Extension project. The HSR project improvements in the vicinity of the Pennsylvania Avenue Extension would be limited to increasing train operating speeds up to 110 mph and interim improvements to platforms and tracks to accommodate HSR operations at the existing 4th and King Street Station.

## Submission 1095 (Greg Spooner, XR San Francisco Bay Scientists, September 7, 2020)

**San Francisco - San Jose - RECORD #1095 DETAIL**

**Status :** Unread  
**Record Date :** 9/7/2020  
**Interest As :** Business and/or Organization  
**First Name :** Greg  
**Last Name :** Spooner  
**Attachments :** HSRdraftpublicEIRcommentGJRS20200907FINAL.pdf (34 kb)

**Stakeholder Comments/Issues :**

To:  
Members of the California High Speed Rail Authority

From:  
Extinction Rebellion San Francisco Bay Scientists

Date:  
01 September 2020

RE:  
XR SF Bay Scientists Public Comment on the Draft Environmental Impact Report/Environmental Impact Statement

and we will continue to press for an HSR system that is both just and green.

Signatories:  
XR SF Bay Scientists  
XR SF Bay

We represent the local group of scientists and science allies of the climate activist group Extinction Rebellion San Francisco Bay. Our members are chiefly scientists and science workers who are committed to ending the threats of climate catastrophe and biodiversity collapse.

We support San Francisco to San Jose HSR project goals of reducing GHG emissions state-wide and electrifying the CalTrain right of way in the Bay Area. A 2013 CARB study placed a range of near-term emission reductions of ~1 million metric tonnes CO<sub>2</sub>eq, which is a meaningful reduction, if realized. We recognize the potential of HSR to reduce air travel & reduce the number of cars on California roads (if fares are low enough and accessibility is built in for all).

We also recognize that the electrification of the CalTrain right of way represents a meaningful reduction in local criteria pollutants and particulate matter (PM) by eliminating the diesel engines that CalTrain currently operates.

However, we are also keenly aware of the potential environmental and environmental justice downsides that large scale infrastructure projects such as the HSR present. Potential harms include (i) the possibility that the HSR construction itself may use significant amounts of fossil fuels, (ii) the tendency for large infrastructure projects such as airports and freeways to serve the interests of the wealthy, and (iii) the siting of infrastructure projects that cause harm to people of color and disadvantaged communities.

XR SF Bay Scientists will support the proposed HSR SF-SJ project phase only if it will be built, operated, and maintained in an ethical & sustainable manner that actively avoids harming Bay Area communities of people of color and the economically disadvantaged. Our group plans to monitor the local phase after this EIR,



Submission 1095 (Greg Spooner, XR San Francisco Bay Scientists, September 7, 2020) - Continued

To: Members of the California High Speed Rail Authority
From: Extinction Rebellion San Francisco Bay Scientists
Date: 01 September 2020
RE: XR SF Bay Scientists Public Comment on the Draft Environmental Impact Report/Environmental Impact Statement

We represent the local group of scientists and science allies of the climate activist group Extinction Rebellion San Francisco Bay. Our members are chiefly scientists and science workers who are committed to ending the threats of climate catastrophe and biodiversity collapse.

1095-278

We support San Francisco to San Jose HSR project goals of reducing GHG emissions state-wide and electrifying the CalTrain right of way in the Bay Area. A 2013 CARB study placed a range of near-term emission reductions of ~1 million metric tonnes CO2eq, which is a meaningful reduction, if realized. We recognize the potential of HSR to reduce air travel & reduce the number of cars on California roads (if fares are low enough and accessibility is built in for all).

1095-279

We also recognize that the electrification of the CalTrain right of way represents a meaningful reduction in local criteria pollutants and particulate matter (PM) by eliminating the diesel engines that CalTrain currently operates.

1095-280

However, we are also keenly aware of the potential environmental and environmental justice downsides that large scale infrastructure projects such as the HSR present. Potential harms include (i) the possibility that the HSR construction itself may use significant amounts of fossil fuels, (ii) the tendency for large infrastructure projects such as airports and freeways to serve the interests of the wealthy, and (iii) the siting of infrastructure projects that cause harm to people of color and disadvantaged communities.

1095-281

XR SF Bay Scientists will support the proposed HSR SF-SJ project phase only if it will be built, operated, and maintained in an ethical & sustainable manner that actively avoids harming Bay Area communities of people of color and the economically disadvantaged. Our group plans to monitor the local phase after this EIR, and we will continue to press for an HSR system that is both just and green.

Signatories:
XR SF Bay Scientists
XR SF Bay

## Response to Submission 1095 (Greg Spooner, XR San Francisco Bay Scientists, September 7, 2020)

### 1095-278

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.

### 1095-279

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.

### 1095-280

Please refer to Impact PUE#12 in Section 3.6, Public Utilities and Energy, of the Draft EIR/EIS, which addresses construction-related energy consumption, and Impact AQ#14 in Section 3.3, Air Quality and Greenhouse Gases, which addresses construction-related GHG emissions. Please refer to Chapter 5, Environmental Justice, of the Draft EIR/EIS, which evaluates the project's construction and operations impacts on minority populations and low-income populations. The Authority recognizes the vulnerability of minority populations and low-income populations and has endeavored to develop a project design, through ongoing coordination with disadvantaged communities, that minimizes and avoids impacts on these populations. 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.

### 1095-281

The Authority is committed to ensuring that no person will, on the grounds of race, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity in the design, construction and operation of the HSR system.

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.

## 23 BUSINESS AND/OR ORGANIZATION COMMENTS (Part 2)

# Submission 1230 (Evelyn Stivers, Housing Leadership Council of San Mateo County (HLC), September 14, 2021)

**San Francisco - San Jose - RECORD #1230 DETAIL**

**Status :** Completed  
**Record Date :** 9/14/2021  
**Interest As :** Business and/or Organization  
**First Name :** Evelyn  
**Last Name :** Stivers

Thank you for your time and consideration.

**Stakeholder Comments/Issues :**

Evelyn Stivers  
 Executive Director  
 Housing Leadership Council of San Mateo County  
 2905 S El Camino Real  
 San Mateo, CA 94403  
 510-334-3362 cell  
 www.hlcsmc.org

Dear Mr. Kelly,

1230-2847 | I am writing on behalf of the Housing Leadership Council of San Mateo County (HLC). We work with communities and their leaders to create and preserve quality affordable homes. We believe that quality transit services are essential to serve residents, and the San Francisco to San José section of the California High Speed Rail project would complement and expand the multimodal options at the Millbrae-SFO Station. With these attributes in mind, HLC endorsed the pivotal Millbrae Serra Station Project, which was approved by the City of Millbrae and would construct over 400 new homes with 15% below market rate.

1230-2848 | We understand the Millbrae Station Reduced Site Plan Variant was developed to resolve a severe conflict between High Speed Rail and Serra Station that would make the improved development virtually impossible. We applaud your agency, all partner agencies and stakeholders for this dramatic enhancement. We understand there remains much work to do, by High Speed Rail, the City and the Serra Station developer, to build these remarkable mutually beneficial projects. Please do all you can to allow this critical, approved development to proceed.

1230-2849 | The peninsula desperately needs housing, especially in transit rich locations like the Millbrae Station. Sustaining and growing transit ridership is dependent on local development, which generates ridership to support operations. Housing, especially affordable homes, is the surest way to increase ridership.

1230-2850 | The shortage of housing is impacting our ability to recruit and maintain teachers, first responders, and even construction workers. During the pandemic, overcrowding due the shortage of housing fueled the spread of Covid-19. Our quickly returning traffic woes are a direct result of our housing shortage. We need every state agency to take the housing crisis seriously and contribute to the solutions, including the High Speed Rail Authority.

1230-2851 | Please look for alternate locations for parking and alternate strategies for getting people to High Speed Rail stations.

## Response to Submission 1230 (Evelyn Stivers, Housing Leadership Council of San Mateo County (HLC), September 14, 2021)

### 1230-2847

The comment is noted. The commenter's more specific comments related to the Draft EIR/EIS and project are addressed below.

### 1230-2848

Thank you for your comment. The Authority supports plans for TOD at the Millbrae Station and remains committed to working with the City of Millbrae and the site developer 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.

### 1230-2849

The comment is noted. The Authority agrees and supports plans for TOD at the Millbrae Station.

### 1230-2850

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

### 1230-2851

The Authority is committed to working with BART, Caltrain, and other transit agencies to provide all transit users with safe and efficient options to access HSR stations.

Both the Millbrae Station Design and the RSP Design Variant include the same amount of new parking (37 parking spaces) for HSR riders at the Millbrae Station. 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 given the existing transit, walking, and bicycle connections available to HSR riders and the ample long-term commercial parking nearby at SFO reachable via shuttle or BART. This constrained approach to parking for HSR riders reflects the Authority's policies to support TOD in station areas and encourage multi-modal station access, which would reduce VMT and, in turn, GHG emissions.

# Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021)

**San Francisco - San Jose - RECORD #1215 DETAIL**

Status : Unread  
Record Date : 9/8/2021  
Interest As : Business and/or Organization  
First Name : Janet  
Last Name : Fogarty  
Attachments : 090721ISSUES IN CHSR DEIR.muzzi.pdf (233 kb)

**Stakeholder Comments/Issues :**

Attached please find Comments on the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement for the Millbrae Station of the San Jose to San Francisco Corridor of the proposed California High Speed Rail Project.

Janet Fogarty Law Office of Janet Fogarty  
1001 Broadway Suite 200  
Millbrae, CA 94030  
650-652-5601  
fax: 650-652-5604

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1215-2696

1215-2697

1215-2698

**LAW OFFICE OF  
JANET FOGARTY & ASSOCIATES**

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Millbrae, CA 94030

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*jfogartylawfirm@yahoo.com*

VIA ELECTRONIC MAIL: sanfrancisco\_sanjose@hsr.ca.gov

September 7, 2021

California High Speed Rail Authority

Revised/Supplemental Draft EIR/EIS Comment

To Whom It May Concern:

The following are comments on the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement for Design Variant on the Millbrae Station of the San Jose to San Francisco Corridor of the proposed California High Speed Rail Project. This office represents the Millbrae Serra Station Project, and its owner.

ISSUES IN CHSR DEIR

Based on the presentation of CHSR to the City of Millbrae at the community meeting, the following issues were presented as the comparison of the two project alternatives for the Millbrae station, but there was inadequate analysis of alternatives for the San Jose to San Francisco corridor.

I. Items not addressed:

- A. The alternatives evaluated did not include other alternatives for serving the multimodal station at Millbrae which had been provided by both the City and by Millbrae Serra Station "MSS". All feasible alternatives should be considered and analyzed, not just the two which were analyzed in the DEIR, the HSR "Millbrae Station Design" and the "Design Variant".
- B. The DEIR assumes build out of approved projects and the construction of California Drive will occur before the CHSR project is a reality in 20 years or more, and so does not include the incremental impact of the CHSR Project on the Millbrae Station Area Plan, but rather assumes its impact will only be its own impact in a vacuum so the incremental impact does not have to be studied or analyzed. The DEIR does not follow the MSASP EIR, and does not analyze the impact of its project in relation to the analysis of the MSASP EIR and Updated EIR, which has been approved by the City and incorporated into the City's General Plan.
- C. The DEIR ignores the approved traffic and transportation element of Millbrae's General Plan, which has, since 1998, included the California Drive alignment as set forth in its General Plan and in the MSASP 2016 EIR and updated EIR as essential to relieving traffic at the Millbrae Avenue/El Camino Real intersection. The MSASP EIR and updated EIR took a long look at the traffic that would be generated by the redevelopment of the properties in the MSASP Area and

Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

1215-2699 | the traffic that would be generated by the multimodal station. Additionally, the MSASP analyzed parking demand in the area. That parking study has been ignored by the CHSR DEIR.

1215-2700 | D. In assuming the CHSR Project will be built after all of the approved projects have been built, it does not analyze the impact of either moving California Drive and tearing down the buildings that are to be built within the 40% of the MSS Project that CHSR would need to take, or alternatively, the impact of leaving vacant 40% of the MSS property, and not doing the California Drive Extension for the next 20 years before CHSR would need it for their design.

1215-2701 | E. There is no analysis of the impact to lands that do not yet have approved projects, but for which the CEQA analysis under the MSASP EIR has been done, and which are likely to be built within the next 20 years. This includes the lands the City owns within the MSASP on which the City hopes to build.

1215-2702 | F. CHSR makes the conclusory statement that the "Approved" Millbrae Serra Station Project can be built "with a smaller footprint" with no analysis of what could feasibly be built with only 60% of the land, and the impact that reduced project would have on the construction of the 488 housing units, 15% of which would be for low income and very low income residents. It should be noted that in the presentation the slide shows the approved MSS Project as filling the area between the railroad tracks and El Camino Real, ignoring the fact that the frontage on El Camino is owned by 7 other owners, and the City's roadway easement on Serra Avenue. In the Design Variant it hints at the other ownership, but does not include the roadway easement. In any event, the diagrams presented are in no way to scale with reality.

1215-2703 | G. The CHSR, in both of its Millbrae Station alternatives, assumes a new ticket station and concourse is required, ignoring the fact that the existing "Multimodal Station" first designed over 20 years ago *is* multi-modal presently using the already constructed BART Station. The Caltrain entrance and ticketing is at the BART concourse and ticketing. CHSRA has not shown that the present multi-modal station to have insufficient capacity to meet CHSR's reasonably calculated ticketing and platform needs for its anticipated ridership at the existing station platform. With another ticket machine the same station and concourse could serve High Speed Rail, thereby actually being a true multi-modal station. This would eliminate the alleged need for CHSR to take the lands owned by the City to turn them into a ticket office and concourse, especially given the projected drop in ridership due to the decrease in parking spaces from 331 to 37 at the station in the Revised Variant. In the future, should CHSRA determine, together with Caltrain and BART, at any time over the next 20 years that a new multi-modal station would be needed, the existing aerial platform design above the existing tracks can be redesigned or expanded or rebuilt at that time to meet the needs in 2045 without the need to take adjoining property to build a new multimodal station. The existing multimodal station would be approaching its full 40 year useful life at that time, and would likely be ready then for a re-do.

1215-2704 | H. The proposed layout at the station of four tracks instead of two is contrary to the policy expressed by the State Legislature and incorporated into law as Cal. Streets & Highways Code Section 2704.76 and 2704.77, approving funding for a blended Caltrain and California High Speed Rail system for the Peninsula link. In that legislation funding is not available if four tracks instead of two are built for the HSR system on the Peninsula.

Environmental Impacts addressed in the CHSR presentation:

1. Transportation

1215-2705 | Traffic, Bike, Pedestrian travel impacted by not replacing the BART/Caltrain 331 spaces except to the extent of 37 spaces is one of the impacts, and claimed to be less than significant. This purported reduced need in parking strongly undermines CHSRA's claimed need for a separate station, when, as stated above, additional ticketing machines at the existing Caltrain/BART multimodal station can fully accommodate that level of very low passenger demand.

1215-2706 | The only study of this parking issue apparently done was a study of the split of modes that would be used to access a multimodal station only as to the 331 spaces not replaced. There was no analysis of the impact of not providing parking for the station's overall demand in the context of the MSS Project and the other projects to be built in TOD 1 and TOD 2. The station serves all the mid-Peninsula. There is no analysis of the impact of reduced parking as compared to the station's overall ridership and where the ridership travel paths or travel modes would be.

1215-2707 | Further, CHSR makes another conclusory statement saying riders would find other modes to access the station, or not ride Caltrain or BART. There is no recognition of past studies that show that 2/3 of the Caltrain riders have an automobile to use should they choose to. There is no recognition that riders will be drawn from San Mateo, Hillsborough, Burlingame, Millbrae, San Bruno, and Pacifica, and most of them will arrive from Highway 280, along city streets from west to east. Without adequate parking there will be a significant impact on City streets where those riders will park their autos. Those folks will arrive on foot, but only after parking their auto on a city street. The walk from their car to the station will impact the safety of pedestrians crossing a 6 lane State Highway, and add significantly to the unrelieved congestion at El Camino Real, at Millbrae Avenue. None of the pedestrian trips have been addressed at this proposed new intersection.

1215-2708 | Those riders may choose to park at the developments within TOD 1 and TOD 2, but there is no analysis of the impact of that parking demand on the projects within those areas.

1215-2709 | Also of concern is that the CHSR Variant calls for a pedestrian crossing, and a roadway entrance within a few feet of the Millbrae Avenue/El Camino Real intersection, causing the traffic to back up at the intersection, and causing a pedestrian-auto interface that would be seriously dangerous.

1215-2710 | Further, Burlingame has significant projects both approved and in the pipeline from Trousdale to Murchison and from the present California Drive west, for large housing developments. There is absolutely no analysis in the CHSRA DEIR of the impact of this new travel demand and new parking demand.

1215-2711 | 2. Air Quality

The CHSRA DEIR addresses only air quality impacts on the residents who live near the station, and is, without support, said to be less than significant. The presenters stated that some 24 trains per hour would be travelling this corridor. ( Presently the Caltrain schedule shows 39 trains *per day* use the Caltrain corridor.) That would be a train in one direction or the other every 2.5 minutes between Caltrain and CHSR. The air quality impact from so many trains per day would be significant as to all of the communities through which those trains travel. The air quality impacts as to the HSR Project on the Peninsula needs to be addressed, not just the difference between the Plan A and Plan B and the Variant for the Millbrae Station.



## Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

1215-2712	<p>3. Noise and Vibration</p> <p>The DEIR compares noise from braking and accelerating and any vibration impacts between the Plan A Millbrae Station and the Variant, but not the noise and vibration for the whole HSR Project. In this the analysis is deficient. Noise and Vibration from a train every 2.5 minutes will be a significant impact for residents and businesses all along the corridor. Also, their assumption of noise and vibration effects is as to only the MSS Project residents, but ignores all of the MSASP Area development, and the development to the south of Millbrae Avenue.</p>	1215-2718	<p>told the City during the MSASP Update CEQA process and during the seven year approval process for the MSS Project that the alignment of California Drive approved by the City was not feasible. This is untrue. Records will show that the statements made during the hearing process for the MSS Project was that CHSR did not have an approved alignment or an approved project, and therefore could not make representations as to the effect of CHSR on the MSS Project. CHSRA representatives did not raise objections to the MSASP revision or to the MSS Project during public hearings. Similar comments were made during the approval process of the MSASP EIR and the MSASP Update EIR.</p>
1215-2713	<p>4. Socioeconomics and Communities</p> <p>The DEIR makes the conclusory statement that no low income people live in Millbrae so there are no socioeconomic impacts. This assumption ignores the fact that the City requires 15% of any housing projects include either low income or very low income housing integrated into the project in order to meet the City's requirements from the State Housing and Community Development Department.</p>	1215-2719	<p>6. Aesthetics</p> <p>There is again, only an analysis of the impact on aesthetics of the two versions of the same Millbrae Station Plan, rather than of the Whole HSR Project. As to the Millbrae Station, in either version, the City would lose a Class A LEED-Certified project that would be built with green spaces, public art, gathering spaces, and a public Galleria that would tie the station to the MSS Project, and also provide a signalized intersection for pedestrian safety to carry transit riders across into the City's downtown. Under the CHSR's two scenarios there would be no room to build the MSS Project with green spaces, or a Galleria, and no way to safely bring pedestrians across El Camino.</p>
1215-2714	<p>This assumption also ignores the impact to the MSS Project, and whether or not providing 15% of the housing units at below market rates will be feasible if the MSS Project is reduced by 40%. It is difficult enough to make any project pencil out in today's economy, but to include 15% of the Project as affordable to low income and very low income residents and also reduce the overall size of the project, there will definitely be a significant impact on the availability of housing for low income residents from this project.</p>		<p>Sincerely, LAW OFFICE OF JANET FOGARTY <i>Janet Fogarty</i> Janet Fogarty</p>
1215-2715	<p>Further, there are several at-grade crossings in Millbrae and in our cities north and south, and the neighborhoods affected by those unseparated grade crossings are the neighborhoods with low income tenants. With trains going through the those crossings every 2.5 minutes it disproportionately affects those lower income families with noise, air quality, traffic circulation, parking, and pedestrian safety.</p>		
1215-2716	<p>Further, these are the very families whose children walk to school. Those children who have to cross the railroad tracks or walk along the railroad tracks to get to and from school and afterschool programs, will be disproportionately affected by the HSR Project in Millbrae, but also in San Bruno, and in San Mateo, where the majority of lower income families live.</p>		
1215-2717	<p>5. Land Use Pattern and Permanent Alterations</p> <p>The, once again, conclusory statement that reducing the MSS Project is a significant but unavoidable impact, is not true, and is not supported by any analysis of alternatives that would not require the taking of any of the MSS Project, much less 40% of the land area of the MSS Project. CHSRA is attempting to design a project on land it does not own, with no attempt at an actual design other than a concept picture in a presentation that erroneously shows the MSS Project coming westward on lands that MSS does not own.</p>		
1215-2718	<p>The realignment of California Drive from the City-approved traffic and circulation plan in the City's General Plan, is also said to be significant but unavoidable. The presenters from CHSR assert that they</p>		

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021)

### 1215-2696

Refer to Standard Response FJ-Response-ALT-1: Alternatives Selection and Evaluation Process, FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment generally introduces the commenter's concerns regarding the range of alternatives. This comment is addressed by the standard responses referenced above.

### 1215-2697

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment asserts that the Authority should consider and evaluate all feasible alternatives at the Millbrae Station, including those suggested previously by the City of Millbrae and by the developer of the Millbrae Serra Station project. Please refer to the response to submission FJ-1092, comment 421, which addresses the feasibility of two alternative development concepts suggested by Millbrae Serra Station, LLC. Additional information regarding the feasibility of the station alternatives proposed in public comments on the Draft EIR/EIS is provided in Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

### 1215-2698

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment asserts that impacts of the HSR project on the MSASP were not studied or analyzed and implies that the HSR project's inconsistency with adopted land use plans is not accounted for.

Contrary to these assertions, both the Draft EIR/EIS and the Revised/Supplemental Draft EIR/EIS examined whether the HSR project would conflict with existing land uses as well as planned land use patterns. The Draft EIR/EIS (at Impact LU#4) concluded that the impacts in Millbrae (of the Millbrae Station design) resulting from changes in both existing and planned land uses (i.e., such use as permitted under the MSASP) would be both significant and unavoidable under CEQA. In the Revised/Supplemental Draft EIR/EIS, Section 3.20.4.12, Station Planning, Land Use, and Development, noted that the RSP Design Variant would lessen the degree of these impacts, but not fully avoid them, ultimately also concluding that the impacts would be both significant and unavoidable under CEQA.

Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations further explains the Authority's consideration of other physical configurations for the Millbrae HSR Station and why such configurations were not found to be feasible. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2699

The comment asserts that the Revised/Supplemental Draft EIR/EIS ignores the California Drive alignment that is included in several adopted Millbrae plans, and that this California Drive alignment is essential to relieving traffic generated by redevelopment of properties in the Millbrae Station area. The comment also asserts that the Revised/Supplemental Draft EIR/EIS ignored the parking study in the MSASP.

Regarding the California Drive alignment, the Revised/Supplemental Draft EIR/EIS assumes that under the RSP Design Variant, the developer of TOD west of the Millbrae Station would construct the California Drive extension north of Linden Avenue in a configuration that is similar functionally to that shown in the adopted plans. The California Drive extension was assumed to be constructed by others because the extension is not needed for the HSR project and because other approved plans/projects have identified the extension as needed for those plans/projects. The alignment of California Drive as described in the MSASP is not feasible as included in the City of Millbrae's General Plan or the MSASP because it would be partially located on land owned by the PCJPB and SamTrans. PCJPB and SamTrans have previously 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). Accordingly, the Revised/Supplemental Draft EIR/EIS analysis assumes that the California Drive extension would be built in connection with (and by the developer of) a TOD west of the Millbrae Station, in an alignment that is shifted slightly westward from the alignment in the vesting tentative map for the Millbrae Serra Station Development. The California Drive Extension assumed in the RSP Design Variant would serve the TOD project by providing a new connection to the east leg of the existing signalized El Camino Real/Victoria Avenue intersection, as with the alignment in the MSASP. The new connection would also provide a new access point for vehicles traveling to the Millbrae HSR, BART, and Caltrain Stations—to and from the north—which would reduce the number of vehicle trips and related congestion at the El Camino Real/Millbrae Avenue intersection. While the alignment of the California Drive extension with the RSP Design Variant would be shifted slightly from the alignment in the MSASP, they would be functionally similar and would have similar effects on traffic circulation.

The Authority carefully reviewed the MSASP and the MSASP EIR, which provides a discussion and analysis of parking policies as well as vehicle and bicycle parking requirements for new developments in the MSASP area. Inconsistencies with the

### 1215-2699

MSASP are disclosed in Final EIR/EIS Appendix 2-J, Policy Consistency Analysis. Within Appendix 2-J, please refer to Tables 1 and 7 for identified inconsistencies regarding transportation and land use.

The cited parking policies relate to transportation demand management techniques to reduce parking demand and related parking management techniques. The parking requirements identify minimum parking rates for new office, hotel, residential, restaurant, and retail uses. The MSASP EIR also includes a memorandum that describes the effects of the net reduction in parking supply associated with TOD Sites 5 and 6. While both the MSASP and the MSASP EIR include analysis of parking required for new development in the MSASP, neither provides a full parking demand analysis of the entire Specific Plan Area. The RSP Design Variant would not affect the MSASP's transportation demand management measures or parking management strategies required for new development in the Specific Plan Area.

The Revised/Supplemental Draft EIR/EIS Section 3.20.4.1, Transportation, analyzes the effects of the RSP Design Variant on parking, mode of access, and vehicle trips. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2700

Please refer to the responses to submission FJ-1213, comments 2823 and 2824. 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) 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 would be reasonable to assume that a TOD project similar to the Millbrae Serra Station Project would be constructed prior to 2031, the expected opening year for the Silicon Valley to Central Valley line of the HSR system. Relatedly, the environmental analysis in this EIR/EIS did not assume, nor is it reasonable to assume, that construction of a TOD would proceed in the short term and be demolished for HSR project construction, as suggested by the commenter. The comment did not result in any revisions to the Draft EIR/EIS.

### 1215-2701

The comment incorrectly asserts the Authority did not analyze impacts on planned land uses in the MSASP that do not have approved projects. Both the Draft EIR/EIS and the Revised/Supplemental Draft EIR/EIS evaluate the project's impacts on planned land uses. As explained in the Draft EIR/EIS Section 3.13.4.3, Methods for Impact Analysis, data on planned land uses was derived from land use designations in the cities' general plans and specific plans and the project's impacts were assessed by quantifying the conversion of planned land uses to transportation-related uses that would result from building the project. Based on that analysis, both the Draft EIR/EIS and the Revised/Supplemental Draft EIR/EIS concluded that the HSR project would result in a significant and unavoidable impact under CEQA on planned land uses in Millbrae (in other words, those proposed under the MSASP). Please refer to Draft EIR/EIS Impact LU#4 and Revised/Supplemental Draft EIR/EIS Table 3.20-10 for additional information. Please also refer to the Final EIR/EIS Appendix 3.1-A, Parcels in the Project Footprint, for more detailed information on specific parcels affected. The comment did not result in any revisions to the Draft EIR/EIS.

### 1215-2702

Please refer to the responses to submission FJ-1213, comments 2823 and 2824, as well as submission FJ-1215, comment 2714, which address the feasibility of planned development on a smaller footprint than the approved design of the Millbrae Serra Station Development.

The Authority acknowledges that the total number of units that might be built on a smaller footprint would be less than on a larger footprint, including the number of affordable units, but that the two-acre site still affords ample opportunity for the development of market-rate and affordable units.

The comment also references a conceptual illustration developed for the purposes of outreach to depict how a potential future TOD could be developed on the remaining available land west of the Millbrae Station. This depiction was for illustrative purposes only.

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2703

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The Authority sized the proposed Millbrae HSR Station to accommodate blended service at a level of rail ridership through 2040 as agreed to by the PCJPB, the Authority, and other Bay Area transportation agencies. As shown in Table 3.2-2 in Draft EIR/EIS Section 3.2, Transportation, the Millbrae Station would have an estimated daily ridership of 11,140 in 2040. This substantial ridership cannot be accommodated simply by providing additional ticketing machines at the existing station. Consistent with the Authority's adopted station design criteria (Authority 2016), the Authority has proposed a new HSR station building with ticketing and support services on the west side of the existing station. Please also refer to Draft EIR/EIS Volume 3, Preliminary Engineering Plans, Book A3, sheets 47 and 48, which provide a facility sizing table for the Millbrae Station, indicating calculations of facility size needed based on projected ridership.

The commenter asserts that lower amount of parking associated with the RSP Design Variant would result in a reduction in projected ridership compared to the project alternatives without the RSP Design Variant. The Authority disagrees with this assertion. With or without the RSP Design Variant, the project alternatives would provide 37 parking spaces for HSR riders at the Millbrae Station. As described in the Revised/Supplemental Draft EIR/EIS Section 3.20.4.1, Transportation, the RSP Design Variant's elimination of 288 BART and Caltrain parking spaces is not expected to substantially reduce ridership for Caltrain, BART, or HSR because there are ample opportunities to access the station that do not require vehicle station parking, including existing transit, walking, and biking, as well as vehicle drop-off (taxi, transportation network company, or kiss-and-ride). As stated in Revised/Supplemental Draft EIR/EIS Section 3.20.4.1, this is supported by research indicating that a high proportion of BART and Caltrain riders at the Millbrae Station—52 percent and 76 percent, respectively—currently use alternatives to station parking. Furthermore, neither BART nor Caltrain have raised objections with the proposed elimination of replacement parking under the RSP Design Variant.

### 1215-2704

The comment asserts that the Millbrae Station track layout (with separate tracks for HSR) is inconsistent with state legislation calling for a "blended" HSR system. The Authority disagrees with this assertion.

Under Alternatives A and B, separate HSR tracks are provided through the Millbrae Station to allow HSR boarding on separate platforms and to allow HSR trains to pass Caltrain trains (and thus comply with Prop 1A travel time requirements also noted in the cited section of California code).

Contrary to the commenter's assertion, the cited legislation stipulates that the "blended" HSR system on the San Francisco Peninsula would "primarily" consist of a two-track blended system to be used jointly by HSR trains and Caltrain. Both Alternative A and Alternative B meet this requirement because the four-track configurations would be provided only at HSR stations (Alternatives A and B) and between San Mateo and Redwood City (Alternative B only).

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

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2705

The comment asserts that the RSP Design Variant's removal of BART and Caltrain parking spaces at Millbrae Station undermines the need for a separate HSR station building.

The commenter references the displacement of 331 parking spaces. As stated in Revised/Supplemental Draft EIR/EIS Section 3.20.4.1, Transportation, the RSP Design Variant would not include replacement parking for 288 displaced Caltrain and BART parking spaces at the Millbrae Station.

Regarding the need for a Millbrae HSR Station, a station in Millbrae has been envisioned since the earliest stages of planning for the statewide HSR system. The existing station is an important link for San Mateo County residents, visitors, and employees to access regional transit services and SFO. The station provides intermodal connections to Caltrain, BART, SamTrans buses, and private buses/shuttles. With the addition of HSR service, the Millbrae Station would be one of the critical connections in both the regional and statewide rail network. Millbrae Station would be one of four HSR stations in the Bay Area. As part of the blended system, the Authority is planning to expand Millbrae Station from the existing two outboard Caltrain platforms to four shared tracks with two Caltrain platforms and a center HSR platform, as well as build a new station entrance hall with ticketing and support services on the west side of the existing station along El Camino Real.

The Authority sized the proposed Millbrae Station to accommodate blended service at a level of rail ridership through 2040 as agreed to by the PCJPB, the Authority, and other Bay Area transportation agencies. As shown in Table 3.2-2 in Draft EIR/EIS Section 3.2, Transportation, the Millbrae Station would have an estimated daily ridership of 11,140 in 2040. This substantial ridership cannot be accommodated simply by additional ticketing machines at the existing station. Consistent with the Authority's adopted station design criteria (Authority 2016), the Authority has proposed a new HSR station building with ticketing and support services on the west side of the existing station. Please also refer to Draft EIR/EIS Volume 3, Preliminary Engineering Plans, Book A3, sheets 47 and 48, which provide a facility sizing table for the Millbrae Station, indicating calculations of facility size needed based on projected ridership.

### 1215-2705

The project alternatives, with or without the RSP Design Variant, include a limited amount of new parking (37 parking spaces) for HSR riders. This does not imply that there would be only 37 HSR riders; the vast majority of riders would access the station using other modes, as is the case today for Caltrain riders. 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, given the existing transit, walking, and bicycle connections available to HSR riders and the ample long-term commercial parking nearby at SFO reachable via shuttle or BART. Contrary to the commenter's assertion, the provision of limited HSR parking at the Millbrae Station does not imply that there would be low ridership at the station, but rather is a deliberate choice that reflects the Authority's policies to support TOD in station areas and to consider both parking demand and local conditions in the surrounding area in the provision of parking. The provision of extensive parking to meet unconstrained park and rider demand would result in a much higher number of vehicle trips, higher VMT, and lower use of alternative means to access the station (transit, walk, bike, drop-off). Given the existing frequent transit service at Millbrae (through BART, Caltrain, and SamTrans) and ample long-term parking nearby at SFO, the optimal strategy to reduce VMT to the station (and the associated environmental impacts of vehicle driving) is to limit parking for HSR passengers. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2706

The comment asserts that the only study of parking in the Revised/Supplemental Draft EIR/EIS was the evaluation of the displaced BART and Caltrain park-and-ride spaces, and that there was no analysis of the impact of not providing parking for the station's overall demand in the context of the Millbrae Serra Station and other projects in TOD 1 and TOD 2. The comment further asserts that the Millbrae Station serves "all the mid-Peninsula" and the Revised/Supplemental Draft EIR/EIS lacks analysis of the impact of reduced parking associated with the RSP Design Variant compared to the Millbrae Station's overall ridership and where the ridership travel paths or modes would be.

Regarding overall parking demand at the Millbrae Station, the Authority has analyzed the mode of access for HSR riders in Draft EIR/EIS Section 3.2, Transportation. As shown in Table 3.2-3, the park-and-ride mode of access accounts for approximately 1,890 HSR trips out of 11,140 overall daily HSR trips at the Millbrae Station. Taking into account vehicle occupancy, the overall parking demand is estimated as 840 parking spaces, of which only 37 are included in the station parking design (with or without the RSP Design Variant).

As described in the response to submission FJ-1215, comment 2705, the provision of limited HSR parking at the Millbrae Station is a deliberate choice that reflects the Authority's policies to support TOD in station areas and to consider both parking demand and local conditions in the surrounding area in the provision of parking. While the parking demand by prospective 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 demand estimated for park-and-ride use would be met by a further shift in mode use to access the station via

### 1215-2706

vehicle drop-off or transit and/or via use of off-site parking areas. Vehicle trips to off-site parking facilities were assigned to areas where these resources are currently available. Passenger trips associated with off-site satellite parking were included as shuttle trips on the street network surrounding the stations. Thus, the Draft EIR/EIS traffic analysis has taken into account the reliance on off-site parking to meet unmet on-site park-and-ride demand.

Regarding demand for Caltrain parking and the assertion that the Millbrae Station "serves all the mid-Peninsula," please refer to the response to submission FJ-1215, comment 2707, which addresses similar concerns.

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.

The transportation analysis in the Revised/Supplemental Draft EIR/EIS builds on the assessment in the Draft EIR/EIS, with a focus on differences associated with the RSP Design Variant. The project alternatives would have the same forecast HSR ridership and mode of access at the Millbrae Station with or without the RSP Design Variant. The primary difference with respect to the transportation network is that the project with the RSP Design Variant would displace 288 BART and Caltrain park-and-ride spaces and would replace 57 short-term parking spaces on the west side with approximately 1,840 linear feet of curb space for bus bays and curbside pick-up/drop-off spaces; without the RSP Design Variant, the project alternatives would include replacement parking for the 288 displaced BART and Caltrain spaces. The Revised/Supplemental Draft EIR/EIS Section 3.20.4.1, Transportation, evaluated the change in BART and Caltrain ridership and mode of access/egress that would result from the RSP Design Variant's elimination of 288 BART and Caltrain spaces at the Millbrae Station and concluded that the RSP Design Variant would have approximately the same adverse traffic effects under NEPA as the Millbrae Station design evaluated in the Draft EIR/EIS.



## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2706

Regarding the potential for cumulative impact implied in the comment, Revised/Supplemental Draft EIR/EIS Section 3.20.4.17, Cumulative Impacts, noted that for most resource topics, the RSP Design Variant would result in similar or somewhat reduced environmental impacts relative to the Millbrae Station design considered in the Draft EIR/EIS. Accordingly, such resource topics would have similar or slightly reduced cumulative impacts and would thus not result in any change to the cumulative impact conclusions in the Draft EIR/EIS. As set forth in Revised/Supplemental Draft EIR/EIS Section 3.20.4.1, Transportation, the RSP Design Variant would result in similar or slightly reduced transportation impacts relative to the Millbrae Station design evaluated in the Draft EIR/EIS. Accordingly, the potential for the RSP Design Variant to change the Draft EIR/EIS's cumulative impact conclusions was analyzed and no such change was identified.

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

### 1215-2707

The comment asserts that the loss of 288 BART and Caltrain spaces associated with the RSP Design Variant would result in impacts to pedestrian safety. The comment asserts that these impacts would be associated with HSR riders traveling by car from San Mateo, Hillsborough, Burlingame, Millbrae, San Bruno, and Pacifica, accessing the station area by I-280 and city streets, ultimately parking along city streets and then walking to the HSR station. The comment asserts that this will increase pedestrian activity across El Camino Real, which would in turn both expose such pedestrians to safety concerns in crossing El Camino Real and also contribute to traffic congestion near the El Camino Real and Millbrae Avenue intersection.

The Authority respectfully disagrees with the assertions that connect a reduction of parking capacity at Millbrae Station to an increase in attraction of park-and-ride travelers. Pacifica is approximately 6 miles northwest of the Millbrae Station and the closest Caltrain stations in terms of driving distance from Pacifica are the San Bruno and South San Francisco Caltrain Stations, which are about a 4- to 5-mile drive from Pacifica. The Millbrae Caltrain Station is about a 10-mile drive from Pacifica. Moreover, Caltrain has stations that serve the San Mateo, Hillsborough, Burlingame, and San Bruno communities. Since the cited communities are served by closer Caltrain stations and substantial BART parking will remain in the BART garage at Millbrae Station (more than 2,000 spaces), the prospective loss of BART and Caltrain parking associated with the RSP Design Variant would not be expected to result in new vehicle or pedestrian trips from the surrounding cities that are not already accounted for in the Revised/Supplemental Draft EIR/EIS analysis.

Regarding the prospect of secondary impacts associated with the RSP Design Variant's 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 explains that 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. Given the ample opportunities to access the station that do not require vehicle station parking, the consistency of the reduced parking with local plans and policies adopted by the City of Millbrae and Caltrain, and the presence of other on-station parking east of the station site, there is no foreseeable potential for secondary physical environmental effects to result from the

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2707

RSP Design Variant's proposed parking plan. Please also refer to the response to submission FJ-1215, comment 2688.

Regarding the assertions of pedestrian safety and traffic delays in the station-fronting portions of El Camino Real, please refer to the response to submission FJ-1215, comment 2709.

The comment also alludes to past studies indicating that many Caltrain riders have access to an automobile. However, research cited in Revised/Supplemental Draft EIR/EIS Section 3.20.4.1, Transportation, notes that only 24 percent of Millbrae Station Caltrain riders drive and park while the remaining 76 percent walk, bike, are dropped off, or use various forms of bus transit to access the station.

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

### 1215-2708

The comment asserts that BART or Caltrain riders may choose to park at future developments near the Millbrae Station (referred to as TOD 1 and TOD 2), but the Revised/Supplemental Draft EIR/EIS does not address the impact of the anticipated parking demand in the area.

The regulation of off-street parking within TOD 1 and TOD 2 is the prerogative of the developers of these properties. TOD 2 would provide 317 replacement parking spaces for BART riders and provide 1,612 parking spaces for all uses. As initially designed, TOD 1 was proposed to include 1,023 parking spaces, but none were designated for BART or Caltrain use. Except for the expressly reserved spaces for BART in TOD 2, it would be speculative at this time to guess whether the developers of TOD 1 and TOD 2 would choose to make any additional off-street parking available for station parking or strictly prohibit such parking. Neither CEQA nor NEPA require speculation with regard to potential impacts. Accordingly, the Revised/Supplemental Draft EIR/EIS did not analyze such effects.

Nonetheless, the MSASP "Parking Strategy" expressly encourages shared parking both within developments and through separate parking areas/structures that may be financed through parking in-lieu fees, as well as the control of parking through pricing mechanisms or transportation demand management strategies. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2709

The comment asserts that providing a pedestrian crossing and road entrance close to the Millbrae Avenue/EI Camino Real intersection will cause traffic delays and safety impacts. Both the Millbrae Station design evaluated in the Draft EIR/EIS and the RSP Design Variant evaluated in the Revised/Supplemental Draft EIR/EIS would provide a signalized pedestrian crossing at the intersection of EI Camino Real/Chadbourne Avenue, which is located about 350 feet north of the EI Camino Real/Millbrae Avenue intersection. Improvements at the pedestrian crossing at the intersection of EI Camino Real/Chadbourne Avenue would include signalization, median breaks, crosswalks, and sidewalk enhancements. The new pedestrian traffic signal at EI Camino Real/Chadbourne Avenue would be designed in coordination with Caltrans and the City of Millbrae, and the signal phasing and timing would be coordinated with the adjacent EI Camino Real/Millbrae Avenue intersection to prevent queue spillback from affecting the EI Camino Real/Millbrae Avenue intersection. Collectively, these measures would improve pedestrian safety over existing conditions as well as pedestrian connections between bus stops on the west side of EI Camino Real at Chadbourne Avenue and the Millbrae Station entrance hall on the east side of EI Camino Real. Without these improvements, pedestrians would have to travel several blocks north or south out of direction of travel in order to make the east-west crossing of EI Camino Real as there is about 950 feet between pedestrian crossings of EI Camino Real at Millbrae Avenue and Victoria Avenue.

The LOS assessment in the Draft EIR/EIS indicates that the EI Camino Real/Chadbourne Drive intersection would operate at LOS F conditions under the 2040 No Project scenario with its current unsignalized traffic control but would improve to LOS C (AM peak hour) and LOS D (PM peak hour) conditions under 2040 Plus Project scenarios with the addition of the traffic signal. The adjacent intersection of EI Camino Real/Millbrae Avenue would experience LOS F conditions under both the 2040 No Project and 2040 Plus Project scenarios, with the project causing the overall intersection delay to increase by about 7 seconds to 90 seconds, which is identified as a significant NEPA effect in the Draft EIR/EIS. As noted in the Revised/Supplemental Draft EIR/EIS, the effect of the RSP Design Variant on traffic operations at the study intersections around the Millbrae Station would be approximately the same as with the Millbrae Station design evaluated in the Draft EIR/EIS.

### 1215-2709

Contrary to the commenter's assertions, the RSP Design Variant would not create any new roadways that intersect EI Camino Real, as access/egress to the HSR station would be provided via Linden Avenue and Murchison Drive, which are existing streets. The comment did not result in any revisions to the Draft EIR/EIS.

### 1215-2710

The comment states that Burlingame has approved housing developments and has more projects under consideration, and asserts that no analysis is provided in the Revised/Supplemental Draft EIR/EIS of this growth on travel demand and new parking demand.

The transportation analysis in the Revised/Supplemental Draft EIR/EIS builds on the assessment in the Draft EIR/EIS with a focus on differences associated with the RSP Design Variant. The Draft EIR/EIS includes 2040 No Project and 2040 Plus Project forecasts and resulting LOS analysis. The 2040 forecasts are based on the latest version of the San Mateo County travel model, modified to reflect the HSR project, with land use growth to 2040 based on ABAG land use forecasts that include regionally adopted estimates of growth for Millbrae, Burlingame, and other Bay Area communities. The comment also asserts a lack of analysis of parking demand associated with future development in Burlingame, but does not specify the location of the parking demand. Regarding parking demand generally, please refer to the response to submission FJ-1215, comment 2706. The Authority also notes that new development in Burlingame near the Millbrae Station would be well served by alternative means of station access (e.g., walking, biking, transit), consistent with the policies of the City of Millbrae, Caltrain, and BART concerning station access.

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

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2711

The comment asserts that the Draft EIR/EIS addressed air quality only in the immediate vicinity of stations and concluded that impacts would be less than significant without support. Contrary to the assertion, the analyses in the Draft EIR/EIS and the Revised/Supplemental Draft EIR/EIS considered not only localized air quality impacts (around areas of construction hotspots), but also air quality impacts on the entire affected air basin. While temporary construction activity would generate air emissions, the project includes all feasible measures to reduce emissions: AQ-IAMF#1 through AQ-IAMF#6, which are discussed under Impact AQ#1; and AQ-MM#1 through AQ-MM#2, which are discussed in Section 3.3.7, Mitigation Measures. Moreover, as presented in Draft EIR/EIS Section 3.3, Air Quality and Greenhouse Gases, Impacts AQ#7, AQ#8, and AQ#10 explain that project operations would have a beneficial impact on air quality by reducing air pollutant emissions in the affected air basin by shifting transportation modes from road and air travel to electric-powered trains. The comment did not result in any revisions to the Draft EIR/EIS.

### 1215-2712

The comment asserts a deficient analysis of noise and vibration impacts, implying that the noise analysis was limited to the Millbrae Station area. The commenter is accurate that the Revised/Supplemental Draft EIR/EIS analysis focused on noise and vibration impacts at the Millbrae Station area because the purpose of the Revised/Supplemental Draft EIR/EIS was to analyze the effects of the RSP Design Variant. Refer to the Final EIR/EIS Section 3.4, Noise and Vibration, for the full noise and vibration impact analysis, conclusions, and proposed mitigation measures for the entire length of the Project Section for all alternatives.

The noise and vibration impact analysis in the Draft EIR/EIS and the Revised/Supplemental Draft EIR/EIS is based on analyzing projected noise levels on existing sensitive receptors in accordance with FRA and FTA guidelines. The analysis of noise and vibration impacts does not project impacts on future potential receptors, including the MSASP development or other future development, in the noise and vibration analysis because that would require speculation as to how buildings may be oriented and setback in relation to the existing rail corridor, the mix of land uses within such buildings, or other similar specific factors and, therefore, the existing environmental conditions provides a more accurate baseline for comparison of potential impacts. Neither CEQA nor NEPA require speculation regarding potential impacts. Accordingly, neither the Draft EIR/EIS nor the Revised/Supplemental Draft EIR/EIS analyzed such effects. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2713

The comment asserts that the Draft EIR/EIS came to inaccurate conclusions regarding the City of Millbrae. As further detailed below, the Authority respectfully disagrees with these assertions and welcomes the opportunity to clarify several points.

The comment appears to be citing Revised/Supplemental Draft EIR/EIS Section 3.20.4.19, Environmental Justice. Under Executive Order 12898 and USDOT Order 5610.2C, an environmental justice analysis is required to determine whether a proposed action would result in a disproportionately high and adverse effect on minority populations and/or low-income populations (collectively referred to as environmental justice communities). Contrary to the comment's assertions, Revised/Supplemental Draft EIR/EIS Section 3.20.4.19 states that the Millbrae Station RSA is 14.4 percent low-income and 56.1 percent minority, relative to the reference community, which is 23.9 percent low-income and 62.6 percent minority. The proportions of the City's population that are minority and low-income are lower than the reference community (not non-existent). Accordingly, the analysis concludes that there are no environmental justice communities (i.e., areas with minority populations and/or low-income populations exceeding those of the reference community) in the Millbrae Station area. Contrary to the comment's assertion, neither the Draft EIR/EIS nor the Revised/Supplemental Draft EIR/EIS state that "no low-income people live in Millbrae." Please refer to Draft EIR/EIS Section 5.3, Methods for Environmental Justice, for additional information regarding the methodology used for the purpose of the environmental justice analysis.

Further, the comment asserts that the EIR/EIS represented that there are "no socioeconomic impacts" in Millbrae. In fact, Revised/Supplemental Draft EIR/EIS Section 3.20.4.11, Socioeconomics and Communities, considered the potential for the RSP Design Variant to result in a number of different socioeconomic impacts, which include division of or disruption to communities, adverse effects on children's health and safety, and property displacements/relocations; none of these socioeconomic impacts are contingent upon the community's income level. Draft EIR/EIS Chapter 5, Environmental Justice, however, does consider the potential for the project to have disproportionately high and adverse effects on low-income populations.

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

### 1215-2714

The comment expresses concern that the RSP Design Variant may imperil planned development, including the provision of housing units at below market rates. Please refer to the responses to submission FJ-1215, comments 2823 and 2824, which address the feasibility of planned development on a smaller footprint than the approved design of the Millbrae Serra Station Development. The Authority acknowledges that the total number of units that might be built on a smaller footprint would be less than on a larger footprint, including the number of affordable units, but that the two-acre site still affords ample opportunity for the development of market-rate and affordable units. The comment did not result in any revisions to the Draft EIR/EIS.

### 1215-2715

The comment asserts that at-grade crossings in Millbrae and adjacent cities tend to be located in neighborhoods with lower-income tenants and that such communities would be disproportionately affected by the increase in train activity along the Caltrain corridor associated with the proposed project. The comment and several following comments imply that such issues were not considered. In fact, Draft EIR/EIS Chapter 5, Environmental Justice, examined the potential for the project alternatives to result in disproportionately high and adverse noise, air quality, transportation, and safety effects (among other effects) on low income populations and minority populations. The Authority concluded that after consideration of both adverse effects (after the application of resource-specific mitigation measures) and project benefits, the project would not result in disproportionately high and adverse environmental and health effects on minority populations or low-income populations.

Please note that availability/loss of parking was not considered within the environmental justice analysis. As set forth in Final EIR/EIS Section 5.3.2.2, Methods for Identifying Adverse Effects on Minority Populations and Low-Income Populations, pertinent guidance from the USDOT directs NEPA lead agencies to focus environmental justice analysis on human health or environmental effects. Availability of parking is not, in itself, considered a human health or environmental effect. The comment did not result in any revisions to the Draft EIR/EIS.

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2716

The comment asserts that low-income populations whose children walk to school along the Caltrain corridor or cross the Caltrain corridor would be disproportionately affected by the project.

Please refer to the Draft EIR/EIS Section 3.12, Socioeconomics and Communities, which includes an evaluation of the project's impacts on children's health and safety associated with temporary construction activities (Impact SOCIO#4), permanent infrastructure changes (Impact SOCIO#5), and project operations (Impact SOCIO#6). Overall, the analysis concluded that there would be no disproportionate impacts on children's health and safety associated with project construction or operation. As described under Impact SOCIO#6, the safety improvements proposed as part of the project (e.g., four-quadrant gates and median separators at at-grade crossings and perimeter fencing along the Caltrain right-of-way) would improve safety for children who walk or bike across the right-of-way and improve the safety of the designated walking routes to schools that cross the right-of-way, resulting in long-term safety benefits for children in the RSA.

Please also refer to the response to submission FJ-1215, comment 2715, which explains that Draft EIR/EIS Chapter 5, Environmental Justice, examined the potential for the project to result in disproportionately high and adverse effects with respect to noise, air quality, transportation, and safety on low-income populations and minority populations, and concluded that the project would not result in disproportionately high and adverse environmental and health effects on low-income populations and minority populations.

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

### 1215-2717

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations.

The comment appears to disagree with conclusions of the Draft EIR/EIS and Revised/Supplemental Draft EIR/EIS. Contrary to the assertion in the comment, neither document concluded that reducing the Millbrae Serra Station Project is a "significant and unavoidable impact." Rather, both documents conclude that the proposed Millbrae HSR Station (both the Millbrae Station design evaluated in the Draft EIR/EIS and the RSP Design Variant analyzed in the Revised/Supplemental Draft EIR/EIS) would result in a significant and unavoidable impact related to planned land uses (i.e., the land uses contemplated under the MSASP).

Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations documents numerous ideas for the Millbrae Station that the Authority considered but ultimately determined were not potentially feasible alternatives warranting further evaluation due to various considerations, including substantially greater environmental impacts. The Authority has not been able to identify any feasible alternatives meeting the Authority's station design requirements (Design Criteria Manual, Chapter 14, Station) that could fully avoid the project's impacts on planned land uses near Millbrae Station.

The comment references a conceptual illustration developed for the purposes of outreach to depict how a potential future TOD could be developed on the remaining available land west of the Millbrae Station. This depiction was for illustrative purposes only and not intended to be a detailed engineering plan and is not part of the project evaluated in the EIR/EIS.

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

## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2718

The comment asserts certain impact conclusions from the Revised/Supplemental Draft EIR/EIS and makes assertions regarding the Authority's communications with the City of Millbrae.

Regarding the assertion that the "realignment of California Drive... is also said to be significant but unavoidable," the comment may be referring to the conclusion of Impact LU#4, which acknowledged that the Millbrae Station Design as proposed in the Draft EIR/EIS would have a significant and unavoidable conflict related to permanent alteration of land use patterns. The RSP Design Variant would lessen the degree of this conflict, but the impact would remain significant and unavoidable.

Alternatively, the assertion may be referencing the statement in Revised/Supplemental Draft EIR/EIS Section 3.20.3, Environmental Baseline for Analyses of the Millbrae Station Reduced Site Plan Design Variant, indicating that "the approved alignment of California Drive as shown in the MSASP is not feasible because it would be partially located on land owned by the Peninsula Corridor Joint Powers Board (PCJPB) and SamTrans that is not available. PCJPB and SamTrans have previously 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."

Regarding the Authority's communications with the City of Millbrae, the Authority respectfully disagrees with the characterization in this comment. The Authority has coordinated extensively with the City of Millbrae throughout the environmental review process for the San Francisco to San Jose Project Section of the HSR project. The Authority provided the City of Millbrae with projected HSR ridership information in 2015. The Authority submitted a comment letter on the Draft EIR for the MSASP in August 2015, identifying the need to include HSR travel demand and parking demand in the MSASP analysis. As described in Draft EIR/EIS Chapter 9, Public and Agency Involvement, and as shown in Table 9-2, the Authority conducted monthly meetings with the Millbrae Station Area Intermodal Working Group (which included representatives from the City of Millbrae) between August 2016 and July 2017 to discuss issues related to the HSR configuration and integration of the Millbrae Station. The Authority participated in three meetings with the Millbrae City Council. At the February 2017 City

### 1215-2718

Council meeting, the Authority presented the Millbrae Station site plan concept, including the location of replacement surface parking.

While the proposed HSR modifications to the Millbrae Station would conflict with the approved Millbrae Serra Station Project, they would not preclude future development of an integrated and mutually supporting mixed-use development at the site. The Authority supports plans for TOD at the Millbrae Station and remains committed to working with the City of Millbrae and the site developer 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.

Refer to Standard Response FJ-Response-ALT-2: Millbrae Station Alternatives Considerations. Please refer to the standard response referenced above as well as the response to submission FJ-1092, comment 418, which summarizes communications with the City of Millbrae regarding planning for HSR facilities. Please also refer to the responses to submission FJ-1215, comments 2698 and 2700.



## Response to Submission 1215 (Janet Fogarty, Millbrae Serra Station Project, September 7, 2021) - Continued

### 1215-2719

The comment asserts that the Revised/Supplemental Draft EIR/EIS analyzed aesthetic impacts only of the Millbrae Station area for the project with and without the RSP Design Variant and asserts that an analysis should have been included for the HSR project as a whole. The comment further asserts that either design variant for Millbrae Station would imperil the planned Millbrae Serra Station development. Finally, the comment raises concerns about safe pedestrian crossings of El Camino Real in the Millbrae Station area.

Regarding the aesthetics analysis, the commenter is correct that the Revised/Supplemental Draft EIR/EIS included an aesthetics analysis only for the two Millbrae Station design variants because the purpose of the Revised/Supplemental Draft EIR/EIS was to analyze the effects of the RSP Design Variant. Draft EIR/EIS Section 3.15, Aesthetics and Visual Quality, included an aesthetics analysis for the entirety of the San Francisco to San Jose project corridor. The Revised/Supplemental Draft EIR/EIS analysis focused on differences between impacts of the Millbrae Station design evaluated in the Draft EIR/EIS and the RSP Design Variant. Refer to the Final EIR/EIS Section 3.15, Aesthetics and Visual Quality, for the aesthetics and visual quality impact analysis, conclusions, and proposed mitigation measures for the entire length of the Project Section.

Regarding the assertion that either design variant for the Millbrae HSR Station would imperil planned development, please refer to the responses to submission FJ-1215, comments 2823 and 2824, which address similar concerns regarding the disposition of planned development near the Millbrae Station.

Regarding pedestrian safety across El Camino Real, the comment asserts that neither the Millbrae Station design evaluated in the Draft EIR/EIS nor the RSP Design Variant includes a signalized intersection for pedestrians to cross El Camino Real. This is incorrect. Both the Millbrae Station design evaluated in the Draft EIR/EIS and the RSP Design Variant would provide a signalized pedestrian crossing at the intersection of El Camino Real and Chadbourne Avenue.