

Transportation Solutions Defense and Education Fund

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February 21, 2012
By E-Mail

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

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

Dear Mr. Mason:

The following comments are offered on behalf of the Transportation Solutions Defense and Education Fund (“TRANSDEF”), the Planning and Conservation League, the Community Coalition on High-Speed Rail and the California Rail Foundation (collectively, “Commenters”). The Partially Revised Draft Program EIR (“PRDPEIR”) for the Bay Area to Central Valley High-Speed Train project discloses ten significant and unavoidable impacts (p. 1-5¹) resulting from the implementation of the Pacheco Pass Alternatives--impacts that had not been identified in the 2008 and 2010 Program EIRs. These impacts would not have been identified absent Commenters’ litigation. After a review of these newly identified impacts and new information made available since the certification of the 2010 Revised Final Program EIR (“RFPEIR”), it is clear to Commenters that the California High-Speed Rail Authority is obligated under CEQA to study an Altamont Corridor Rail Project San Francisco/San Jose alternative that has not previously been studied, because it would avoid the major impacts of the other network alternatives. The results of that study will then need to be recirculated in a newly revised draft PEIR.

A. Impact Analyses

Noise and Vibration

The screening distance used in the noise analysis is not the screening distance required by the FTA Guidance manual: “375 feet from **track centerline**.” (p. 2-2, emphasis added.) The analysis uses a screening distance “measured from the **centerline of the rail corridor**.” (p. 2-4, emphasis added.) The analysis should have used a screening distance of 375 feet from the outer track centerline, not the corridor centerline. A correct application of screening distance would study the impacts on the narrow linear strip

¹ All page references are to the PRDPEIR unless otherwise noted.

adjacent to the area studied. The conclusion on page 2-5 that “the limited expansion of the existing Caltrain rail corridor has little to no effect on the number of properties captured in the screening analysis or to the noise and vibration effects to properties just outside the right-of-way” is thus both conclusory and inadequate. It does not establish that the impact metric, population per mile (Table 2-1, p. 2-2), for this narrow strip is consistent with the adjacent area that was studied. The calculated noise and vibration differences of 0.5 dBA and 2.4 Vdb, respectively (p. 2-5), are unsupported without the inclusion of the underlying technical work. The PRDPEIR had no technical appendices.

Monterey Highway

As a result of Commenters’ litigation, a map is offered showing the locations of lane reductions and right-of-way shifting on Monterey Highway. (Figure 2-2.) Its absence in the 2010 Revised Final Program EIR/EIS (RFPEIR) was one of the reasons that document failed as a full disclosure document for the project. This map is still inadequate, however, as it does not depict the location of the UPRR tracks or provide arrows indicating the direction of the shift.

The litigation also resulted in the disclosure of detailed traffic congestion maps (Figures 3-2 through 3-5.) They indicate that narrowing Monterey Highway will make a highly congested region even more congested. However, by limiting the metric to the unnecessarily broad “LOS E or worse,” the maps and analysis fail to address what is perhaps the most important question to the public: will the road network descend into gridlock, experiencing LOS F as a result of the roadway narrowing? The text hints at the answer, but fails to be definitive: “If the peak hour of travel demand is fully occupied, then travelers then shift their time of travel to shoulder hours as a function of time and space.” (p. 3-16.) The public needs to know if this project will create more LOS F, which would increase travel times, and make traveling at peak hour even more onerous.

Peninsula Lane Closures

The analysis of the impact of lane reductions omits the critical information of what capacity would remain after the reductions. (p. 3-6.) It is unclear from the text as to whether the analysis in Tables 3-1a and 3-1b represents the cumulative impact of all the lane reductions, or the impact of each reduction studied separately. It is also unclear from the text whether enough intersections were studied to fully capture the cumulative impacts of traffic diverted onto other local roads. (see footnote 7, p. 3-6.) Commenters’ litigation demonstrated this to have been a problem with the previous analysis of the Monterey Highway lane reductions. Also, it is unclear from the text what the cumulative impact would be on a motorist going through more than one impacted intersection. Detailed mapping of the lane reduction vicinities, intersection labeling, and the study of intersections much further away from the roads in question are all necessary to establish the scale of the areas impacted.

To be consistent with the CEQA Significance Criteria identified on page 3.1-3 of the 2008 FPEIR, the analysis needs to evaluate whether the increase in LOS for some of the intersections (e.g., Page Mill Rd./El Camino Real, p. 3-10) exceeds the LOS standard established by the respective county congestion management agencies. The

FEIR must do this analysis, or identify each intersection projected to have an higher LOS designation as a result of lane closures as a significant impact. Unless this is done, the analysis will be inadequate under CEQA.

The lane closure analysis produced bizarre and counterintuitive results: some lane closures improved traffic by a whole LOS level, and some intersection delays went to zero (e.g., Whipple Ave./Stafford St., p. 3-9.) In the absence of a detailed explanation as to how this is even possible, these data must be considered invalid as substantial evidence.

The proposed mitigations for the lane closure impacts include the generic suggestion of the adjustment of vertical alignments. Because specific relevant information was developed in the project level environmental review, a list of generic mitigations is not adequate. The proposed mitigations need to be screened for feasibility, based on the existing feasibility analyses contained in documents such as the August 2010 Supplemental Alternatives Analysis Report (see e.g., SARA 413 & 417).

Construction Impacts

It appears that the new Section C, focused on Monterey Highway (p. 4-4), was initially written with the intent of supplementing the 2008 FPEIR. A later decision to delete the entire Section C (p. 4-5) failed to fully coordinate the texts. Some of the typical generic impacts (e.g., handling of waste pavement) were left out of the new Section C.

B. New Information and Changed Conditions

Ridership Peer Review Group Reports

Sections 4.3, 4.4, and 4.5 of the July 2011 Independent Peer Review Final Report of the California High-Speed Rail Ridership and Revenue Forecasting Process confirm the criticisms of the ridership model that were raised in Commenters' letters on the RFPEIR. (attachment 1.) The August 2011 Peer Review Final Report (attachment 2) states on page 6 that "We continue to believe that a better solution would have been to fully re-estimate the model in ways described in our first report." On page 7, the report states "That said, we still believe that every effort should be made to eliminate the use of such a large set of constants in future versions of the model. They represent current travel patterns that may not hold true under future conditions." It appears that the Peer Review Group grudgingly accepted the explanations and conclusions offered by Cambridge Systematics, with obvious misgivings. This doesn't change the opinion of the Institute for Transportation Studies that the model's results are unreliable for public investment purposes. (see *infra*.)

Project Section Profile Variations

As demonstrated in the August 2010 Supplemental Alternatives Analysis Report (e.g., SARA 413 & 417), for some subsections of the Peninsula portion of the project, no vertical alternatives other than aerial viaduct appear feasible. If it is known that no other way to build a subsection is possible, the impacts of that vertical alignment need to be studied at the program level. The Authority appears to argue that the SAA report is only

preliminary. If so, what additional studies are needed to solidify the analysis and clarify whether other vertical alignments are feasible? Why can't such studies be done now? Deferring such analysis to the project level deprives the program level selection of a preferred alternative of vital impact information. This is why it is untrue that "[t]his type of design detail [horizontal placement and profile variations] is appropriately considered in second-tier, project-level environmental documents because it does **not prevent** adequate identification of the impacts of the programmatic decision at hand." (p. 5-1, emphasis added.) It is equally untrue that "[n]o decision will be made at the program level regarding how to accomplish grade separations or whether to close certain roads." (p. 5-9.) One might argue that an infeasibility determination is not the same as a "decision," but that would be semantics--a distinction without a difference.

Altamont Corridor Rail Project

The conclusion that "the information related to the Altamont Corridor Rail Project does not necessitate further revision of the Program EIR" (p. 5-3) is deeply flawed. In fact, the 2011 Altamont Corridor Rail Project's Preliminary Alternatives Analysis shows that an Altamont Corridor Rail Project route (with appropriate adjustments) would be far more consistent with the project's adopted objectives listed in Table 6-1 (p. 6-5) than the PRDPEIR's Preferred Alternative.

The compilation of public input on the selection of the preferred alternative (starting on p. 6-6) depicts a highly controversial decision--one for which there is no public consensus. A careful analysis of the public input yields four major environmental objections to the various Network Alternatives: 1). impacts on the Don Edwards Wildlife Refuge; 2). impacts on the Grasslands Ecological Area; 3). impacts on Peninsula communities; 4). sprawl inducement.

The 2011 Altamont Corridor Rail Project Preliminary Alternatives Analysis ("PAA") demonstrates that feasible Altamont alternatives exist that avoid each of these impacts, when combined with a blended approach (see discussion, *infra*) that would eliminate the four-track cross-section throughout the Caltrain Corridor. Westbound Altamont trains would reverse direction while loading in the San Jose Terminus, and head to San Francisco on the Caltrain Corridor. (While this extension of service to San Francisco would represent an expansion of the Altamont Corridor Rail Project operational plan, the additional rail infrastructure would be limited to the blended approach) already being considered for the Caltrain Corridor.

The Altamont Corridor Rail Project alternatives that were recommended to be carried forward into the EIR/EIS process met all the following criteria:

- Alternative meets the project goals and objectives and project purpose and need in providing an improved and competitive regional intercity and commuter passenger rail service that maximizes intermodal connections between the Northern San Joaquin Valley

and Bay Area and that complements the high speed train system.

- Alternative has no environmental or engineering issues that would make approvals infeasible.
- Alternative is feasible or practical to construct.
- Alternative reduces or avoids adverse environmental impacts. (PAA, p. 2-7)

Ms. Alexis's comment letter (RFPEIR, p. 15-42) points out how the ridership model projects that the Pacheco route gains 13.9 million riders when a San Francisco destination is added to a San Jose-only network alternative. It would then be entirely logical to add that same number of riders to the 94.6 million riders projected for an Altamont route with a San Jose terminus, to create a 108.5 million rider estimate for an Altamont Corridor Rail Project San Francisco/San Jose alternative. This calculation shows an Altamont Corridor Rail Project San Francisco/San Jose alternative exceeding the Preferred Alternative by 14.6 million annual riders, a 15.5% increase in ridership. This analysis remains uncontroverted, as the Authority did not honor Ms. Alexis' request to run the model with this alternative.

This increase in ridership will have a significant positive impact on HST revenues, as the Bay Area's boardings are estimated to make up 35% of the system's 2030 boardings for a San Jose-San Fernando Bay to Basin Scenario. (California High-Speed Rail 2012 Business Plan, Ridership and Revenue Forecasting, draft technical memorandum, Table 5.14.) The outstanding performance of this alternative stands in sharp contrast to one of the PRDPEIR's key conclusions "that both Pacheco Pass and Altamont Pass alternatives have high ridership potential and that ridership and revenue do not differentiate between these alternatives." (p. 6-17.)

By bringing all trains to San Jose, this Altamont Corridor Rail Project San Francisco/San Jose alternative avoids the criticism that "the most promising Altamont Pass alternatives would split HST services (express, suburban express, skip-stop, local, regional) between two branch lines to serve San Jose and either San Francisco or Oakland--reducing total capacity of the system to these markets." (p. 6-21.)

"The preliminary AA report evaluation confirms that a regional and inter-city commuter rail route is feasible for travel through the Altamont Corridor." (*Id.*, p. 5-9.) The Alameda Corridor will be able to support HST equipment:

In addition, once improved to be fully grade-separated and electrified, with appropriate signaling and train control systems, the Altamont Corridor could support operation of California HST System trains and lightweight multiple-unit passenger equipment compatible with those trains. As such, the Altamont Corridor could allow selected California HST

System trains to serve regional stops within the Altamont Corridor and to allow regional trains operating within the Altamont Corridor to reach additional destinations within the California HST System (e.g., Sacramento or Merced). (*Id.*, p. 2-3.)

The question then becomes, could the Altamont Corridor Rail Project be analyzed as an HSR network alternative? The PRDPEIR, without foundation, says no. It characterizes the Altamont Corridor Rail Project as “a substantially slower commuter/intercity rail service that does not meet the design requirements for a high-speed train network alternative.” (p. 6-18.) Clearly, that condition resulted from the design brief given to the project team. There is no evidence in previous FPEIRs that there are any speed-limiting factors specific to the Altamont Corridor. On the contrary, the Altamont Corridor Rail Project “is being designed to 150 mph (rural) speeds.” (*Id.*, p. 3-36.) Although the route will “have an average speed of 70- to 90- mph (including stops)” (*Id.*, p. 2-7), there is not enough information available to the public to be able to estimate the travel time involved in an express HST trip from Los Angeles to San Francisco on any of the alignment alternatives for this route. A study of this alternative is needed to prepare a proper travel time estimate.

The Network Alternatives report (using routes that are allegedly different from the Altamont Corridor Rail Project alignment alternatives) showed an LA-SJ time of 2:19 for an Altamont San Jose Terminus alternative (FPEIR, p. 7-18), which is ten minutes longer than the Pacheco LA-SJ time. (*Id.*, p. 7-48.) If the Altamont Corridor Rail Project were able to attain the express speeds of the Altamont network alternatives, that would result in an LA-SF time of 2:48, ten minutes longer than the Pacheco LA-SF time of 2:38. (*Id.*) There is not enough information available to the public to be able to compare the operational speeds of the network alternatives and the Altamont Corridor Rail Project alignment alternatives. Because of the alternatives’ potential to greatly reduce the project’s environmental impacts, careful study of the potential to increase operational speeds is needed.

To help meet the Proposition 1A requirement of a 2:40 LA-SF trip time, a wye from either of alternatives EB-4 or EB-6 could be installed near Santa Clara to allow San Francisco express trains to turn north there. (See map, PAA, p. 3-16.) This would save the several minutes the short trip to San Jose would take, along with its respective dwell and turnaround times. If the travel time estimate was still more than 2:40, a speed optimization effort should be made, to see where higher express speeds can be achieved.

The key difference between the Altamont Pass Network Alternatives that were previously studied and the Altamont Corridor Rail Project alignment alternatives is the avoidance of the Don Edwards Wildlife Refuge. In addition, it is Commenters’ understanding that the Altamont Corridor Rail Project alternatives were designed to avoid the riparian and property impacts cited in the FPEIR at pp. 7-19 & -20 in the Niles

Canyon/Sunol Valley. Before criticizing these alternatives for impacts they don't have², a detailed study of the route design in the Niles Canyon/Sunol Valley area is needed.

With two lawsuits directly challenging the Authority's failure to adequately plan the Pacheco route in light of the UPRR's refusal to share its right-of-way, it is bizarre to read that "In addition, UPRR's position denying use of its rights-of-way for HST tracks presents a greater implementation challenge for the Altamont Pass network alternatives than for the Pacheco Pass Network Alternative serving San Francisco via San Jose." (p. 6-18.) No evidence was offered to substantiate this assertion, nor were any citations to previous EIRs offered. This statement would appear to not apply to the alternatives being studied by the Altamont Corridor Rail Project, as the very first goal of the Project is to "[d]evelop a regional intercity and commuter passenger rail service in the Altamont Corridor linking the northern San Joaquin Valley with the Bay Area that provides dedicated trackage separate from existing lines shared with Class 1 freight operations where feasible." (2011 Altamont Corridor Rail Project Preliminary Alternatives Analysis, p. 2-1.) At a minimum, the Setec Alternative, proposed by Commenters, captured in part by Altamont Corridor Rail Project alternatives EBWS-1, TV-4, and ALT-2, was professionally designed to avoid UPRR rights-of-way.

An Altamont Corridor Rail Project route would also eliminate the ten new significant and unavoidable impacts identified in this PRDPEIR, each which was Pacheco-related. Because such a route, in combination with the blended system approach, would eliminate the most serious environmental impacts of any network alternative studied to date, it must be studied as an alternative, after which a further revised draft must be recirculated, prior to selecting a preferred alternative. That study would, of course, investigate whether an Altamont Corridor Rail Project can meet the HSR design requirements. Because the study will mostly involve compiling and analyzing already existing information, it should not be onerous or time-consuming.

Because the CHSRA's Chair is a former BART director, it might now be feasible for the Authority to negotiate with BART to take over its Dublin line and regauge it for HSR and HSR-compatible regional service. (See Commenters' scoping comments for the Altamont Corridor Rail Project, attachment 3.) That would greatly reduce the environmental and community impacts of building new transportation infrastructure in the Tri-Valley, while better connecting the Valley with San Joaquin County, where many of its employees live. Livermore would receive an excellent rail connection, and avoid the uncertainty of waiting for the funding of an eventual BART extension. If such a route were implemented, the impacts would be strikingly lower, invalidating the assertion that "[t]he Pacheco Pass Network Alternative serving San Francisco via San Jose is least disruptive to communities because it is designed to use existing, publicly owned rail and

² The RFPEIR criticized Commenters' Setec Alternative as appearing to have the same impacts to high value aquatic resources and threatened and endangered species as the FPEIR's SR-84/South of Livermore alternative (RFPEIR, p. 15-208 - 209), despite the statement within the Setec report that "[t]his new proposed Altamont alternative entirely avoids Niles Canyon and sensitive Sunol Creek areas." (RFPEIR, p. 15-110.)

highway right-of-way as a method of minimizing environmental and community impacts.” (p. 6-22.) Such an alignment should be included when studying an Altamont Corridor Rail Project alternative.

The Draft Business Plan Proposes A New Project Alternative

The Draft Business Plan (released November 2011) introduces the key new concepts of a blended system and blended operations: “Blended services linking statewide high-speed rail service with regional and local transit systems will benefit travelers in the near term and provide the platform for continued improvement in rail transportation. Connectivity and mobility will improve significantly across the state by expanding the network of interconnected public transportation systems and can be expedited through early investments in the regional systems.” (Draft Business Plan, p. 2-1.) “As further improvements are made, blended operations progress to the point where transfers would not be necessary, and passengers could have a “one-seat ride” on a train that is able to travel over both the high-speed line and upgraded regional rail lines.” (*Id.*, p. 2-3.)

The Business Plan is explicit in identifying two pathways to implement the Phase 1 HST project:

Step 4: San Francisco to Los Angeles/Anaheim (Phase 1)

Completion of the Bay to Basin system leads to Phase 1, the connection between San Francisco and Los Angeles/Anaheim. This 520-mile connection can be accomplished in two ways:

- Through a coordinated “blended system” that uses upgraded commuter rail systems to connect the metropolitan areas with the inter-regional high-speed system, and
- By expanding fully dedicated high-speed infrastructure to San Francisco and Los Angeles/Anaheim. (*Id.*, p. 2-17.)

Despite the Authority’s recognition of the blended system as “an additional phasing option for the urbanized sections that have existing commuter rail corridors” (p. 5-4), the PRDPEIR fails to treat the concept as a Project Alternative. The entire impact analysis is limited to this cursory statement: “...the blended system concept does not appear to distinguish among network alternatives.” Failure to treat the blended system under *Laurel Heights II* as significant new information proposing a lower-impact project makes this PRDPEIR inadequate under CEQA. This treatment is inconsistent with the Draft Business Plan, which clearly contemplates a different approach to environmental review than was taken both in the current PRDPEIR and in the previous RFPEIR:

This infrastructure will require some upgrades to accommodate high-speed operations and added capacity with speeds through urban areas of up to 125 miles per hour. However, such improvements can likely be accomplished while staying substantially within the existing rights-of-way,

resulting in substantially reduced impacts to the communities along the corridor.

Based on this approach, **initial environmental reviews can focus primarily on the impacts of limited upgrades to the existing facilities, thus avoiding the mitigation requirements associated with an expanded dedicated high-speed system.** Sharing existing commuter rail facilities in urban areas will not only materially reduce the environmental impacts of the planned full system, but will result in substantial cost savings as well. Recognizing that the ultimate goal for the voter-approved program is fully operational high-speed rail service between the two end points included as Phase 1 of the system, **any expansion in the corridor to add additional capacity, accommodate dedicated tracks, significant structure or tunnel work, and additional right-of-way beyond what is defined in the blended system would have to be revisited through future environmental reviews.** Investigations show that the coordinated blended solutions as envisioned can accommodate service levels for many years into the future. (*Id.*, p. 2-18, emphasis added.)

This divergence in approach is captured in the proposal by Senator Simitian, Congresswoman Eshoo and Assemblyman Gordon (the SEG Plan, attachment 4), which should have been evaluated by this PRDPEIR as new information suggesting a lower-impact project alternative, but was not. That plan conveys grave concerns about the long-term impacts on the Peninsula of a certified EIR for the full buildout of the HST system, since such a system cannot be built within a reasonable period of time, and because such a high-capacity system might be unnecessary for the level of ridership expected. The SEG Plan noted the lower impacts of a blended system, and urged that the environmental review of the phased implementation of the full buildout of the system be stopped.

The on-going concern about the reliability of the RFPEIR's ridership numbers, as expressed by the Institute for Transportation Studies (SAR 9003), makes it unclear as to whether a full-build system is even needed in the foreseeable future. "These [very large error] bounds, which were not quantified by CS, may be large enough to include the possibility that the California HSR may achieve healthy profits and the possibility that it may incur significant revenue shortfalls." (SAR 9006.) It is clear that the blended system approach offers a much lower cost (p. 5-4), lower impact (p. 5-9) pathway forward--one that greatly reduces the project's risk. From the standpoint of the public funds at risk, it would be highly irresponsible to not study a blended system alternative.

Commenters assert that the blended system, as described in the SEG Plan, and in accordance with the language of the Draft Business Plan, must be studied as a new

alternative in a recirculation of the PRDPEIR. A blended system would mean an earlier project delivery, substantially lower costs and lower environmental impacts. It is conceptually distinct from a phased implementation of the full buildout project, in that urban areas would be excepted from the HST Engineering Criteria (FPEIR, p. 2-8) which require a fully grade-separated access-controlled right-of-way. This would be entirely consistent, however, with the shared-use corridor general criteria (FPEIR, p. 2-9), the project's Purpose (FPEIR, p. 1-4), as well as its Description:

A fully grade-separated, access-controlled right-of-way would be constructed, except where the system would be able to share tracks at lower speeds with other compatible passenger rail services. Shared-track operations would use existing rail infrastructure in areas where construction of new separate HST facilities would not be feasible. Although shared service would reduce the flexibility and capacity of HST service because of the need to coordinate schedules, it would also result in fewer environmental impacts and a lower construction cost. (FPEIR, p. 2-2.)

Rather than merely delaying the impacts of a phased approach to building a four-track alignment (p. 5-9), a blended approach would eliminate those impacts for the foreseeable future. A 2011 Caltrain study concluded that a blended system is potentially feasible. (attachments 5 & 6.) The implementation of quiet zones should be added to the study of a blended system alternative, resulting in capturing most of the noise reduction benefits of a full-build alternative.

There is no analysis of the impact of blended operations on ridership, despite the obvious impact of transfers on waiting time and impedance. There is no analysis of the impact of either blended operations or phasing on the economic feasibility of the project. An EIR is required to consider and study a reasonable range of feasible alternatives, particularly alternatives that might significantly reduce project impacts. Given the much lower environmental impact of an Altamont Corridor Rail Project alternative, it is imperative that its ridership be assessed to determine if it constitutes an economically feasible alternative that should be considered and studied in depth, as the project cannot access Proposition 1A Bond funds unless it is projected to generate an operating profit.

Deferred Ridership Impact Analysis

The Court has already ruled that deferral of the study of impacts resulting from program-level decisions is not permitted under CEQA. The PRDPEIR impermissibly defers a full analysis of the phased implementation proposed in the Draft Business Plan until the project-level review:

“The longer duration of construction and also lower ridership forecasts may result in differences in the environmental impacts and benefits as described in the 2008 Final Program

EIR, the 2010 Revised Final Program EIR, and in this document. This discussion provides a qualitative, general assessment of these differences. The environmental consequences of phased implementation would be explored in more detail as part of second-tier, project level EIRs.” (p. 5-4.)

The PRDPEIR’s impact analyses have not been redone using the conservative ridership estimates published in the Draft Business Plan. The impact assessments, including the benefit assessments, may thus be quite overstated. While this does not necessarily violate CEQA, it does raise questions as to whether the balance of costs and benefits for a Phased Implementation approach fundamentally alters the desirability of this publicly funded project. This question must be answered at the program level.

Mitigation of Temporary Northern Altamont Terminus Station

The mitigations proposed for newly identified significant impacts on a temporary northern terminus for the Altamont route may be inadequate for a Union City terminus. BART trains have a maximum length, based on the size of station platforms. It is not possible to simply add more train cars, as suggested on p. 5-8. It is also questionable as to whether the BART system is able run more frequent service, given the headway limitations of its existing automation system. Instead of Union City, a Bay to Basin Altamont route would need to go all the way to Santa Clara or San Jose, where it could connect with the more flexible Caltrain system. This would be preferable for the passengers, as the largest number of them are traveling to Silicon Valley, and especially North San Jose. (2011 Altamont Corridor Rail Project Preliminary Alternatives Analysis, p. 2-6).

Preferred Alternative

Especially if an Altamont Corridor Rail Project alternative is to be considered, the justification listed on p. 6-2 for choosing a Pacheco alignment can no longer be considered valid. One of the four stated criteria (Impacts on wetlands, waterbodies, and the environment) would clearly favor an Altamont Corridor Rail Project San Francisco/ San Jose alternative, which wouldn’t have any major wetlands or waterbody impacts, unlike Pacheco. One of the criteria (Best utilizes the Caltrain Corridor) would equally favor either alternative. One of the criteria (Political support) is not an environmental criterion, and is neither relevant nor appropriate for selecting a preferred alternative based on feasibility and environmental factors. Indeed, the new Chair of the Authority’s Board of Directors has publicly admitted³ that the Authority’s earlier choice of the Pacheco alignment based on political criteria was ill-advised. And there is evidence in the record (RFPEIR, p. 15-42) that the final criterion--the best connection between Northern and Southern California--favors an Altamont Corridor Rail Project alternative, as it would likely have 15.5% more annual riders. (see discussion, *supra*.)

³ Statement made by Mr. Dan Richard during a presentation at the January 2012 Planning and Conservation League Annual Symposium.

A more appropriate selection process for a preferred alternative would be to compare how the alternatives meet “[f]urther objectives [are] to provide interfaces between the HST system and major commercial airports, mass transit, and the highway network and to relieve capacity constraints of the existing transportation system in a manner sensitive to and protective of the Bay Area to Central Valley region’s and California’s unique natural resources.” (p. 6-11.) An Altamont Corridor Rail Project San Francisco/San Jose alternative would have the following advantages:

1. It would pass through North San Jose, close enough for a shuttle to SJO.
2. It would pass near SFO, where it might be possible to connect it to the AirTrain.
3. It would offer a less costly and easier future connection to OAK and Oakland.
4. It relieves major interregional capacity constraints on I-80 and I-580.
5. It avoids the environmental impacts identified for other alternatives.
6. It would have significantly higher ridership and revenue.
7. It would serve both statewide and regional travel markets with one rail investment.
8. It could avoid the cost of a BART extension to Livermore.

PRDPEIR Section 6.2 fails to mention that each of the clarified and revised impacts has been identified not only as significant but also as unavoidable. The absence of any discussion of this very important change since the 2010 RFPEIR nullifies the statement that “These clarified and additional impacts along the Monterey Highway and in certain portions of the San Francisco Peninsula have been carefully considered in reevaluating the preferred alternative recommendation.” (p. 6-3.) The selection of the Preferred Alternative must be conducted in the explicit context of the newly identified unavoidable impacts.

Conclusion

The PRDPEIR improperly fails to take into account significant new information that shows that there exists a previously-unstudied feasible alternative, using the Altamont Rail Corridor alignment, that would significantly reduce the impacts associated with the previously-chosen Pacheco Pass alignment. Under *Laurel Heights II*, CHSRA must study the Altamont Corridor Rail Project San Francisco/San Jose alternative and recirculate. CEQA requires the lead agency to select the project alternative with the fewest environmental impacts.

Commenters would like to see a successful HSR system in operation. They are convinced that the blended approach, coupled with an Altamont Corridor Rail Project San Francisco/San Jose alternative, would result in higher ridership, higher community support, lower cost, and faster delivery than the PRDPEIR’s Preferred Alternative. They appreciate this opportunity to comment on this important document.

Sincerely,

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James R. Janz, President
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Richard Tolmach, President
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cc: Stuart Flashman, Esq.

Attachments

Peer Review Group July Report
Peer Review Group August Report
Commenters' Scoping Comments
SEG Plan
Caltrain Capacity Analysis Update
Caltrain Draft Blended Operations Analysis