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9 **(Exempt from filing fees – Gov. Code §6103)**

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

TOWN OF ATHERTON *et al.*,
Petitioners and Plaintiffs
v.
CALIFORNIA HIGH SPEED RAIL
AUTHORITY, a public entity, and DOES 1-20,
Respondents and Defendants

No. 34-2008-8000022 filed 8/8/08
(also to be filed in 34-2010-80000679)
Judge Assigned for All Purposes:
HONORABLE MICHAEL P. KENNY
Department: 31

DECLARATION OF ELIZABETH
GOLDSTEIN ALEXIS IN SUPPORT OF
PETITIONERS' OBJECTIONS TO
RESPONDENT'S SUPPLEMENTAL
RETURN ON WRIT OF MANDATE

Date: August 12, 2011
Time: 9:00 AM
Dept. 31
Judge: Hon. Michael P. Kenny

I, Elizabeth Goldstein Alexis, declare as follows:

1. I am a resident and citizen of the City of Palo Alto in Santa Clara County. I am a certified financial planner and a founding member of Californians Advocating Responsible Rail Design ("CARRD"), a group of professionals living on the San Francisco Peninsula with an interest in promoting open and rational discussion of rail service options for California. I have personal knowledge of the facts set forth in this declaration and am competent to testify as to them if called as a witness.

2. On April 27, 2010, I sent, via e-mail addressed to comments@hsr.ca.gov, a letter on behalf of CARRD commenting on the Revised Draft Programmatic Environmental Impact Report Material for the Bay Area to Central Valley High-Speed Train Project ("RDPEIR"). That

1 e-mail and letter were eventually included in Volume III of the Revised Final Programmatic
2 Environmental Impact Report (“RFPEIR”) beginning at page 15-42, which became page 747 of
3 Volume 2 of the Supplemental Administrative Record for the above-entitled case.

4 3. On the above-same date, I also sent a second e-mail to the above-same e-mail address.
5 Attached to the second e-mail was a multi-page Excel spreadsheet file containing the headways
6 used in modeling the Altamont and Pacheco alternative riderships. A true and correct print-out
7 copy of that full spreadsheet, as sent with that e-mail, is attached hereto as Exhibit “A”.

8 4. As I had explained in the letter attached to the prior e-mail, this data had been obtained
9 from the Metropolitan Transportation Commission (“MTC”). The second e-mail was included in
10 Volume III of the above-same RFPEIR at page 15-46 and is included in the above-referenced
11 Supplemental Administrative Record in Volume 2 beginning at page 751. However, the
12 headway file’s publication was truncated. Only the first page of the spreadsheet’s data, which
13 did not contain any of the crucial headway data included in the spreadsheet and referenced in the
14 letter, was included in the RFPEIR.

15 5. At about the same time as I submitted the RDPEIR comment letter to the Authority on
16 behalf of CARRD, on April 18, 2010 I also sent an e-mail to Mr. Jeff Barker, an Assistant
17 General Manager at the High-Speed Rail Authority, with a set of spreadsheet files attached
18 containing headway information for individual project alternatives. The information was the
19 same as in the file I had submitted with my comment letter. I received a return e-mail from Mr.
20 Barker acknowledging receipt of the e-mail and files. Later, on July 7, 2010, concerned about
21 the lack of response to my earlier e-mails from either the High-Speed Rail Authority or
22 Cambridge Systematics, I sent a follow-up e-mail to Mr. George Mazur at Cambridge
23 Systematics, with a copy to Mr. Barker, that expressed concern about public misstatements about
24 project headways being small when the spreadsheet data indicated that non-peak-hour headways
25 were, in many cases, very large. I again attached a copy of the full spreadsheet of headway data
26 to this e-mail. I received no response from either Cambridge Systematics or the High-Speed Rail
27 Authority.

28 6. While I reviewed the RFPEIR after its issuance, my primary focus was to read the
29 responses the California High-Speed Rail Authority had made to my and other comments on the
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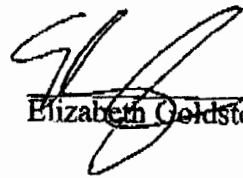
1 ridership/revenue modeling. I did check to make sure both of my e-mails had been included, but
2 did not look in detail at the print-out of the attachment to my second e-mail, especially because
3 the formatting used in the print-out made it very hard to read. Consequently, I did not realize at
4 the time that the print-out had been truncated.

5 7. On April 18, 2011, I received an e-mail from Mr. Stuart Flashman, the attorney who has
6 been representing the plaintiffs in this litigation against the High-Speed Rail Authority. I was
7 familiar, with Mr. Flashman from the dispute over the ridership/revenue modeling, and had
8 previously submitted a sworn declaration to him about my involvement in discovering the errors
9 in the high-speed rail ridership/revenue modeling. In response to that e-mail, I set up a time, on
10 Friday, April 22, 2011, for the two of us to talk by telephone about the ridership/revenue
11 modeling, and specifically about the University of California Institute of Transportation Studies
12 (“ITS”) analysis of the modeling and the High-Speed Rail Authority’s responses to that analysis.

13 8. On Friday, April 22, 2011, I spoke by telephone with Mr. Flashman for about forty-five
14 minutes, explaining to him what I felt, as a modeling professional, were the major problems with
15 the modeling and the deficiencies in the High-Speed Rail Authorities responses to both the ITS
16 analysis and other comments on the modeling.

17 9. When I discussed my comments of the RDPEIR, submitted on behalf of CARRD, Mr.
18 Flashman expressed puzzlement about my reference to the headway information used for the
19 model. I explained to Mr. Flashman that I had obtained a copy of the headway information, in
20 electronic form, from MTC, and had submitted it to the High-Speed Rail Authority. Later, in
21 response to an additional e-mail from Mr. Flashman expressing continued puzzlement and
22 confusion, I reply by indicating that I had included a copy of the spreadsheet file with my
23 comments on the RDPEIR, and forwarded to him a copy of that e-mail. At that point, I decided
24 to look at the e-mail as published in the RFPEIR and was astonished to find that only the first
25 page of the spreadsheet had been included. I immediately notified Mr. Flashman of this fact.

26 I have personal knowledge of the above facts, and I declare under penalty of perjury
27 under the laws of the State of California that the foregoing is true and correct. Executed on April
28 25, 2011 at Sacramento, California.



Elizabeth Goldstein Alexis

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Exhibit A

