

## 19 STANDARD RESPONSES TO FREQUENTLY RAISED COMMENTS

As part of the public review process from July 20, 2007 to October 26, 2007 for the Draft Bay Area to Central Valley High Speed Train (HST) Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS), the High-Speed Rail Authority (Authority) and the Federal Railroad Administration (FRA) received a more than 400 comment letters containing more than 1,300 individual comments on the Draft EIR/EIS and on the proposed project generally. The following standard responses are intended to provide broad responses to the most frequently raised issues and to supplement individual responses to comments.



U.S. Department  
of Transportation  
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**STANDARD RESPONSE 1****The Programmatic Decision Selecting a HST Alignment and Station Locations Between the Bay Area and Central Valley**

*Some comments expressed confusion over the nature of the decision to be made based on this programmatic environmental document.*

EIR/EIS to avoid and minimize impacts to the greatest extent possible.

This Program EIR/EIS is specifically designed to assist the Authority in making the fundamental choice of a preferred alignment within the broad corridor between and including the Altamont Pass and Pacheco Pass for the HST segment connecting the San Francisco Bay Area to the Central Valley. This Program EIR/EIS is tiered from the California High Speed Train Program EIR/EIS (statewide program EIR/EIS) that supported the Authority's selection of corridor alignments and station locations for the majority of the HST System. The statewide program EIR/EIS defined the broad corridor between and including the Altamont Pass and Pacheco Pass for further programmatic study that is now contained in this Program EIR/EIS.

The Draft Program EIR/EIS examined a total of 21 network alternatives that fall into three groups for linking the Bay Area to the Central Valley: Altamont Pass (11 network alternatives); Pacheco Pass (6 network alternatives) and Pacheco Pass with Altamont Pass (local service) (4 network alternatives). The information and analysis contained in the Program EIR/EIS will allow the Authority to select a network alternative, the corridor alignment components within it, and the station locations for the alignments.

As a programmatic document, the Program EIR/EIS does not analyze detailed, site-specific impacts of future projects to construct sections of the HST system. For this reason, in selecting alignments and station locations, the Authority will not be selecting a precise footprint for improvements, but rather a conceptual corridor alignment subject to further refinement. Future tiered project-level environmental documents will assess the impacts of constructing and implementing individual HST projects for sections of the HST system and will examine specific project location alternatives for the selected corridor alignment and alternative station sites for the selected location options, utilizing design practices described in the



**STANDARD RESPONSE 2****The Nature of a Programmatic Level of Analysis and Tiering Under NEPA and CEQA**

*Some comments expressed frustration with the level of detail of analysis in the programmatic EIR/EIS and questioned whether it was adequate for identifying impacts and distinguishing between alternatives.*

Both CEQA and NEPA require that an agency consider the environmental effects of its actions at the earliest point in time when the analysis is meaningful, and it is within the agencies' discretion to fashion an environmental process appropriate to the type of decisions they are considering. The Authority and FRA previously decided to use a tiered environmental review process and prepared the statewide program EIR/EIS describing the broad environmental consequences of the HST alternative, a Modal alternative that accommodated increased travel demand by expanding existing facilities (roads and airports) and a No Action alternative. The statewide program EIR/EIS also evaluated conceptual HST alignment corridors and station options. In 2005, the Authority and FRA selected corridor alignments and station locations for the majority of the HST System as well as a broad corridor between and including the Altamont Pass and Pacheco Pass for further programmatic study. This Bay Area to Central Valley HST Program EIR/EIS describes the further programmatic study and supports selection of corridor alignments and station locations in this region.

By preparing two programmatic documents, the decision makers and the public have had the benefit of environmental review of the broad policy-level decisions early in the process, at a point in time when the basic decisions are being considered. This first tier of environmental review makes only programmatic decisions about the general location of alignments and stations, while site-specific environmental impacts related to planned improvements and facilities will be evaluated in subsequent project-level environmental documents.

Nature of a Program EIR/EIS

The Authority's anticipated decision over alignments and station location options for the portion of the HST system linking the Bay Area to the Central Valley represents a broad choice at a conceptual stage of planning and decision making. This EIR/EIS has been prepared at a programmatic level of detail commensurate with the conceptual nature of the decisions to be made at this time. The Authority and the FRA have intentionally tailored the scope of this environmental analysis to the conceptual nature of the proposed decisions, consistent with the concept of tiering in both NEPA and CEQA.

Tiering

Program or first-tier EIRs or EISs are deliberately focused on the "big picture" impacts of proposed decisions. To avoid repetition and unnecessary speculation, a lead agency may tier its environmental documents so that later EIRs or EISs incorporate and build on previous ones. A first-tier or program EIR may therefore be limited to the analytical information needed to make a general decision, with detailed analysis of potential impacts of a more specific decision deferred until a second-tier or project-level environmental document.

This Program EIR/EIS is structured to be used as a tiering document. Individual environmental reviews of second-tier projects to implement the HST system can incorporate by reference and use relevant portions of the Program EIR/EIS as a basis from which to supplement this analysis and refine the level of detail. Tiering will assist the Authority in focusing on issues that are ripe for decision at each state of environmental review and in excluding from consideration issues that have already been decided or deferring those that are not ready for decision. Second-tier documents will be prepared to concentrate on issues specific to the individual project being considered and site(s) chosen for the action before construction can be initiated. The environmental reviews and initial

studies for site-specific, second-tier projects can incorporate by reference the discussions in the program EIR, and “concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior environmental impact report.” (Public Resources Code section 21068.5.)

The Council on Environmental Quality’s NEPA implementing regulations regarding Tiering (CEQ - 40 CFR § 1508.28) state that: “‘Tiering’ refers to the coverage of general matters in broader environmental impacts statements (such as a national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basinwide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statement or analysis is: (b) From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.”

FRA and Authority have followed federal and state requirements for programmatic analyses and disclosures and have sufficiently met these requirements to enable the identification of a preferred alternative. The HST Program geographically consists of logical linear sections in a chain of contemplated actions that would be carried out under the same authorizing statutory and regulatory authority, each section with similar environmental effects that can be mitigated in similar ways. This Program EIR/EIS, and the statewide program EIR/EIS, allowed the FRA and the Authority to consider broad policy and program alternatives and program-wide mitigation strategies at an early stage of decision making. The Authority expects to certify this document and the FRA expects to issue a Record of Decision allowing the sections of HST Program in the study region to move into the preliminary engineering and project-

level environmental review. FRA and the Authority have, as part of the statewide program EIR/EIS process, committed to applying design practices and mitigation strategies in examining subsequent project activities, and intend to make similar commitments at the conclusion of this Program EIR/EIS.

#### Sufficiency of Information for the Decision

The Authority and the FRA believe that the general level of detail in the impacts analysis and the general nature of the mitigation strategies are appropriate for the broad decisions to be made based on the Final Program EIR/EIS. As explained in Standard Response 3, the Draft Program EIR/EIS identified critical environmental impact differences between the Altamont Pass, Pacheco Pass, and Pacheco Pass with Altamont Pass (local service) alternatives for connecting the Bay Area with the Central Valley. The document also reveals differences related to the ability of each option to meet the project purpose, need, and objectives and to be feasibly implemented. These differences are precisely the type of information that is needed for the decision makers to make the overall choice of a corridor alignment and station locations.

Chapter 3, “Affected Environment, Environmental Consequences, and Mitigation Strategies”, Section 3.0.1, “Purpose and Content of This Chapter,” of the Draft Program EIR/EIS states:

*... The analysis presented in this chapter addresses the general effects of a program of actions that would make up the proposed HST system in the Bay Area to Central Valley study region. This chapter describes the general differences in potential environmental consequences between the No Project and the HST Alignment Alternatives identified in Chapter 2. The analysis also identifies key differences among the potential impacts associated with the various HST Alignment Alternatives and station location options, to support the selection of preferred alignments and station location options in the Bay Area to Central Valley study region. (emphasis added)*

The Draft Program EIR/EIS does not purport to be able to identify all of the detailed impacts of each alignment or station location option but rather focuses on identifying and describing key differences in potential impacts for each of the alternatives. More detailed

analyses will be provided in future project-level environmental documents.

Methods of impact evaluation for the project were developed with input from both state and federal resource agencies. Due to the sheer number and length of the alignment alternatives and the number of station location options being considered, detailed field surveys and extensive evaluations of affected resources were not practical or necessary for this Program EIR/EIS. The lists and tables of resources proximate to alignment alternatives and station location options served to adequately portray the overall potential impacts in a manner that allowed for a comparison of the key differences.

FRA and the Authority believe that the Draft Program EIR/EIS has provided sufficient information to enable reasonable findings regarding the potential environmental impacts of various alignment alternatives and station location options thus allowing for the identification of a preferred alternative – the overall intent of the

Draft Program EIR/EIS. Impact analyses were applied comprehensively and systematically for all of the alignment alternatives and station location options and made use of relevant, available information regarding the affected environment. The Draft Program EIR/EIS identified potentially significant impacts that may result from both the construction and operation of a HST system in the Bay Area to Central Valley as part of a statewide HST system. Mitigation strategies and measures, along with project design elements, lay out actions that will be taken to avoid or reduce the identified impacts. Please see Standard Response 5 regarding mitigation strategies.

FRA and the Authority acknowledge that a large amount of additional environmental analysis will be necessary at the project level, which is fully consistent with the tiering of the environmental documents.



**STANDARD RESPONSE 3****The Environmental Tradeoffs Among Network Alternative**

*Many comments advocated the Altamont Pass, many others advocated the Pacheco Pass, and still others the Pacheco Pass with Altamont Pass (local service). Some of these comments were directed at the choice to be made by the Authority and the FRA, while others questioned the environmental analysis in the Draft Program EIR/EIS related to that choice. Some comments suggested it was difficult to compare the environmental impacts of the alternatives in the Draft Program EIR/EIS.*

The environmental analysis in the Draft Program EIR/EIS describes the potential for significant adverse environmental impacts for network alternatives in three groups: Altamont Pass, Pacheco Pass, and Pacheco Pass with Altamont Pass (local service). Some significant adverse environmental impacts are unavoidable with any of the network alternatives even with the incorporation of design practices and the application of mitigation strategies. The analysis demonstrates, however, that there are broad overall differences in the type and extent of environmental impacts and differences in the ability of the network alternatives to meet the project objectives/purpose and need. These differences have been considered by the Authority and the FRA in identifying the preferred alignment alternative and preferred station locations and will be considered in making decisions to advance the HST system for future analysis and implementation. Chapter 8 of the Final Program EIR/EIS describes the preferred HST Network and Alignment Alternatives and station options as well as the evaluation of Network Alternatives that supported the identification of the preferred alternative. This information is also summarized in the Summary chapter of the Final Program EIR/EIS.

While there are trade-offs among the different network alternatives, the most promising alternative, Pacheco Pass with service to San Francisco and San Jose termini best meets the purpose and need for the proposed HST system. For alternatives to San Francisco, SFO, and the San Francisco Peninsula, this HST alternative minimizes

impacts on wetlands, waterbodies, and the environment as compared to alternatives with a Bay crossing. The preferred alternative would not require a Bay crossing and would not affect the Don Edwards National Wildlife Refuge. This alternative minimizes construction issues and logistical constraints, which can lead to delay and cost escalation. It best serves the connection between northern and southern California with the greatest potential frequency and capacity, superior connectivity between the South Bay and Southern California, and fewer potential intermediate stops. It fully utilizes the Caltrain corridor, is complimentary to Caltrain, and would utilize the Caltrain right-of-way and share tracks with express Caltrain commuter rail services. The Pacheco Pass is strongly supported by the Bay Area region, cities, agencies and organizations and this support is critical towards implementing this major infrastructure project through the heavily urbanized Bay Area linking San Francisco, San Jose and Gilroy.

Altamont Pass alternatives are burdened with considerable right-of-way and logistical constraints. The East Bay alignment segment south of Fremont would need to be constructed along I-880 south of Mission Boulevard towards San Jose with the potential for a long process with Caltrans to define and construct the elevated HST trackway within the freeway right-of-way. Caltrans has serious concerns about construction within the constrained I-880 median. The Tri-Valley PAC (a partnership that includes the cities of Dublin, Livermore, Pleasanton, Danville, San Ramon, and Tracy along with transportation providers LAVTA, ACE, and BART) has raised serious concerns regarding land use compatibility and right-of-way constraints and the need for aerial structures through the Tri-Valley area. All Altamont Pass alternatives have tunneling/seismic issues (Calaveras Fault) in the Pleasanton Ridge/Niles Canyon area as well as seismic issues in the East Bay (Hayward Fault). The City of Fremont opposes the Altamont Pass network alternative as does the City of Pleasanton although Pleasanton remains "open" to terminating Altamont alternatives in Livermore. In its adopted



Regional Rail Plan for the San Francisco Bay Area, the MTC raised certain issues associated with an East Bay HST alignment to Oakland and San Jose and MTC is not recommending an East Bay alignment. The Authority and FRA examined these and other issues as discussed below and concurred with MTC's evaluation of not recommending an East Bay alignment.

- **Right-of-Way Constraints and Duplicate Investment –** Commitments have already been made to improve Capitol Corridor service and to extend BART to San Jose but these improvements would not be compatible with HST service, which would need to use separate tracks. Non-electric, conventional Capitol Corridor trains will continue to share track with standard freight services in the constrained UPRR owned right-of-way. When fully developed, BART and Capitol Corridor will provide complementary rail options with BART serving more local stops and Capitol Corridor primarily serving regional stops. The capital cost of the East Bay line segment is approximately \$4.9-billion.
- **Risk of UPRR Right-of-Way Agreement –** There is considerable risk in securing an agreement from UPRR to obtain the right to construct additional tracks for the HST along the Niles Subdivision where the high-speed alignment is proposed between Mission Boulevard and Oakland.
- **Potential Environmental Justice Concerns –** The environmental screening in the MTC Regional Rail Plan indicated potential concerns with construction of a new elevated alignment through existing urbanized areas especially in the East Bay between Fremont and Oakland.
- **Right-of-Way Constraints within I-880 –** The East Bay alignment segment south of Fremont would need to be constructed along I-880 freeway south of Mission Boulevard towards San Jose with the potential for a long process with Caltrans to define and construct the elevated HST trackway within the freeway right-of-way. Caltrans has serious concerns about construction within the constrained median.

The Altamont Pass network alternatives that require a new transbay tube to serve San Francisco would have significant potential environmental impacts on aquatic and sensitive resources, considerable construction issues and very high and unpredictable costs. These alternatives would have over 38 acres of potential direct impacts on the San Francisco Bay and other waterbodies and more than 33 acres of potential direct impacts on wetlands, 70% of that occurring within the area of the Bay. The Altamont Pass network alternatives that require an elevated Bay crossing or a tunnel along the Dumbarton corridor to serve San Francisco would have even greater potential environmental impacts. These alternatives would also impact the nationally recognized Don Edwards San Francisco Bay National Wildlife Refuge. The network alternatives crossing at this location would result in more than 39 acres of potential direct impacts on the Bay and other waterbodies and up to 46.3 acres of potential direct impacts on wetlands, 73% occurring within the area of the Bay. For any alternatives that include a new Bay crossing, extensive coordination would be required with the USACE under section 10 of the Rivers and Harbors Act, the USFWS, and the California Coastal Commission. Proposed facilities crossing the Bay would also be subject to the USACE, CDFG, and BCDC permit processes and approval would be time consuming and uncertain.

The Pacheco Pass with Altamont Pass (local service) would have greater environmental impacts, construction issues and logistical constraints in general than either Altamont or Pacheco due to the sheer increase in size of the HST system. The USEPA concluded that the Pacheco Pass with Altamont Pass (local service) network alternatives are not likely to contain the Least Environmentally Damaging Alternative (LEDPA), an important Clean Water Act requirement.

In acknowledgment that the Altamont Pass provides superior travel times between Sacramento/Northern San Joaquin Valley and the Bay Area, and that there is great potential for serving long-distance commuters in this corridor, the Authority is pursuing a partnership with local and regional agencies and transit providers to propose and develop a joint-use ("Regional Rail" and HST) infrastructure project



in the Altamont Pass corridor – as advocated in MTC’s recently approved “Regional Rail Plan for the San Francisco Bay Area.” Regionally provided commuter services would require regional investment for additional infrastructure needs and potentially would need operational subsidies. The Authority cannot unilaterally plan for regionally operated commuter services. The Altamont Pass corridor improvements will be pursued as an independent project with a different purpose and need from the proposed HST system, that would accommodate HST service as well as “regional rail” (regionally operated long-distance commuter services).

For more detailed information regarding the identification of the preferred alternative, the comparison of alternatives, and the “Altamont Pass Project” please see Chapter 8, “Preferred HST Alignments and Station Location Options” and the “Summary” chapter of this Final Program EIR/EIS.



**STANDARD RESPONSE 4****The Role of the HST System in Influencing Growth**

*Some comments questioned the role of the HST system in influencing growth, and the HST system's influence on station areas and local jurisdiction's growth.*

The Authority and FRA agree that the HST system has the potential to induce growth. Indeed, results from the growth inducement analysis in Chapter 5 of the Draft Program EIR/EIS show that the HST alternatives are projected to induce more population and employment than the No Project alternative in each analysis county. However, the results show that overall population and employment levels of the HST alternatives are on the same order of magnitude as the No Project alternative.

Sections 4.2 and 5.2 of the technical report on economic growth effects<sup>1</sup> provides a detailed review of growth inducing differences between the alternatives, and these differences are fully disclosed in summary fashion in Section 5.3 of the Draft Program EIR/EIS. These discussions are based on information derived from a multi-tiered analytic process and state-of-the art economic forecasting tools.

The analysis results support the conclusions that the growth inducing effects and indirect impacts are similar between the HST and No-Project alternatives at the program level of analysis, and that the Pacheco HST alternative has less of a regional growth inducing effect than the Altamont HST alternative. Table 5.3-5 in the Draft Program EIR/EIS shows that the Pacheco Pass network alternative could induce up to 1.2% population growth and 1.7% employment growth in the northern Central Valley (Sacramento County to Fresno County). The Altamont HST alternative could induce up to 1.9% population growth and 2.3% employment growth in that area. The reasons for this difference are two-fold:

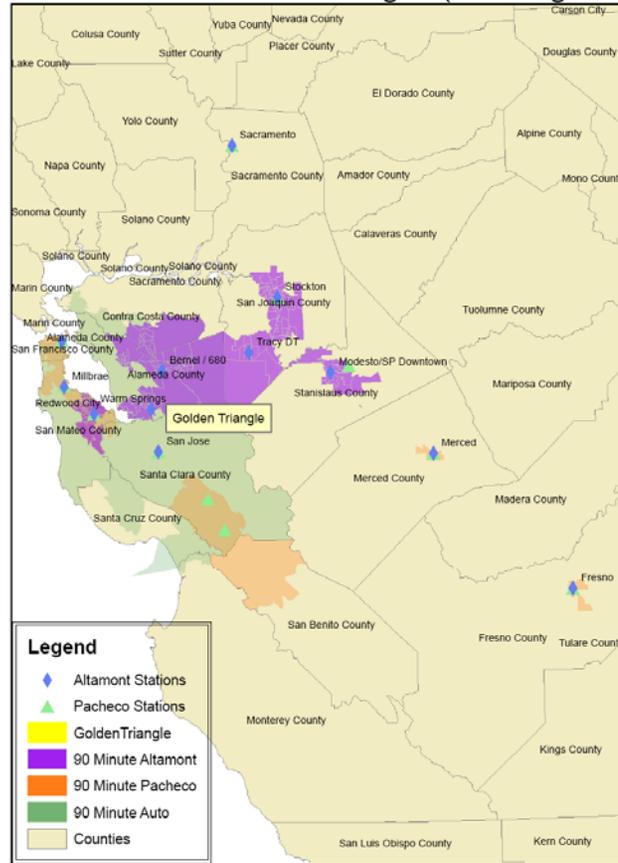
- While Pacheco traverses more undeveloped land than Altamont, station location (rather than HST alignment characteristics) is the primary determinant of growth inducement. Altamont is likely to have more stations than Pacheco in the Bay Area to Central Valley corridor.
- All Altamont and Pacheco network alternatives provide HST station options in the same communities throughout the Central Valley and Southern California. The only substantial difference outside of the Bay Area is that Altamont provides the opportunity for an additional HST station in Tracy, which is near other HST stations in Stockton and Modesto. Within the Bay Area, the only potential station differences are in the provision of stations in southern Santa Clara County or eastern Alameda County. While there are these minor differences, regional access to an HST station is relatively equal when similar Altamont and Pacheco network alternatives are compared.
- Pacheco and Altamont provide relatively similar accessibility between the Bay Area and Southern Central Valley (Fresno to Bakersfield). However, Altamont provides better accessibility between the Bay Area and Central Valley areas north of Merced due to more direct service and faster travel times. Figure 1 depicts this accessibility concept by showing areas that are within 90 minute door-to-door travel time of the "Golden Triangle" in San Jose. This figure illustrates that most of the East Bay, South Bay, Peninsula, and Santa Cruz County are within 90 minutes auto travel time of the Golden Triangle. The Pacheco HST alternative expands this accessibility into Northern San Benito County and locations immediately adjacent to the Merced and Fresno HST stations. The Altamont HST alternative expands this accessibility over a larger portion of the East Bay as well as the most populated portions of San Joaquin and Stanislaus Counties.

<sup>1</sup> Cambridge Systematics, Inc.; *Economic Growth Effects Analysis for the Bay Area to Central Valley Program-Level Environmental Impact Report and Tier 1 Environmental Impact Statement – Final Report*, July 2007.



**Figure 1 – Accessibility Example to Bay Area Employment Centers**

Locations within 90 Minute Door-to-Door Travel Time of "Golden Triangle" (Drive Egress)



Since growth inducement is directly related to the number of stations, station locations, and accessibility gains, Altamont has a slightly higher growth inducing potential than Pacheco.

Growth inducement relative to base conditions is also a key consideration. The growth inducement analysis in Chapter 5 of the Draft Program EIR/EIS provides these types of comparisons. The analysis found that the proportionate population and employment increase was of the same general scale in most counties.

Regarding growth in the Los Banos area, the Authority took affirmative action to eliminate a potential Los Banos HST station as part of the Statewide Program EIR/EIS (see Chapter 8.6.2), stating:

*The Authority also has determined that the Pacheco Pass alignment HST station at Los Banos (Western Merced County) should not be pursued in subsequent environmental reviews because of low intercity ridership projections for this site, limited connectivity and accessibility, and potential impacts to water resources and threatened and endangered species.*

Nothing in the Bay Area to Central Valley Draft Program EIR/EIS alters this prior decision regarding a Los Banos HST station. In fact, the Staff Recommendation for the Preferred HST Alternative states:

*Staff also recommends that the Authority re-affirm its Statewide Program EIR/EIS decision that there will be no stations between Gilroy and Merced and dismiss from further consideration the potential "Fleet Storage/Service and Inspection/Light Maintenance" location near Los Banos.*

While the lack of a station does not prevent residents of Los Banos from using the HST, it would not be the most convenient choice (in terms of time and cost) for commute trips between Los Banos and the Bay Area. For example, a trip from Los Banos to the Golden Triangle on the HST would entail a door-to-door journey of two hours and 36 minutes, including a 66 minute long driving trip to access the nearest station at Gilroy. A similar trip could be made by private automobile in one hour and forty minutes. Even a trip to Downtown San Jose from Los Banos will take about 120 minutes door to door) via HST compared to about 105 minutes via auto. These substantial time differences, in addition to the expense of taking HST, mean the HST will have no effect on accessibility between the Bay Area's major job sites and the Los Banos area.

The analysis results support a conclusion that the growth associated with HST will not substantially change the overall magnitude, location or style of growth in the study area. Travel demand model results used for the growth inducement analysis indicate that the accessibility barriers that exist between Northern Central Valley housing and Bay Area jobs are largely overcome with the planned and programmed highway improvements included in the No Project alternative. This result means that the Northern Central Valley is an attractive housing location for Bay Area job seekers under all system alternatives, including the No Project alternative. Rather than encouraging additional sprawl, the HST will offer a market disincentive to low density design by creating station-area markets that can be developed according to the transit-oriented design principles outlined in Chapter 6.

#### HST's Influence on Station Areas and Local Jurisdiction's Growth

The growth analysis presented in Chapter 5 does not identify any significant impacts from the indirect effects of growth inducement at the program level of analysis. Therefore, it is not necessary to analyze or adopt specific mitigation strategies for indirect effects of growth inducement for Merced County, Madera County, or any other county.

Notwithstanding the above, the Authority recognizes that future development intensification near stations may contribute to maximizing system wide ridership, supporting locally-adopted land use plan changes, reducing impacts to farmlands and reducing the extent of potential new urbanization. To capture this potential, the Authority has articulated a number of general principles for HST Station Area Development that are described in Chapter 6 of the Program EIR/EIS. These principles will be at the forefront during project-level environmental review of selection of station sites and in implementing station development.

HST station area development principles draw on transit-oriented design strategies that have been effective at focusing compact growth within walking distance of rail stations and other transit facilities. The Authority recognizes that land use is generally within the purview of local government and acknowledges the fact that

local governments will play a key role in implementing station area development. This role would include adopting plans, policies, zoning provisions and incentives for higher densities, and by approving a mix of urban land uses within at least a ½ mile radius around proposed HST stations.

The statewide HST system is likely to have more than 20 stations. The Authority has the powers necessary to oversee the construction and operation of a statewide high-speed rail system and to purchase the land required for the infrastructure and operation of the system. The powers and responsibility needed to focus growth and station area development guidelines in the areas around high speed rail stations, however, will continue to reside primarily with local government.

Through subsequent project development and environmental processes, the Authority will determine final station sites. The Authority has determined that station-area development and value-capture at and around station sites are essential for promoting HST ridership, and recognizes the need to work with local governments to ensure that effective land use policies are adopted and implemented.<sup>2</sup> Thus, the Authority will work closely with communities being considered for HST stations throughout future environmental review processes and the implementation of HST.

Significant growth is expected in large areas of California with or without an HST system. The proposed HST system, however, would be consistent with and promote the state's adopted smart growth principles<sup>3</sup>, and by providing a market rationale for development intensification near HST stations could be a catalyst for wider adoption of smart growth. The No Project alternative does not provide the same market rationale or smart growth incentives.

<sup>2</sup> As part of "Staff Recommendations" adopted at the January 26, 2005 Authority Board Meeting in Sacramento.

<sup>3</sup> As expressed in the Wiggins Bill (AB857, 2003) and in government code 65041.1.



**STANDARD RESPONSE 5****The Role of Mitigation Strategies**

*Some comments suggested the mitigation strategies in the EIR/EIS are too general and that the EIR/EIS should revise them to make them more specific.*

This Program EIR/EIS identifies general mitigation *strategies* that the Authority and the FRA will consider and refine into specific mitigation *measures* in future project-level environmental documents needed to implement the HST system. This approach is consistent with the concept of tiering. Where, as here, a lead agency is analyzing the environmental impacts of a broad decision at a landscape level, it would be premature to develop precise mitigation *measures*, which will need to be tailored to the type of “on the ground” impacts anticipated for constructing or operating specific portions of the HST system.

The mitigation strategies, along with project design practices lay out actions that will be taken to avoid or reduce identified impacts. These strategies were identified to avoid or minimize significant adverse environmental effects. The mitigation strategies identified have been applied to projects throughout the State, country, Europe, and Japan and have been shown to be effective, which is in fact the reason they are included in the Draft Program EIR/EIS. The adopted strategies will be enforceable and capable of being accomplished in a successful manner within a reasonable period of time.

As part of the approval of the project and certification of the Program EIR, these strategies will be included in a mitigation monitoring and reporting plan (MMRP) to be adopted by the Authority Board. Likewise the MMRP will be incorporated in the Record of Decision issued by the FRA. Once adopted, this MMRP will be enforceable under CEQA, committing the Authority to these strategies.

Detailed site-specific mitigation measures can and will be defined during the project-level EIR/EIS phase, following more detailed preliminary engineering and field reviews focused on the alternative

selected at the program level. The mitigation strategies will be used to develop appropriate mitigation measures to address site-specific impacts identified at the project level.

For instance, use of noise walls is a mitigation strategy for noise impacts. The appropriate locations, lengths, height, and design of these walls will be defined during the preliminary engineering and project-level environmental review, when detailed field studies are performed. For the program-level review, it is not practical, given the time and costs, to define specific noise wall locations, heights, or design, nor would such information be meaningful since the location of the alignment is likely to shift vertically and horizontally during preliminary engineering and project level environmental review.

This example applies to all of the mitigation strategies in this Program EIR/EIS, and is fully consistent with typical project planning and the environmental review requirements. Mitigation measures are refined as the planning and engineering progress from the conceptual to preliminary to final project design phases. For example, the exact location, length, and materials used for noise walls may change even between preliminary and final design.

As this planning and engineering process progresses, and as project elements are more precisely defined, further review of project impacts occurs to assure that impacts are still being mitigated to the extent feasible and that no new significant impacts are introduced. Environmental laws and implementing requirements prescribe the procedures to be followed should new significant impacts be revealed.

Some comments suggest that this approach amounts to deferral of mitigation. The Draft Program EIR/EIS does not defer mitigation but rather provides an extensive list of mitigation strategies that will be further reviewed, refined and applied at the project-level.

This approach is fully consistent with CEQA and NEPA. FRA and the Authority have, as part of the statewide program EIR/EIS process,



committed to applying design practices and mitigation strategies in examining subsequent project activities, and intend to make similar commitments at the conclusion of this Program EIR/EIS.



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