



PUBLIC WORKS DEPARTMENT

Council Meeting Date: February 24, 2009
Staff Report #: 09-028
Agenda Item #: F3

REGULAR BUSINESS: Approval of a Comment Letter on the Scope of the Environmental Impact Report/Environmental Impact Statement for the San Francisco to San Jose Segment of the California High Speed Train System

RECOMMENDATION

Staff recommends that the City Council approve the comment letter (included as Attachment A) on the Scope of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Francisco to San Jose Segment of the California High Speed Train System.

BACKGROUND

Established in 1996, the California High Speed Rail Authority is charged with planning, designing, constructing, and operating a state-of-the-art high speed train system. The Authority is governed by a nine-member Board; five members are appointed by the Governor, two by the Senate Rules Committee, and two by the Speaker of the Assembly.

The High Speed Rail (abbreviated as HST for "high speed train" in the environmental documents) system as a whole would serve San Diego to Sacramento, including other major cities in-between. A branch of the system would separate and run from the Central Valley to the San Francisco Bay Area. The HST system is planned to access San Jose as well as San Francisco, with other local stops. The system is planned to be electrified, using overhead electric lines.

According to the California High Speed Rail Authority ("Authority"), by 2030 an estimated 117 million passengers would be served annually on the system. The estimated travel time by HST between San Francisco and Los Angeles would be just under two hours and thirty minutes.

The Authority has previously approved a Draft Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) on the proposed Central Valley to Bay Area segment of the California High Speed Rail Project. The EIR/EIS analyzed many different routes from the Central Valley to the Bay Area, including the Pacheco Pass near Highway 152 and the Altamont Pass near I-580 in the East Bay. Ultimately, the High Speed Rail Authority approved the Caltrain corridor as the preferred alignment from San Francisco to San Jose.

Proposition 1A was approved by the voters of California in November of 2008 to provide a bond issues of \$9.95 billion for the project. The total estimate cost for the first phase of the project from San Francisco to Anaheim is \$38 billion. Additional Federal and private funding sources are necessary to complete the project.

Procedurally, the EIR/EIS fulfills both the National Environmental Protection Act and California Environmental Quality Act requirements. The approved Program EIR/EIS considered the broad-scale impacts of the project. In this case, the project-level EIS/EIR will provide a more specific and detailed analysis of the HST along the Caltrain corridor. The City of Menlo Park previously provided comments on the first and second Program EIR/EIS for the HST.

ANALYSIS

The Authority is in the process of preparing the required project-level environmental documents and analyses for the project. The first step is to determine the scope of review and items to include in the environmental documents and studies. The Authority issued a Notice of Preparation (NOP) seeking input on the scope of the environmental documents (see Attachment B). The Authority has held several public meetings to provide information on the project and allow the public to provide comments on the scope of the EIR/EIS.

In Menlo Park, the High Speed Rail Project would use the Caltrain corridor. The HST system would electrify the line (if Caltrain has not done that already) and grade-separate all crossings. The trains would be express through Menlo Park, with the nearest station stop being in either Palo Alto or Redwood City. Only one of these two, or neither cities would ultimately be selected. The HST will stop at the existing Millbrae Caltrain/BART station. Trains would run in this segment at speeds of about 125 miles per hour.

The City has commented on previous program-level (overview) environmental documents. Many of the issues raised in these letters have not been addressed and will need to be analyzed in the EIR/EIS. These items have been incorporated into the attached letter.

The Council appointed a sub-committee to discuss issues related to the HST system. The sub-committee has reviewed the general list of topics to include in the letter and was in agreement with the list.

A draft list of items that staff planned to incorporate into the comment letter was considered by the Transportation Commission on February 11, 2009. The Commission generally agreed with the topics to include in the letter and provided additional comments and revisions. These items have been incorporated into the draft letter.

The draft letter includes items, which the City is expecting to be analyzed in the environmental documents. In order to reduce impacts to the City of Menlo Park from this project, these items need to be clearly analyzed, discussed, and mitigated. If the letter is approved by Council it will be forwarded to the Authority as official comments on the scope of work for the EIR/EIS. The deadline for comments on the scope of the EIR/EIS

has been extended from March 6, 2009 to April 6, 2009. This extension was made possible by the recently formed Cities Coalition spearheaded by Council Members Cline and Fergusson.

IMPACT ON CITY RESOURCES

The HST project involves no direct commitments of City resources. The project has, however, three major implications for City resources:

- 1) The City could get grade separations of all four of its roadway crossings without any City financial contribution of local funds or its discretionary share of County transportation sales tax (Measure A) funds.
- 2) As currently planned, construction of the HST would be funded by bonds paid off by direct draw-downs on the State general fund. Since cities, counties, schools, and many special districts, as well as many aspects of State government, compete for State funding when resources are limited, this funding mechanism could place the HST in competition for a share of the funding that Menlo Park receives.
- 3) Although design and construction of the added tracks and grade separations through Menlo Park would be the HST project's costs, Menlo Park has and would incur staff costs in coordinating the planning, design, and construction activities of the HST project.

POLICY ISSUES

There are no policy issues as a result of this action.



Chip Taylor
Transportation Manager

Kent Steffens
Director of Public Works

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

- A. City of Menlo Park draft comment letter on the scope of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Francisco to San Jose Segment of the California High Speed Train System
- B. Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for a San Francisco to San Jose High-Speed Train system, primarily along the Caltrain Rail Corridor

February 24, 2009

California High Speed Rail Authority
Attn: California High Speed Train
Bay Area High Speed Rail ER/EIS Notice of Preparation
925 L Street, Suite 1425
Sacramento, CA 95814

Subject: City of Menlo Park Comments on the Scope of the EIR/EIS for
the San Francisco to San Jose Segment of the High Speed
Train

Members of the Authority:

Thank you for the opportunity to provide comments on the Scope of the Environmental Impact Report/Environmental Impact Study (EIR/EIS) for the San Francisco to San Jose segment of the High Speed Train (HST) system.

The City of Menlo Park is concerned about the impacts to the community and wants to find the best way to minimize those impacts. The following information should be analyzed in the EIR/EIS to make a determination on the best way to construct the project on the Peninsula:

1. Grade Separations - The EIR/EIS needs to evaluate all grade separate options within Menlo Park including a full trench, partial trench, tunnel, full elevated, and split alternatives. Grade separations on the Caltrain mainline will create impacts because of the constrained nature of the development in Menlo Park as well as the presence of the historical Menlo Park Train Station Depot building. One likely alternative for grade separation would include raising the tracks. This particular alternative has another unique issue of creating a "wall effect" within the community and dividing the City. A trench or tunnel alternative would significantly lessen the impacts in the City. The tunnel alternative could utilize the air rights above the system to offset the cost of the system.

2. Economic Impacts- Evaluate the economic impacts caused to any businesses that may be disrupted during construction and ongoing operation of higher train volumes. This analysis should be performed for each alternative and factored into the evaluation process. The analysis should include the temporary construction impacts as well as long term permanent impacts.

3. Trackage Alternatives- Evaluate various trackage alternatives including two, three, and four sets of tracks and how impacts differ.

4. Electrification –The appearance of overhead electric power supply for the trains, including the wires, supporting poles, mast arms and insulations, is a matter of significant concern. Also, the electrification system should be compatible with the proposed Caltrain electrification such that two systems do not need to be constructed and maintained. The visual impacts of the electrification system should be clearly analyzed and mitigated. Also, the impacts to trees and other landscaping needs to be analyzed.

5. Noise and vibration mitigation – The additional noise and vibration caused by the HST needs to be clearly stated and addressed. Any noise and/or vibration impacts need to be mitigated as part of the project. Such measures should be included as integral components of the project. These measures should not create other impacts such as construction of a sound wall that might divide the City and affect the neighborhood feel of the community. Also, evaluate noise impacts and how noise levels would vary with different vertical track alignments (i.e. tunnel, trench, track at grade, elevated track), number of tracks and consider methods to reduce those impacts.

6. Visual Impacts - Analyze how visual impacts would vary with different vertical track alignments and sub-options such as berm vs wall for raised tracks, number of tracks, electricification and identify ways to reduce visual impacts to the community.

7. Construction Techniques - Analyze construction techniques that reduce impacts to the community and avoid the need for temporary tracks during construction including top-down construction of grade separations.

8. Property Take Reduction - Evaluate all options and construction methods to reduce the need for additional right-of-way and property takes and impacts.

9. Property Value - Analyze the impact to real property values near the rail due to more frequent rail traffic and increased noise, visual impacts and vibration levels from changes in the vertical track alignment and number of tracks. The use of a tunnel and air rights above the tunnel could have a positive effect on property values. This scenario should be analyzed in the EIR/EIS.

10. Freight – Menlo Park is concerned about freight traffic and its impact on residents and traffic in the area. Since the rail lines will be grade separated, which allows for faster train times and reduced vehicular and pedestrian conflicts, the lines would be more easily suited for freight traffic. This may lead to increased freight traffic on rail lines

that currently have minimal freight traffic. The EIR/EIS should analyze this issue and evaluate ways to reduce the freight traffic as part of the mitigation for the project. Also, the EIR/EIS should evaluate the elimination of freight service on the Peninsula as a potential mitigation measure to reduce noise, vibration and increase safety of the rail system.

11. Caltrain Service - Evaluate the impacts (either positive or negative) on current Caltrain service and its ability to provide improved service (i.e. more frequent stops at the Menlo Park station.)

12. Traffic Impacts - Analyze traffic impacts to City streets impacted during construction, and specifically identify any streets that would be detoured, reduced in capacity or closed during construction or permanently as part of the project. This should include an analysis of additional roadway traffic due to the development and subsequent operation of the High Speed Train and a mid-peninsula rail stop (i.e. Palo Alto or Redwood City). Traffic impacts in Menlo Park should be analyzed using the City's Traffic Impact Analysis Guidelines.

13. Funding – The project intends to use State General Obligation bonds to fund the project. This funding method would create a long-term financial obligation that could impact existing State programs. A detailed cost/benefit and fiscal impact analysis should be provided for the project. Also, additional funding sources should be sought to share the costs of the project. The cost of the project and its impact on other projects in the area need to be analyzed in the EIR/EIS.

14. Pedestrian and Bicycle Traffic – The EIR/EIS should include an analysis of the impact on Pedestrians and Bicycle Traffic included, but not limited to, noise, vibration, reduction in crossings. The use of a trench or tunnel could improve the ability for pedestrians to cross the tracks.

15. Rail Right-of-Way – The required right-of-way for the rail project needs to be clearly indicated for each of the alternatives considered as part of the EIR/EIS.

16. Tree Impacts – The impact on trees needs to be clearly analyzed in the environmental documents. These impacts may include trimming or removal. The removal and/or trimming of trees will create visual, noise, and climate change impacts. All of these impacts and any other impacts need to be clearly analyzed and mitigated.

17. Wildlife – The EIR/EIS should analyzed the impacts on wildlife in the area including, but not limited to, the impact on migration of these animals across the tracks.

18. Climate Change – The EIR/EIS should analyze the impact on the climate change. This analysis should be conducted for the construction of the project and subsequent operation of the system.

19. San Francisquito Creek – The current rail system crosses the San Francisquito Creek at the Menlo Park border with Palo Alto. Potential impacts to the creek's flow capacity or the stability of its banks should be evaluated.

The City of Menlo Park would expect the Authority to consider all of these comments when developing the draft EIR/EIS.

Finally, the City of Menlo Park appreciates the opportunity to provide input on the Scope of the EIR/EIS for the San Francisco to San Jose Segment High Speed Train System. The City looks forward to participating in the EIR/EIS process to review any impacts and proposed mitigation measures within Menlo Park. As previously noted, the City of Menlo Park cannot declare itself in support of the project until the issues described above have been carefully evaluated and addressed through the evaluation and design process.

Sincerely,

Heyward Robinson
Mayor

Cc: Members of the City Council
Quentin Kopp, High Speed Rail Authority Board Chairperson
Fran Florez, High Speed Rail Authority Board Vice-Chairperson
Donna Andrews, High Speed Rail Authority Board Member
David Crane, High Speed Rail Authority Board Member
Rod Diridon, High Speed Rail Authority Board Member
Kirk Lindsey, High Speed Rail Authority Board Member
Curt Pringle, High Speed Rail Authority Board Member
Lynn Schenk, High Speed Rail Authority Board Member
Tom Stapleton, High Speed Rail Authority Board Member
City Attorney
Director of Public Works

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NOTICE OF PREPARATION

FROM: Mehdi Morshed
Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

SUBJECT: Revised Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for a San Francisco to San Jose High-Speed Train system, primarily along the Caltrain Rail Corridor (Note: Review period ends March 6, 2009)

The California High-Speed Rail Authority (Authority), as the Lead Agency for the California Environmental Quality Act (CEQA) process for a proposed California High-Speed Train (HST) system, is issuing this Notice of Preparation of a Project EIR/EIS for the San Francisco to San Jose section of the proposed HST system.

This NOP initiates the State CEQA process and the preparation of an Environmental Impact Report/Environmental Impact Statement for the San Francisco to San Jose section of the proposed California High Speed Train System. The Authority is issuing the NOP to solicit public and agency input into the development of the scope of the EIR and to advise the public that outreach activities will be conducted by the Authority and its representatives in the preparation of the combined EIR/EIS. The Federal Railroad Administration (FRA), an operating administration with the United States Department of Transportation, will serve as federal lead agency for the federal environmental review process complying with the National Environmental Policy Act (NEPA). The FRA has responsibility for oversight of the safety of railroad operations, including the safety of any proposed high-speed train system. The FRA will publish a Notice of Intent (NOI) in the *Federal Register*, announcing the agency's intention to initiate the federal environmental review process for this section of the HST project.

The Authority and the FRA completed a Final Statewide Program EIR/EIS in August 2005 as the first-phase of a tiered environmental review process for the proposed California HST system. The Authority and the FRA completed a second program EIR/EIS in July 2008 to identify a preferred alignment for the Bay Area to Central Valley section of the HST system. The Bay Area to Central Valley HST Program EIR/EIS identified a preferred alignment following the Caltrain rail right-of-way, between San Francisco and San Jose along the San Francisco Peninsula, and through the Pacheco Pass via Henry Miller Road, between San Jose and the Central Valley. Tiering from the two program EIR/EISs, the Authority and the FRA will prepare a project EIR/EIS for the San Francisco to San Jose section of the HST along the Caltrain corridor.

DATES: Written comments on the scope of the San Francisco to San Jose HST project EIR/EIS should be provided to the Authority at the earliest possible date but no later than March 6, 2009. Public scoping meetings are scheduled from January 22 through January 29, 2009 as noted below.

ADDRESSES: Written comments on the scope should be sent to Mr. Dan Leavitt, Deputy Director, ATTN: San Francisco to San Jose HST Project EIR/EIS, California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814, or via email with subject line "San Francisco to San Jose HST" to: comments@hsr.ca.gov. Comments may also be provided orally or in writing at the scoping meetings.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Leavitt at (916) 322-1397 or at the above noted address.

SUPPLEMENTARY INFORMATION: The California High-Speed Rail Authority (Authority) was established in 1996 and is authorized and directed by statute to undertake the planning and development of a proposed statewide HST network that is fully coordinated with other public transportation services. The Authority adopted a Business Plan in June 2000, which reviewed the economic feasibility of an 800-mile-long HST system capable of speeds in excess of 200 miles per hour on a dedicated, fully grade-separated state-of-the-art track. The Authority released an updated Business Plan in November 2008

In 2005, the Authority and FRA completed a Final Program EIR/EIS for the Proposed California High Speed Train System (Statewide Program EIR/EIS), as the first phase of a tiered environmental review process. The Authority certified the Final Program EIR under CEQA and approved the proposed HST System, and FRA issued a Record of Decision under NEPA on the Federal Program EIS. This statewide program EIR/EIS established the purpose and need for the HST system, analyzed an HST system, and compared it with a No Project/No Action Alternative and a Modal Alternative. In approving the statewide program EIR/EIS, the Authority and the FRA selected the HST Alternative, selected certain corridors/general alignments and general station locations for further study, incorporated mitigation strategies and design practices, and specified further measures to guide the development of the HST system in site-specific project environmental review to avoid and minimize potential adverse environmental impacts. In the subsequent Bay Area to Central Valley HST Final Program EIR/EIS, the Authority and FRA selected the Caltrain right-of-way between San Francisco and San Jose as the preferred alternative to connect with the San Jose to Central Valley section.

The San Francisco to San Jose HST Project EIR/EIS will tier from the Final Statewide Program EIR/EIS and the Final Bay Area to Central Valley HST Program EIR/EIS in accordance with Council on Environmental Quality (CEQ) regulations, (40 CFR § 1508.28) and State CEQA Guidelines (14 C.C.R. §15168(b)). Tiering will ensure that the San Francisco to San Jose HST Project EIR/EIS builds upon all previous work prepared for and incorporated in the Statewide Program EIR/EIS and the Bay Area to Central Valley HST Program EIR/EIS.

The Project EIR/EIS will describe site-specific environmental impacts, will identify specific mitigation measures to address those impacts and will incorporate design practices to avoid and minimize potential adverse environmental impacts. The FRA and the Authority will assess the site characteristics, size, nature, and timing of proposed site-specific HST project sections to determine whether the adverse impacts are potentially significant and whether adverse impacts can be avoided or mitigated. This and other project EIR/EISs will identify and evaluate reasonable and feasible site-specific alignment alternatives, and evaluate the impacts from construction, operation, and maintenance of the HST system. Information and documents regarding this HST environmental review process will be made available through the Authority's Internet site: <http://www.cahighspeedrail.gov/>.

Project Objectives/Purpose and Need: The purpose of the proposed HST system is to provide a new mode of high-speed intercity travel that would link major metropolitan areas of the state; interface with international airports, mass transit, and highways; and provide added capacity to meet increases in intercity travel demand in California in a manner sensitive to and protective of California's unique natural resources. The need for a high-speed train (HST) system is directly related to the expected growth in population, and increases in intercity travel demand in California over the next twenty years and beyond. With the growth in travel demand, there will be an increase in travel delays arising from the growing congestion on California's highways and at airports. In addition, there will be negative effects on the economy, quality of life, and air quality in and around California's metropolitan areas from a transportation system that will be come less reliable as travel demand increases. The intercity highway system, commercial airports, and conventional passenger rail serving the intercity travel market are currently operating at or near capacity, and will require large public investments for maintenance and expansion to meet existing demand and future growth.

Alternatives: San Francisco to San Jose HST Project EIR/EIS will consider a No Action or No Project Alternative and a HST Alternative for the San Francisco to San Jose corridor.

No Action Alternative: The No Action Alternative (No Project or No Build) represents the conditions in the corridor as it existed in 2007, and as it would exist based on programmed and funded improvements to the intercity transportation system and other reasonably foreseeable projects through 2035, taking into account the following sources of information: State Transportation Improvement Program (STIP), Regional Transportation Plans (RTPs) for all modes of travel, airport plans, intercity passenger rail plans, and city and county plans.

HST Alternative: The Authority proposes to construct, operate and maintain an electric-powered steel-wheel-on-steel-rail HST system, about 800 miles long, capable of operating speeds of 220 mph on mostly dedicated, fully graded-separated tracks, with state-of-the-art safety, signaling, and automated train control systems. The San Francisco to San Jose HST preferred alignment selected by the Authority and FRA follows the Caltrain right-of-way from San Francisco to San Jose and in this area the HST would operate at speeds below 150 mph and would share tracks with Caltrain express commuter trains. Further engineering studies to be undertaken as part of this EIR/EIS process will examine and refine alignments in the Caltrain right-of-way. The entire alignment would be grade separated. The options to be considered for the design of grade separated roadway crossings would include (1) depressing the street to pass under the rail lines; (2) elevating the street to pass over the rail lines; and (3) leaving the street as-is and constructing rail line improvements to pass over or under the local street. In addition, alternative sites for right-of-way maintenance, train storage facilities, and a train service and inspection facility will be evaluated in the San Francisco to San Jose HST project area. See Figures 1A and 1B for maps of the San Francisco to San Jose section of the HST system.

The preferred station in the City of San Francisco is the Transbay Transit Center; in the City of Millbrae the existing Millbrae BART/Caltrain Station; and in the City of San Jose is the Intermodal Diridon Station. These station locations were selected by the Authority and FRA through the Bay Area to Central Valley HST Program EIR/EIS process considering the project purpose and need, and the program objectives. Potential station locations in the City of Redwood City at the existing Caltrain Station near downtown and in the City of Palo Alto at the existing Caltrain Station near downtown will also be evaluated in this project EIR/EIS. Alternative station sites at or near the selected locations may be identified and evaluated in this Project EIR/EIS.

Probable Effects: The purpose of the EIR/EIS process is to explore in a public setting the effects of the proposed project on the physical, human, and natural environment. The FRA and the Authority will continue the tiered evaluation of all significant environmental, social, and economic impacts of the construction and operation of the HST system. Impact areas to be addressed include transportation impacts; safety and security; land use and zoning; land acquisition, displacements, and relocations and cumulative and secondary; cultural resource impacts, including impacts on historical and archaeological resources and parklands/recreation areas; neighborhood compatibility and environmental justice; natural resource impacts including air quality, wetlands, water resources, noise, vibration, energy, wildlife and ecosystems, including endangered species. Measures to avoid, minimize, and mitigate all adverse impacts will be identified and evaluated.

Scoping and Comments: The Authority encourages broad participation in the EIR/EIS process during scoping and review of the resulting environmental documents. Comments and suggestions are invited from all interested agencies and the public to insure the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. In particular, the Authority is interested in determining whether there are areas of environmental concern where there might be a potential for significant site-specific impacts. In response to this NOP, public agencies with jurisdiction are requested to advise FRA and the Authority of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed project. Public scoping meetings have been scheduled as an important component of the scoping process for both the State and

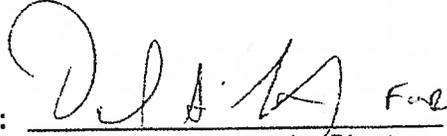
Federal environmental review. The scoping meetings described in this Notice will be advertised locally and included in additional public notification. Scoping meetings are scheduled for the following cities:

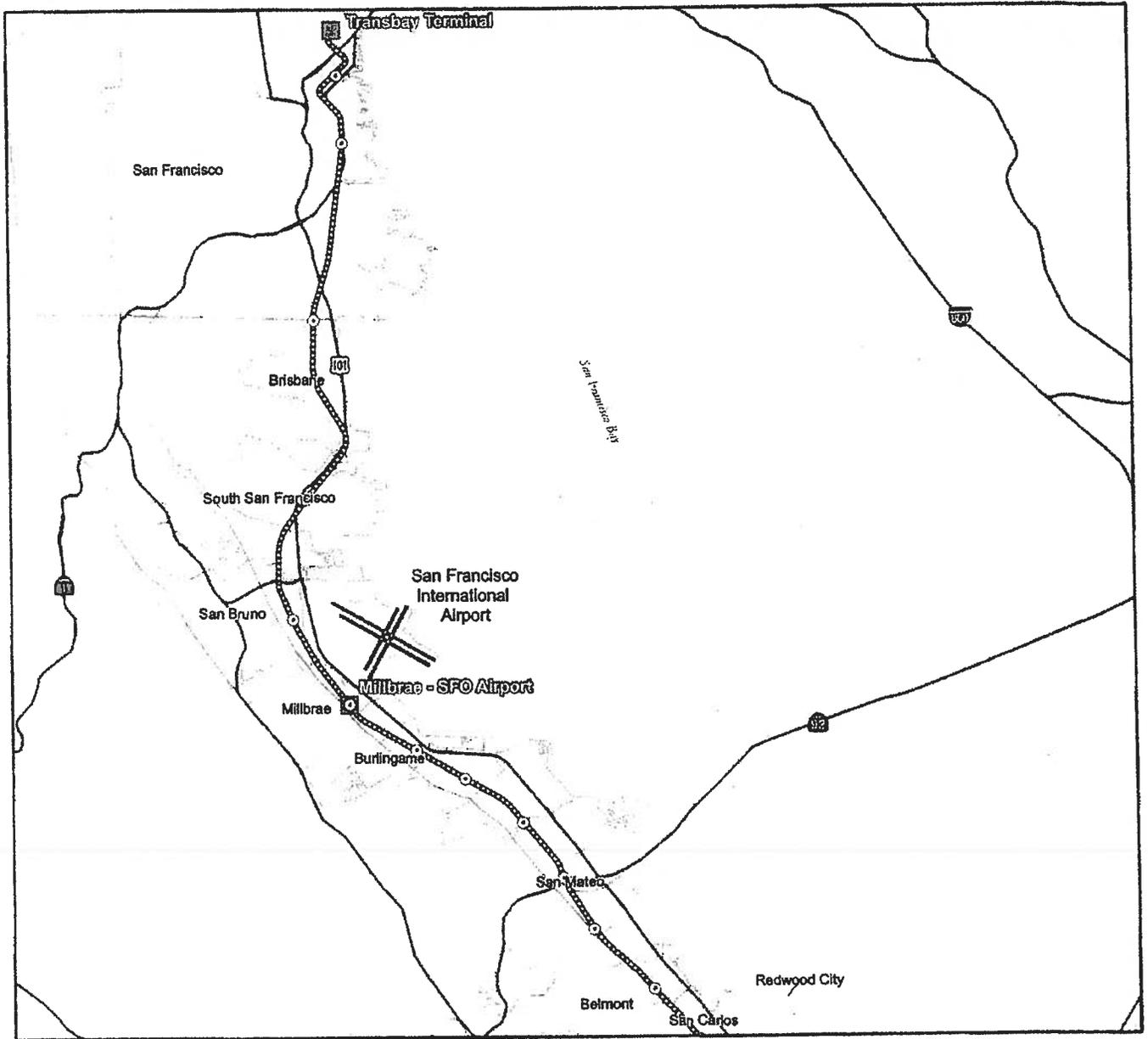
- SamTrans Auditorium, 1250 San Carlos Avenue, San Carlos, California, January 22, 2009 from 3 pm to 8 pm.
- San Francisco State University, 835 Market Street, 6th Floor (Rooms 673-674), San Francisco, California, January 27, 2009 from 3 pm to 8 pm.
- Santa Clara Convention Center, 5001 Great America Parkway, Great America Meeting Rooms 1 & 2, Santa Clara, California, January 29, 2009 from 3 pm to 8 pm.

Public agencies are requested to send their responses to this Notice of Preparation to the Authority at the earliest possible date but no later than March 6, 2009.

Please send your response and direct any comments or questions regarding this Project to Mr. Dan Leavitt, Deputy Director of the California High Speed Rail Authority at the address shown above.

Date: 1/8/2009

Signature: 
Mehdi Morshed, Executive Director



-  Preferred HST Station
-  Potential HST Station
-  Caltrain Station
-  Proposed High Speed Train San Francisco to San Jose

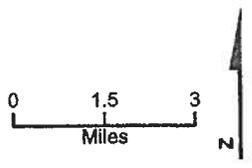
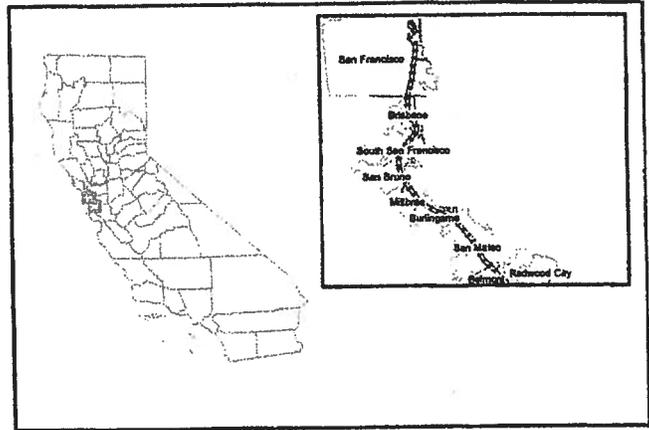
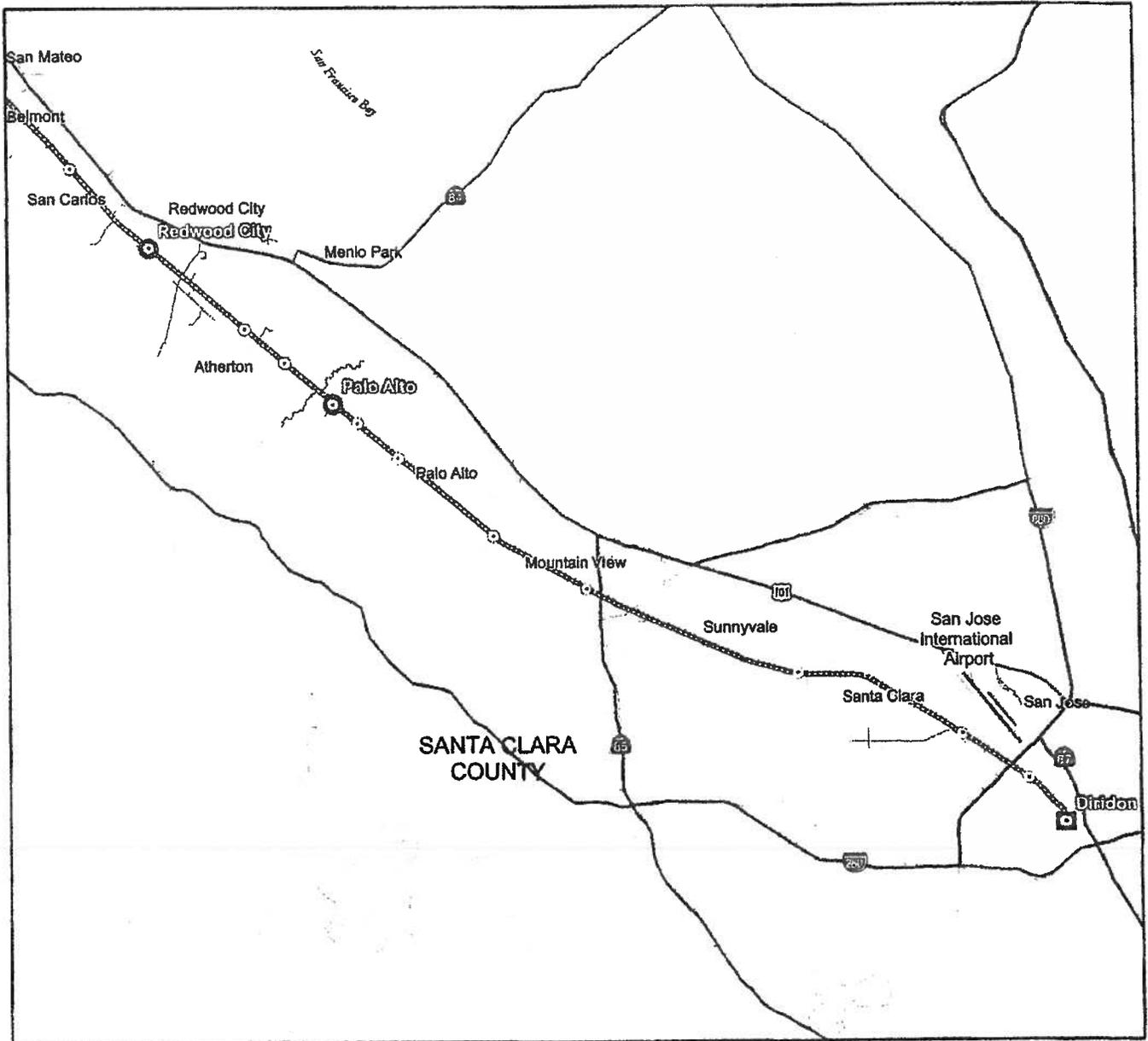


FIGURE 1A
California High Speed Train
 San Francisco to San Jose HST Project - Northern Segment



-  Preferred HST Station
-  Potential HST Station
-  Caltrain Station
-  Proposed High Speed Rail San Francisco to San Jose

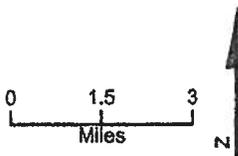
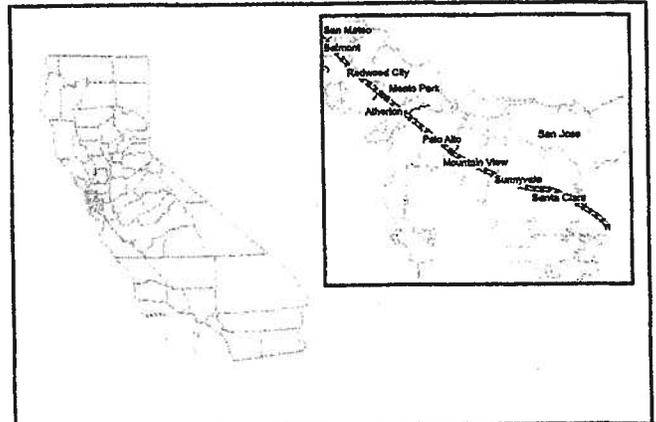


FIGURE 1B
California High Speed Train
 San Francisco to San Jose HST Project - Southern Segment

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