

APPENDIX B

Summary of and Brief Response to Comments on the Final Bay Area to Central Valley High-Speed Train Program EIR/EIS

**Staff Summary of and
Brief Response to
Comments on the
Final Bay Area to Central Valley
High-Speed Train
Program Environmental Impact Report/
Environmental Impact Statement**



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Staff Summary of and Brief Response to Comments on the Final Bay Area to Central Valley High-Speed Train Program EIR/EIS

1.1 Introduction

This attachment to the *Staff Report for the Bay Area to Central Valley High-Speed Train (HST) Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS)* summarizes comments received on the Final Program EIR/EIS.

1.2 Summary of Comments Received on the Final EIR/EIS

1.2.1 U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) submitted comments on the Final Program EIR/EIS. The EPA encourages continued regulatory and resource agency coordination during the Tier-2 project-level analysis of the Preferred Pacheco Pass Network Alternative to inform design choices that are most protective of the natural environment.

Integration of Clean Water Act and NEPA Requirements

The EPA submitted recommendations for future Preferred Pacheco Pass Network Alternative project-level Tier 2 analysis related to wetlands and other waters and requested that this future analysis be focused on a more accurate estimate of potential impacts and opportunities for reducing impacts to waters from the project. It was also recommended that interagency coordination among resource and regulatory agencies occur as part of this future analysis. The EPA has stated that they are available to discuss the mitigation framework for the project.

Direct and indirect impacts identified in the Final Program EIR/EIS will be further minimized through project design features. The Pacheco Pass Network Alternative would include tunnels and elevated structures to minimize impacts on streams, water bodies, wetlands, wildlife movement corridors, and sensitive species and habitat. The alignment along Henry Miller Road, for example, would extend approximately 3 miles on elevated structure, which could potentially reduce total

direct and indirect impacts on wetlands. More detail both in project refinement and specific on-the-ground information would be developed in the Tier 2 process that would allow for greater estimate of impacts and avoidance. The Authority and FRA will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential impacts. The Authority and FRA also have committed to investigating site-specific location and design alternatives, including avoidance and minimization alternatives, during the Tier 2, project-level environmental review. This includes evaluating design alternatives to the north and south of the current proposed Henry Miller alignment alternative.

The Authority also made a commitment to acquire agricultural, conservation and/or open space easements encompassing at least 10,000 acres and generally located along or in the vicinity of the Grassland Ecological Area (GEA) to mitigate for impacts. This measure would reduce impacts to and support conservation of wetlands and sensitive ecological areas, as well as limit urban encroachment in the vicinity of the HST through the GEA and other areas. The focus for these easements would be in areas undergoing development pressures, such as the areas around Los Banos and Volta, and/or areas that would be most appropriate for ecological conservation or restoration. The eventual locations and total acreage for these easements would be determined in conjunction with the Tier 2 project-level environmental analysis and decisions addressing the Gilroy to Merced portion of the HST system and in consultation with the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Grassland Water District.

Growth-related Impact Analysis

The EPA reiterated comments it made on the Draft Program EIR/EIS regarding potential growth-related impacts associated with station locations. EPA recommended that the FRA's Record of Decision (ROD) include additional information about growth inducing impacts by county with upper and lower potential ranges of impacts illustrating the role of station selection in the amount of growth that may be induced. The EPA further recommended that mitigation measures be adopted to address an offset growth inducement of the high speed train, including a growth mitigation plan.

Chapter 5 of the Final Program EIR/EIS and Standard Response 4 describe the potential for the HST system to induce growth and to create secondary impacts to the environment associated with urbanization. Section 5.5 discusses relative differences in impacts depending on the alignment alternatives and station locations, and uses Stanislaus County to illustrate the urbanization differences between a downtown station (Modesto) and a suburban station (Amtrak Briggsmore). The illustration, which is based on analysis in the Statewide HST Program EIR/EIS, is intended to underscore the fact that locating stations in downtown core areas will lead to fewer urbanization effects than locating stations in suburban areas.

This *relative* difference in growth-inducing effects between a downtown and a suburban station location should not be construed as a description of the absolute impacts of either station location. As explained in the responses to comments in the Final Program EIR/EIS, it is not possible to associate specific levels of

population/employment growth, urbanization, and indirect impacts with individual stations. Individual stations draw ridership from a broad catchment area that does not necessarily follow county boundaries, which form the basis for the growth inducement and secondary impact analysis. The relationships considered in the growth inducing impacts analysis are simply too numerous and complex to state that a particular station will lead to a particular amount of growth. The EIR/EIS therefore offered a qualitative assessment of potential differences between the alignment alternatives and noted those counties expected to experience the highest level of growth with the HST.

Both NEPA and CEQA require that an EIS or EIR discuss a project's impacts, including the potential for a project to induce urban growth. The Final Program EIR/EIS offers the public and decision makers information about the potential for the HST to fuel population and economic growth in the Bay Area to Central Valley study region, including the potential magnitude, location, and nature of that growth. The EIR/EIS also characterizes the potential indirect effects of HST-induced growth by resource area and discusses how these effects will be evaluated more specifically with project-level studies.

The analysis concludes that growth will be higher with the representative Altamont Network Alternative than with the representative Pacheco Network Alternative. For both networks, the greatest magnitude of secondary impacts will occur in Madera and Merced counties. Alignment and station locations that serve existing urban and community centers, rather than less-developed outlying areas, would be expected to result in lower ecological and natural resources impacts, but higher community and social impacts, both positive and negative. And the extent of secondary impacts will be highly dependent on local land use plans and policies.

The Final Program EIR/EIS includes numerous mitigation strategies designed to avoid and minimize the physical environmental impacts of the HST system. These mitigation strategies include conservation easements to permanently protect farmlands, easements to protect and preserve open space and the unique biological resources of the Grassland Ecological Area, and measures to promote dense urban growth around HST stations that will serve as transportation hubs. These mitigation strategies will also address any secondary effects of urbanization and ensure that they are less than significant. The Authority proposes to work with local governments, which are the entities that make local land use decisions about the extent and location of urban growth within their jurisdictions, to establish policies and principles that promote transit-oriented development, provide incentives for smart growth and infill development around stations, and limit urban expansion into new areas.

Design, Mitigation, and Coordination Measures Deferred to Future Project-Level Analyses

The EPA commended the Authority and FRA for identifying multiple measures for future project-level analyses and appreciated the compilation of mitigation measures in one location. They further recommend that the Mitigation Monitoring and Reporting Program (MMRP) be included with the FRA's Record of Decision (ROD). The FRA will include the MMRP as part of the ROD.

1.2.2 Siegfried Macheleidt

Siegfried Macheleidt submitted a letter on June 6, 2008 in response to the publication of the notice of the Final Program EIR/EIS. This letter was submitted with other letters attached to U.S. Senator Henry Reid, California Governor Arnold Schwarzenegger, and the Editor of the San Jose Mercury News. Mr. Macheleidt supports maglev technology over a rail-wheel system and identifies potential safety concerns. The Authority eliminated maglev technology from further investigation in the Final Program EIR/EIS for the California High-Speed Train System in 2005.

1.2.3 Jack F. Munro

Jack Munro submitted a letter received on June 16, 2008 in response to the publication of the notice of the Final Program EIR/EIS. The issues raised by Mr. Munro are in addition to Mr. Munro's comments on the Draft Program EIR/EIS (Comment Letter I007 dated August 27, 2007). These new comments do not raise new issues concerning the Final Program EIR/EIS. Mr. Munro's comments cover a variety of areas including alignments, shared-use of the Caltrain corridor, FRA compliance, phasing of construction, and a request that passenger trains be added on the existing Union Pacific coast route.

- Mr. Munro states that the alignments look like a "bowl of spaghetti". The HST system described and analyzed in the Final Program EIR/EIS included a number of alignment alternatives and station location options. As described in Chapter 8, only those alignments and station location options associated with the Preferred Network Alternative would move forward into project-level environmental review.
- Mr. Munro states that the use of the Caltrain track should be considered temporary. The Authority plans for four tracks that include two express and two local tracks to be shared by HST and Caltrain and would not hinder HST performance.
- Mr. Munro states that the Union Pacific Railroad (UPRR) currently uses the San Jose to San Francisco track and is FRA compliant and that by the HST using this track, HST would have to also be FRA compliant which would reduce performance. There is currently temporal separation between freight service and Caltrain. The Program conceptual design assumes that the freight service will not utilize the same tracks as the HST and the Caltrain Express trains. It also assumes that temporal separation would continue between Caltrain local service and freight on the local tracks.
- Mr. Munro presumes that the first section built would be from San Francisco to Los Angeles with remaining routes constructed in order of expected ridership. He states that the Authority could best serve the San Francisco to Los Angeles market by using passenger trains on the UPRR coast route. The Authority considered but rejected the Coast route between San Francisco and Los Angeles in the Statewide Program Level Document.

1.2.4 Charles Cameron

Charles Cameron submitted a letter received on June 21, 2008 in response to the publication of the notice of the Final Program EIR/EIS. Mr. Cameron had previously responded on the Draft Program EIR/EIS in an individual comment (#I013) and at the San Francisco Public Hearing (PH-SF14-1). In responding to Mr. Cameron's public hearing comment, he was erroneously referred to the response of another comment. The response for PH-SF14-1 should have referred to Response to Comment Letter I013.

1.2.5 Laura R. Cohen, Rails-to-Trails Conservancy

Laura Cohen, Director Western Region Rails-to-Trails Conservancy, submitted a letter dated June 16, 2008 in response to a June 4, 2008 meeting with Authority staff. Ms. Cohen requested that the Authority include a bicycle and pedestrian path ("rail with trail") parallel to the HST right-of-way as part of project level planning and that a Citizens Advisory Committee be formed to facilitate this request. For safety and other reasons, the HST system would be operated on a completely grade-separated, controlled access right-of-way designed to fully prohibit access for pedestrians, bicyclists, and larger animals to the HST tracks using fences or grade separation. Thus any trails that would enable any incursion onto the HST tracks would not be permitted.

That said, there may be occasion when the HST right-of-way would provide an opportunity for trails along side but outside of the controlled right-of-way, and the Authority is encouraging development of HST stations with enhanced pedestrian and bicycle access. During the project level review, the Authority will work with the Rails-to-Trails Conservancy and other related organizations as well as local jurisdictions to determine if such opportunities exist and possible funding for such improvements.

1.2.6 Robert S. Allen

Mr. Allen suggests in his letter dated June 26, 2008 that BART and Caltrain be merged. The issues raised by Mr. Allen are in addition to Mr. Allen's comments on the Draft Program EIR/EIS (Comment Letters I002, I012, I022, I025, and PH-SJ31 dated June 27, September 6, 19, and 24, and August 24, 2007 respectively). He proposes that Caltrain be grade separated, electrified, and widened for four tracks (two local and two express) and that BART use the local tracks between San Jose and Millbrae. Mr. Allen proposes double tracking and grade separating UPRR's Mulford line to expedite Capitol Corridor and ACE trains, and that Caltrans widen parts of I-580, SR 4, and I-80 allowing for an at-grade BART to Livermore Greenville Rd), Antioch (Hillcrest Ave.) and Crockett. Mr. Allen suggests other improvements to the BART system including extensions in San Francisco to the Golden Gate Bridge; over Altamont to the Central Valley; beyond Antioch toward Stockton; and to the North Bay. He proposes a West Oakland by-pass with an

intermodal station with the Amtrak/Capitol Corridor. Mr. Allen suggests that BART should loop the Bay and point to the North Bay and Central Valley.

The Authority has consistently pursued opportunities to locate HST stations to maximize intermodal connections with other transit providers. The Preferred Alternative identified in the Final Program EIR/EIS includes such station locations.

The HST Preferred Alternative in the Final Program EIR/EIS includes improvements to the Caltrain Corridor, including provision of four tracks (express and local) to be shared with Caltrain service operating compatible equipment. Use of the local tracks by BART would require the track improvements to be designed to BART specification (e.g., third rail electrification and a wider track gauge) and would preclude joint use of the Corridor tracks for light equipment Caltrain and HST trains.

The other proposed BART improvements, the possible merger of BART and Caltrain, and improvements to the Capitol Corridor system are beyond the purview of the HST Authority, although the Authority did participate in the development of the adopted MTC Regional Rail Plan and is working with regional stakeholders on possible commuter rail improvements in the Altamont Corridor.

1.2.7 Robert S. Allen

Mr. Allen submitted a letter received on July 2, 2008 in response to the publication July 9, 2008 Authority Board Meeting agenda. The issues raised by Mr. Allen are in addition to Mr. Allen's comments on the Draft Program EIR/EIS (Comment Letters I002, I012, I022, I025, and PH-SJ31 dated June 27, September 6, 19, and 24, and August 24, 2007 respectively) and the Final Program EIR/EIS noted above.

This letter is noted. This is for Agenda item 10 and not related to the Final Program EIR/EIS.

1.2.8 Stuart M. Flashman

Mr. Flashman, on behalf of the Planning and Conservation League, TRANSDEF, and the California Rail Foundation, submitted a letter dated June 2, 2008 in response to the publication of the notice of the Final Program EIR/EIS. The issues raised by Mr. Flashman are in addition to his comments on the Draft Program EIR/EIS (Comment Letter O007 dated October 25, 2007). Mr. Flashman references a letter received by the Authority from the UPRR dated May 13, 2008 and raises the issue of the HST being within the right-of-way of the UPRR. Mr. Flashman states that the Altamont and Pacheco alternatives analyzed in the Final Program EIR/EIS are predicated on the use of the UPRR right-of-way for significant portions. He further states that given the UPRR's opposition to use of its right-of-way likely makes infeasible major portions of the alignments, and he requests that new alignments be analyzed. Mr. Flashman also states that the UPRR's opposition will require reassessment of major portions of the routing

between San Francisco and Los Angeles that were addressed in the previous statewide program EIR/EIS, including the Palmdale area. He also states that the environmental analysis for these previously approved portions of the alignment be reopened to address the changed circumstances before those portions can proceed to project-level decisions.

Mr. Flashman states that since changes in circumstances, not considered in the Final Program EIR/EIS and which the public has not had the opportunity to comment on, the Final Program EIR/EIS needs to be withdrawn and a revised Draft Program EIR/EIS be prepared and circulated.

Authority staff do not concur with the characterization of the right-of-way issues in this comment letter or the letter's suggestion that the Final Program EIR/EIS needs to be revised and recirculated.

To minimize potential environmental impacts from the HST system, the Authority's objective has been to maximize the use of existing transportation corridors and rights-of-way for the HST system. Consistent with this objective, extensive portions of the alignment alternatives were described and analyzed as if they were placed within or adjacent to existing rail or highway rights-of-way, rather than on new alignment. Evaluations for the previous statewide HST system program EIR and for the current Final Program EIR/EIS prepared for the Bay Area to Central Valley have consistently shown a potential for fewer significant environmental impacts along existing transportation facilities than on new alignments through both developed and undeveloped areas.

At the same time that the Authority has attempted to minimize environmental impacts by locating alignment alternatives within or adjacent to existing transportation rights-of-way, the EIR does not assume or rely on the availability of existing transportation rights-of-way for its analysis. Figures 2.3-6, 2.3-7, and 2.3-8 in the Final Program EIR depict typical cross sections for HST facilities at grade, on an elevated structure, and where twin tunnels might be necessary. These figures show maximum proposed rights-of-way of 100 feet, 50 feet, or 120 feet for these facilities, respectively. At the programmatic level, this EIR has analyzed the impacts of constructing and operating the HST system along the proposed alignment alternatives conservatively, by evaluating direct and indirect impacts within a wide band that exceeds the maximum proposed HST right-of-way, whether in an existing transportation right-of-way or adjacent to it. For example, for biological impacts, the EIR defines the study area for direct biological impacts as 50 feet on either side of the alignment, and for indirect impacts as 1,000 feet in urban areas and 0.25 mile in rural areas on each side of the alignment. At the project level, when detailed field conditions, resource data, and site-specific facility design information become available, certain impacts disclosed in the Program EIR are expected to be far less in those circumstances when the actual final footprint of HST track can be located within existing rights-of-way, rather than adjacent to them.

Recirculation is required under the California Environmental Quality Act when there is "significant new information" that arises prior to certification of a final EIR. "Significant new information" is limited to circumstances involving:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

(CEQA Guidelines, § 15088.5; see also Pub. Resources Code, § 21092.1)

Because the environmental analysis in the Final Program EIR/EIS is not dependent on the availability of any railroad right-of-way, the analysis remains accurate even in light of the May 2008 letter from UPRR to the Authority. A revision and recirculation of the Bay Area to Central Valley Program EIR/EIS is therefore not necessary.

1.2.9 Josue Castellanos-Mejia

Mr. Castellanos-Mejia submitted a letter dated June 12, 2008 to the UPRR and copied the Authority. Mr. Castellanos-Mejia states that the UPRR should partner with the State to the benefit of UPRR. He states that by adding four tracks, the Authority would be expanding capacity for UPRR at no expense to UPRR.

The letter is noted. The Authority appreciates receiving a copy of this correspondence.

1.2.10 Ken Norwood, Shared Living Resource Center

Mr. Norwood submitted a letter received on June 24, 2008 in response to the publication of the notice of the Final Program EIR/EIS. Mr. Norwood suggests that the Authority has made an error by not selecting Altamont as the preferred alignment because it would avoid environmental intrusion and discourage speculative development of agriculture and open space lands, and better serve northern San Joaquin Valley cities.

The comment is noted. The Final Program EIR/EIS compares the environmental impact differences between the Preferred Pacheco Pass Network Alternative and the Altamont Pass Network Alternatives. As stated in the document, the choice of overall network involves a balancing of different types and degrees of environmental impact in different locations. Both networks would involve impacts on agricultural land and open space and both would involve growth. The Final Program EIR/EIS includes numerous mitigation strategies to address these impacts and reduce them to a less than significant level wherever feasible. The information in the Final Program EIR/EIS is adequate for the Authority members to

make a final decision to select a preferred network, alignment alternatives, and station location options for the Bay Area to Central Valley region.

1.2.11 Scott D. Moore, Union Pacific Railroad

Mr. Moore submitted a letter received on July 7, 2008 in response to the publication of the notice of the Final Program EIR/EIS. Issues raised include limited railroad rights-of-way to meet future freight transportation needs of the state. The San Jose to Gilroy rights-of-way is narrow and bounded by a major arterial highway and the UPRR cannot give up an exclusive right-of-way to HST. A loss of 50 feet of the UPRR right-of-way along the Central Valley line would render future freight rail expansion impossible and disrupt rail-served businesses and prevent serving new industries from locating on one or both sides of the rail. The UPRR does not own the right-of-way for the Caltrain corridor between San Francisco and San Jose but has a freight easement. Imposing two exclusive tracks for HST would end the UPRR's ability to provide freight service to customers, including the Port of San Francisco. The UPRR also has the same issue between Sylmar and Los Angeles. The Authority Board should not jeopardize UPRR's ability to provide such freight service by assuming the HST will have no impact. The UPRR urges the Board to carefully consider corridor routes that do not utilize our rights-of-way.

To minimize potential environmental impacts from the HST system, the Authority's objective has been to maximize the use of existing transportation corridors and rights-of-way for the HST system. Consistent with this objective, extensive portions of the alignment alternatives were described and analyzed as if they were placed within or adjacent to existing rail or highway rights-of-way, rather than on new alignment. Evaluations for the previous statewide HST system program EIR and for the current Final Program EIR/EIS prepared for the Bay Area to Central Valley have consistently shown a potential for fewer significant environmental impacts along existing transportation facilities than on new alignments through both developed and undeveloped areas.

At the same time that the Authority has attempted to minimize environmental impacts by locating alignment alternatives within or adjacent to existing transportation rights-of-way, the EIR does not assume or rely on the availability of existing transportation rights-of-way for its analysis. Figures 2.3-6, 2.3-7, and 2.3-8 in the Final Program EIR depict typical cross sections for HST facilities at grade, on an elevated structure, and where twin tunnels might be necessary. These figures show maximum proposed rights-of-way of 100 feet, 50 feet, or 120 feet for these facilities, respectively. At the programmatic level, this EIR has analyzed the impacts of constructing and operating the HST system along the proposed alignment alternatives conservatively, by evaluating direct and indirect impacts within a wide band that exceeds the maximum proposed HST right-of-way, whether in an existing transportation right-of-way or adjacent to it. For example, for biological impacts, the EIR defines the study area for direct biological impacts as 50 feet on either side of the alignment, and for indirect impacts as 1,000 feet in urban areas and 0.25 mile in rural areas on each side of the alignment. At the project level, when detailed field conditions, resource data, and site-specific facility

design information become available, certain impacts disclosed in the Program EIR are expected to be far less in those circumstances when the actual final footprint of HST track can be located within existing rights-of-way, rather than adjacent to them.

The Program EIR/EIS does not assume use of the UPRR right-of-way between San Jose and Gilroy. In the Central Valley, the assumption was predominately that the alignment would be adjacent to the UPRR right-of-way. Between San Francisco and San Jose, the configuration assumed shared operations with Caltrain express services, but would not share tracks and would not impact freight operations. A considerable amount of aerial structure is assumed to be needed within or adjacent to the UPRR to avoid impacts to industry along the railroad. This will be looked at in more detail at the project level.

1.3 Summary of Comments Received on the Final Program EIR/EIS at the July 8, 2008 Authority Board Meeting

1.3.1 Individuals Supporting the Project

The following individuals provided oral comment at the July 8, 2008, Authority Board Meeting that supported the project and Final EIR certification.

- Mayor Reed, City of San Jose (read by Christina Fernandez)
- Mayor Gavin Newsom, City of San Francisco
- Mr. Brian Dykes, Transbay JPA (selection of Transbay Transit Center)
- Mr. Dean Chu, Commissioner representing MTC
- Mr. Kurt Evans, Santa Clara VTA
- Mr. Robert Doty, representing SAMTRANS, Caltrain JPB, San Mateo County Transportation Authority
- Mr. Aaron Peskin, President San Francisco Board of Supervisors
- Ms. Bena Chang, Silicon Valley Leadership Group
- Mr. Bruce Gwynne, California Department of Conservation
- Mr. Jim Lazarus, President, San Francisco Chamber of Commerce
- Mr. Adam Montgomery, Silicon Valley Association of Realtors
- Mr. Eugene Skoropowski, Managing Director, Capitol Corridor/JPA
- Mr. John Diamante, Friends of the Railway (North Bay)
- Mr. Mark Herbert, representing Congresswoman Pelosi
- Ms. Emily Rusche, CALPIRG
- Mr. Jim Bigelow, Redwood City/San Mateo Chamber of Commerce
- Ms. Mary Renner, self
- Ms. Anna Stern, self

- Mr. Roger Bazeley, self
- Ms. Barbara Pierce, Redwood City Council Member, representing self
- Mr. David Snyder, SPUR

1.3.2 Individuals with Concerns

The following individuals provided oral or written comment at the July 8, 2008, Authority Board Meeting expressing concerns regarding the Final Program EIR/EIS.

Mr. Tim Frank, Sierra Club (California)

- The Sierra Club still has concerns regarding the comparison of Altamont and Pacheco. They believe that there could be a more fair comparison. The Authority staff do not agree with this statement. The analysis in the Final Program EIR/EIS analyzed both network alternatives equally and did not favor one over the other.
- The Sierra Club supports mitigation for the Grassland Ecological Area. Comment noted.
- The Sierra Club supports mitigation for farmland. Comment noted.
- The Sierra Club suggest that HST move forward to help with global warming and noted that the HST is included in CARB's blueprint for meeting AB32. Comment noted.

Mr. Daniel McNamara, California Rail Foundation

- Mr. McNamara doesn't understand how we could choose Pacheco since Altamont has shorter travel time and Altamont has the busiest freeways. See Chapter 8 and Standard Response 3.
- Mr. McNamara states that the Authority forgot to ask UPRR for their permission, and UPRR opposes use of their right-of-way; therefore Pacheco Pass is infeasible. The feasibility of Pacheco Pass is not contingent on the use of UPRR right-of-way. Please see discussion of right-of-way adjacent to or within transportation rights-of-way discussion in Section 2.3 in the CEQA Findings.
- Mr. McNamara states that the Authority did not study an abandoned SP route or I-580 route for Altamont Pass. The I-580 alignment option was considered and rejected as documented in the Final Program EIR/EIS. Between Livermore and Pleasanton, the old SP alignment is generally adjacent to the UPRR line and is in fact now owned by the UPRR. In Pleasanton, portions of the old SP alignment were sold and now have urban development. Thus, there is no viable rail right-of-way alternative other than the UPRR alignment through downtown Livermore and downtown Pleasanton to connect the Central Valley to the Bay Area.

Mr. Len Conly, Sierra Club and Friends of BRT

- Mr. Conly can't understand why the Authority selected Pacheco Pass when it would create sprawl (see TRAC's "follow the lights" figure). This was

responded to in Standard Response 3 and Chapter 8 of the Final Program EIR/EIS.

Mr. Stuart Flashman, Lawyer, representing Planning Conservation League, Bay Rail Alliance, California Rail Foundation, TRANSDEF, Mountain Lion Foundation

Mr. Flashman questions the location and the width of the corridors evaluated in the Final Program EIR/EIS and whether the environmental analysis has accurately depicted the impacts of the HST system. Mr. Flashman's comment letter has images attached that are reproduced from Google Maps to illustrate the comments. The comment further questions the feasibility of the Pacheco Pass network alternatives in light of recent correspondence from Union Pacific indicating its objections to the HST using or occupying any of its right-of-way.

Mr. Flashman further suggests the responses to comments in the Final Program EIR/EIS are inadequate, that the document inappropriately fails to acknowledge the potential for a shift in travel mode from automobile to other modes based on high petroleum costs, and that therefore the ridership studies need to be redone. The comment also questions whether the cost of grade separation and other construction needs were factored in to the comparison of Pacheco and Altamont.

Authority staff disagrees with the comments characterizing UPRR's recent correspondence as rendering the preferred Pacheco Pass network alternative infeasible. There are locations in the Bay Area to Central Valley study region where the environmental analysis is based on a conceptual alignment for the HST within the UPRR right-of-way. The selective placement of the HST system within the UPRR right-of-way, or other rights-of-way, has been part of the Authority's strategy to minimize environmental impacts. At the same time, in most locations the conceptual HST alignments have been placed adjacent to the transportation rights-of-way, rather than within them. This is illustrated in the profiles and cross sections contained in Appendix 2. If future circumstances preclude the use of the UPRR right-of-way, it is feasible to place the HST adjacent to the right-of-way.

We further disagree that the issue of the UPRR right-of-way availability renders the EIR inadequate. As explained in the response to Mr. Flashman's letter of June 2, 2008 (section 1.2.8 above), the EIR evaluated the environmental impacts of the HST system based on a geographic scope that exceeds the maximum HST right-of-way needed.

The Metropolitan Transportation Commission undertook a sensitivity analysis which assumed higher automobile and air transportation costs, similar to the conditions being experienced with the substantial recent increase in oil prices. (Bay Area/California High-Speed Rail Ridership and Revenue Forecasting Study [Cambridge Systematics, July 2007].) These assumptions and data were used in the Final Program EIR/EIS to help define the potential impacts of the HST. The EIR concluded that both the Altamont and Pacheco Pass network alternatives have high ridership potential and that ridership was not a determining factor for identifying the preferred alternative. The focus of the HST system is to serve longer distance travel between major metropolitan areas rather than commuter trips.

The responses to comments comply with CEQA. CEQA requires that a Final EIR include responses to the most significant environmental issues raised, and offer a good-faith, reasoned analysis supported by substantial evidence. The combination of the standard responses to the most frequently raised issues and the individual responses complies with CEQA requirements.

The costs of grade separation were adequately considered. Appendix 4-A includes, among other things, costs for earthwork, structures/tunnels/walls, grade separation, rail and utility relocation, right-of-way acquisition, and environmental mitigation. This appendix provides appropriate information for comparison of the alternative HST networks.

Mr. Arthur Ringham, self

- Mr. Ringham stated that HST would share tracks with Caltrain. He wanted to know who would schedule trains. This is an issue that is beyond the program level and will be addressed at the project level. The Authority has an MOU with Caltrain JPB to work cooperatively in the corridor.
- Mr. Ringham stated that HST needs dedicated and more tracks. Dedicated tracks in the Caltrain corridor were considered but rejected in Final Program EIR/EIS. See Chapter 2 of the EIR/EIS. The Preferred Alternative assumes a four track system between San Jose and San Francisco.
- Mr. Ringham suggests use of elevated structures on US 101 or I-280. These were considered but rejected as part of the Final Program EIR/EIS. See Chapter 2 of the EIR/EIS.
- Mr. Ringham stated ridership was overly optimistic. Comment noted.

Ms. Rosemary Maulbetsch, self

- Ms. Maulbetsch stated that more attention needs to be made to residential areas; did not look closely at visual and noise impacts. These comments were addressed in other responses on the Draft Program EIR/EIS. See Response to Comment L014.
- Ms. Maulbetsch stated that this project would be a duplication of service (with Caltrain). The HST and Caltrain serve different markets and are complimentary services.
- Ms. Maulbetsch stated had concerns about separating communities. This was addressed in Section 3.7 of the Final Program EIR/EIS and is discussed in the CEQA Findings.

Mr. James Janz, Mayor of Atherton

- Mr. Janz expressed local concerns through Atherton and said that a high berm would be devastating. See Response to Comment L014 in the Final Program EIR/EIS.
- Mr. Janz wants the Authority to look at I-280 to I-380 to San Francisco and US 101. These were considered but rejected in the Final Program EIR/EIS. See Chapter 2 of the Final Program EIR/EIS.
- Mr. Janz expressed concern about the capacity of Caltrain tracks. This was considered as part of the engineering for the Final Program EIR/EIS. The

program level conclusion is that a four track system between San Jose and San Francisco would provide adequate capacity for both Caltrain and HST.

- Mr. Janz stated that if using Caltrain, then a trench should be selected. This will be evaluated in the project level environmental analysis. See Response to Comment L014 in the Final Program EIR/EIS.
- Mr. Janz wanted to know why there is a stop on the peninsula. There is a preferred station at Millbrae to provide access to SFO and a potential station at either Redwood City or Palo Alto. Whether or not there will be a mid-peninsula station, will be determined at the project level. If there is a stop, it will be based on increased connectivity and other benefits, as well as ridership and revenue potential.

Mr. David Schonbrunn, TRANSDEF

- Mr. Schonbrunn claims the Final Program EIR/EIS is a hack political job. The Authority staff do not agree with this comment.
- Mr. Schonbrunn claims the Final Program EIR/EIS is intellectually dishonest. The Authority staff do not agree with this comment.
- Mr. Schonbrunn claims the Response to Comments were defective; rehashing of positions and did not address the substance of comments. The Authority staff do not agree with this comment.
- Mr. Schonbrunn states the Final Program EIR/EIS did not show red-lined text. This is not a requirement of CEQA or NEPA.
- Mr. Schonbrunn states that there was no agreement with UPRR. Agreements regarding right-of-way are premature at the program level.
- Mr. Schonbrunn claims there was a false statement in the Staff Report related to transportation corridors being used to minimize environmental impacts. The Authority staff do not agree with this statement. Use of transportation corridors include and go beyond use of existing transportation rights-of-way and that being in or adjacent to existing transportation rights-of-way does, in fact, minimize environmental impacts.
- Mr. Schonbrunn claims Altamont Pass was discarded without full analysis. The Altamont Pass was fully considered in this Program EIR/EIS.
- Mr. Schonbrunn claims the Final Program EIR/EIS minimizes differences between the alternatives, but ridership was the primary basis for the choice of Pacheco. The Authority staff do not agree with this comment. Ridership was not a determining factor in the selection of the Preferred Alternative, and was not included as an argument for the selection of the Pacheco Pass Network Alternative. See Chapter 8 of the Final Program EIR/EIS.
- Mr. Schonbrunn claims that the Final Program EIR/EIS did not evaluate alignments adjacent to rail lines and highways. See response to 1.2.8, above.
- Mr. Schonbrunn claims the Final Program EIR/EIS is inadequate and needs to be redone. The Authority staff do not agree with this comment.
- Mr. Schonbrunn states that the Staff Report indicates that the Authority would pursue agreements with railroads. Mr. Schonbrunn claims that this is a false statement because there are no agreements. Agreements regarding right-of-way are premature at the program level and would be pursued at the project-level.

Mr. Andy Cohen, Mayor of Menlo Park

- Mr. Cohen stated that the city visioning process overwhelmingly supports a trench and the opportunity for a trench should be kept open. Use of a trench and other design variations will be considered during the project level review. See Response to Comment L014 in the Final Program EIR/EIS.

Mr. Martin Engel, self

- Mr. Engel *prefers* trench through Menlo Park. See Response to Comment L014 in the Final Program EIR/EIS. Use of a trench and other design variations will be considered during the project level review.

Mr. Walter Strakosch, self

- Mr. Strakosch has issue with responses to previous comments related to cost comparisons. Refer to Response to Comment PH-S9-3. Note that the reference to Table S.9-1 should have been Table S.8-1 in the Final Program EIR/EIS. The segment south of Stockton through Merced was included with both the Altamont Pass and Pacheco Pass to provide for a fair comparison of capital costs.
- Mr. Strakosch has issue with responses to previous comments related to the Sacramento market. Standard Response 3 in the Final Program EIR/EIS does discuss the 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.
- Mr. Strakosch has issue with responses to previous comments related to logistical and seismic issues. Standard Response 3 discusses these issues and their influence in the selection of the Preferred Alternative.
- Mr. Strakosch has issue with responses to previous comments related to ridership numbers. The ridership numbers in Table S.8-1 should have been updated in the Final Program EIR/EIS. Ridership was not a determining factor in the selection of the Preferred Alternative.
- Mr. Strakosch has issue with responses to previous comments related to catchment areas. See Standard Response 3 and Chapter 8 of the Final Program EIR/EIS.

Kenneth Gusting, Executive Director, Transportation Involves Everyone (TIE)

The written comment suggests that the Addendum/Errata to the Final Program EIR/EIS lacks sufficient attribution for it to be considered by the Board, and also contains significant new information that triggers recirculation of the Program EIR. The comment also suggests the response to a comment fails to acknowledge the potential for species such as California condor to expand their range into areas that may be affected by this project. The comment claims that the Addendum/Errata is not compliant with a settlement between the California Attorney General and the County of San Bernardino over the County's general plan update and greenhouse gas emissions.

The Addendum/Errata was prepared by HST staff with input from consultants. The basis for the Addendum/Errata is explained on the first page of the document. The

new information contained in the document does not trigger recirculation of the EIR because it does not raise any new or more severe impacts, but rather clarifies the level of environmental benefit the project offers in the areas of reducing vehicles miles traveled, air pollution, and energy consumption.

The Final Program EIR/EIS recognizes the potential for California condor to fly over the HST, but notes that no critical habitat would be affected by the Pacheco Pass network alternatives. More detailed study of potential impacts to wildlife movement and habitat will occur at the project level of environmental review.

The referenced settlement agreement regarding greenhouse gas emissions is not relevant to the current environmental process. The HST system, both statewide and in the Bay Area to Central Valley study region, is part of the State's solution to reducing greenhouse gas emissions.

Jacques Gulbenkian, P.E., Prestress Service International

- Mr. Gulbenkian states that both branches north of Merced should be constructed. The identified Preferred Alternative includes the Union Pacific alignment but commits to further review of the BNSF Alignment in the project level analysis. Mr. Gulbenkian states that there should be either a 220 mph train rail system or faster maglev system. The Authority considered and rejected a maglev system for HST in California as part of the program environmental process for the California HST system in 2005. The choice of rail technology is not at issue in this environmental review process.

**Responses to Letters Submitted to FRA
September 2008**

WRITTEN CORRESPONDENCE

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

June 30, 2008

Mark Yachmetz
Associate Administrator of Railroad Development
Federal Railroad Administration
1120 Vermont Avenue, NW, MS 20
Washington, D.C. 20590

Subject: Bay Area to Central Valley California High Speed Train System Final
Programmatic Environmental Impact Report/Environmental Impact Statement
(CEQ# 20080211)

Dear Mr. Yachmetz:

The Environmental Protection Agency (EPA) has reviewed the Final Programmatic Environmental Impact Report/Environmental Impact Statement (Final PEIS) for the Bay Area to Central Valley California High Speed Train System. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments on the Final PEIS are enclosed.

EPA requested to be a cooperating agency in this "Tier 1", or programmatic environmental review NEPA process and has been working with Federal Railroad Administration (FRA) and California High Speed Rail Authority (CHSRA) to address the potential environmental impacts of the project as outlined in a June 12, 2006 Interagency Memorandum of Understanding (MOU). The Tier 1 process is expected to eliminate broad corridor alternatives from further consideration. Future "Tier 2", or project-level analyses, will address site-specific environmental impacts of the high speed train system. The MOU outlines a process for integrating the requirements of NEPA and Clean Water Act (CWA) Section 404 in Tier 1 to streamline the environmental review and permitting process in Tier 2. A federal permit from the Army Corps of Engineers under CWA Section 404 will be required for this project at Tier 2 due to anticipated fill of waters of the United States. The MOU seeks to ensure that the alignments advanced to Tier 2 are most likely to contain the preliminary "least environmentally damaging practicable alternative," (LEDPA) a determination that is required for a CWA Section 404 permit.


EPA provided comments on the Draft PEIS on October 26, 2007 and provided concurrence on the route most likely to yield the preliminary LEPDA on April 30, 2008. Some of the issues identified in the Draft PEIS have been addressed. Specifically, we commend FRA and CHSRA for 1) removing from further consideration any alternative alignments that include *both* an Altamont and a Pacheco Pass crossing, and 2) compiling all proposed mitigation measures

into one stand-alone table. This will facilitate easier transfer of decisions and commitments rendered during the programmatic planning process to future project-level analyses in the Bay Area to Central Valley portion of the high speed train. We continue, however, to have concerns with potential indirect and growth-related impacts from the project that were not analyzed in the Final PEIS and have therefore rated this project as Environmental Concerns – Insufficient Information (EC-2) based on impacts to aquatic resources and the indirect and cumulative impacts analyses. A "Summary of Rating Definitions" for further details on EPA's rating system is enclosed.

While our agency has concurred that the Pacheco Pass route is most likely to yield the preliminary LEDPA per our NEPA/404 MOU coordination, we note that continued refinement of this alternative will be important for future CWA Section 404 permitting. We strongly encourage regulatory and resource agency coordination during the Tier-2 project level analysis to inform design choices that are most protective of the natural environment.

The enclosure further describes the remaining environmental concerns that EPA identified following our review of the Final PEIS. We appreciate the opportunity to review the Final PEIS and believe that a well-planned high speed train system can offer great economic and environmental benefits for California's future. We look forward to continuing our coordination with FRA and CHSRA and are available to discuss the issues addressed in this letter during upcoming interagency meetings. If you have any questions, please feel free to contact Connell Dunning (415-947-4161; dunning.connell@epa.gov) or Eric Raffini (415-972-3544; raffini.eric@epa.gov), the lead reviewers for this project.

Sincerely,


for Nova Blazej, Manager
Environmental Review Office

Enclosures: EPA's Detailed Comments
Summary of Rating Definitions

cc: Mehdi Morshed, California High Speed Rail Authority
Jane Hicks, Army Corps of Engineers
Mark Littlefield, U.S. Fish and Wildlife Service

EPA DETAILED COMMENTS ON THE BAY AREA TO CENTRAL VALLEY CALIFORNIA HIGH SPEED TRAIN SYSTEM FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, JUNE 30, 2008

Integration of Clean Water Act and National Environmental Policy Act Requirements

Federal Railroad Administration (FRA), California High Speed Rail Authority (CHSRA), Army Corps of Engineers (Corps), and U.S. EPA Region IX agreed to follow a National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU) for Tier 1 decision making as the framework to guide the environmental review of the programmatic, Tier 1 project. The goal of the modified NEPA/404 MOU process is to ensure that Tier 1 decisions reflect careful consideration of the CWA Section 404 Guidelines. The Guidelines should be addressed as early as possible in the Tier 1 NEPA evaluation to eliminate the need to revisit decisions at the Tier 2 project-level that might otherwise conflict with CWA Section 404 permit requirements.

EPA has agreed with the first four checkpoints in the NEPA/404 MOU process – the purpose and need, criteria for selecting the range of alternatives, the range of alternatives, and the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA). We are available to discuss the last checkpoint (mitigation framework for the project).

Corridor(s) most likely to contain the LEDPA

Pacheco Pass

We note that the Pacheco Pass alignment may result in substantial impacts to wetlands and other waters and may result in substantial impacts to jurisdictional waters. The significant loss of aquatic resources associated with Pacheco Pass alignments, as well as the impacts to wildlife corridors and habitat fragmentation are important to address in order CWA Section 404 permitting from the U.S. Army Corps of Engineers (Corps) during the Tier 2 project-level planning process in the future.

Recommendations:

Because additional feasible design modifications to reduce impacts to waters along Pacheco Pass alignment may exist, the project-level Tier 2 analyses should focus on a more accurate estimates of potential impacts opportunities for reducing impacts to waters from the project. An integral part of this focus at the project-level should include interagency coordination among resource and regulatory agencies.

Growth-related Impacts Analysis

Our comments on the Draft PEIS highlighted the need for, at the programmatic analysis level, a better understanding of the potential growth-related impacts associated with station locations. EPA continues to recommend that the programmatic Tier 1 analysis is the appropriate venue to analyze the potential impacts associated with different station locations proposed for the high speed train system. With an analysis of county level impacts only, there is a missed opportunity to identify the potential land-use/urbanization and associated environmental impacts associated with potential station locations, which would inform decision-makers about the need to 1) focus Tier 1 analyses; 2) avoid placing stations where potential impacts are greatest; and 3) highlight potential mitigation measures that should be pursued in Tier 2 analyses.

Chapter 5, Economic Growth, supports the above concern by stating that “adding, dropping, or changing station locations will lead to changes in potential secondary impacts at the station in question as well as in the HST system as a whole”. Because impacts to the entire system may be expected, it is most appropriate to examine system-wide differences at this programmatic, Tier 1 level. As stated in our comments on the Draft PEIS, Chapter 5 further goes on to state the following example:

In Stanislaus County, the Amtrak Briggsmore station could lead to the urbanization of 1,000 more acres in the county than the SP Downtown site, leading to additional indirect impacts; this difference between station sites accounts for about 35% of the difference in urbanized area size between the Altamont and Pacheco Network alternatives noted in Table 5.3-6 for Stanislaus County.

However, Page 20-27 in the Final PEIS Response to Comments states that “it is not possible to associate specific levels of population growth, urbanization, and indirect impacts with individual stations” and “it is not possible to state that any given station leads to a specific amount of growth”. This is confusing given the estimate of 1,000 acres of urbanization projected for the specific SP Downtown Site provided in Chapter 5 and referenced above. If it is possible to estimate station location impacts, these estimates should be considered at the Tier 1 level.

EPA continues to believe that the information regarding potential induced growth impacts due to specific station sites is informative for decision-makers and should be highlighted to better inform ultimate choice of station locations. In addition, because urbanization estimates attributed to some station sites has such a large impact on the projected urbanization values (35% of all impacts in the above scenario), we had recommended that the Final PEIS present a range of potential impacts, by resource, to each county, identifying low- and high-end estimates of potential urbanization.

Recommendations:

We continue to recommend that these actions be completed during the Tier 1 analysis. In the Record of Decision:

- Include a table of all proposed station sites with estimates of acres of induced growth/urbanization impacts associated with each location.
- Include a map of all proposed station sites showing the estimated area of induced growth/urbanization impacts associated with each location.
- Clearly delineate on the table what station sites would have the least projected acreage of induced urbanization and which station sites would have the greatest projected urbanization.
- Revise all values of impacts in tables in Chapter 5 to provide range of potential acreage/mileage impacts, including an “upper” and “lower” value. For example, for urbanization impacts to Stanislaus County, the acreage of urbanization should clearly reflect that, depending upon the choice of station, the impacts vary by 1,000 acres.

We note that in our previous comments on the Draft PEIS, we commented that Chapter 5 concludes that Merced and Madera counties are likely to experience the greatest magnitude of secondary impacts. Our comments recommended identification of specific mitigation measures to address and offset high growth-inducing impacts to Merced and Madera counties, and other counties that will be most affected by potential growth-inducement from high speed train. Specifically, we asked that the Final PEIS include a Growth Mitigation Plan. We do not agree with the following statements in the response to comments: "The growth analysis...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 measures strategies for indirect effects of growth inducement for Merced County, Madera County, or any other county." (Standard Response 4, Page 19-11). Council on Environmental Quality addressed this issue in 40 Most Asked Questions Concerning CEQ's NEPA Regulations:

The mitigation measures discussed in an EIS must cover the range of impacts of the proposal. The measures must include such things as design alternatives that would decrease pollution emissions, construction impacts, esthetic intrusion, as well as relocation assistance, possible land use controls that could be enacted, and other possible efforts. Mitigation measures must be considered even for impacts that by themselves would not be considered "significant." Once the proposal itself is considered as a whole to have significant effects, all of its specific effects on the environment (whether or not "significant") must be considered, and mitigation measures must be developed where it is feasible to do so. Sections 1502.14(f), 1502.16(h), 1508.14. (Question 19a, Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 Fed. Reg. 18026 (March 23, 1981))

Recommendation:

We continue to recommend that these actions be completed during Tier 1 analyses:

- In the Record of Decision, include specific mitigation measures to address and offset high growth-inducing impacts to Merced and Madera counties, and other counties that will be most affected by potential growth-inducement from high speed train.
- In addition, include a Growth Mitigation Plan to create a strategy for addressing, planning for, and mitigating growth-related impacts in counties that will be most affected. The Plan should include:
 - an outlined process for coordination with agencies that have land-use planning authority in the affected counties and location near the high speed train
 - a list of growth limiting and management measures, including changes in the General Plan designations, zoning, conservation easements, purchase of land
 - a suggested timeframe for coordinating with land-use planners, including who will initiate discussions, how the public will be involved, etc.
 - references to the transit-oriented principles that FRA and CHSRA have developed for the high speed train system.

Design, Mitigation, and Coordination Measures Deferred to Future Project-Level Analyses

EPA is highly supportive of the multiple measures that CHSRA and FRA have identified as important for future project-level analyses. We appreciate the compilation of all measures into one location. The Response to Comments (page 20-29) states that all measures will be included in a Mitigation Monitoring and Reporting Plan.

Recommendation: Include in the ROD the Mitigation Monitoring and Reporting Plan along with timeframes and responsible parties.



Mission Trail

RECEIVED

JUN 11 2008

BY:

Siegfried Macheleidt
2699 Loomis Dr
San Jose, CA 95121-2241

JUNE, 6, 2008.

To the Board of California High-Speed Rail Authority,

As a Stakeholder I have interest in the MagLev Super High-Speed System as you can see from my letters to Senator Reid, Governor Schwarzenegger and to the Editor of the San Jose Mercury News.

A Rail-Wheel System is not the safest System in an earthquake country like California. Even high winds and Tornados have thrown trains off their Tracks lately in USA as you seen on TV, So think about it //

For MagLev it is imposibly to derail.

Sincerely yours,

Siegfried Macheleidt

Siegfried Macheleidt

SIEGFRIED MACHELEIDT
2699 LOOMIS DRIVE
SAN JOSE, CA 95121
408-225-6212

May 27, 2008

US Senator Harry Reid
528 Hart Senate Office Bldg.
Washington, DC 20510

RE: Disneyland to Las Vegas MagLev Train

Dear Senator Reid:

Recently, a friend of mine who resides in Las Vegas made me aware of your backing of the construction of a magnetic levitation superspeed train, particularly between Disneyland and Las Vegas. I was very excited to read this and would like to see this plan implemented in the near future! As a resident of the San Francisco Bay Area, I have been attending meetings of the California High-Speed Rail Authority for many years and am convinced the maglev system is superior to the rail wheel system - despite its projected costs - for the many reasons and considerations you of course realize. I am appalled to read that an alternate plan for a diesel electric rail wheel system between Victorville and Las Vegas, DesertXpress, is even being considered!

During my annual visits with family in Germany, I have toured the demonstration site for ThyssenKrup's Superspeed Maglev System Transrapid in Emsland. A year ago, I experienced the thrill of a ride on the maglev running in Shanghai between Pudong International Airport and Long Yang Road Station. Did you know that the Chinese set up a test run in which their train broke the former speed record, reaching 312 mph!

It is obvious from media coverage that the public is not being made aware of the advantages of the superspeed maglev system over the rail wheel system. I applaud your conviction and fight for this project. Please let me know who I can contact both in the Federal Government and the California State Government to support and encourage your dream of constructing the first US maglev train to link our two great states of Nevada and California!

Sincerely yours,

Siegfried Macheleidt

Siegfried Macheleidt

SIEGFRIED MACHELEIDT
2699 LOOMIS DRIVE
SAN JOSE, CA 95121
408-225-6212

May 27, 2008

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

Dear Governor Schwarzenegger:

As a resident of the San Francisco Bay Area, I am concerned about the current status of implementing a high speed train system in California connecting San Francisco, Sacramento, LA and Las Vegas. I have attended many meetings of the California High-Speed Rail Authority over the past years and am convinced the maglev system is superior to the rail wheel system for many various considerations. I have visited ThyssenKrupps' prototype maglev test track in Germany and experienced a thrilling ride on the silent, smooth maglev running between Pudong International Airport and Long Yang Road Station in Shanghai.

Governor, you are a man destined to impact the future of California and the United States, and I would like to know your position and hopes for getting started on a revolutionary new transportation system - now - in our great state. I would also like the names of anyone on your staff or in our California State Legislature who are interested in building a high speed rail system here.

Sincerely yours,

Siegfried Macheleidt

Siegfried Macheleidt

SIEGFRIED MACHELEIDT
2699 LOOMIS DRIVE
SAN JOSE, CA 95121
408-225-6212

May 27, 2008

Letters to the Editor
San Jose Mercury News
750 Ridder Park Drive
San Jose, CA 95190

Re: Superspeed Maglev System Transrapid

Dear Editor:

It is obvious that, statewide, media sources are not educating the public to the advantages of the high speed magnetic levitation track bound transportation system over its competitive high speed diesel electric rail wheel system as an urgently needed answer to connecting San Francisco, Sacramento, Los Angeles, and - yes - Las Vegas.

Is the lobbying power of special interests so great as to hide these facts?

- The rail wheel system takes 30 miles to reach a speed of 200 mph. The maglev system needs only 3 miles to reach the same speed.
- The maximum speed of the rail wheel system is 220 mph. The maglev system runs safely at 310 mph.
- Energy consumption, operating costs, and maintenance requirements are considerable lower than any rail wheel system.
- The rail wheel system can only overcome a 4% grade and will require much tunneling. The maglev needs no tunneling because it can overcome a 10% grade. It also maneuvers small curve radii.
- The maglev system can accommodate more stops to isolated communities such as Visalia and requires the lowest amount of space and land when compared with any other transportation system
- Compared with other transport systems, maglev is extremely quiet.
- Even with construction of elevating the maglev trestle, the cost will be less than improving and adapting the existing rail tracts.
- As seen and proved in Europe and China, the maglev is not impacted by earth movements or atmospheric storms and will not impact or pollute the environment and native wildlife as will diesel electric rail wheel trains

As an enthusiast for the best possible technology in our State and Nation's future, I have attended many meeting of the California High-Speed Rail Authority over the past years, visited ThyssenKrup's maglev test tract in Emsland, Germany, and ridden the superspeed maglev in Shanghai.

Sincerely yours,

Siegfried Macheleidt

Siegfried Macheleidt



120 Camrose Place
Walnut Creek, CA 94596-6722

June 12, 2008

California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Subject: Final Bay Area-Central Valley EIR/EIS

Sirs:

I have reviewed the subject EIR/EIS and am submitting the following comments:

1) I fear that you have lost sight of your mission. The current alignment looks like a bowl of spaghetti. I realize that you have to be all things to all people--but it does not look like a high-speed route to L.A. (Look at the alignments of TGV, Shinkansen, etc. They go from A to Z in a straight line.)

2) The use of existing Cal-Train track between San Jose and San Francisco should be considered temporary. For example: the British branch of the Eurostar started from Waterloo Station in London and used existing Brit-Rail track for 70 miles until reaching the Dover entrance to the Channel Tunnel. This limited the speed to 85 mph and included dodging local trains. Recently, a separate, exclusive use, right-of-way has been opened allowing 186 mph. The lesson is obvious.

3) The San Jose-San Francisco track is used by Union Pacific for limited freight service into San Francisco. Therefore, it is FRA compliant. If you use or are connected to FRA compliant track, the new rolling stock must also be FRA compliant which will penalize design and performance.

4) Assuming phased construction, I presume that you would first build the direct San Francisco-Los Angeles route and add the remaining routes in the order of expected patronage.

In the meantime, you could begin by testing the SF-LA market by introducing a light-weight motor train along the existing Union Pacific coast route. Even at the government mandated 79 mph, the trip could be made in about 6 hours. The coast route is underused (6 trains a day) and with the current airline problems and high automobile fuel costs, an alternative means of moving people is very timely.

Very truly yours,


Jack F. Munro (P.E. ret.)

RECEIVED
JUN 23 2008
BY:

6/21/2008

DEAR MALEAU,
PLEASE SEE & FIND THIS
LABEL FOR

2 I HAVE YOU VERY MUCH
FROM CHARITY US IN THE WORD "GAIN"
LIB. YOU FOR CA HSR ANNOUNCEMENT
DTD 5/25/2008 & REC BY LINE ON 5/27/2008.
3 ONLY SF 25-39 BY PH SF 14-
IN VOL 3 PLEASE SEE REPT. TO
CONTRACT LTA # 1012

STHOUED READ CONTRACT LTA # 1013
AS ONLY 24-28 &
24-29.

P.S. I DON'T
KNOW OF YOU
WILL MAKE 9/2008
THE JULY 8, 2008
AUTHORITY BOARD
IN 165-50120 CA
SAN FRANCISCO

Charles Conway
CHARLIE CONWAY
P.O. 130055
HAYWARD, CA
94543

GO TO THE ADDRESS
FROM THE OAKLAND CA.
MAIN LIB TODAY AT OAK ST
& 14 ST.
OAKLAND, CA.

[deciphered version of handwritten letter dated June 21, 2008]

06/21/08

Dear Mr. Leavitt,

- (1) Please see and find this comment letter.
- (2) Thank you very much for correctly using the word main library in your CA HSR announcing DTD 05/21/08 & received by me on 05/27/08.
- (3) On pg. SF 25-39, comment PH- SF14-1 in volume # 3 - please see response to comment letter # IO12 should read comment letter # IO13, #s on pg. 24-28 and 24-29.

V.T.Y.

Charlie Cameron
P.O. Box 55
Hayward, CA 94543

P.S. I do not know if I can/will make the July 8, & 9, 2008 Authority Board Mtgs. In San Francisco, CA

P.S. I got the above info from the Oakland, CA Main Library today at Oak Street and 14th Street, Oakland, California



rails-to-trails
conservancy

Western Regional Office
26 O'Farrell Street, Suite 400
San Francisco, CA 94108

tel 415.397.2220
fax 415.397.2228

www.railstotrails.org



16 June 2008

Mr. Dan Leavitt
Deputy Director, CHSRA
925 L Street, Suite 1425.
Sacramento, CA 95814

Re: Bicycle/Pedestrian Path

Dear Dan:

Thanks again for meeting with Andy Thornley and myself on June 4 in San Francisco. We appreciate the opportunity to hear an update on the project, and discuss the potential benefits of High Speed Rail in California.

As we mentioned, we would like to formally request that the CHSRA include a bicycle and pedestrian path (also called a "rail-with-trail") parallel to the rail ROW, and that this element be included in the project level planning that will get underway later this year. We request that the environmental review include an analysis of the pathway with cost estimates, and that the feasible segments be included in the total cost of the project. In order to facilitate this request, we suggest that a Citizens' Advisory Committee be formed to assist the CHSRA in determining potential alignments for the pathway to be included in the EIR process.

There are significant local, state and federal funding sources available for trail development, and an efficient well-planned route could help attract some local match and public support. Rails-to-Trails Conservancy, and members of the recommended Citizens Advisory Committee, would help the CHSRA identify these sources.

A bikeway connecting communities along the route, and spanning much of California, would be a major transportation and recreation asset, and will contribute to making California a world-class bicycling destination.

There are dozens of successful rail-with-trail projects around the country and abroad. Many of these are profiled in the following two studies which you may find useful. They are both available from our website:

http://www.railstotrails.org/whatwedo/trailbuilding/technicalassistance/toolbox/20071126_rails-with-trails.html

The two studies are:

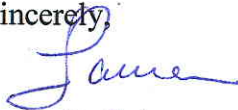
**Rails-with-Trails: Design, Management, and Operating Characteristics of 61 Trails Along Active Rail Lines.
Rails-to-Trails Conservancy.**

Rails-with-Trails: Lessons Learned. Alta Planning + Design and the U.S. Department of Transportation

We respectfully request your acknowledgement of this letter, and we would appreciate your advice on appropriate next steps to address the issue as the HSR project moves forward.

On behalf of all of the organizations listed below that are submitting this proposal, thank you for consideration of our request, and we look forward to working with you as this project moves forward.

Sincerely,



Laura R. Cohen
Director, Western Region
Rails-to-Trails Conservancy

Stuart Cohen
Executive Director
TALC

K.C. Butler
Executive Director
California Bicycle Coalition

Deb Hubsmith
Advocacy Director
Marin County Bicycle Coalition

Kathy Keehan
Executive Director
San Diego County Bicycle Coalition

Andy Thornley
Program Director
San Francisco Bicycle Coalition

Merge BART and Caltrain!

Robert S. Allen 26 June 2008

rsa



Two unlike modes dominate San Francisco Bay Area rail transit: Caltrain and BART. Muni (SF Municipal Railway), VTA (Santa Clara Valley Transportation Authority) light rail, ACE (Altamont Commuter Express), Capitol Corridor, and Amtrak round out the list of rail passenger carriers.

Merging the BART and Caltrain counties (San Francisco is in both) into one rapid transit district could benefit everyone and unify the region.

(This five-county district with close to six million people would have the political and financial clout to create a blended rail system serving the Bay Area much better than either BART or Caltrain could by itself.)

Grade separated, widened, and electrified Caltrain with at least two local and two express tracks between San Jose and San Francisco highlights the potential. Third-rail BART (with high platforms, close station spacing, automatic fare collection, and frequent one-operator trains) would use the local tracks between San Jose and Millbrae; Muni between Millbrae, SFO, and San Francisco. (BART is planned to San Jose and Santa Clara and already runs to Millbrae.)

Double tracking and grade separating UP's Mulford line could greatly expedite Capitol Corridor and ACE trains. Getting Caltrans to widen parts of I-580, SR 4, and I-80 would allow BART at grade in their medians to Livermore (Greenville Rd.), Antioch (Hillcrest Ave.), and Crockett with little earthwork, structure, land, or environmental cost.

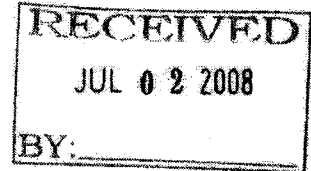
Among other potential BART projects: An Oak Street turnback in San Francisco, extending later via Oak-Masonic toward the Golden Gate Bridge; a West Oakland by-pass via a major Amtrak/Capitol Corridor intermodal station near Magnolia; over the Altamont to the Central Valley; beyond Antioch toward Stockton; and to the North Bay.

Getting BART to loop the Bay and point to the North Bay and Central Valley all start with merging BART and Caltrain. It would free rail transit from grade crossing hazards and freight train delays, and do far more for commuters and the environment than MTC's "Regional Rail".

223 Donner Avenue
Livermore, CA 94551-4240

1 July 2008

The Honorable Quentin Kopp, Chairman
California High Speed Rail Authority



Re: Altamont Corridor (Item 10, July 9 Agenda)

Item 10 addresses the Altamont Corridor. Please add "*BART or other*" before "regional rail project" on the third line.

BART trackway (ballasted double track, traction power, train control, communications, ductwork, fencing, etc.) on a railroad grade runs about \$12.2 million/mile in 2008 dollars. (Land, cars, stations, earthwork, structures, environmental work, etc., come extra.)

BART at grade on the abandoned SP roadbed and along Old Altamont Pass Road to Mountain House (en route to Tracy and a Lathrop/Manteca HSR intermodal station) would require no tunnel, few structures, and little earthwork.

Such an alternative to a new rail line with heavy earthwork and a long tunnel deserves more than a casual look. Compare the tunnel to the new Caldecott 4th bore, costing about \$124,000/foot (\$650 million/mile).

A BART alternative, with about four one-operator trains per hour, would serve many more people much better at far less cost than conventional passenger trains. Nearly seamless direct service to major job and metro centers comes with BART. BART runs about 95% on time and has gone nearly 36 years – about 30 billion passenger miles – with close to zero fatal accidents.

Grade crossings, trespassers and freight trains clutter other rail lines. Fare collection, flagging, and other operations compel larger crews, adding costs to other rail. I'm not knocking railroads – I've worked 30 years on three different railroads – but let's be real. A BART alternative merits serious study.

Adding these three words could win critical support for the bond issue.

A handwritten signature in black ink that reads "Bob Allen". The signature is fluid and cursive, with a long, sweeping underline.

Robert S. Allen
BART Director (1974-1988)
(925) 449-1387

Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX)
e-mail: stuflash@aol.com

DELIVERY BY FAX AND E-MAIL

June 2, 2008

Mr. Medhi Morshed, General Manager
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Mr. David Valenstein
Environmental Program Manager
Federal Railway Administration
1120 Vermont Ave., MS 20
Washington, DC 20590

Dear Mr. Morshed and Mr. Valenstein:

This letter is written on behalf of my clients, the Planning and Conservation League ("PCL"), the Transportation Legal Defense and Education Fund ("TRANSDEF"), and the California Rail Foundation ("CRF"), to comment on the adequacy of the recently-completed Final Programmatic EIR/EIS for the Bay Area to Central Valley High Speed Rail Project ("FEIR/EIS"). I recently received a copy of a letter to the High Speed Rail Authority, dated May 13, 2008, from Mr. Jerry Wilmoth, General Manager for Network Infrastructure for the Union Pacific Railroad. A copy of that letter is attached hereto.

In that letter Mr. Wilmoth states, in no uncertain terms, that the Union Pacific Railroad, "... does not feel it is Union Pacific's best interest to have any proposed alignment located on Union Pacific rights-of-way." As you are aware, there are a number of places within the proposed High Speed Rail Authority's proposed alignment between Los Angeles and San Francisco where the Authority proposes that the high speed rail tracks be placed within Union Pacific right of way. Most specifically, in terms of the above-referenced FEIR/EIS, both the Pacheco Pass alignment alternative and the Altamont Pass alignment alternative are predicated on the use of Union Pacific right-of-way for significant portions of the routing. (See, e.g., FEIR/EIS at 2-40 [both Pacheco alignment alternatives utilize Union Pacific right-of-way south of San Jose].)

It would appear that Union Pacific's vehement opposition to use of its right-of-way likely makes infeasible major portions of the alignments analyzed in the FEIR/EIS. New alignments for these sections will need to be identified and analyzed. This, in turn, will significantly alter the EIR/EIS's analysis and comparison of impacts for the various alternatives under consideration. This makes it impossible for the Authority's Board of Directors, or the public, to accurately assess the choices that will need to be made in determining a final alignment for this important segment. In addition, of course, Union Pacific's opposition will also require reassessment of major portions of the more southern parts of the San Francisco to Los Angeles routing, which was already

California High Speed Rail Authority; Federal Railway Administration

June 2, 2008

Page 2

addressed in a prior programmatic EIR/EIS; most specifically the alignment through the Palmdale area, which also is premised on use of Union Pacific right-of-way. The environmental review of those portions of the alignment will also need to be reopened to address this changed circumstance before those portions can proceed to project-level decisions.

Because of this major change in circumstances, which was not considered in the FEIR/EIS and which the public has not had the opportunity to comment on, the FEIR/EIS needs to be withdrawn and a revised Draft EIR/EIS prepared and circulated to address this major change in circumstances. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1120 [26 Cal.Rptr.2d 231; 864 P.2d 502]; see also, *Westlands Water District v. United States Department of the Interior*, 376 F.3d 853 (9th Cir. 2004).)

Please notify me when the Authority and/or Federal Railway Administration take any further action on the environmental review of this project.

Most Sincerely,



Stuart M. Flashman

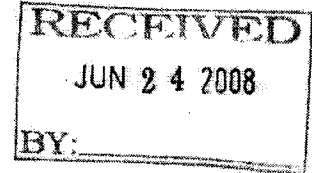
Judge Quentin L. Kopp, Chairman
"Fran Flores", Vice-Chair
David Crane
Rod Diridon, Sr.
R. Kirk Lindsey
Curt Pringle
Lynn Schenk
T.J. (Tom) Stapleton
Tom Umberg
*past chair

ARNOLD SCHWARZENEGGER
GOVERNOR



CALIFORNIA HIGH-SPEED RAIL AUTHORITY

May 30, 2008



Dear Stakeholder:

The California High-Speed Rail Authority's public Board Meeting will be held Wednesday, June 11, 2008, at the Metropolitan Transportation Authority, One Gateway Plaza, Los Angeles, CA. Please note the meeting is scheduled to begin at 9:30 am.

At this meeting, staff will request authorization to enter into a Co-Operative Agreement with Fresno Council of Governments (COG) in regards to the inter-relation of the high-speed train alignment and the Fresno freight rail consolidation plans through Fresno. Infrastructure Management Group will provide a briefing on the responses received to the Request for Expressions of Interest. Parsons Brinckerhoff and Hatch Mott MacDonald/URS/Arup Joint Venture will provide a briefing on the work to date on the Los Angeles - Palmdale corridor. Additionally, the Authority will be briefed by Spanish high-speed train representatives on the status of Spain's passenger rail network.

At the May 14, 2008 meeting the Authority approved the Station Area Development Policies, the Financing team provided an update on the Request of Expressions of Interest work, and the Program Management team presented a briefing on the work to date of the Anaheim to Los Angeles corridor. The Communications Manager presented an overview of the new California High-Speed Rail Authority website. Additionally, the City of Anaheim presented an overview and update on the ARTIC Station and the transit oriented development proposed in the station area.

For more information on the Authority's accomplishments, visit our website at www.cahighspeedrail.ca.gov.

I look forward to seeing you in Los Angeles at our Board Meeting.

Sincerely,

M. Morshed
Mehdi Morshed, Executive Director

To: *M. Morshed* I thoroughly support your HSR proposal!
I am a retired Architect-planner that has followed your progress for years & I congratulate you and your staff for bringing CHSR ever so closer to the beginning of construction. As an avid landuse & Transportation planner I see a major error in the HSR routing as it enters the SF Bay Region. The Alt 3/Almont Pass route has advantages over the Watsonville route. It avoids the environmental intrusion of the Southern route & discourages speculative development of agricultural and open space lands, and better serves Northern SJ Valley areas where most potential riders already live. I had feared the land speculators would jump in where ever more developable lands could be accessed. Avoid a big fight later and go back to the Alt 3/Almont Pass.

925 L Street, Suite 1425 - Sacramento, CA 95814 - 916.324.1541 - fax 916.322.0827

www.cahighspeedrail.ca.gov

Ken Natwood APA, AICP

To Mehdi Morshed, Executive Director

I thoroughly support your HSR proposal!

I am a retired Architect-Planner that has followed your progress for years & I congratulate you and your staff for bringing CHSR ever closer to the beginning of construction. As an avid land use & Transportation Planner I see a major error in the HSR routing as it enters the SF Bay Region. The Altamont Pass route has advantages over the Watsonville route, it avoids the environmental intrusion of the Southerly route and discourages speculative development of agricultural and open space lands, and better serves Northern S.J. Valley cities more potential riders already are. I had feared land speculators would jump in wherever more developable land could be assessed. Avoid a big fight /step and go back to the Altamont Pass.

Ken E. Norwood, AICP-APA
Shared Living Resource Center
2337 Parker Street # 9
Parker Street Cooperative
Berkeley, CA 94704
(510) 548-6608



Scott D. Moore
Vice President Public Affairs

July 7, 2008

Mr. Quentin L. Kopp
Chairperson
California High-Speed Rail Authority Board
925 L Street, Suite 1425
Sacramento, CA 95814

Re: Final Bay Area to Central Valley HST Program EIR/EIS

Dear Chairperson Kopp:

Union Pacific Railroad Company (UPRR) appreciates the opportunity to provide the following comments to the High-Speed Rail Board with respect to the above-referenced EIR/EIS.

UPRR wishes to emphasize that we are not opposed to the concept of high-speed rail nor would we oppose implementation of the project should the voters approve the bond issue in November. Our concern is that the project should not be designed to utilize or occupy any of our rights of way. Our rights of way are limited in width and are fully dedicated to freight service, and, in some instances, to commuter passenger trains. UPRR simply cannot meet the future freight transportation needs of California if our right of way is taken away for high-speed rail.

To respond to the specific corridors proposals for high-speed rail, UPRR points out that our San Jose to Gilroy right of way is very narrow by railroad standards – primarily 60-feet or less – and is bounded on one side by a major arterial highway. We could not give up a 50-foot exclusive width right of way to high-speed rail and remain in business.

Even though our right of way is wider (primarily 100-feet) along most of the Central Valley line, a loss of 50 feet would render future freight rail expansion impossible. As fuel prices rise and the nation becomes more concerned with the environmental effects of transportation, we need the ability to expand our infrastructure, perhaps substantially. In addition, we serve numerous industries on both sides of our track. High-speed rail would cut off, forever, our ability to expand capacity in the Central Valley, leaving California with only highway alternatives. It also would disrupt existing rail-served businesses and prevent new rail-served industries from locating on one or both sides of our rail line. This is not a wise transportation decision for the State.

Regarding Caltrain's San Francisco – San Jose corridor, UPRR does not own the right of way but has a freight easement over Caltrain's tracks. Our freight operations already are restricted to avoid delaying Caltrain's commuter trains. Imposing two exclusive high-speed rail tracks on a 50-foot right of way effectively will end our ability to provide freight service to customers on this corridor, including the Port of San Francisco. We will have the same concerns between Sylmar and Los Angeles, where Metrolink's commuter line right of way is designated for high-speed rail service.

An effective and efficient freight rail network is vital to California's economic future. Policy makers such as the high-speed rail board should not jeopardize UPRR's ability to provide such freight service by assuming that high-speed rail will have no impact. UPRR urges the board to carefully consider corridor routes that do not utilize our rights of way.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott D. Moore", written over a horizontal line.

Scott D. Moore

cc: Mehdi Morshed, California High-Speed Rail Authority
Jerry Wilmoth, Union Pacific Railroad
Wesley Lujan, Union Pacific Railroad

Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX)
e-mail: stuflash@aol.com

July 8, 2008

Board of Directors
California High-Speed Rail Authority
925 L Street, Suite 1425.
Sacramento, CA 95814

RE: Final Programmatic EIR/EIS for Bay Area to Central Valley High Speed Train Project

Dear Chairperson Kopp and Board Members,

I am writing on behalf of the Planning and Conservation League, the California Rail Foundation, the Mountain Lion Foundation, the BayRail Alliance, and the Transportation Solutions Legal Defense and Education Fund to comment on the Final Programmatic Environmental Impact Report/Environmental Impact Study ("FPEIR/S") for the Bay Area to Central Valley High Speed Train Project ("Project"). This letter follows up on my earlier letter of June 2, 2008 regarding the Union Pacific Railroad's ("UP") determination to oppose the High Speed Rail Authority's ("HSRA") use of UP right-of-way or any actions by the HSRA that might interfere with UP's operations.

In subsequent interviews, and testimony before the Senate Transportation and Housing Committee, Chairperson Kopp has stated that the Project FPEIR/S does not propose that the Project use any portion of the UP right-of-way, and that the HSRA sees nothing inconsistent between the UP's position and the HSRA's plans for its high speed rail project, either along the Pacheco Pass alignment or elsewhere in the proposed system. A review of the FPEIR/S and other available information appears to contradict Chairperson Kopp's statements.

In Appendix 2-E to the FPEIR/S, there are a series of figures showing proposed cross-sections for the Project at various points along the route. A number of these cross sections show the high speed rail alignment running either within or adjoining the UP right-of-way. Specifically, for the San Francisco to San Jose "Caltrain Corridor", Figures CC-1, CC-2, CC-3, CC-4, CC-6, and CC-8 all show the high speed rail line running within the shared Caltrain/UP right-of-way, and Figure CC-10 shows the high speed rail line running within ninety feet of the UP right-of-way¹.

Similarly, in the Niles Subdivision to I-880 segment, Figure NS-20 shows the HSR right-of-way directly adjoining the UP right-of-way while Figure NS-S4 shows one of the HSR line tracks sharing the existing shared UP/Capitol Corridor right-of-way.

Again, in the San Jose to Central Valley ("Pacheco Alignment") segment, Figure PP-6 shows the HSR line sharing the existing right-of-way with Caltrain and the directly-adjoining UP tracks. Figure PP-12 and PP-14 show the HSR tracks sharing the existing UP right-of-way, with only a crash wall separating the two sets of tracks. Figures PP-7 shows the HSR tracks directly adjoining the UP Mainline right-of-way, while Figures PP-8 and PP-9 show the HSR right-of-way closely adjoining the UP right-of-way, again with no barrier between the two, and Figures HM-2 and GEA-5 show the HSR right-of-way squeezed between the existing UP right-of-way and the existing highway right-of-way, again with no indication of a crash barrier.

Chairperson Kopp has asserted in an interview that, "There's plenty of room there [in the corridor]" without encroaching on the UP right-of-way or interfering with UP operations. The above-referenced cross-sections, particularly Figures HM-2 and GEA-

¹ The diagram does not even show any crash wall separating the different tracks. Some figures (e.g., Figures NS-7, NS-12) do indicate presence of a "crash wall", but its characteristics are left undefined.

5, appear to indicate otherwise. As further evidence on this point, attached are Google Earth aerial photographs of the proposed HSR route in the area south of San Jose. As can be seen here as well, there is little room available to move the HSR right-of-way away from the UP right-of-way without requiring the taking and demolition of large numbers of homes and businesses. (See also, e.g., FPEIR/S, Appendix 2-D Plans and Profiles, Pages 2-D-26 thru 2-D-29.) If such large-scale takings and the consequent displacement of residents and businesses are envisaged in the PEIR/S, their impacts should have been identified, analyzed, and discussed. Just because this is a programmatic EIR does not allow significant impacts such as these that are predictable at the programmatic level to be ignored or put off for later consideration. (See, e.g., *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 282 [118 Cal.Rptr. 249; 529 P.2d 1017] [environmental consequences should be considered at the earliest possible stage].) Further, the analysis of Section 4(f) and 6(f) resources close to the proposed HSR alignment limits itself to those within 150 feet of the UP right-of-way (FPEIR/S page 23-56 to 23-57, response to comment O007-26.) Either the location of the alignment must be limited accordingly, or the analysis of Section 4(f) and 6(f) resources is flawed and invalid. (See also, FPEIR/S page 23-58, response to comment O007-35.)

The FPEIR/S's analysis of land use impacts also specifically took into account, "... whether the alignment alternatives would be within or outside an existing right-of-way in the study area." (FPEIR/S at 23-78.) Presumably, the analysis of land use compatibility found little or no impact where the FPEIR/S showed the HSR alignment to be within the existing UP right-of-way. If, as Chairperson Kopp now asserts, this is not true, the land use compatibility and land use impacts assessments need to be revisited.

All of this evidence, as well as the descriptions of the alignment already alluded to in my previous letter, can only indicate one of two things: either Chairperson Kopp's assertions about not using the UP right-of-way or nearby areas are accurate, in which case the FPEIR/S's analysis of impacts is woefully deficient and needs to be drastically revised and then recirculated, or, contrary to Chairperson Kopp's statements, the FPEIR/S does indeed contemplate the high speed rail alignment being in close proximity to, and in some case even sharing, the UP right-of-way. If this is true, UP's strong objections to this kind of sharing or even to close proximity of the HSR right-of-way to its right-of-way raise serious questions about the feasibility of the alignment and associated cross-sections as shown in the FPEIR/S. These questions need to be resolved now, before the Authority certifies the EIR/S and makes an alignment decision. Otherwise, the Authority may well be heading down a blind alley that would require it to retrace its steps later, at enormous cost to California taxpayers. If high speed rail is worth doing, it's worth doing right; and doing it right means making the right choices the first time.

In addition to these problems, there are other serious problems with the FPEIR/S. Many, if not most, of the responses to comments (and specifically responses to comments made in my comment letter on the DPEIR/S) are clearly inadequate and fail to address the problems pointed out in the comments (e.g., the failure to adequately address not only whether train splitting is feasible but more importantly whether an Altamont alignment including train splitting would have significantly greater ridership than the Altamont alternative analyzed in the DPEIR/S). Such inadequate and conclusory responses to comments defeat a primary purpose of CEQA (and NEPA), "to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action." (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86; See also, *Jones v. District of Columbia Redevelopment Land Agcy.* (D.C. Cir. 1974) 499 F.2d 502, 511.)

Even beyond these serious shortcomings in the FPEIR/S, there are several other aspects of the FPEIR/S's analysis that have become open to question in the time since the DPEIR/S was circulated. Chief among these is the failure to adequately factor into the analysis future increases in the cost of petroleum-based fuels.

The FPEIR/S assumes that, for short and medium-length trips, auto use will be preferred over high speed rail, in spite of high speed rail's much faster speed, because HSR will be much more expensive. This may have seemed a sensible assumption at the time the DPEIR/S was circulated. However, the increase in petroleum and gasoline costs in just the past year have shown that automotive travel expenses cannot and should not be presumed cheaper than other alternatives. While the current high price of petroleum may be partly due to speculation, the phenomenon of "peak oil" – i.e., the expected sharp increase in cost when future increases in demand are considered along with the decreasing world petroleum supplies – indicates that gasoline prices can be expected to sharply escalate over the next two to three decades, to the point where automotive travel may become unaffordable for all but the shortest trips. In addition, efforts to reduce human impacts on global warming (e.g., in California, under AB 32) can be expected to further increase the cost of automotive travel for consumers. Gasoline prices three times their current four dollar per gallon price are not only possible, but highly likely and indeed predictable. The consequent shift in travel mode has not been considered in the FPEIR/S, despite the fact that a similar transition is already happening in Europe, helping to explain the high popularity of high speed rail there. (See, e.g., *Transit Price Elasticities and Cross-Elasticities* by Todd Litman, J. Public Transportation (2004) 7 (2), 37-58; *High-speed rail in Europe: experience and issues for future development* by Roger Vickerman, Ann. Regional Science (1997) 31 (1) 21-38.)

While the increase in petroleum prices will affect all petroleum-based energy costs, the increasing use of renewable energy sources for electricity generation, particularly under the State's AB 32 standards, means that electricity costs, and correspondingly the costs for HSR transportation, will rise far more slowly than those for auto use. In short, the FPEIR/S greatly underestimates the ability of HSR to compete in the future against the automobile, not only for long trips, but also for shorter trips such as those involved in commuting. As a result, the FPEIR/S's ridership results are inaccurately skewed against inclusion of commute trips. With the recent evidence that gas prices can and do greatly affect traveler mode choices, the ridership studies need to be redone, taking into account future long-term expected increases in gasoline and other petroleum product costs.

Finally, one further flaw in the FPEIR/S's analysis is that while the FPEIR/S's analysis attempts to include costs for the construction of the system, including right-of-way acquisition and improvements, it does not appear that the construction costs have taken into account the costs for creating grade separations along the route. These will be needed not only to accommodate intersecting roads and highways, but also to accommodate major animal migration corridors and to protect the connectivity of valuable wildlife habitat. These costs need to be factored into the analysis in comparing the Pacheco and Altamont alternatives.

CONCLUSION

The many comments on the DPEIR/S should have signaled to you that the DPEIR/S had serious problems that needed to be addressed. Instead, you chose to continue forward "full steam ahead" and released an equally flawed FPEIR/S. You have one last opportunity to reconsider whether this FPEIR/S is, "ready for prime time." You should use that opportunity.

Most sincerely,



Stuart M. Flashman

cc: Federal Railway Administration
Sen. Lowenthal
Sen. Ashburn



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San Jose, CA

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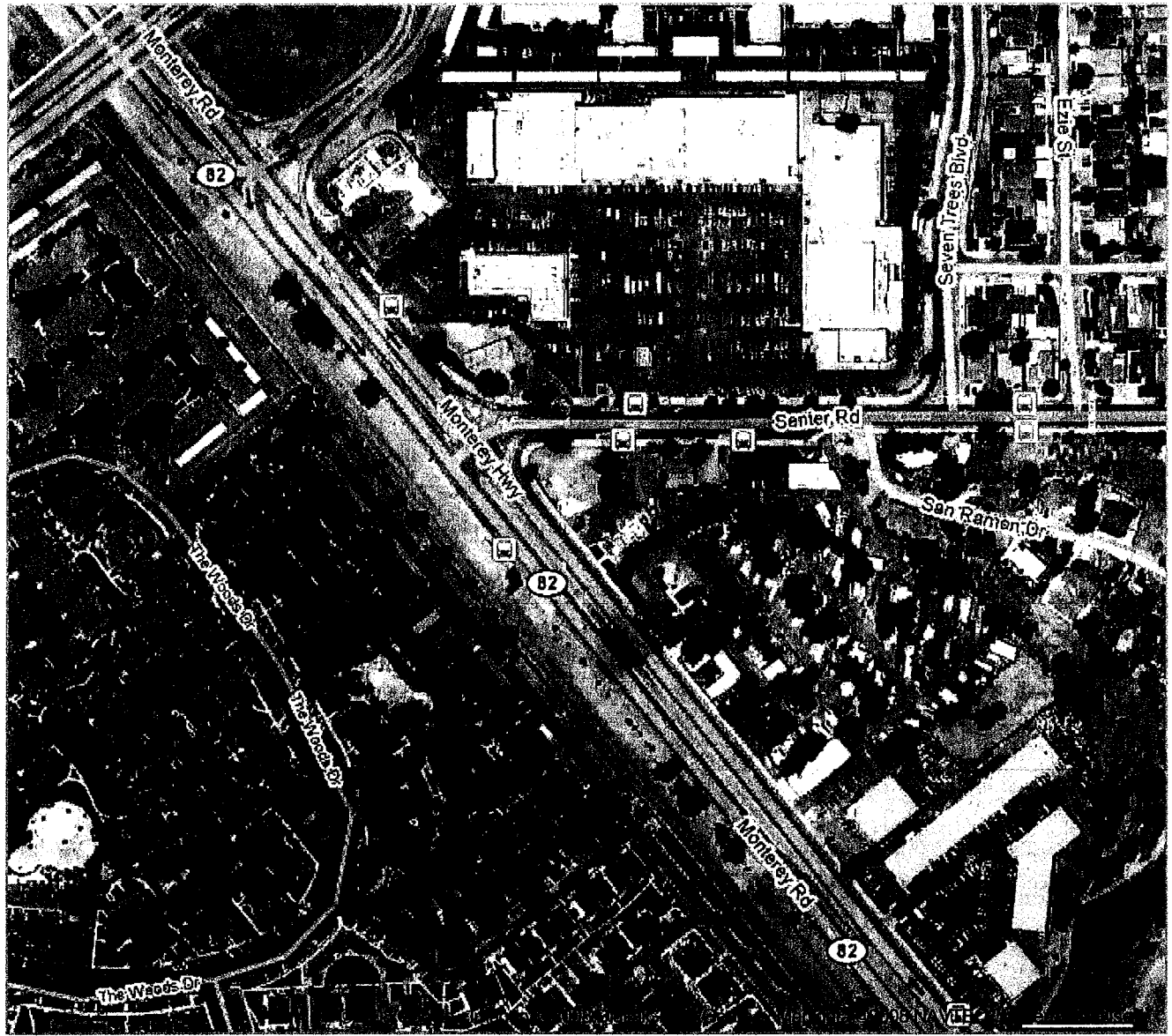


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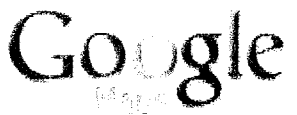




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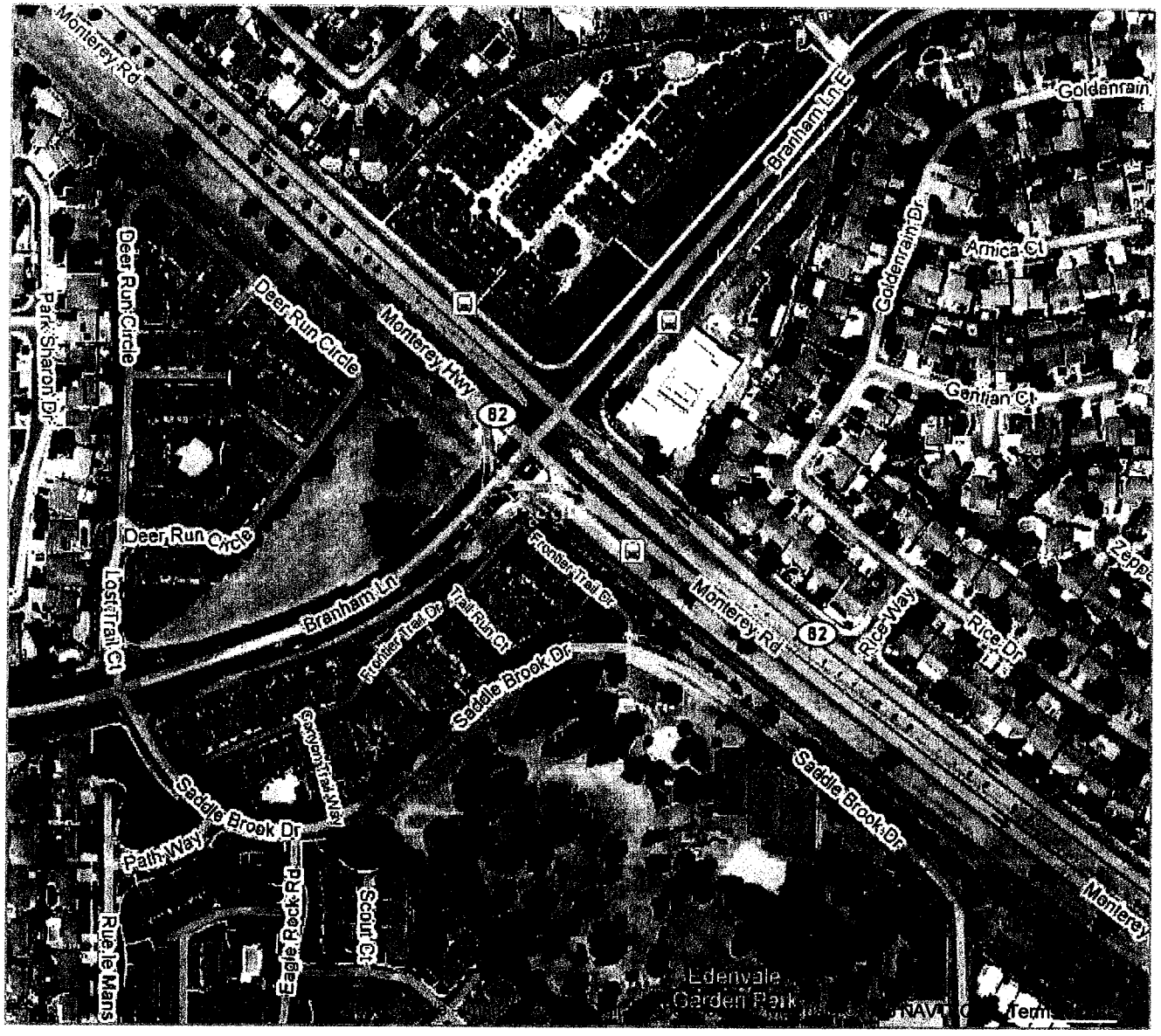
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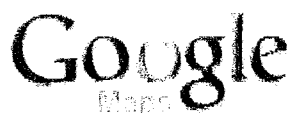




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TRANSPORTATION INVOLVES EVERYONE

(TIE)

Central Valley/Sierra Office

Merced, CA 95344

(209) 722-4558

Yosemite Area Office (209) 742-6780

July 7, 2008

Mr. Daniel Leavitt, Deputy Director
California High-Speed Rail Authority
1925 L St., Suite 1425
Sacramento, CA 95814

Re: COMMENT LETTER, PROPOSED FINAL
EIR/EIS FOR BAY AREA TO CENTRAL
VALLEY HIGH- SPEED TRAIN PROGRAM

Dear Mr. Leavitt:

Please correct typographical errors, as follows, in the Oct. 26, 2007 comment letter from Transportation Involves Everyone (TIE):

(Pg. 2 Fourth paragraph, Second sentence) Change "so" to "to." Should read...
"A key element is the need for presentation of information to enable policy-makers to provide an informed decision."

(Pg.3, Third Paragraph) Should read..."where Pacheco averages 12.96 million trips per year..."

The "Addendum/Errata" to the proposed Final EIR/EIS for the Bay Area to Central Valley High-Speed Rail Train Program, hereinafter in this letter signified as "HST EIR," issued in late June, 2008 contains graphs, tables and text. However, it lacks attribution, thereby barring the HSRA governing Board from considering the contents as evidence in certification proceedings. Further, TIE maintains that the HST EIR Addendum/Errata lacks information that is sufficiently specific and detailed on air pollution to allow an informed decision. (Western Placer Citizens for an Agricultural and Rural Environment v County of Placer (App 3 Dist 2006) 50 Cal Rptr. 3d, 799, 144 Cal App. 4th 890).

The "Addendum/Errata" presents significant new information, which when sorted out among different and perfunctory analyses, now points to unavoidable air pollution impacts in the Pacheco corridor. Such deficiencies mandate re-writing and re-circulation of the HST EIR.

Response 0015-8 contends sightings of the species in Pacheco Pass are of no greater importance than a fly-over of Ventura or Bakersfield. However, the response ignores the proclivity of a colony to expand its range over time into habitat such as that which is typical of Pacheco Pass. (source: e-mail communication from Mr. Kelly Sorenson, executive director, Ventana Wildlife Society. The society from 2003 to 2006 administered tracking of flights out of the Pinnacles colony).

Pg. 2/Letter to Mr. Daniel Leavitt, Deputy Director
Re: COMMENT LETTER, PROPOSED FINAL EIR/EIS FOR BAY AREA TO CENTRAL
HIGH- SPEED TRAIN PROGRAM

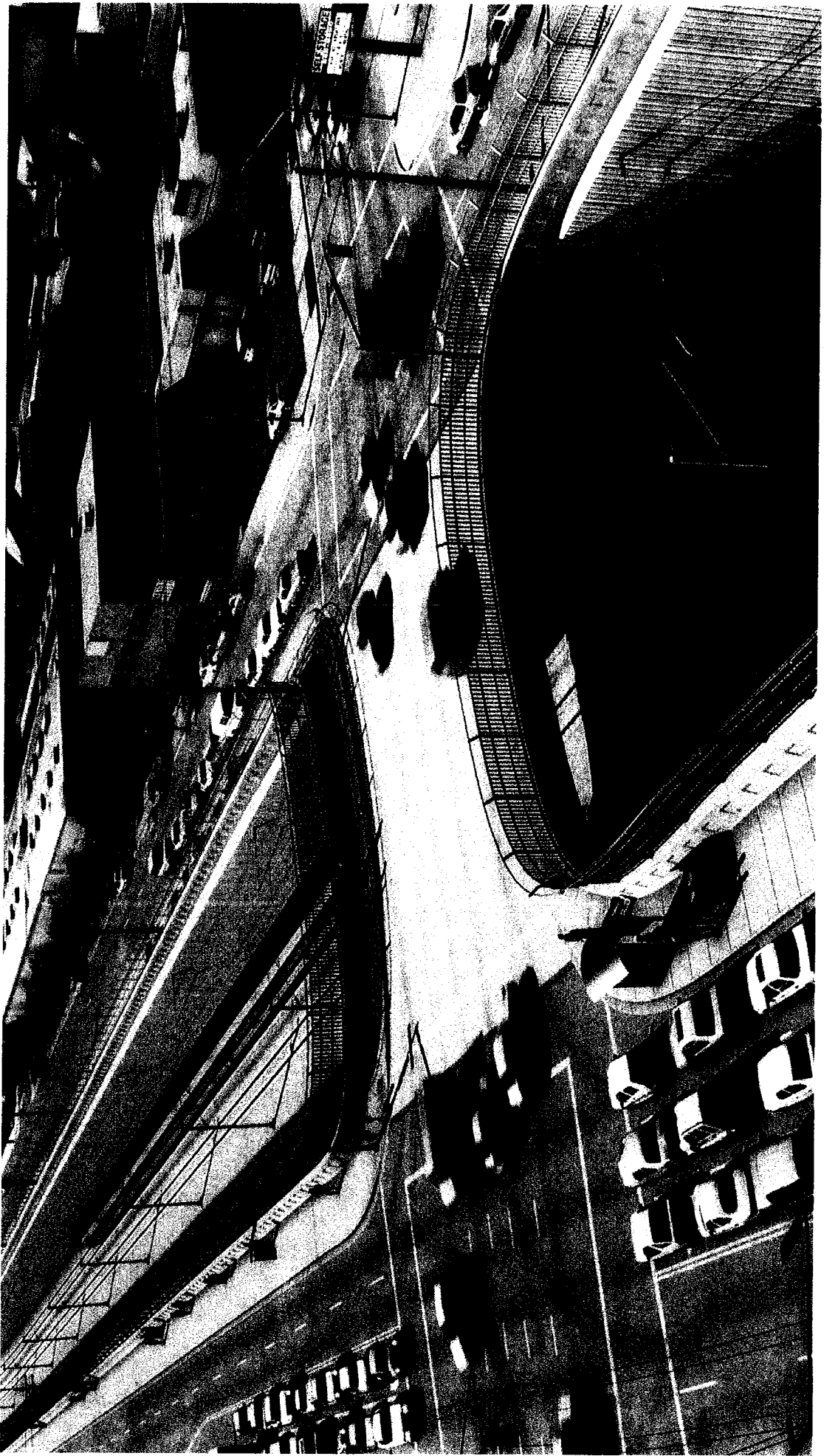
July 7, 2008

Information and criteria set forth in "Addendum/Errata" fails to meet standards prescribed within the California Attorney General's settlement with San Bernardino County over required land use planning elements for greenhouse gas emission reduction. Therefore the governing body is left without the ability to make an informed decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Gosting". The signature is written in a cursive style with a large, stylized "K" and "G".

KENNETH A. GOSTING
Executive Director
Transportation Involves Everyone (TIE)



7/08/08 Mr. England

Comments on HSR final EIS (July 8, 2008)

My name is Walter Strakosch, reside in Mill Valley. I offered comments to the Draft EIS/EIR on Sept. 26th and Nov. 14, 2007. My comments were replied to in the final report and I would like to reply to those replies: In paragraph seven of my Sept. 26th comments letter I refer to cost figures (miles and distance) addressed in Summary Table S.5-1. The responder refers to Table S.9-1 but I don't find that table. He or she may have meant S.5-1. In any event I don't agree with response PH-S9-3. This has to do with the mileage ~~of the~~ ^{to} Altamont Pass (AP) and the Pacheco Pass (PP) from the Valley to the Bay Area.

The final EIR/EIS shows that the routing via the PP is less expensive to build than the one via the AP. *I believe the assumption has been made that the extension to Sacramento will never be built, if so than the figures have some validity.* Baring that, the cost figures of the PP vs. the AP as shown in the EIR/EIS and final are not accurate.

The mileage via the AP (where it branches off from the SJV near Stockton) to a point where it joins the Caltrain main line on the west side of the SF Bay is about 83 miles, and at a per mile cost of \$58,912,100 is a total of \$4,831,000,000.

The mileage via the PP from the SJV (about 25 miles south of Merced) to San Jose, where it joins the Caltrain ROW is about 140 miles. At a per mile cost of \$46,303,800 is a total of \$6,483,000,400 or about \$1,652,000,000 more to build via the PP than the AP.

That saving would be enough to build the line from Stockton to SAC with, probably, some left over.

In my final comment on 9/26, I speak of the directness of a line between San Francisco and Sacramento (the third largest travel market in the State) and the fact that there are two rail ROW's in the AP (one the operating UP and the other the abandoned SP ROW). Response PH-S9-4 refers me to Standard Response 3. Response #3 is lengthy but it speaks largely about ROW and logistical restraints, seismic issues and the difficulty of a new or improved Bay Crossing. Times have changed since the original two ROW's were built through the AP about 100 years

ago. The SP and the Western Pacific RR's were able to do it with pick and shovel and, perhaps, dynamite. Yet we have an issue with logistical and seismic issues. I'm not aware of an earthquake that has affected the AP in the last 100 years. With regard to the Bay Crossing; we have built or rebuilt four Bay Area Bridges in the past 10 years but we seem to have a major issue with rebuilding a rail bridge with the carrying capacity of all four auto bridges combined.

My Nov. 14, 2007 comments deals with the ridership numbers. Annual ridership via the PP (S.5-1) (SJ and SF Termini) is shown as 93,300,000 (annually) and via the AP to SF and SJ (via a Bay crossing) is 90,700,000. The reviewer says (1029-2) that the PP should be 93,890,000 (that it was incorrect in the DEIS) and that the AP should be 87,910,000. Interestingly enough the figures I quote are *also* shown in the final EIR/EIS. The reviewer agrees that the Sacramento/SF ridership via the AP is greater but because the auto catches 88% of Sac/SF trips the AP does not have a larger ridership advantage in this market. The running time Sac/SF via the AP is pegged at 1:06 compared to at least two hours on the highway and we all know 80 is a miserable commute. I respectfully disagree with the reviewer.

Finally, let's discuss catchment areas. In my final paragraph I mention that almost a \$1,652,000,000 saving plus the added ridership from the northern SJV cities and Sac seem to make the AP a wiser and more prudent choice. The reviewer says (reply 1029-2) via a station at Gilroy you create a sizable additional HST market to and from the Monterey Bay Area. Monterey County's population in 2003 was 415,800. The population of Merced, Modesto and Stockton cities totals 689,700, eliminate Merced (which could be considered a catchment area for a PP routing) and you still have 622,100 or an edge of 206,300 more potential passengers in the major SJV cities. Ridership numbers of Fresno south should remain the same.

With regard to Stockton on a direct line to SF—the reviewer disputes that (1029-3) and says it would not be on a AP routing. I say if you go that close to Stockton, you had better figure out a way to build that extra few miles of track to serve Stockton as well. I don't think Stockton would have it any other way.

Walter Strakosch—415 388-6206

CALIFORNIA HIGH-SPEED RAIL AUTHORITY

Name: JACQUES GULBENKIAN, P.E.

Address: 430 TURK BLVD, SUITE 812, S.F., CA 94102-3364

Representing: PRESTRESS SERVICE INTERNATIONAL

Address: + NICK SIMONOV, MAG LEV Expert (S.F.)

Do you desire to be heard at this meeting? Yes _____ No

If yes, do you have a prepared statement? NO

Sufficient number of copies for member of this Authority (10)? _____

- Remarks:
- ① BOTH BRANCHES NORTH OF MERCED SHOULD BE CONSTRUCTED.
 - ② EITHER 220 MPH TRAIN RAIL SYSTEM.
 - ③ OR EVEN SPEEDIER MAG LEV SYSTEM.

**LETTERS PROVIDED BY FRA
SEPTEMBER 2008**



Memorandum

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

Date: July 7, 2008

From: W. E. Loudermilk, Regional Manager
Department of Fish and Game – Central Region *WEL*

Subject: Bay Area to Central Valley High-Speed Train Final Environmental Impact Report and Final Environmental Impact Statement (FEIR/FEIS)
SCH: 2005112051

On September 25, 2007, the Department of Fish and Game (Department) commented on the Draft Environmental Impact Report and Draft Environmental Impact Statement (DEIR/DEIS) prepared by the California High-Speed Rail Authority (Authority) and the Federal Railroad Administration (FRA) for the San Francisco Bay Area to Central Valley portion of the statewide high-speed train system (HST). The area of analysis in the DEIR/DEIS included a broad corridor from the Bay Area to the Central Valley between the Altamont Pass to the north, the Pacheco Pass to the south, the BNSF rail corridor to the east, and the Caltrain corridor to the west. The proposed HST system is an electrified steel-wheel-on-steel-rail system capable of speeds up to 220 miles per hour on a fully grade-separated, access controlled track with state-of-the-art safety, signaling, and automated control systems.

The Department continues to be concerned that the FEIR/FEIS does not adequately address potential impacts the proposed routes and associated facilities will have on Department-owned or managed lands, wildlife movement, threatened and endangered species, and sensitive habitats. While the FEIR/FEIS is broad in its scope and analysis, it does not contain the necessary information, even for a Program-level document, to allow the public, the Authority, and the FRA to make an informed decision and to adequately compare the potential biological impacts of each alignment alternative or to select a preferred alignment based on probable biological resource impacts. In addition, the level of analysis in the FEIR/FEIS is inadequate to allow the Trustee Agencies and other reviewers information necessary to compare differing impacts of each proposed alignment to specific species, habitats, and movement areas so that an informed decision is possible.

Mehdi Morshed, Executive Director
July 7, 2008
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The ensuing specific responses by the Authority and FRA (italicized) were made in reply to the Department's September 25, 2007, correspondence and incorporated into the FEIR.

S006-3: *The HST may have beneficial effects in terms of adding to conservation efforts and improving the ability of residents and tourists to access wildlife areas, thereby increasing revenues and increasing the public recreational opportunities.*

It is unclear how the HST will improve the ability of residents and tourists to access the wildlife areas when there are no planned stations within 20 miles of a Department wildlife area. The planned station in Los Banos has been removed from consideration, and there are no stations proposed between Gilroy and Merced. Further, the FEIR/FEIS contradicts the determination made in **S006-3** with this statement on page 19-10 of the Standard Responses to comments: "... the HST will have no effect on the accessibility between the Bay Area's major job sites and the Los Banos area."

The Department feels the HST will not increase public access to wildlife areas. In fact, as stated in our September 25, 2007, comment letter, the installation and operation of the HST within and adjacent to Department-owned and managed lands could decrease public access and recreational opportunities by limiting hunting, especially at the Upper Cottonwood Creek Wildlife Area (UCCWA).

S006-4: *As noted in Section 3.15 of this Final Program EIR/EIS, the Pacheco alignment alternative has the potential to affect the Cottonwood Creek Wildlife Area, but almost half of the crossing of this area would be in tunnel (1.1 miles, or 46%), which would substantially reduce biological impacts.*

As stated in our September comment letter, this information, along with other potential impacts to Department-owned and managed land was not included in the DEIR/DEIS. Since the Authority and the FRA did not include potential impacts to Department lands in the DEIR/DEIS and the document was not re-circulated as recommended by the Department and required under the California Environmental Quality Act (CEQA) when potentially significant impacts are not addressed, the Department will take this opportunity to comment.

While the use of tunnels to cross a portion of UCCWA may reduce biological impacts, it would not be as effective as crossing the entire area using tunnels. Animal movement and vehicle strike impacts will need to be determined prior to the placement of the tracks if above ground tracks are used. The presence of the HST above ground on the western half of UCCWA (FEIR/FEIS Figure 3.14.4) could severely limit public hunting opportunities on the property and could effectively reduce the hunted area on UCCWA

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by at least half. An above ground train at UCCWA is not compatible with wildlife hunting much the same way Highway 152 is not compatible. The public could not discharge firearms across the tracks (or under if elevated). It is likely that hunting would not be allowed to continue at its current level, if at all, on the western half of the property if the HST tracks are above ground due to public safety and liability issues.

S006-5: *The Henry Miller alignment alternative would not further fragment the linkage between the north and south units of the Grasslands WMA because the alignment is adjacent to Henry Miller Road, an existing facility, and would be elevated for almost half the distance through the GEA.*

This statement and the FEIR/FEIS as a whole does not address the fact that more than half of the Grasslands Ecological Area (GEA) will be crossed using an at-grade, access controlled railway. While there may be the potential for wildlife under/over passes along the route, the Authority and FRA have made no determination as to the placement and number of wildlife passageways on the route so their effectiveness cannot be determined. According to the FEIR/FEIS, the tracks would need to have a barrier on either side to eliminate the potential for human and wildlife encroachment onto the tracks during operation. The Department does not understand the rationale of the Authority and FRA when it is stated that the HST would not further fragment the GEA. The presence of impenetrable barriers on both sides of the tracks does just that by design. Even with the inclusion of wildlife passages at intervals along the route, further fragmentation will occur. It should also be noted that Henry Miller Road is not a major roadway and is mainly used for local and seasonal farming traffic. It is incorrect to give equal weight to this or any other low volume local road and an access controlled high-speed railway in terms of animal movement impacts.

If you have any questions regarding these comments, please contact Justin Sloan, Environmental Scientist, at 1234 East Shaw Avenue, Fresno, California 93710 or (559) 243-4014, extension 216.

cc: See Page Four

Mehdi Morshed, Executive Director
July 7, 2008
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cc: ✓ David Valenstein
United States Department of
Transportation
Federal Railroad Administration
1120 Vermont Avenue N.W. M/S 20
Washington, DC 20590

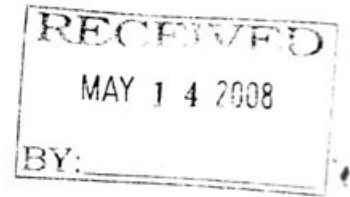
Dan Leavitt
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, California 95814

State Clearinghouse
Office of Planning and Research
Post Office Box 3044
Sacramento, California 95812-3044

ec: Dave Johnston
Department of Fish and Game
Bay Delta Region

John Beam
Bill Cook
Department of Fish and Game
Central Region

Attached to the Stuart Flashman
letter dated June 2, 2008.



May 13, 2008

Mr. Mehdi Morshed
Executive Director
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, California 95814

Re: California High Speed Rail Route

Dear Mr. Morshed:

Reference is made to our meeting of May 9, 2008, to discuss the current status of the California high-speed rail initiative and its possible impacts on Union Pacific Railroad.

It was a very informative meeting to hear the efforts you are undertaking as the high-speed train bond measure is being prepared for the November, 2008 ballot.

After hearing your plans regarding the proposed routing for this service, Union Pacific feels it is important for the California High Speed Rail Authority (CHSA) to once again understand Union Pacific's position as related to potential alignments along Union Pacific corridors. Union Pacific has carefully evaluated CHSA's project and for the variety of reasons we discussed during our meeting, does not feel it is Union Pacific's best interest to have any proposed alignment located on Union Pacific rights-of way. Therefore, as your project moves forward with its final design, it is our request you do so in such a way as to not require the use of Union Pacific operating rights-of-way or interfere with Union Pacific operations. The State of California and the nation need railroads to retain their future ability to meet growing demand for rail cargo transportation, or that cargo will be in trucks on the highways.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Wilmoth".

Cc: Scott Moore - UP
Wesley Lujan - UP

Jerry Wilmoth
General Manager Network Infrastructure

UNION PACIFIC RAILROAD
10031 Foothills Blvd., Roseville, CA 95747
ph. (916) 789-6360 fx. (916) 789-6171

June 30, 2008

Final Bay Area to Central Valley High Speed Train
EIR/EIS Summary

Mr. David Valenstein
USDOT Federal Railroad Administration
1200 New Jersey Avenue, S.E., MS-20
Washington, DC 20590

Dear Mr. Valenstein:

Please note the following comments on the above referenced EIR/EIS document:

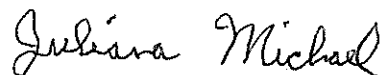
On Page S-3, under the section "S.2-2 Statewide Need", it would appear that additional statewide needs for the new train system could be added to the list. With recognition of current events, one could also state that the need for a high speed electric train system in California could serve to (1) relieve over-dependency on petroleum-based transportation and its costs to travelers, (2) relieve the amount of atmospheric heat (BTUs) and greenhouse gases generated by current aggregate transportation systems (prior to high speed rail implementation) that contribute to global warming, (3) improve travel efficiency and the diversification of energy use, (4) help buffer the national escalating cost of petroleum energy, (5) help reduce economic congestion travel delay costs en-mass on current overburdened transport systems, and (6) disperse land use pressures to new land areas along high speed rail corridors and as a result save more open space and farm land areas.

It should further be considered as background for future high-speed rail systems in California and other states, that the electrical power for such trains can be generated approximately 10 different ways. For example, (1) expanded use of clean energy solar photovoltaic produced electricity in mild weather states from sunlight, (2) geothermal heat generated electricity, (3) hydro-electric power from dams and streams, (4) Norway has ocean wave capture electrical generation, (5) Death Valley and other desert regions could be used for solar mirror concentrator cauldrons to heat water for seasonal steam generation electrical use when power demands are highest, (6) use of natural gas electrical generation plants, (7) use of scrubber technology and the latest low emission coal fired electrical generation plants, (8) use of scrubber technology at new bio-mass furnace/steam/electrical plants near State and Federal forest areas with environmentally sensitive selective-cut logging of diseased and overly competitive tree groves and having rehabilitative programs of ground manicuring, tree re-seeding, fire resistant ground cover planting, and forest floor slough gathering work all carried out by prisoner labor, (9) expanded

wind generation power tower fields in the Coast Range in wind gradient areas, (10) potential nuclear power plants near or within military reservations in Nevada near reservoirs and connected to California's power grid by huge transmission lines. Whatever power Nevada could sell to California could help ensure the stability of Nevada's state budget, since their casino economy may not be as viable with the California advent of Indian casinos. (11) Peaker units run on methane gas near garbage land fill areas as the gas is collected is also a possibility. (12) Regenerative braking systems on municipal light rail and other trolley systems in California might also feed some electricity back into the grid to reduce electrical load energy use.

I hope electrical "bullet trains" of the TGV or Shenkinsan variety may be implemented soon and that the U.S. Congress might enact eminent domain public works corridor preservation bills as done in the late 1950's by former President Dwight David Eisenhower for freeways to establish high speed rail systems throughout California and other states. I hope radar will be implemented in the nose of locomotives as a safety warning system for long distance slow down sensing capability of "on the track" impediments. Best wishes in your endeavors for improving U.S. transportation.

Sincerely,

A handwritten signature in cursive script that reads "Juliana Michael". The signature is written in black ink and is positioned below the word "Sincerely,".

Juliana Michael