

Appendix B

**Staff Summary of and
Brief Response to
Comments on the Final Program EIR/EIS**

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Appendix B

Table of Contents

1.1 Introduction 1

1.2 Summary of Comments Received on the Final
EIR/EIS 1

1.2.1 Hal B.H. Cooper 1

1.2.2 Joseph P. Thompson 2

1.2.3 John F. (Jack) Munro 3

1.2.4 Dianne Domingo-Foraste M.D.; and
Mayisha Akbar (founder of the Jr. Posse
Youth Equestrian Culture Center 4

1.2.5 Joyce Dilliard 5

1.2.6 Stuart Flashman on behalf of Train Riders
Association of California, the Planning and
Conservation League, and Defense of
Place 5

1.2.7 Sierra Club (signed by Patrick Moore,
Chair, Transportation Committee, Loma
Prieta Chapter) 8

1.2.8 U.S. Environmental Protection Agency 11

1.2.9 Libby Lucas 14

1.2.10 State Parks 15

1.2.11 State Parks Foundation 17

1.2.12 City of Visalia 19

1.2.13 City of Palmdale 19

1.2.14 Natural Resources Defense Council 19

1.3 Erratum 18





Staff Summary of and Brief Response to Comments on the Final Program EIR/EIS

1.1 Introduction

This attachment to the *Staff Report for the Final Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Proposed California High-Speed Train System* summarizes comments received on the Final Program EIR/EIS for the proposed California High-Speed Train System.

No comments were received that provided significant new information (as defined in the State California Environmental Quality Act Guidelines section 15088.5(a) or 40 Code of Federal Regulations 15029(c)(1)); therefore, recirculation is not required.

1.2 Summary of Comments Received on the Final EIR/EIS

1.2.1 Hal B.H. Cooper

Hal B. H. Cooper submitted a letter and an attached report on September 16, 2005, and a background report on November 1, 2005, in response to the publication of the notice of the Final Program EIR/EIS. As discussed below, the letter and reports are in addition to Mr. Cooper's comments on the Draft Program EIR/EIS (Comment Letter PH-F031 on April 28, 2004 & O008 dated June 02, 2004).

Mr. Cooper's letter of September 16 enclosed for the Authority's review a proposal Mr. Cooper had submitted to the District 7 Office in Los Angeles of the California Department of Transportation. This proposal (private sector financing of a new 32 mile long electrified railroad tunnel through the Tehachapi Mountains under the Grapevine Grade between Grapevine and Castaic) was discussed in Mr. Cooper's previous submittals on the Draft Program EIR/EIS. This 32-mile-long tunnel is part of a proposed alternative high-speed rail passenger and freight service that is 405 miles long. This proposal does not meet the project purpose and need and project objectives and is not technically feasible for reasons described in PH-F013-1. The proposal is infeasible for two reasons: because of length of tunnels and seismic issues and the incompatibility of standard U.S. freight service and high-speed rail passenger service (Standard Responses 2.7.1, 2.7.2, and 2.7.3).



Mr. Cooper's comments on the Final Program EIR/EIS are also addressed by the response to his earlier comments on the Draft Program EIR/EIS (see Final Program EIR/EIS comment number PH-F013-1). In addition, the Final Program EIR/EIS considered and rejected HST technology with maximum speeds of less than 200 mph (please see Final Program EIR/EIS, Standard Response 2.9.1).

1.2.2 Joseph P. Thompson

Joseph P. Thompson submitted an e-mail on September 12, 2005 and a letter and several attachments on September 13, 2005 in response to the publication of the notice of the Final Program EIR/EIS. The issues raised by Mr. Thompson have been previously addressed in response to Mr. Thompson's comments on the Draft Program EIR/EIS (Comment Letter I015 dated March 10, 2004) and responses to other comments.

Mr. Thompson restated his assertion that the proposed HST system should rely on private financing, rather than using public financing or receiving public subsidies. Mr. Thompson's comments on the Final Program EIR/EIS regarding private sector financing of the HST system are fully addressed by the response to his earlier comments on the Draft Program EIR/EIS (see Final Program EIR/EIS Comment Letter I015).

Mr. Thompson also submitted in support of his comments a number of publications by Wendell Cox, including a paper critical of the proposed Florida high speed train system, and wrote "Same for California" on this and other documents.

Mr. Cox, asserting that the purpose of the Florida high-speed train system was to "reduce traffic congestion and provide transportation alternatives to the public" concluded that the Florida high speed rail proponents overestimated ridership, and underestimated costs, and that the proposed system would not drastically reduce traffic congestion. Mr. Cox also claimed that, in Florida, airport and freeway improvements would be more cost effective than high-speed rail. Mr. Thompson also submitted a January 1998 article titled "Infrastructure Project Forecasts: Major Inaccuracies," in which Mr. Cox criticizes as inaccurate the cost projections for a number of major infrastructure projects. In his article titled "US Government Report Finds High Speed Rail to Require Heavy Subsidies: "Commercial Feasibility" Terminology Could be Misleading", Mr. Cox quotes a 1996 FRA Report as finding that commercial revenues would fall far short of costs in all studies corridors (including Los Angeles – San Diego, and San Francisco – Los Angeles – San Diego). Mr. Cox notes that despite this finding the FRA concluded that high-speed rail would be commercially feasible in a number of the corridors (because they counted non-user and consumer surplus as commercial revenues).

Reducing traffic congestion is not the purpose of the proposed HST system, and the Final Program EIR/EIS concludes that while the HST Alternative would have slightly less congestion than the No Project Alternative, "congestion would still increase on highways and the airports compared to existing conditions for both the

Modal Alternative and the HST Alternative.” (page S-17) Standard Responses 2.1.1 and 2.1.2 respond to comments concerning the Authority’s ridership and revenue forecasts. Standard Response 4.2.2 and Response to Comment O024-4 respond to comments concerning the HST capital cost estimates. Maglev technology was eliminated from further investigation in the Final Program EIR/EIS. The Authority’s June 2000 Business Plan concluded that most of the HST system’s capital costs would need to be publicly financed. This conclusion is consistent with the FRA’s 1996 Commercial Feasibility Study referenced by Mr. Cox and consistent with Mr. Cox’s conclusion that high-speed train systems in North America would need to be largely publicly financed. However, both the Authority’s and the FRA’s cost/benefit analysis done for these respective studies found that the benefits (which included non-user benefits and consumer surplus) for HST would greatly outweigh the costs. A financing plan and an investigation relating to the subsidies (past and present) for air and automobile transportation are beyond the scope of this Final Program EIR/EIS. A comparison of the HST Alternative to potential highway and air transportation improvements (the Modal Alternative) is provided in the Summary of the Final Program EIR/EIS.

1.2.3 John F. (Jack) Munro

John F. (Jack) Munro submitted a letter dated October 15, 2005 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 I011 dated February 25, 2004). These new comments do not raise new issues concerning the Final Program EIR/EIS. Mr. Munro’s comments cover a variety of areas including shared use, freight service, double-deck passenger cars, electrification, the location of the San Francisco Terminus, and a potential station to serve Gilroy.

- Mr. Munro states that sharing HST tracks with existing rail services “is not a good idea” and asks if the HST is being compromised to save money. The HST system described in the Final Program EIR/EIS (pages 2-30 & 2-31) “would operate in the majority of the statewide system in dedicated (exclusive track) configuration. However, where the construction of new separate HST infrastructure would be infeasible, shared track operations would use improved rail infrastructure and electrical propulsion. Potential shared-use corridors would be limited to sections of the statewide system with extensive urban constraints.” The two segments of the HST system identified for shared track operations with existing rail services are between San Francisco and San Jose and between Los Angeles and Orange County. The Authority has determined that sharing tracks in these corridors at reduced speeds is the most viable option for providing direct HST service to these markets (see Section 2.6.9 and Chapter 6A).
- Mr. Munro states that “if you propose three different levels of service, a minimum of three tracks will be required, not two.” The Authority respectfully disagrees with this assertion. The Japanese have been operating several

levels of service on their double track HST lines for decades (nearly 300 trains per day on the Tokaido Line). Intermediary HST stations would have off-line station stopping tracks (Table 2.6-2, page 2-27) to allow for express services and local stopping patterns.

- Mr. Munro states that freight services on the HST tracks are only acceptable if the rolling stock is identical in performance to passenger equipment. This is consistent with the findings of the Final Program EIR/EIS (please see Standard Response 2.9.4).
- Mr. Munro states that double-deck passenger cars are “unsuitable for high-speed service”. The Authority respectfully disagrees with this assertion. The Japanese (for over a decade) and the French both operate double-deck HST passenger cars.
- Mr. Munro states that power demand will probably require dedicated generating stations. The Authority respectfully disagrees with this assertion. Energy requirements and impacts for the HST system are covered in Section 3.5 of the Final Program (please also see Standard Response 3.5.3).
- Mr. Munro questions why HST tunnels were limited to 12 miles when the Swiss are building a 35-mile long tunnel. This issue is addressed on pages 2-9 & 2-10 of the Final Program EIR/EIS (please also see Response to Comment PH-F013-1). Although tunnels longer than 12 miles have been and are being constructed in other countries, the tunneling criteria for the HST system were developed for California’s unique geology and seismic conditions.
- Mr. Munro states that the SF terminal should not be at 3rd and Townsend and that the best location would be at the Ferry Building. The Authority selected the Transbay Terminal as the preferred option for a SF terminal which is supported by the City of San Francisco and many other local agencies. There is no alignment identified or local plans to extend the Caltrain alignment to the Ferry Building.
- Mr. Munro states that the HST alignment “must include Gilroy”. A broad corridor has been selected between the Bay Area and Central Valley, which could include a potential HST station at Gilroy. The selection of a preferred HST alignment between the Bay Area and Central Valley will be the focus of a subsequent “Bay Area to Central Valley HST Program EIR/EIS”.

1.2.4 Dianne Domingo-Foraste M.D.; and Mayisha Akbar (founder of the Jr. Posse Youth Equestrian Culture Center

Dianne Domingo-Foraste M.D. submitted an e-mail on October 29, 2005 and Mayisha Akbar submitted an e-mail on October 31, 2005 in response to the publication of the notice of the Final Program EIR/EIS. The issues raised by Ms. Domingo-Foraste, and Ms. Akbar have been previously addressed in the Final

Program EIR/EIS and in response to others comments on the Draft Program EIR/EIS.

Ms. Domingo-Foraste asserts that the impacts of the proposed HST system on the area known as “Taylor Yards” must be studied, Ms. Akbar states that it would take away open space promised to LA Residents, many who are minority and disadvantaged, both suggest that the Authority should re-route the HST system to another area such as LAX. Ms. Domingo-Foraste’s, and Ms. Akbar’s comments on the Final Program EIR/EIS regarding Talyor Yards are fully addressed by Standard Response 6.24.2. LAX was considered but rejected as a potential HST terminus station for Los Angeles as part of the Final Program EIR/EIS (see 2.6.8G, pages 2-36 & 2-37).

1.2.5 Joyce Dilliard

Joyce Dilliard submitted an e-mail on October 31, 2005 in response to the publication of the notice of the Final Program EIR/EIS. The issues raised by Ms. Dilliard have been previously addressed in the Final Program EIR/EIS and in response to others regarding the level of detail of a program-level environmental process.

Ms. Dilliard asserts that the Los Angeles connection needs to be addressed in the entirety of the region and lists a number of projects being discussed in the Los Angeles Metropolitan area, Ms. Dilliard suggests that the Authority should study LAX as an “alternative departure point”. The Final Program EIR/EIS addressed the Los Angeles connection in the entirety of the region as part of a study area that included most of the state from San Diego to Sacramento and the San Francisco Bay Area. This is a program-level EIR/EIS that would be followed by project-level environmental reviews that assess and address site-specific issues (see Standard Responses 3.15.2, 3.15.4, 3.15.6, & 3.15.13). LAX was considered but rejected as a potential HST terminus station for Los Angeles as part of the Final Program EIR/EIS (see 2.6.8G, pages 2-36 & 2-37), however a link to LAX from Los Angeles Union Station could be considered for a future expansion of the HST system should it be implemented (see 6A6.2, pages 6A-28 & 6A-29).

1.2.6 Stuart Flashman on behalf of Train Riders Association of California, the Planning and Conservation League, and Defense of Place

Stuart Flashman submitted a letter on October 28, 2005 commenting on the Final Program EIR/EIS. The issues raised by Mr. Flashman are in addition to comments submitted on the Draft Program EIR/EIS (Comment Letters PH-S011 and PH-S018 on March 23, 2004, O029 on August 5, 2004, and O049 and O069 on August 31, 2004). The October 28, 2005 letter raises new issues concerning the Final Program EIR/EIS, including- suggesting no action on the Final Program EIR/EIS in

early November, requesting the removal of table 2-H-3 from the Appendices of the Final Program EIR/EIS, noting the Final Program EIR/EIS fails to account for the effects that different northern crossing alignments would have on alignment selection between Merced and Stockton/Tracy, and concern regarding the treatment of commuter ridership. Mr. Flashman also raised new issues on areas that were already addressed as part of previous comments on the Draft Program EIR/EIS in regards to the approach to analyzing impacts on parks, and reiterates previous comments on Draft Program EIR/EIS in regards to the adoption of feasible mitigation measures to mitigate the Project's growth-inducing impacts.

Request for Delay and No action on the Final EIR/EIS in early November 2005

Noting the Final Program EIR/EIS "is a voluminous document," Mr. Flashman requests the Authority not take action in early November and delay action for at least a month to allow further opportunity to meet with staff to address concerns regarding the adequacy of the document. The time provided between the announced availability of the Final Program EIR/EIS and the Authority's meeting date is more than that necessary to meet CEQA and NEPA requirements, and Authority staff believe that the time provided has been sufficient. The Authority staff met with the Train Riders Association of California after the approval of staff recommendations to identify the Authority's preferred alignment and station locations to discuss many of the concerns raised by Mr. Flashman. The Authority staff had several meetings and frequent communications with the Planning and Conservation League prior to the release of the Final Program EIR/EIS. The Authority staff will continue to meet with interested persons and groups as further studies proceed. Staff does not believe a delay in the Authority's meeting or proposed action is needed.

Requesting the removal of a table 2-H-3 from the Appendices of the Final Program EIR/EIS

See "Erratum" at end of this attachment.

Failure of the Final Program EIR/EIS to account for the effects that different northern crossing alignments would have on alignment selection between Merced and Stockton/Tracy

Restudy of connections from the Central Valley to potential mountain passes (including the example stated above by Mr. Flashman) is included in the scope of the planned programmatic EIR/EIS for the Bay Area to Central Valley. In this way the Final Program EIR/EIS takes into account the potential for impact related connections in the Central Valley portion of the HST system. After describing the general northern mountain crossing study area, the Final Program EIR/EIS states in part on page 6A-10:

The Authority in consultation with the FRA, has identified a broad preferred corridor between the Bay Area and the Central Valley containing a number of feasible route options which further study will permit the identification of a single preferred alignment option. This corridor is bounded generally by (and includes) the Pacheco Pass (SR-152) to the south, the Altamont Pass (I-580) to the north, the BNSF Corridor to the east, and the Caltrain Corridor to the west, but would not include alignment options through Henry Coe State Park and station options at Los Banos.¹ Future studies would focus on the identification of a preferred alignment between the Central Valley and the San Francisco Bay Area.

Future studies would include consideration of: (1) how and where the HST alignment from the Bay Area would connect with the HST alignment in the Central Valley; (2) how and where the HST alignment would enter the Bay Area and would connect to Bay Area termini; (3) the location of stations within these segments.

The preferences herein for portions of the Sacramento to Bakersfield alignment and stations, which are also in the broad corridor for further study between the Central Valley and the Bay Area (see above) are based on current information. These preferences are subject to change based upon the information provided in other future studies.

Treatment of Commuter Ridership

The HST system is proposed to primarily serve intercity trips (trips between regions) rather than local commuter trips. The Final Program EIR/EIS, however, acknowledges that among the 42-68 million annual riders forecast for 2020, an estimated 12 million passengers may be long distance commuters (please see Standard Response 1.1.33). The Final Program EIR/EIS did not address long distance commuter ridership between Tracy and San Francisco, as this alignment was not evaluated in the Final Program EIR/EIS and this would be appropriately addressed in future regionally focused studies. The Authority is working in partnership with the Metropolitan Transportation Commission (MTC) to complete new HST ridership and revenue forecasts which will take into account long-distance commuter trips. Study of the long-distance commuter potential between the Central Valley to the Bay Area via various potential mountain passes (including Tracy to San Francisco) will be included in the scope of the planned programmatic EIR/EIS for the Bay Area to Central Valley.

The Approach to Analyzing Impacts on Parks

Mr. Flashman raised new concerns about issues that were already addressed in response to the Planning and Conservation League's (Comment Letter O049 on August 31, 2004) and California Department of Parks and Recreation's (Comment Letter AS004 on August 19, 2004) comments on the Draft Program EIR/EIS.

¹ Highway route numbers are provided as a convenient reference for the reader, not as a limitation on the corridor to be considered.

A key objective for the HST system is to avoid and/or minimize the potential impacts to cultural, park, and recreational resources and wildlife refuges. This objective, along with others, was used to eliminate several alignment options that would have potentially affected 4(f) and 6(f) resources, including parks. A table identifying each potentially affected resource and the nature of potential impact in terms of its relative proximity to the proposed facilities for both the Modal and HST Alternatives is provided in the Final Program EIR/EIS (Appendix 3.16-A). In addition, the “High-Speed Train Alignment Options Comparison” (pages 3.16-7 through 3.16-10) highlights key differences between alignment options in regards to potential impacts to parklands. These differences included naming particularly sensitive/important 4(f) and 6(f) resources that may be impacted by the HST alignment options. For example, between the Bay Area and Merced, it was noted that the Hayward/Niles/Mulford option has a greater potential impact on the “highly sensitive Don Edwards San Francisco Bay National Wildlife Refuge” (page 3.16-7) than the Hayward/I-880 alignment option. As noted in Chapter 6A, this was one of the primary reasons that the Hayward/I-880 alignment was selected instead as the preferred alignment between Oakland and San Jose. The Final Program EIR/EIS states that the preferred HST alignment would not “run through” any State Parks (Page S-6), and of the State’s 278 State Parks, only five State Parks are within 900 feet of the over 700-mile long preferred HST alignment – four of these are within existing, heavily used rail corridors adjacent to State Parks and the HST system would not be expected to greatly alter the existing environment, given these existing rail lines.

The Adoption of Feasible Mitigation Measures to Mitigate the Project’s Growth-Inducing Impacts

Feasible mitigation measures to mitigate potential growth inducing impacts were described in Chapter 6B of the Final Program EIR/EIS and are included in the MMRP. Please also see Standard Response 5.2.5 of the Final Program EIR/EIS.

1.2.7 Sierra Club (signed by Patrick Moore, Chair, Transportation Committee, Loma Prieta Chapter)

In addition to the letter dated October 31, 2005, submitted by the Sierra Club, Patrick Moore spoke on behalf of the Sierra Club on November 1. The issues raised by the Sierra Club are in addition to comments submitted on the Draft Program EIR/EIS (Comment Letter O003 on March 5, 2004, O067 on August 22, 2004). The October 31, 2005, letter and the November 1 presentation from the Sierra Club raise new issues concerning the Final Program EIR/EIS, including requesting the removal of table 2-H-3 from the Appendices of the Final Program EIR/EIS, noting the Final Program EIR/EIS fails to account for the effects that different northern crossing alignments would have on alignment selection between Merced and Stockton/Tracy, concern regarding the treatment of commuter ridership such that the Sierra Club states mention of the Charles River Associates

ridership study should be removed from the Final Program EIR/EIS. The Sierra Club also raised new issues on areas that were already addressed as part of previous comments on the Draft Program EIR/EIS in regards to the approach to analyzing impacts on parks.

Requesting the removal of a table 2-H-3 from the Appendices of the Final Program EIR/EIS

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Future studies would include consideration of: (1) how and where the HST alignment from the Bay Area would connect with the HST alignment in the Central Valley; (2) how and where the HST alignment would enter the Bay Area and would connect to Bay Area termini; (3) the location of stations within these segments.

The preferences herein for portions of the Sacramento to Bakersfield alignment and stations, which are also in the broad corridor for further study between the Central Valley and the Bay Area (see above) are based on current information. These preferences are subject to change based upon the information provided in other future studies.

² Highway route numbers are provided as a convenient reference for the reader, not as a limitation on the corridor to be considered.

Treatment of Commuter Ridership

The HST system is proposed to primarily serve intercity trips (trips between regions) rather than local commuter trips. The Final Program EIR/EIS, however, acknowledges that among the 42-68 million annual riders forecast for 2020, an estimated 12 million passengers may be long distance commuters (please see Standard Response 1.1.33). The Final Program EIR/EIS did not address long distance commuter ridership between Tracy and San Francisco (Altamont Pass), as this alignment was not evaluated in the Final Program EIR/EIS and this would be appropriately addressed in future regionally focused studies. The Authority is working in partnership with the Metropolitan Transportation Commission (MTC) to complete new HST ridership and revenue forecasts which will take into account long-distance commuter trips. Study of the long-distance commuter potential between the Central Valley to the Bay Area via various potential mountain passes (including Tracy to San Francisco) will be included in the scope of the next-tier programmatic EIR/EIS for the Bay Area to Central Valley.

In regards to the Charles River Associates ridership and revenue forecasts, please see Standard Response 2.1.1 and 2.1.2 as well as the detailed technical reports referenced in the Final Program EIR/EIS. The consideration for “any alternative operators, such as the San Joaquin Rail Authority, running their own commuter operations with a lower subsidized ticket price than what the Authority is prepared to charge” is beyond the scope of this program EIR/EIS process. Should the HST proposal move forward, more detailed studies of operations and potential operators will be completed. The Authority has determined that the Charles River Associates forecasts are appropriate for this Program EIR/EIS process. However, as noted above, the Authority is working in partnership with the Metropolitan Transportation Commission (MTC) to complete new HST ridership and revenue forecasts which will be available for future environmental studies.

The Approach to Analyzing Impacts on Parks

The Sierra Club raised new concerns about issues that were already addressed in response to the Planning and Conservation League’s (Comment Letter O049 on August 31, 2004) and California Department of Parks and Recreation’s (Comment Letter AS004 on August 19, 2004) comments on the Draft Program EIR/EIS.

A key objective for the HST system is to avoid and/or minimize the potential impacts to cultural, park, and recreational resources and wildlife refuges. This objective, along with others, was used to eliminate several alignment options that would have potentially affected 4(f) and 6(f) resources, including parks. A table identifying each potentially affected resource and the nature of potential impact in terms of its relative proximity to the proposed facilities for both the Modal and HST Alternatives is provided in the Final Program EIR/EIS (Appendix 3.16-A). In addition, the “High-Speed Train Alignment Options Comparison” (pages 3.16-7 through 3.16-10) highlights key differences between alignment options in regards to potential impacts to parklands. These differences included naming particularly sensitive/important 4(f) and 6(f) resources that may be impacted by the HST

alignment options. For example, between the Bay Area and Merced, it was noted that the Hayward/Niles/Mulford option has a greater potential impact on the “highly sensitive Don Edwards San Francisco Bay National Wildlife Refuge” (page 3.16-7) than the Hayward/I-880 alignment option. As noted in Chapter 6A, this was one of the primary reasons that the Hayward/I-880 alignment was selected instead as the preferred alignment between Oakland and San Jose. The Final Program EIR/EIS states that the preferred HST alignment would not “run through” any State Parks (Page S-6), and of the State’s 278 State Parks, only five State Parks are within 900 feet of the over 700-mile long preferred HST alignment – four of these are within existing, heavily used rail corridors adjacent to State Parks and the HST system would not be expected to greatly alter the existing environment, given these existing rail lines.

1.2.8 U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) submitted comments on the Final Program EIR/EIS for the proposed California High Speed Train (HST) System.

EPA submitted comments on the cumulative impacts assessment in the Final Program EIR/EIS and made recommendations for the “Bay Area to Central Valley PEIS”, and for “Future Project-level Tier 2 NEPA Analyses”.

Cumulative impacts assessment: EPA commented that the Final Program EIR/EIS did not contain a landscape-level cumulative impact assessment for all sensitive resources, and did not address a comprehensive set of reasonably foreseeable projects. EPA suggested that a different cumulative impacts analysis may have resulted in different conclusions or different mitigation options, and recommended that future environmental documents consider Caltrans guidance on cumulative impact assessments. *Reasonably foreseeable future actions:* EPA suggested that additional projects, such as large-scale developments and approved urban planning documents identified within and around the proposed high speed train system, should have been included in the cumulative impacts analysis as reasonably foreseeable future actions.

Past and present actions: EPA disagreed with the Final PEIS’s characterization of past actions in the context of cumulative impacts analysis, and asserted that a landscape cumulative impacts analysis should include large scale mitigation, citing for example EPA’s assumption that a continuously-fenced high speed rail system would impede wildlife movement, and when considered with other past, present, and future project impacts to wildlife movement in California, would be potentially significant to a number of species.

Response

EPA's recommendations for the Bay Area to Merced Program EIR/EIS and for future NEPA/CEQA review will be considered for these activities and efforts to coordinate with EPA will continue. Future cumulative impacts analysis and identification of mitigation will be based on appropriate study areas identified for individual resources. These study areas will be largely regional and local and they cannot be adequately identified until further information is known about alignment locations and the time period of implementation. Additional cumulative impacts analysis and identification of more refined mitigation will accompany project-level review. The Authority and the FRA find the Final Program EIR/EIS applied appropriate methodology to evaluate cumulative impacts from the proposed HST system at the program level and for decisions to be made on the Program EIR/EIS.

Cumulative impacts assessment: The EPA letter does not raise new issues about cumulative assessment in the Final EIR/EIS that were not already addressed in response to EPA's comments on the Draft EIR/EIS (Comment Letter AF008 in the Final EIR/EIS, dated August 31, 2004).

The cumulative impact analysis in the Program EIR/EIS focused on the resources potentially affected by the proposed action and alternatives and identified where there may be added impacts to these resources, when considering past, present, and reasonably foreseeable future actions. The Program EIR/EIS described the current conditions that incorporate past and present effects of other recent projects in analyzing the potential for direct, indirect and cumulative impacts. The cumulative impact analysis considered reasonably foreseeable highway improvements and transit projects within the study area and extensively analyzed the potential for economic growth related cumulative and secondary effects for each of the three system alternatives. In addition, consideration of the indirect effects related to the reasonably foreseeable population and employment growth that could result from the proposed action and alternatives, as identified using local agency general plans and other planning documents, is addressed in the Final EIR/EIS (see Chapter 5, *Economic Growth and Related Impacts*), and is considered part of the cumulative impacts analysis.

The methodology used is appropriate for this Program EIR/EIS due to the future time frame for the proposed HST system and the speculative nature of information about potential projects some 10 to 15 years in the future, and is consistent with CEQ Guidance. CEQ Guidance suggests that where evaluating reasonable foreseeable adverse effects and where there is incomplete information or unavailable information ... "that cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known . . . the agency shall include . . . the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community." [CEQ Guidance "Considering Cumulative Effects," p. 20; 40 CFR 1502.22]

Past and reasonably foreseeable future actions: EPA's suggested approach to future projects is not appropriate for this program analysis, and would be speculative for a proposed system that will not be implemented for at least 10

years. Thorough analysis of site-specific, local area, and focused regional cumulative effects, including specific urban development projects, will be undertaken as part of future project-level environmental review, when this information will be available and more relevant to substantive impact analysis.

For the Program EIR, the costs of attempting to collect detailed, timely, accurate data on projects which could be considered “reasonably foreseeable” some 10 to 15 years in the future across all the jurisdictions represented by the HST Alternative conceptual corridors and the Modal Alternative components would be exorbitant and the means to obtain it are not assured. Given the limitations of available information, and the need to assess a future timeframe, the use of the growth analysis to address impacts from future development is an appropriate theoretical approach to cumulative impacts for this programmatic analysis.

EPA’s suggestion that local general plans be used to identify reasonably foreseeable projects is not appropriate for this EIR/EIS. Every city and county is required by California law to adopt a general plan, but, except for housing elements, general plans are not comprehensively updated on a regular periodic basis pursuant to a statutory schedule. Each city and county determines when to update its general plan. Comprehensive updates are both unpredictable and irregular. Because at the beginning of the EIR/EIS process in 2001 the general plans for many of the jurisdictions with potential locations for HST facilities or components of the modal alternative were more than 10 years old, and some were more than fifteen or twenty years old, they were useful for identifying land use patterns and growth projections, but not individual projects. For preparing a cumulative impact analysis for thousands of miles of alternative transportation corridors, the general plans did not provide a reliable and consistent information base for identifying reasonably foreseeable future projects to use in analyzing cumulative impacts in a consistent manner for the system as a whole. The economic growth analysis in Chapter 5 addressed the relevant statewide and regional consequences of future actions that may be influenced by the choice of system alternative, and accounted for anticipated growth according to general plans without listing specific projects. The growth analysis properly considered available information, the timeframe for the implementation of the proposed HST system, the timelag in related projects potentially affecting resources, and the estimated secondary environmental impacts in jurisdictions in which HST facilities could potentially be located. In addition, appropriate mitigation was identified in Chapter 6B, Station Area Development, that could avoid, minimize, and mitigate potential cumulative and secondary effects.

Cumulative Impact Analysis: EPA suggests using Caltrans guidance. This may be considered for future project-level documents. The Caltrans documents provide no guidance on cumulative impact analysis in programmatic EIS’s or EIRs, and no guidance on the temporal relationship of future projects to the proposed project, other than noting that reasonably foreseeable projects should be considered based on proximity in time and location

Circumstances at locations across the proposed HST system vary widely; therefore identification of statewide or large-scale mitigation for cumulative effects is not

appropriate. The Final Program EIR/EIS explains that the proposed HST system would traverse widely varied terrain with different soils, climate, topography, habitat conditions and species. It will be at grade, on aerial structures and in tunnels. It will include features to facilitate wildlife movement. However, because of the varied terrain it will cross, the impacts from the HST system will differ in different locations. Habitat for individual wildlife species is not continuous across the state but exists in distinct ecosystems. Movement requirements differ for individual species and in different locations. For example, there are great differences between the separate and distinct habitat types found in coastal Orange County, Soledad Canyon, Palmdale, and the Central Valley alignments. While coastal sage scrub habitat is a concern in Orange County, in the Central Valley there are different species and habitats of concern (e.g., San Joaquin Kit Fox). Each area has its own mix of habitat types, species, waters, climate and topography, as well as its own array of land uses and human population. The Program EIR/EIS included a broad analysis of the potential for cumulative impact by resource type. The Final Program EIR/EIS also identifies design practices and mitigation strategies for each resource/impact area, based on potential impacts identified in Chapter 3; Environmental Consequences. These mitigation strategies are also appropriate for the general types of impacts anticipated from cumulative effects. Additional analysis of cumulative impacts in local and regional contexts, and more refined mitigation measures, will be addressed during project-level reviews.

1.2.9 Libby Lucas

Libby Lucas submitted a letter on October 26, 2005 commenting on the Final Program EIR/EIS. This letter and the attached report do not raise new issues on the Final Program EIR/EIS that were not already addressed in response to Ms. Lucas' comments on the Draft Program EIR/EIS (Comment Letter I139 on August 30, 2004).

Ms. Lucas' letter of October 26 raised concern that additional regulatory agencies with jurisdiction in the vicinity of certain alignment options should have been consulted.

Ms. Lucas' comments on the Final Program EIR/EIS, are fully addressed by the response to her earlier comments on the Draft Program EIR/EIS (see Final Program EIR/EIS standard response number 6.3.1). The Authority and the FRA have determined that additional study will be needed in a separate program EIR/EIS in order to identify a preferred alignment alternative for the northern mountain crossing and that Altamont alignment options will be considered in that separate program EIR/EIS. A broad corridor containing a number of feasible route options has been identified for study. While the concerns raised in the comment letter regarding specific facilities and alignments may be identified in the separate program EIR/EIS, they will also be addressed in detail in subsequent project level environmental reviews. The San Francisco and Central Valley Regional Water Quality Control Boards and the Santa Clara Valley Water District were among the agencies that received notices and were coordinated with during the preparation of

the Program EIR/EIS, as were the Water Quality Division of the State Water Resources Control Board and the California Department of Water Resources. In addition, the final EIR/EIS notice was published on September 16 in the Mercury News in San Jose and on September 18 in the San Francisco Chronicle. These agencies will also receive notices and be consulted in the preparation of future environmental documents which pertain to areas within their jurisdiction.

1.2.10 State Parks

The California Department of Parks and Recreation (State Parks) commented on the analysis of three issues in the Final Program EIR/EIS: (1) potential impacts to the five units of the State Park System that lie within 900 feet of the preferred HST north-south alignment, (2) impacts to wildlife corridors and connectivity between State Park System units and other open space or protected lands, and (3) potential impacts of the Bay Area to Central Valley (i.e., Merced) alignment that will be analyzed in a Second Tier Program EIR/EIS. Detailed comments were included on mitigation measures, alternatives, aesthetics, noise, environmental justice, recreation resources, cultural resources, geology and soils, biological resources, and cumulative impacts that substantially restate previously raised concerns, seek additional detailed studies and are critical of the responses provided to earlier State Parks comments on the Draft Program EIR/EIS. State Parks claims that the Final Program EIR/EIS does not provide adequate responses to its comments in order to comply with CEQA guidelines §15088, subd. (b). Finally, State Parks provided for use in future documents the new names given to the Taylor Yard and Cornfield park properties, and noted that Orestimba Wilderness had been misspelled in the Final Program EIR/EIS.

At the November 1 Authority meeting, State Parks raised two additional concerns: a concern about consideration of compensation for loss of park use as mitigation and a concern that the Final Program EIR/EIS inadequately analyzed impacts to parks more than 900 feet from the HST system.

Response

The requested additional analysis of the state park system and particularly the five units that are identified as potentially affected by the selected HST corridor alignments, will appropriately be conducted during project-level environmental review. The Program EIR/EIS provides a consistent level of analysis for alternatives within the entire HST system, including thousands of corridor miles, includes design practices and mitigation strategies to avoid and minimize impacts to parks, and identifies steps for subsequent studies. The additional detailed analysis sought by State Parks would have been costly and speculative had it been performed at this time for the Program EIR/EIS. The potential for adverse impacts to parks that may not be fully avoided or reduced by mitigation was acknowledged in the Final Program EIR/EIS.

In detailed comments State Parks fails to distinguish between the program level of analysis appropriate for the HST proposal due to its large scale and the more detailed, site specific studies that are appropriate for project level EIR/EIS's or other more limited programmatic EIR/EIS's, and fails to recognize that site-specific analysis are not necessary or required for the program decisions to be made based on the Final Program EIR/EIS. Future tiered environmental documents will be sufficiently comprehensive, and are the appropriate studies, to incorporate the additional information provided by State Parks (e.g., data from 2005 preliminary planning documents for the Rio de Los Angeles State Park (formerly known as Taylor Yard)) and to address the concerns raised by State Parks' comments in greater detail. The Final Program EIR/EIS avoids impacts to many parks and, where potential impacts remain, the Final Program EIR/EIS incorporates mitigation strategies to avoid, reduce and minimize the potential impacts to parks. As State Parks' comments recognize, potential impacts to park units may vary widely depending upon the rural or urban location, the resources at each park, the ambient noise environment, and other factors, all of which are appropriate for study in future environmental documents. Additionally, Section 4(f) and 6(f) findings will be made at the project level when alignments have been defined in more detail and after considering further variations to reduce and avoid impacts. Regarding wildlife movement, the Final Program EIR/EIS notes that up to 24% of the preferred HST system would be at-grade in new corridors and could present a barrier to wildlife movement, unless adequate features for wildlife crossings are included and incorporated in the system. The mitigation strategies in the Final Program EIR/EIS include underpasses or overpasses or other appropriate passageways at reasonable intervals to be designed during project level studies in order to avoid, minimize and mitigate potential impacts to wildlife movement. The design and placement details for features to facilitate wildlife movement are appropriately determined in the project level studies when more detailed information is available for alignments, HST facilities, and wildlife resources.

Environmental justice, which was noted as a concern by State Parks, was addressed for the proposed HST system as a whole in the Program EIR/EIS, which satisfies all applicable requirements for program level review, and will receive additional study in future environmental documents for the HST system.

Measurable low level EMF's occur only in very close proximity to electric power facilities, and would generally be within the HST system right-of-way. Low level EMF's occur with all electric power facilities and are not unique to the HST system. A variety of studies that have examined the effects of low-level EMF exposures on animals have found that general physiological status is relatively unaffected by low-level EMF exposures. Also, FRA data measuring EMF exposures after the Northeast Corridor Electrification Project found very low exposures levels in proximity to the train system. Further evaluation of potential EMF exposures will occur at the project level when specific species and locations can be examined along with more detailed project design information.

After consultation with the President's Council on Environmental Quality and the Resources Agency, the Authority and the FRA determined that additional study was needed of the proposed HST system connection between the Bay Area and

the Central Valley before identifying a preferred alignment for this portion of the system. Rather than segmentation, this decision represents appropriate recognition of the limits of available data and need for further study, which will include review of connections in the Bay Area and the Central Valley, before additional decisions are made to select a preferred route in this area.

The Final Program EIR/EIS provides adequate responses to comments in keeping with CEQA guidelines §15088, subd. (b), and incorporates as mitigation strategies many of State Parks' mitigation suggestions, which will also be refined and applied in future environmental documents. At the November 1 Authority meeting, State Parks raised a concern about consideration of compensation for loss of park use as mitigation. That mitigation is included in the Final Program EIR/EIS for potential impacts to parks. In addition, State Parks expressed concern that the Final Program EIR/EIS inadequately analyzed impacts to parks more than 900 feet from the HST system. This issue was addressed in response to comment AS004-14.

1.2.11 State Parks Foundation

The California State Parks Foundation (in a letter signed by President Elizabeth Goldstein and presented in the November 1 Authority meeting) commented on the analysis of these issues in the Final Program EIR/EIS: (1) the Final Program EIR/EIS "remains inadequate in its response to potentially significant park impacts and inappropriately defers critical analysis for land management, habitat preservation, cultural and biological resource management and noise and visual impacts to future project-level analysis"; (2) disagree that the use of existing rail corridors for HST operations is not expected to greatly alter the environmental effect of these existing rail lines; (3) disagrees that it is premature at this level of design to develop more specific mitigation measures for potential effects; (4) do not believe that sufficient information has been disclosed that would lead to a thorough assessment of the proposed project, particularly as it relates to potentially significant impacts on state parks; (5) encourage the Authority to establish an official Advisory Committee for Burbank to Los Angeles Union Station similar to that proposed for the Bay Area study.

The Final Program EIR/EIS remains inadequate in its response to potentially significant Park Impacts

Please see responses to letter from State Parks on the Final Program EIR/EIS.

Disagree that the use of existing rail corridors for HST operations is not expected to greatly alter the environmental effect of these existing rail lines

In alignments near parks where existing nearby passenger and freight trains are part of the ambient noise and visual environment, it is important to recognize that

while the HST system is different than those services, the added impact may not be great, and the combined HST and conventional rail facility may improve existing local environments. In dense urban areas (such as at Taylor Yards and Old Town San Diego) the urban environment has elevated ambient noise levels, particularly where there are also freeways nearby and/or existing rail lines. When traveling at reduced speeds the HST is quieter than existing freight and conventional passenger trains. Moreover, when the HST shares rights-of-way with conventional rail, grade separation improvements and/or sound walls or other mitigation measures will reduce existing noise levels and other existing environmental impacts in these corridors.

Disagree that it is Premature at this Level of Design to develop more specific mitigation measures for potential effects

The need for further study is inherent to the first phase of a tiered environmental process that is followed by further studies and it is entirely proper for further study of discrete issues to be included in future project-level environmental documents, which will be more detailed. The Final Program EIR/EIS contains mitigation strategies appropriately identified at the program level and notes that such strategies will be refined and applied at the project level. Additional steps will be taken at the project-level to avoid impacts to parks by considering alignment variations. The Authority is committed to avoiding Henry Coe State Park, and will continue to apply avoidance and mitigation strategies in future studies regarding other State Parks.

Do not believe that sufficient information has been disclosed that would lead to a thorough assessment of the proposed project, particularly as it relates to potentially significant impacts on state parks

This comment has been addressed as part of the Final Program EIR/EIS. Please refer to Standard Responses 3.15.2, 3.15.4, 3.14.6, 3.15.13 and the Summary of the Final Program EIR/EIS.

Encourage the Authority to establish an official Advisory Committee for Burbank to Los Angeles Union Station similar to that proposed for the Bay Area study

The Authority has not formed any official advisory committees for its upcoming Bay Area to Central Valley HST Program EIR/EIS process. It is premature to make any commitment at this time on official advisory committees for future study of parts of the system; however, such committees will be considered in the future.

1.2.12 City of Visalia

Mayor Bob Link of the City of Visalia spoke in support of the Final Program EIR/EIS at the November 1 Authority meeting.

1.2.13 City of Palmdale

Laura Biery of the City of Palmdale, speaking at the November 1 Authority meeting, supports the proposed HST system with the selection of the Antelope Valley/Palmdale route as part of the preferred system.

1.2.14 Natural Resources Defense Council

James Birkelund of the Natural Resources Defense Council (NRDC) spoke at the November 1 Authority meeting. He expressed support for the project in concept, and reiterated NRDC's comments made on the Draft Program EIR/EIS. These issues were responded to in the Final Program EIR/EIS O015-1 through 14.

1.3 Erratum

The following erratum is in addition to and supplements the Errata contained in the Staff Report of October 2005.

The inclusion of Table 2-H-3 in the appendices of the Final Program EIR/EIS was an error. The inclusion of Table 2-H-3 in the Appendices and its reference in Chapter 2 of the Final Program EIR/EIS is hereby removed from the Final Program EIR/EIS.