

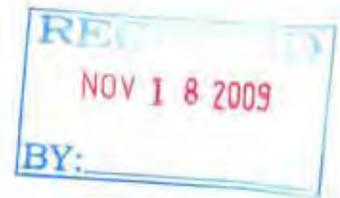
# Appendix H: Scoping Comments



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO CA 95814-2922

November 12, 2009



Regulatory Division SPK-2009-01488

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

Dear Mr. Morshed:

We are responding to your October 23, 2009 request for scoping comments on the Altamont Corridor Rail Project, Draft EIR/EIS. The project is located on or near, Section 28, Township 2 South, Range 3 East, Latitude 37.725107°, Longitude -121.644744°, MDB&M, Alameda County, California. Your identification number is SPK-2009-01488.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. The Clean Water Act requires protection of the physical, chemical, and biological integrity of such waters. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

To ascertain the extent of waters within the project area, the applicant should prepare preliminary wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website:

<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/delineations.html>

Regional Supplements have been published to address regional wetland characteristics and improve accuracy and efficiency of wetland-delineation procedures. The applicant should use the Arid West Regional Supplement that is applicable to the site, including the new wetland determination data forms:

<http://www.usace.army.mil/CECW/Documents/cecwo/reg/trel08-28.pdf>

In addition, please refer to the Ordinary High Water Mark field guide.

<http://www.spl.usace.army.mil/regulatory/FinalOHWMManual.pdf>

For long linear projects the Corps may suggest and prefer that the applicant proceed with a preliminary jurisdictional determination for waters of the United States located within the project site. When issuing a preliminary jurisdictional determination, all waters within the survey area, identified in the delineation report, and verification by the Corps are assumed to be

jurisdictional. The preliminary jurisdictional determination can be used to help expedite the jurisdictional determination process. A copy of Regulatory Guidance Letter 08-02 (RGL 08-02) is enclosed.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. The CWA Section 404(b)(1) Guidelines (40 CFR 230.10(a) and 230.10(d)) specify that a 404 permit can be issued for a discharge of dredged or fill material to waters of the U.S. only if the discharge is determined to be the least environmentally damaging practicable alternative (LEDPA). For non-water dependent projects, like this transportation project, that require filling of wetlands or other special aquatic sites, the Guidelines also presume that there are upland alternatives available and that these upland sites are less environmentally damaging. The burden to prove otherwise lies with the project sponsor or applicant. In particular, the "No Build" alternative, and alternatives that avoid or minimize fill must be carefully analyzed. In some areas, a scenario may be the construction of a new route.

To demonstrate compliance with CWA Guidelines, applicants shall explore on-site alternatives to avoid or minimize impacts to waters of the U.S. Typically, transportation projects can accomplish this by using spanned crossings, arched crossings, or oversized buried box culverts over drainages to encourage continuity of sediment transport, hydrological processes and wildlife passage. If these resources cannot be avoided, the alternatives analysis should clearly demonstrate how cost, logistical, or technological constraints preclude avoidance and minimization of impacts. Additionally, temporary and permanent impacts to waters of the U.S. for each alternative studied should be quantified; for example, acres of waters impacted, etc. For each alternative, the applicant shall report these numbers in table form for each impacted water and wetland feature.

In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation. On April 10, 2008, the U.S. EPA and U.S. Army Corps of Engineers issued a final rule revising the regulations governing compensatory mitigation for impacts to wetlands, streams, and other waters of the United States (33 CFR 325 and 332) and (40 CFR 230 Subpart J). Any proposed compensatory mitigation is required to comply with the new mitigation rule. We highly encourage the applicant to refer to the following website for more information on regulatory process, templates, and guidelines: <http://www.spk.usace.army.mil//organizations/cespk-co/regulatory/mitigation.html>

Please refer to identification number SPK-2009-01488 in any correspondence concerning this project. If you have any questions, please contact Leah Fisher at our Sacramento District Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email [Leah.M.Fisher@usace.army.mil](mailto:Leah.M.Fisher@usace.army.mil), or telephone 916-557-6639. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

We want to hear from you! At your earliest convenience, please tell us how we are doing by completing our Customer Service Survey at: <http://per2.nwp.usace.army.mil/survey.html>

Sincerely,

A handwritten signature in black ink, appearing to read "Leah M Fisher". The signature is fluid and cursive, with the first name "Leah" being the most prominent.

Leah M Fisher  
Project Manager  
California South Branch

Enclosure

Copy furnished without enclosure

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

David Valenstein, U.S. Department of Transportation, Federal Railroad Administration, 1200  
New Jersey Avenue, SE, MS-20, Washington, District of Columbia 20590



US Army Corps  
of Engineers

## REGULATORY GUIDANCE LETTER

No. 08-02

Date: 26 June 2008

SUBJECT: Jurisdictional Determinations

1. Purpose. Approved jurisdictional determinations (JDs) and preliminary JDs are tools used by the U.S. Army Corps of Engineers (Corps) to help implement Section 404 of the Clean Water Act (CWA) and Sections 9 and 10 of the Rivers and Harbors Act of 1899 (RHA). This Regulatory Guidance Letter (RGL) explains the differences between these two types of JDs and provides guidance on when an approved JD is required and when a landowner, permit applicant, or other "affected party"<sup>1</sup> can decline to request and obtain an approved JD and elect to use a preliminary JD instead.

a. This guidance does not address which waterbodies are subject to CWA or RHA jurisdiction. For guidance on CWA and RHA jurisdiction, see Corps regulations, "Memorandum re: Clean Water Act (CWA) Jurisdiction Following U.S. Supreme Court Discussion in *Rapanos v. United States*," dated 19 June 2007, and the documents referenced therein.

b. This guidance takes effect immediately, and supersedes any inconsistent guidance regarding JDs contained in RGL 07-01.

2. Approved JDs. An approved JD is an official Corps determination that jurisdictional "waters of the United States," or "navigable waters of the United States," or both, are either present or absent on a particular site. An approved JD precisely identifies the limits of those waters on the project site determined to be jurisdictional under the CWA/RHA. (See 33 C.F.R. 331.2.)

a. The Corps will provide (subject to the limitation contained in paragraph 5.b. below) an approved JD to any landowner, permit applicant, or other "affected party" when:

(1) a landowner, permit applicant, or other "affected party" requests an approved JD by name or otherwise requests an official jurisdictional determination, whether or not it is referred to as an "approved JD";

<sup>1</sup> As defined at 33 CFR 331.2 "affected party" means a permit applicant, landowner, a lease, easement or option holder (i.e., an individual who has an identifiable and substantial legal interest in the property) who has received an approved JD, permit denial or has declined a proffered individual permit.

(2) a landowner, permit applicant, or other "affected party" contests jurisdiction over a particular water body or wetland, and where the Corps is allowed access to the property and is otherwise able to produce an approved JD; or

(3) the Corps determines that jurisdiction does not exist over a particular water body or wetland.

b. An approved JD:

(1) constitutes the Corps' official, written representation that the JD's findings are correct;

(2) can be relied upon by a landowner, permit applicant, or other "affected party" (as defined at 33 C.F.R. 331.2) who receives an approved JD for five years (subject to certain limited exceptions explained in RGL 05-02);

(3) can be used and relied on by the recipient of the approved JD (absent extraordinary circumstances, such as an approved JD based on incorrect data provided by a landowner or consultant) if a CWA citizen's lawsuit is brought in the Federal Courts against the landowner or other "affected party," challenging the legitimacy of that JD or its determinations; and

(4) can be immediately appealed through the Corps' administrative appeal process set out at 33 CFR Part 331.

c. The District Engineer retains the discretion to use an approved JD in any other circumstance where he or she determines that is appropriate given the facts of the particular case.

d. If wetlands or other water bodies are present on a site, an approved JD for that site will identify and delineate those water bodies and wetlands that are subject to CWA/RHA jurisdiction, and serve as an initial step in the permitting process.

e. Approved JDs shall be documented in accordance with the guidance provided in RGL 07-01. Documentation requires the use of the JD Form published on June 5, 2007, or as modified by ORM2 or subsequent revisions to the June 5, 2007 JD form approved by Corps Headquarters. Districts will continue to post approved JDs on their websites.

3. A permit applicant's option to decline to request and obtain an approved JD. While a landowner, permit applicant, or other "affected party" can elect to request and obtain an approved JD, he or she can also decline to request an approved JD, and instead obtain a Corps individual or general permit authorization based on either a preliminary JD, or, in appropriate circumstances (such as authorizations by non-reporting nationwide general permits), no JD whatsoever. The Corps will determine what form of JD is appropriate

for any particular circumstance based on all the relevant factors, to include, but not limited to, the applicant's preference, what kind of permit authorization is being used (individual permit versus general permit), and the nature of the proposed activity needing authorization.

4. Preliminary JDs. Preliminary JDs are non-binding "... written indications that there may be waters of the United States, including wetlands, on a parcel or indications of the approximate location(s) of waters of the United States or wetlands on a parcel. Preliminary JDs are advisory in nature and may not be appealed." (See 33 C.F.R. 331.2.)

a. A landowner, permit applicant, or other "affected party" may elect to use a preliminary JD to voluntarily waive or set aside questions regarding CWA/RHA jurisdiction over a particular site, usually in the interest of allowing the landowner or other "affected party" to move ahead expeditiously to obtain a Corps permit authorization where the party determines that is in his or her best interest to do so.

b. It is the Corps' goal to process both preliminary JDs and approved JDs within 60 days as detailed in paragraph 5 below, so the applicant or other affected party's choice of whether to use a preliminary JD or approved JD should not affect this goal.

c. A landowner, permit applicant, or other "affected party" may elect to use a preliminary JD even where initial indications are that the water bodies or wetlands on a site may not be jurisdictional, if the affected party makes an informed, voluntary decision that is in his or her best interest not to request and obtain an approved JD.

d. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S.

e. Preliminary JDs are also commonly used in enforcement situations because access to a site may be impracticable or unauthorized, or for other reasons an approved JD cannot be completed in a timely manner. In such circumstances, a preliminary JD may serve as the basis for Corps compliance orders (e.g., cease and desist letters, initial corrective measures). The Corps should support an enforcement action with an approved JD unless it is impracticable to do so under the circumstances, such as where access to the site is prohibited.

f. When the Corps provides a preliminary JD, or authorizes an activity based on a preliminary JD, the Corps is making no legally binding determination of any type regarding whether CWA/RHA jurisdiction exists over the particular water body or wetland in question.

g. A preliminary JD is "preliminary" in the sense that a recipient of a preliminary JD can later request and obtain an approved JD if that later becomes necessary or appropriate during the permit process or during the administrative appeal process. If a

permit applicant elects to seek a Corps individual permit based on a preliminary JD, that permit applicant can later raise jurisdictional issues as part of an administrative appeal of a proffered permit or a permit denial, as explained in paragraph 6 below.

h. In all circumstances where an approved JD is not required by the guidance in paragraph 2 of this RGL, District Engineers retain authority to use preliminary JDs. The Corps may authorize an activity with one or more general permits, a letter of permission, or a standard individual permit, with no "official" JD of any type, or based on a preliminary JD, where the District Engineer determines that to be appropriate, and where the permit applicant has been made aware of his or her option to receive an approved JD and has declined to exercise that option. Generally, approved JDs should be used to support individual permit applications, but the applicant should be made aware of his or her option to elect to use a preliminary JD wherever the applicant feels doing so is in his or her best interest.

5. Processing approved and preliminary JDs. Every approved JD and preliminary JD should be completed and provided to the person, organization, or agency requesting it as promptly as is practicable in light of the district's workload, and site and weather conditions if a site visit is determined necessary.

a. Corps districts should not give preliminary JDs priority over approved JDs. Moreover, every Corps district should ensure that a permit applicant's request for an approved JD rather than a preliminary JD will not prejudice the timely processing of that permit application. It is the Corps' goal that every JD requested by an affected party should be completed within 60 calendar days of receiving the request. Regulatory Project Managers will notify their supervisors and develop a schedule for completion of the JD if it is not practicable to meet this 60 day goal.

b. The Corps should not provide either an approved JD or a preliminary JD to any person if the Corps has reason to believe that person is seeking a JD for any purpose relating to a CWA program not administered by the Corps (e.g., CWA Section 402, 303, or 311). In such circumstances the Corps should decline to perform the JD and instead refer the person who requested it to the Federal or state agency responsible for administering that program.

6. JDs and appeals. In any circumstance where a permit applicant obtains a Corps proffered individual permit or a permit denial, based on a preliminary JD, and where the permit applicant elects to pursue an administrative appeal of the proffered permit or the permit denial, the appeal "may include jurisdiction issues," as stated at 33 C.F.R. 331.5(a)(2). However, if an affected party during the appeal of a proffered permit or a permit denial challenges or questions jurisdiction, those jurisdictional issues must be addressed with an approved JD. Therefore, if, during or as a result of the administrative appeal of the permit denial or the terms and conditions of the proffered permit, it becomes necessary to make an official determination whether CWA/RHA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps should provide an approved JD as soon as is practicable, consistent with the

goal expressed in paragraph 5 above. Such an approved JD would be subject to the same procedures as other approved JDs, such as requirements for coordinating approved JDs with EPA.

7. Key distinction between approved JDs and preliminary JDs. By definition, a preliminary JD can only be used to determine that wetlands or other water bodies that exist on a particular site "may be" jurisdictional waters of the United States. A preliminary JD by definition cannot be used to determine either that there are no wetlands or other water bodies on a site at all (i.e., that there are no aquatic resources on the site and the entire site is comprised of uplands), or that there are no jurisdictional wetlands or other water bodies on a site, or that only a portion of the wetlands or waterbodies on a site are jurisdictional. A definitive, official determination that there are, or that there are not, jurisdictional "waters of the United States" on a site can only be made by an approved JD. The Corps retains the ability to use a "no-permit-required" letter to indicate that a specific proposed activity is not subject to CWA/RHA jurisdiction when that is determined appropriate, but a "no-permit-required" letter cannot make any sort of determination regarding whether there are jurisdictional wetlands or other waterbodies on a site.

8. Mandatory use of the preliminary JD form. In each and every circumstance where a preliminary JD is used, the Corps district must complete the "Preliminary Jurisdictional Determination Form" provided at Attachment 1, which sets forth in writing the minimum requirements for a preliminary JD and important information concerning the requesting party's option to request and obtain an approved JD, and subsequent appeal rights. The signature of the affected party who requested the preliminary JD will be obtained on the preliminary JD form wherever practicable (e.g., except for enforcement situations, etc.). Where a preliminary JD form covers multiple water bodies or multiple sites, the information for each can be included in the table provided with the preliminary JD form. Information in addition to the minimum of data required on the preliminary JD form can be included on that form, but only if such information pertains to the amount and location of wetlands or other water bodies at the site. Corps regulatory personnel are expected to continue to exercise appropriate judgment and use appropriate information when making technical and scientific determinations as to what areas on the site qualify as water bodies or wetlands. Any such additional information included on the preliminary JD form should not purport, or be construed, to address any legal determination involving CWA/RHA jurisdiction on the site.

9. Data collection. Information about the quality and quantity of the aquatic resources that would be affected by the proposed activity, the types of impacts that are expected to occur, and compensatory mitigation, are obtained by the Corps during the processing of an individual permit application and are included in pre-construction notification for reporting NWP. For example, NWP pre-construction notifications must contain a "description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; . . . a delineation of special aquatic sites and other waters of the United States on the project site." (Reissuance of Nationwide Permits Notice, 72 Fed. Reg. 11092, at 11194-95 (March 12, 2007).) Applicants should

provide a delineation of special aquatic sites in support of an individual permit or "letter of permission" application.

a. The information on a preliminary JD form should be limited to the amount and location of wetlands and other water bodies on the site and should be sufficiently accurate and reliable that the effective presumption of CWA/RHA jurisdiction over all of the wetlands and other water bodies at the site will support a reliable and enforceable permit decision. When a preliminary JD is used to support a request for a permit authorization, the information on the preliminary JD form is also relevant to the processing of that permit application (e.g., to calculate compensatory mitigation requirements). During the permit process, information in addition to the data on the preliminary JD form is developed and relied upon to support the Corps permit decision; that additional information should be carefully documented as part of the permit process (e.g., through an environmental assessment, 404(b)(1) analysis, combined decision document, or decision memorandum). This additional information for the permit decision should *not* be captured on a preliminary JD form.

b. The type of information collected to support the decision on the permit application will be the same for permit applications supported by approved JDs and for those supported by preliminary JDs. Therefore, decisions and judgments regarding environmental impacts, public interest determinations, and mitigation requirements should be adequately supported regardless of the type of JD used. For this reason, the data necessary to quantify and defend the Corps Regulatory Program's performance will be available for a permit application regardless of whether it was supported by an approved JD or a preliminary JD.

c. The information used to support an approved JD should be reliable and verifiable. Traditionally, this information has been obtained or verified through a site visit, but now, with information from new, highly sensitive technology and imaging, site visits may not always be required for approved JDs.

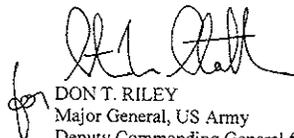
d. When documenting preliminary JDs, any available technical, scientific, and observational information about the wetlands or other water bodies can be entered into ORM2 regardless of whether it is the type of information that could inform a formal jurisdictional determination (e.g., discussion of the ecological relationship between water bodies), so long as legal conclusions about jurisdictional status are not included. Any additional, available information that is entered into ORM2 must be accompanied by the warning that the information has not been verified, that it is not an official determination by the government, and that it cannot later be relied upon to determine whether an area is or is not jurisdictional.

10. Coordination with U.S. Environmental Protection Agency (EPA) and posting. Districts will continue to post approved JDs on their web sites. Consistent with historical practice, preliminary JDs will not be coordinated with EPA or posted on District websites. Corps Headquarters is modifying the ORM2 data base to collect information regarding use of preliminary JDs, and regarding permit authorizations based on

preliminary JDs, or based on no official form of JD. Until ORM2 is modified to collect and access information related to preliminary JDs, every District should collect basic information, to the maximum extent practicable, on those subjects for purposes of documenting District workload.

11. This guidance remains in effect until revised or rescinded.

Attachment

  
DON T. RILEY  
Major General, US Army  
Deputy Commanding General for Civil and  
Emergency Operations

## ATTACHMENT

### PRELIMINARY JURISDICTIONAL DETERMINATION FORM

#### BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:  
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: County/parish/borough: City:

Center coordinates of site (lat/long in degree decimal format): Lat. °

Pick List, Long. ° Pick List.

Universal Transverse Mercator:

Name of nearest waterbody:

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Cowardin Class:

Stream Flow:

Wetlands: acres.

Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date:

Field Determination. Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)**

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):  
or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

\_\_\_\_\_  
Signature and date of  
Regulatory Project Manager  
(REQUIRED)

\_\_\_\_\_  
Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining  
the signature is impracticable)

SAMPLE

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
1				0.1 acre	section 10 – tidal
2				100 linear feet	section 10 – non-tidal
3				15 square feet	non-section 10 – wetland
4				0.01 acre	non-section 10 – non-wetland

## Questions and Answers on Regulatory Guidance Letter 08-02

### General Questions

**Question 1:** What is the effective date of this guidance?

**Answer 1:** June 26, 2008. Preliminary JDs may be prepared, consistent with this guidance, for permit applications, and for requests for JDs, received prior to June 26, 2008, unless the applicant exercises his or her option to request and obtain an approved JD.

**Question 2:** When is it appropriate to not prepare any JD whatsoever?

**Answer 2:** For situations where there is no activity jurisdiction or an activity is exempt under Section 404(f) of the Clean Water Act and not recaptured, preparation of a "no permit required" letter is adequate, and no JD is required, so long as that letter makes clear that it is not addressing geographic jurisdiction. If an activity is exempt from the requirement to obtain a Department of the Army permit, it is not necessary to do a formal JD because the jurisdictional status of the affected aquatic feature(s) does not weigh into the exemption decision. As stated in paragraph 4(h), the Corps may authorize an activity with a general permit, letter of permission, or standard permit with no official JD of any type, as long as the circumstances do not necessitate an approved JD. Every year the Corps authorizes many activities with non-reporting general permits, using no form of official JD whatever.

**Question 3:** Can a preliminary JD ever be used to identify potentially non-jurisdictional waters?

**Answer 3:** No. Preliminary JDs, as defined by our regulations, state that there "may be" waters of the United States present. To document a finding that a particular aquatic feature is not a water of the United States, an approved JD must be used.

**Question 4:** Can a "no permit required" letter be used to describe the presence of non-jurisdictional waters?

**Answer 4:** No. An approved JD must be used to make a finding that an aquatic feature is not a water of the United States. A "no permit required" letter is used to acknowledge that a Department of the Army permit is not required for a particular activity.

**Question 5:** If the aquatic feature "looks like a water of the United States," but the proposed activity is one that does not require authorization, should we prepare a JD?

**Answer 5:** An approved JD is necessary to make a definitive finding that a particular aquatic feature is not a water of the United States. If a proposed activity does not require a DA permit, then a "no permit required" letter can be issued.

**Question 6:** Can the preliminary JD form be modified by districts to flow better and more clearly describe potentially jurisdictional features?

**Answer 6:** No. The form provided with RGL 08-02 is to be used for preliminary JDs. To more clearly describe potentially jurisdictional aquatic features, supporting documentation may be attached to the form.

**Question 7:** For the purposes of this RGL, how is the "review area" defined, and how are multiple water bodies and wetlands within a review area documented?

**Answer 7:** The review area for jurisdictional determinations is at the discretion of the district. It may consist of the entire parcel of land, or a portion of that parcel. The review area should be clearly marked on any plans or maps accompanying a JD or "no permit required" letter. When there are multiple water bodies or wetlands within the review area, their location and extent may be summarized in the table provided in the RGL.

**Question 8:** Can preliminary JDs be used on a "project specific basis" or must the review area encompass an entire tract of land? For example, if an applicant submits a PCN for an outfall and requests a preliminary JD for that project area, but the outfall is part of a larger residential development that will impact other apparently jurisdictional water bodies or wetlands, should a regulatory project manager evaluate just the project area or the site as a whole?

**Answer 8:** The review area for the JD is at the discretion of the district, and should be clearly documented in the administrative record for the permit action or JD. It does not need to encompass the entire parcel. When determining the review area for a multi-phase project, you should consider which activities may have independent utility, and the appropriate means for authorizing those activities. Districts should also consider potential risks of unauthorized activities occurring when determining the review area for a JD.

**Question 9:** If an applicant sends in a wetland delineation report, must we respond by preparing an approved JD?

**Answer 9:** It depends on whether the applicant is requesting an approved JD. The procedures in RGL 08-02 should be followed to make the applicant aware of his or her right to obtain an approved JD. A wetland delineation can be used to support a permit decision based on either a preliminary or an approved JD.

**Question 10:** Is a final preliminary or approved JD necessary for a complete DA permit application?

**Answer 10:** No. A final JD is not among the required contents of a complete application described at 33 CFR 325.1(d). Permit review may begin, and public notice published, before a JD is finalized.

**Question 11:** Can special conditions requiring compensatory mitigation be attached to an individual permit or a general permit verification, regardless of whether a preliminary or approved JD was prepared?

**Answer 11:** Yes. Paragraph 4(d) of RGL 08-02 states that waters that "may be" jurisdictional will be treated as if they are jurisdictional for purposes of calculating impacts and determining mitigation requirements.

## Determining Whether to Use a Preliminary or Approved JD

**Question 12:** Which type of JD should be used, absent any of the factors described at paragraphs 2(a) and 4(c)?

**Answer 12:** An approved JD should be used in the circumstances described in paragraph 2. Otherwise, districts have the discretion to use preliminary JDs or to do no JD whatsoever to support a decision on a permit application.

**Question 13:** Which carries more weight, the Corps' discretion regarding the use of approved JDs (paragraphs 2(c) and 3) or the affected party's preference for a particular type of JD?

**Answer 13:** If an approved JD is requested, one must be prepared. However, if a preliminary JD is requested, the Corps has the discretion to do an approved JD instead, but in most circumstances we would expect the wishes of the landowner or permit applicant to be honored. Thus, usually if a preliminary JD is requested, a preliminary JD would be provided.

**Question 14:** For large projects that require multiple JDs, or for situations where an affected party requests preliminary and approved JDs for different parts of a review area, can a combination of preliminary and approved JDs be used?

**Answer 14:** A combination of preliminary and approved JDs can be used, as long as the review areas for each type of JD are clearly designated.

**Question 15:** If a review area includes an upland drainage ditch, can we say that it is upland, have it removed from the report, and continue with preparation of a Preliminary JD?

**Answer 15:** If you are making a definitive determination that a potential aquatic feature is not a water of the United States, then you have to do an approved JD. If the proposed activity does not require DA authorization, then you can issue a "no permit required" letter.

**Question 16:** Paragraphs 4(c) and 2(a) (3) seem to contradict one another. Paragraph 2(a)(3) indicates that an approved JD must be issued when the Corps determines that jurisdiction does not exist over a particular water body or wetland, regardless of whether or not the affected party has requested an approved JD. Presumably, this also means that coordination with the EPA and/or USACE HQ must be done. However, paragraph 4(c) states that a landowner may elect to use a preliminary JD even where initial indications are that the waters on the site may not be jurisdictional. Please clarify.

**Answer 16:** A preliminary JD cannot be used to make an official Corps determination that a particular waterbody or wetland is not jurisdictional. An approved JD must be issued in those cases. However, a landowner, permit applicant, or other affected party may decide that it would be in his or her best interests to proceed with submitting a permit application based on a preliminary JD, and receiving a permit decision based on that preliminary JD. The permit decision would be based on the assumption that the waters and wetlands are jurisdictional, even though an approved JD done at a later time could result in a finding that some or all of those aquatic areas are not jurisdictional. The

district needs to make an effort to explain the consequences of using a preliminary JD in such cases.

## Required Documentation for Preliminary JDs

**Question 17:** What are the documentation requirements associated with wetlands/waters for which a significant nexus must exist between the water(s) and the downstream TNW in order for the Corps to assert jurisdiction, but which are being documented using a preliminary JD?

**Answer 17:** The preliminary JD should include only that information which describes the extent and location of wetlands and waters in the review area (see paragraph 8). Additional documentation supporting the determination that there may be waters of the United States in the review area should be included in the administrative record as appropriate. Such supporting documentation may include descriptions of the characteristics of wetlands and waters or information about nearby waters. A significant nexus evaluation is not necessary for a preliminary JD, since the Corps is not making an official determination regarding jurisdiction. In cases where a significant nexus evaluation is necessary to make a definitive finding regarding Clean Water Act jurisdiction over a wetland or other aquatic feature, an approved JD must be made.

**Question 18:** Can a preliminary JD include a map?

**Answer 18:** Yes, provided waters on the project site are clearly marked as "potential jurisdictional waters" and any boundaries are marked as "approximate". This mapping standard may also be used for preliminary JDs that support decisions on permit applications.

## Coordination with Affected Parties for Preliminary JDs

**Question 19:** Regarding paragraph 4(c), what is the appropriate way to document an affected party's "informed" and "voluntary" decision not to request an approved JD?

**Answer 19:** Documenting an affected party's decision not to request an approved JD is most easily accomplished by obtaining his or her signature on the preliminary JD form. Receipt of a preliminary JD signed by the affected party, or lack of response to a request for such signature, may be taken as an informed and voluntary decision to not request an approved JD. Corps project managers may also document the affected party's decision with notes from a meeting or telephone conversation, electronic mail, or other communication regarding an affected party's decision. In cases where a project proponent has requested a general permit verification, the district may add a paragraph to the verification letter informing the permittee of his or her right to obtain an approved JD if he or she does not agree with the extent of waters or wetlands and the preliminary JD upon which the general permit verification was based.

**Question 20:** At what point during the permit review process should the preliminary JD form be sent to the affected party?

**Answer 20:** The preliminary JD form may be provided to the affected party for his or her signature at any appropriate time after the form has been filled out by the project manager. It is recommended that the affected party's signature be obtained as early in the permit review process as possible, so that if the affected party later decides to obtain an approved JD, it can be completed before the permit decision is made.

**Question 21:** In providing an opportunity for the affected party to sign the preliminary JD, what level of effort is expected from Corps project managers?

**Answer 21:** The district should make a reasonable effort to obtain the affected party's signature on the preliminary JD form. If it is impractical to obtain the affected party's signature, then the signature is not necessary. Alternative forms of obtaining agreement, such as an e-mail sent from the affected party stating his or her preference for proceeding with the permit evaluation and decision based on a preliminary JD or documentation of a phone conversation, may be used. Signed copies of the preliminary JD form may also be exchanged through e-mail (i.e., scanned copies) or by facsimile machine. Districts may also establish timeframes for affected parties to return signed preliminary JD forms. If the affected party does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing a permit action. Permit decisions should not be delayed unnecessarily.

**Question 22:** Should the preliminary JD provided to the affected party be signed by a Corps project manager prior to being sent, or only after the affected party has signed and returned the document?

**Answer 22:** The preliminary JD should be signed by the Corps project manager prior to being sent to the affected party.

**Question 23:** If an affected party does not respond to the request for signature of the preliminary JD, can they still request an approved JD at a later date?

**Answer 23:** Yes. As discussed in paragraph 4(g), an affected party can later request an approved JD. The affected party has to request and obtain the approved JD prior to commencing work in the waters and wetlands identified by the preliminary JD.

**Question 24:** Should the transmittal letter that accompanies a preliminary JD advise the applicant to not start work in the wetlands and waters indicated in the preliminary JD if he or she intends to request an approved JD?

**Answer 24:** Yes, the transmittal letter should advise the applicant to not start work in the wetlands and waters indicated in the preliminary JD if he or she intends to request an approved JD at a later time.

### Appeals and Expiration of Preliminary JDs

**Question 25:** Are we to send an appeals form along with the preliminary JD?

**Answer 25:** In cases where a preliminary JD is issued or where a preliminary JD is used to support a permit decision, a Notification of Applicant Options (NAO) form should be

sent to the affected party. The NAO form helps explain the affected party's options under the administrative appeal process.

**Question 26:** Does the 5 year time period apply to preliminary JDs as it does to approved?

**Answer 26:** No, preliminary JDs are non-binding actions and have no expiration date (see RGL 05-02, paragraph 1(a)).

### Requirements for Approved JDs

**Question 27:** Is a field visit by the Corps necessary to "precisely identify" the limits of waters of the United States for approved JDs?

**Answer 27:** No, it is not. Districts may continue to set their own criteria regarding the need for field visits. Approved JDs that identify the limits of waters of the United States may be based on site visits or desktop reviews. Desktop reviews are sufficient in cases where the district has a high degree of confidence in the information used to identify the limits of jurisdictional waters. For example, desktop reviews may be based on detailed delineation reports prepared by professional wetland consultants. The level of mapping precision for an approved JD that identifies the limits of waters of the United States is at the discretion of the district. In some cases, districts may need to require professional surveys of jurisdictional boundaries, but in other cases, other mapping techniques may be adequate.

**Question 28:** The definition of the term "approved JD" given in paragraph 2 does not make a clear distinction between a "jurisdictional determination" and a "wetland delineation." This distinction is clearly made in 33 CFR 331.2. Also, paragraph 2(d) appears to require that approved JDs be documented with delineations. This requirement does not appear in the Corps regulations. Is the definition of an approved JD or the documentation requirements for an approved JD changed by the RGL?

**Answer 28:** No. The definition of the term "approved JD" in paragraph 2 does not change the definition provided at 33 CFR 331.2. It should be noted that for the purposes of documenting approved JDs to support permit decisions (which is the focus of RGL 08-02), it is often necessary to precisely identify the limits of waters of the United States, to determine the amounts of waters impacted by the proposed activity. The guidance provided by paragraph 2(d) applies to approved JDs that will be used to support permit decisions.

### JDs for Enforcement Actions

**Question 29:** Is an alleged violator afforded the opportunity to request an approved JD?

**Answer 29:** Yes, but only to the extent that, and only in circumstances where: (1) preparation of an approved JD would not interfere with the enforcement action and (2) preparation of an approved JD would not interfere with protecting the public interest, including protecting the environment. As a general rule, any "affected party" at any time

can request an approved JD. In most circumstances the Corps would try to honor such a request, with the limitations noted above. A violator cannot be allowed to disrupt or delay time-sensitive aspects of an enforcement action by requesting an approved JD. Appeal rights associated with an approved JD associated with an enforcement action are at the sole discretion of the Division Engineer. Check with your Division Review Officer prior to issuing an approved JD associated with an alleged violation/unauthorized activity if you have any questions regarding the language explaining appeal rights or the appeal process itself.

**Question 30:** If an alleged violation is investigated and the waterbody is determined not to be a water of the United States, is an approved JD required? In past practice, an enforcement action would typically be terminated upon making that finding. The RGL provides little guidance on how these types of situations should be handled in the enforcement arena.

**Answer 30:** An approved JD is not required in those situations. The district engineer may use his or her enforcement discretion, and either terminate the enforcement action without making a final JD or issue an approved JD.

**Question 31:** There appears to be an inconsistency in the RGL, because paragraph 4(c) states that a preliminary JD can serve as a basis to issue a C&D, but paragraph 7 says that a preliminary JD can only reference waters that "may" be jurisdictional. A definitive determination can only be made with an approved JD. How can we stop a project and identify a violation if we aren't saying it's jurisdictional for certain?

**Answer 31:** Warning letters and other enforcement actions aimed at making initial contact with an alleged violator can normally be supported with a preliminary JD. Districts should support enforcement action with approved JD when that is practicable, but preliminary JDs are appropriate if it is not possible to prepare an approved JD. For example, if a landowner refuses to allow access to the site of a violation, or if time is of the essence, preparing an approved JD might not be practicable in an enforcement situation.

## ORM Data Entry

**Question 32:** Until ORM2 is changed to accommodate PJD info, we use the "old JD" tab and choose PJD. Can ORM2's search capability retrieve JD info from that location?

**Answer 32:** ORM 2 reports and search functions look at both the "old JDs" and "new JDs" to distinguish between old and new in reports, new JDs have JD suffixes in the DA number column (e.g., NWK-2008-001123-JD1) When searching spatially, the waters and associated JD(s) can be found.

**Question 33:** How does this RGL affect counting workload and program performance in ORM?

**Answer 33:** As a result of RGL 08-02 we will count preliminary JDs separately again. The FY08 task tables and hour counts are being updated to reflect this for future reporting.

**Question 34:** Do we enter each "reach" for preliminary JDs in ORM?

**Answer 34:** Once ORM2 has been modified to collect data regarding preliminary JDs, further guidance and perhaps online training will be provided. We are working on ORM2 enhancements so you can enter one preliminary JD for many waters within a reach. Currently, in the old preliminary JD path, you need to enter one JD for each Water. For approved JDs, you can use one JD for many Waters, but it will be necessary to know how many different JDs you need within a reach. For example, you could do one approved JD for all those waters/wetlands that are determined to be jurisdictional, a second approved JD for all those waters/wetlands that are determined not to be jurisdictional, and a third approved JD for any isolated waters. Once the enhancements take effect, the same process can be used for both approved and preliminary JDs.

## Miscellaneous

**Question 35:** While paragraph 2(a) (2) acknowledges that the Corps is ultimately responsible for completing an approved JD when necessary, should this paragraph be interpreted to suggest that the Corps, rather than applicants and their consultants, should be conducting wetland delineations?

**Answer 35:** No. While the Corps is responsible for issuing approved JDs, districts can continue to rely on information provided by applicants and their consultants, such as wetland delineation reports, so long as the Corps has reason to believe that such information is accurate and reliable. Paragraph 2(a) (2) simply recognizes that there may be a need for the Corps to have access to project sites when preparing approved JDs.

**Question 36:** While it may be appropriate to use preliminary JDs for some individual permits, won't we need some of the information used to prepare an approved JD (e.g., wetland area, type, and function) to analyze environmental impacts and mitigation needs?

**Answer 36:** Yes. Such information may be requested and obtained during evaluation of the permit request, regardless of whether it is necessary for preparation of the JD, and regardless of whether we are using an approved JD or a preliminary JD.

**Question 37:** Paragraph 5(a) indicates that Project Managers should notify their supervisors and develop a schedule for completion of a JD if it is over the 60-day time period. How much documentation regarding this timeframe is required?

**Answer 37:** The appropriate amount of documentation is at the discretion of the district.

**Question 38:** Some states require approved JDs for complete applications and base their fees for water quality certifications on the extent of impacts to waters of the United States. How do we address States' concerns about not having approved JDs?

**Answer 38:** In accordance with paragraph 2(a)(1), permit applicants may request approved JDs, and districts are to honor such requests, even though they may be made solely to apply for water quality certifications. The affected party has the right to decide which JD type is appropriate for his or her needs. If a permit applicant does not specifically request an approved JD, then the district has the discretion to base its permit

decision on a preliminary JD or no JD whatsoever, even in cases where a state may want an approved JD for making its decisions regarding water quality certification. Districts are encouraged to work with State and other local agencies to develop operating procedures to facilitate this issue.

**Question 39:** Should preliminary JD forms be posted on District web sites?

**Answer 39:** As stated in paragraph 10, preliminary JDs do not need to be posted on District web sites.

**Question 40:** Since section D of the preliminary JD form provides spaces for listing Section 10 waters on the site, can districts make preliminary JDs for section 10 waters?

**Answer 40:** Section D of the preliminary JD form is to be used to list previously identified section 10 waters. When conducting preliminary JDs, districts may identify waters that may be subject to section 10 jurisdiction.

## Kris Livingston

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**From:** Karen\_Washington@nps.gov on behalf of Rory\_Westberg@nps.gov  
**Sent:** Wednesday, November 25, 2009 11:36 AM  
**To:** HSR Comments  
**Cc:** Dale\_Morlock@nps.gov; Joe\_Carriero@nps.gov; Kelly\_Powell@nps.gov; Keith\_Dunbar@nps.gov; Patricia\_F\_Brewer@nps.gov; Chris\_Shaver@nps.gov; Lindy\_Nelson@nps.gov; Ethel\_Smith@ios.doi.gov; Julie\_Thomas\_McNamee@nps.gov  
**Subject:** RE: Altamont Corridor Rail Project EIR/EIS  
**Attachments:** Altamont.doc

Please see the subject attached file. If you have any questions please contact Keith Dunbar at 206-220-4104.

(See attached file: Altamont.doc)

Rory Westberg  
Acting Regional Director, Pacific West Region

Office: 206-220-4020  
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[rory\\_westberg@nps.gov](mailto:rory_westberg@nps.gov)



# United States Department of the Interior



NATIONAL PARK SERVICE  
Pacific West Region  
1111 Jackson Street, Suite 700  
Oakland, California 94607-4807

IN REPLY REFER TO:  
ER 09/1122(PWR-RD)

November 24, 2009

Mr. Dan Leavitt, Deputy Director  
ATTN: Altamont Corridor Rail Project EIR/EIS  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814  
[comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)

RE: Altamont Corridor Rail Project EIR/EIS

Dear Mr. Leavitt:

The National Park Service (NPS), Pacific West Region, has reviewed the notice of intent by the Federal Railroad Administration, U.S. Department of Transportation, for the California High-Speed Rail Authority (Authority) to prepare an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Altamont Corridor Rail Project proposed by the Authority and the San Joaquin Regional Rail Commission (SJRRRC) from Stockton to San Jose via the Altamont Pass and Tri Valley area, connecting the Northern San Joaquin Valley and the San Francisco Bay Area.

The EIR/EIS is intended to address a comprehensive list of potential impacts, including air quality. The NPS is very interested in monitoring this project, as there may be potential impacts to Yosemite National Park and Sequoia Kings Canyon National Park. The NPS would appreciate the opportunity to participate early in the planning process, even prior to reviewing the Draft EIR/EIS. Please contact:

Pat Brewer  
Environmental Protection Specialist  
Air Resources Division  
P.O. Box 25287  
Denver, CO 80225-0287  
(303) 969-2153  
[Patricia\\_F\\_Brewer@nps.gov](mailto:Patricia_F_Brewer@nps.gov)

Thank you for the opportunity to provide these comments.

Sincerely,

/s/ Rory D. Westberg  
(signed original on file)

Rory D. Westberg  
Acting Regional Director, Pacific West Region





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

December 3, 2009

Mr. David Valenstein  
Environmental Program Manager  
Office of Passenger and Freight Programs  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Mail Stop 20  
Washington, DC 20590

Subject: Scoping Comments for the Altamont Corridor Rail Project from Stockton to San Jose, California, Environmental Impact Statement/Environmental Impact Report

Dear Mr. Valenstein:

The United States Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published October 29, 2009, requesting comments on the Federal Railroad Administration (FRA) and California High Speed Rail Authority (CHSRA) proposal to prepare a joint project Draft Environmental Impact Statement (Draft EIS)/Draft Environmental Impact Report (Draft EIR) for the Altamont Corridor Rail Project From Stockton to San Jose, California (Project). Our comments are provided 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.

We appreciate the close working relationship we have had with FRA and CHSRA as a cooperating agency on the previously completed statewide, programmatic EIS for a High Speed Train (HST) system for California. EPA supports the proposed goals of the Altamont Corridor Rail Project of 1) facilitating regional intercity and local connectivity through the Altamont Pass gateway between the San Francisco Bay Area and the Northern San Joaquin Valley, and 2) providing a regional link to the HST system; however, we note that additional justification, analysis, and understanding of environmental impacts is warranted if high speed rail service, in addition to improving the existing traditional rail service, is proposed for the project area.

**Potential Duplication of High Speed Rail Service Connecting Bay Area to Central Valley**

Although we support the goals of the project, we note that through our coordination with FRA and CHSRA on the Bay Area to Central Valley Programmatic EIS completed in June 2008, it was demonstrated by FRA and CHSRA that high speed rail service through the Altamont Corridor was not the preliminary least environmentally damaging practicable alternative

(LEDPA) (the only alternative permissible under Section 404 of the Clean Water Act). This led EPA to ultimately support the Pacheco Pass alignment as the as most likely to yield the preliminary LEDPA, for the portion of the Bay Area to Central Valley portion of the high speed rail system. The Clean Water Act (CWA) Section 404(b)(1) Guidelines (Guidelines) at 40 CFR Part 230.10(a) state that “. . .no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.”

Further, we identified at that time to FRA and CHSRA that any alternative alignments that included high speed train service on both an Altamont and a Pacheco Pass crossing may have permitting challenges under CWA Guidelines due to increased environmental impacts from two central valley crossings. We remain concerned that the high speed rail service proposed for the Altamont Corridor Rail Project, as described in the notice of intent, may result in a similar doubling of impacts while fulfilling the same purpose and need as the Bay Area to Central Valley segment of the HST system.

*Recommendations:*

- Address in the Draft EIS the respective purposes of the Altamont Corridor Rail Project and the Bay Area to Central Valley segment of the HST system, and confirm that both projects are warranted and not providing duplicative service.
- In light of the information presented in the Bay Area to Central Valley Programmatic EIS demonstrating that an Altamont Pass high speed rail connection was not practicable, this Draft EIS should clearly identify how the high speed rail service proposed for this project is practicable pursuant to CWA Section 404(b)(1) Guidelines.
- Include in the range of alternatives to be fully analyzed in the Draft EIS 1) an alternative that includes improved “traditional” rail service with a footprint that would not accommodate high speed rail, and 2) an alternative for improved rail service that would accommodate high speed rail service. All impacts should be presented in comparative format, making it easy for decision-makers to determine what additional impacts would result from accommodation of high speed rail.

**Assessment of Impacts to Aquatic Resources**

EPA is concerned that the addition of two new dedicated tracks in the corridor may result in substantial impacts to wetlands, waters, and other resources. While we recognize the benefits that could occur through addition of dedicated tracks for passenger rail service, such as reduced travel times and more frequent and dependable transit service, we recommend that FRA and CHSRA consider alternatives and design modifications to minimize impacts to aquatic and other resources as much as possible. In addition, the analysis of impacts to aquatic resources should be of an appropriate scope and detail to identify sensitive areas or aquatic systems with functions

highly susceptible to change. EPA also recommends the following in the Draft EIS for the assessment of existing conditions and environmental consequences of each proposed alternative:

*Recommendations:*

- Provide maps and estimates of waters of the United States within the project area using CWA jurisdictional determinations, which should be submitted to the Army Corps of Engineers for verification.
- Provide specific descriptions of proposed activities in CWA regulated waters including grading plans and cross sections.
- Characterize the functional condition of waters and adjacent riparian areas and describe the extent and nature of stream channel alteration, riverine corridor continuity, and buffered tributaries.
- Include wildlife species affected that could reasonably be expected to use waters or associated riparian habitat and sensitive plant taxa that are associated with waters or associated riparian habitat.
- Analyze the potential flood flow alteration, characterize the hydrologic linkage to any impaired water body, and analyze the potential water quality impact and potential effects to designated uses.
- Address techniques proposed for minimizing surface water contamination due to increased runoff from additional impervious surfaces.
- Identify alignments and design measures and modifications to avoid and minimize impacts to water resources. Quantify the benefits achieved for measures implemented to reduce impacts for each alternative studied, for example, number of stream crossings avoided, acres of waters of the United States avoided, etc. If these resources cannot be avoided, the Draft EIS analyses should clearly demonstrate how cost, logistical, or technological constraints preclude avoidance and minimization of impacts.
- Identify all protected resources with special designations and all special aquatic sites and waters within state, local, and federal protected lands. Additional steps should be taken to avoid and minimize impacts to these areas.
- Include a compensation proposal for unavoidable impacts to CWA regulated waters that complies with new regulations for compensatory mitigation promulgated in April 2007 (40 CFR 230 Subpart J).

***Avoidance and Minimization Measures***

To demonstrate compliance with CWA Guidelines, FRA/CHSRA must explore on-site alternatives to avoid or minimize impacts to specific waters. Typically, transportation projects can accomplish this by using spanned crossings, arched crossings, or oversized buried box culverts over drainages to encourage continuity of sediment transport and hydrological processes and wildlife passage.

The Draft EIS should include a complete systematic analysis for drainage crossings which identifies and prioritizes the potential for improvements to the aquatic system and for wildlife use at each crossing, as applicable. Additionally, the Draft EIS should identify measures and modifications to avoid and minimize impacts to water resources. Temporary and permanent impacts to waters of the U.S. for each alternative studied should be quantified; for example, acres of waters impacted, etc. For each alternative, the Draft EIS should report these numbers in table form for each impacted water and wetland feature.

### **Biological Resources and Impacts to Wildlife**

The proposed project will cross potential wildlife crossings and habitat for wildlife. The Draft EIS should address wildlife movement impacts associated with the Project and commit to mitigating measures, if appropriate. Proposed stream and wash crossings should be designed to maintain or improve existing wildlife passages.

#### *Recommendations:*

- Describe efforts to avoid and/or minimize impacts to threatened and endangered species and associated habitats, as well as preserves, parks, and restoration and habitat management areas.
- Describe the extent and nature of the protected species and their primary habitat(s) and the extent and nature of potential impacts to proposed and designated critical habitat.
- Provide a description of narrow endemics, unique habitat elements, and suitable habitat for native fauna and flora in the project area and the extent each proposed alternative may affect each resource.
- Commit to measures to minimize or avoid impacts quantify specific resources avoided. Incorporate information developed for the California Essential Habitat Connectivity Project and identify how Project alternatives have been designed to allow for continued wildlife movement:  
[http://www.dot.ca.gov/hq/env/bio/program\\_efforts.htm](http://www.dot.ca.gov/hq/env/bio/program_efforts.htm).
- Use data developed for the statewide California Wildlife Action Plan (CWAP) to inform the siting of Project alternatives and mitigation. Identify in the Draft EIS the specific design changes proposed to avoid resources. The CWAP addresses 800 at-risk species and provides range maps. The range maps for these species are available

from the California Department of Fish and Game:  
<http://www.dfg.ca.gov/habitats/WDP/>.

- As applicable, disclose how fencing the train route will affect wildlife movement and discuss how fencing for safety purposes will be integrated with proposed wildlife passages, such as culverts, bridges, viaducts, underpasses, and overpasses.

## **Green Design and Operations**

EPA recommends FRA and CHSRA commit to incorporating the highest levels of energy efficiency available into construction, operations, and maintenance of the proposed Project.

### *Recommendations:*

- Include a commitment to achieving Leadership in Energy and Environmental Design (LEED) Platinum certification for the proposed stations.
- Identify measures to conserve water and manage stormwater runoff. We recommend implementation of “green infrastructure” in onsite stormwater management features, such as bioretention areas, vegetated swales, porous pavement, and filter strips. These features can serve as both stormwater treatment and visual enhancements. More detailed information on these forms of “green infrastructure” can be found at [http://cfpub.epa.gov/npdes/home.cfm?program\\_id=298](http://cfpub.epa.gov/npdes/home.cfm?program_id=298).
- Identify measures to produce energy onsite and incorporate them into the design of the station, rail, and maintenance facilities.
- Identify in the DEIS estimates of energy savings from proposed measures to improve efficiency through materials, lights, insulation and operations. Commit to industrial materials recycling, or the reusing or recycling of byproduct materials generated from industrial processes. Nonhazardous industrial materials, such as coal ash, foundry sand, construction and demolition materials, slags, and gypsum, are valuable products of industrial processes. Industrial materials recycling preserves natural resources by decreasing the demand for virgin materials, conserves energy and reduces greenhouse gas emissions by decreasing the demand for products made from energy intensive manufacturing processes; and saves money by decreasing disposal costs for the generator and decreasing materials costs for end users. More information can be found at: <http://www.epa.gov/epawaste/conserves/rrr/imr/index.htm>.
- Develop an Environmental Management System (EMS) for the proposed facility. An EMS (<http://www.epa.gov/ems/index.html>) is a set of processes and practices that enable an organization to reduce its environmental impacts, reduce costs, and increase its operating efficiency. An EMS is a continual cycle of planning, implementing, reviewing, and improving the processes and actions that an organization undertakes to meet its business and environmental goals. CHSRA and FRA, through an EMS, can

demonstrate a commitment to being environmentally sound, in the planning, construction, monitoring, and follow-up actions related to operations.

### **Relationship to Regional Transportation Projects**

The Draft EIS for the Altamont Corridor Rail Project should specifically identify how the multiple proposed rail projects in the greater Bay Area and Central Valley, including the Regional Rail Plan, relate to this Project. EPA is supportive of FRA and CHSRA coordination with local transportation agencies to minimize duplication of efforts and conflicting transit goals so that potential design, construction, permitting, and mitigation in the area can be streamlined to minimize environmental impacts.

#### *Recommendations:*

- Address how the proposed Project will insure that potential duplication of efforts and incompatibilities with other rail and/or transit systems will not occur.
- Identify integration and/or incompatibility of the proposed Project with other existing and proposed projects.
- Identify the specific features of the Project that are being designed to “link up” with the other transportation, commuting and transit proposals in the region.

### **Land Use and Transportation Linkages**

Maintaining or improving transportation access for key rider groups in the project area, while minimizing impacts to environmental resources, is critical for the success of the project.

#### *Recommendations:*

- Identify all transportation improvements proposed to provide access to the proposed Project from anticipated key rider groups in the Bay Area and San Joaquin Valley, including transit connections, new methods to move people while reducing congestion, and increased bus service (express service, increase in service on existing routes, and new routes).
- Analyze and disclose the direct, indirect, and cumulative (temporary and permanent) environmental impacts of constructing stations, parking facilities, maintenance and storage facilities, power propagation infrastructure, and required road developments and modifications.
- Demonstrate avoidance and minimization measures to reduce environmental impacts associated with the construction of passenger stations and maintenance facilities, such as multi-level parking structures as opposed to large surface parking lots.

- Identify where proposed stations, parking facilities, and additional required infrastructure will be located in the project corridor, and should disclose the associated impacts from station development on planned and unplanned growth.
- Identify parties responsible for mitigating the environmental impacts associated with the indirect and cumulative impacts of the projected land use changes. Identify the timeline for improvements and maintenance.

A substantial benefit of the proposed Project is the opportunity to provide improved transit services and to reduce vehicle miles traveled (VMT) and greenhouse gas emissions. EPA strongly supports including project elements that will further reduce VMT.

*Recommendations:*

- Minimize the number of parking spaces to the greatest extent possible at any station locations in order to facilitate the use of transit;
- Coordinate with other transit providers to maximize station access by transit;
- Design the new facilities to be pedestrian and bicycle-friendly, in addition to linking with other modes of transit; and
- Support policies that will increase density and mixed-uses in the station areas.

**Noise and Vibration Impacts**

Noise and vibration from the proposed rail improvements may cause sleep disturbance, stress and annoyance, and talking and hearing interference to residents, businesses and sensitive receptors in the project vicinity. There is also a potential for tracks being laid through generally quiet rural areas where increased train noise could result in a permanent change in the environment. FRA and CHSRA should quantify the potential impact of a rail improvements to residents, businesses, wildlife, and domestic livestock.

*Recommendations:*

- All noise and vibration impacts to should be fully analyzed and presented in the Draft EIS. The Draft EIS should include commitments to implement measures to adequately mitigate these impacts.
- The Draft EIS should address nocturnal and diurnal impacts to wildlife activities such as foraging, predator avoidance, and nesting that may be affected by new noise and vibration introduced to natural habitats.

## Energy Resources

It is our expectation that the project, along with other projects such as the HST system, will increase annual electricity use and decrease use of diesel fuel and gasoline. Successful implementation of the proposed project depends on the availability of sufficient sources of energy. The Draft EIS should identify the number and capacity of energy facilities that are operational or under construction and discuss whether the future supply is expected to be adequate to meet growth in demand, given the number of power plants planned. The energy analysis should take into consideration the cumulative impact of other planned projects that will also increase demand on the existing energy supply.

### *Recommendations:*

- Identify the number and capacity of energy facilities that are operational or under construction and discuss whether the future supply is expected to be adequate to meet growth in demand, given the number of power plants planned.
- Discuss the cumulative impact of other planned projects that will also increase demand on the existing energy supply. Reasonably foreseeable projects include: (1) the HST system; (2) the extension of Bay Area Rapid Transit to Warm Springs, San Jose, and Santa Clara; (3) the extension of light rail projects in San Jose; (4) Caltrain electrification; and (5) the Dumbarton Rail Corridor.

## Air Quality

The Draft EIS should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the project (including cumulative and indirect impacts) for each fully evaluated alternative.

The San Francisco Bay Area is federally designated marginal nonattainment for the 8-hour ozone standard and nonattainment for fine particulate matter (PM<sub>2.5</sub>) and the San Joaquin Valley Air Basin has some of the worst 8-hour ozone and PM<sub>2.5</sub> problems in the nation. Because of the air pollution challenges facing both these areas, it is important to reduce emissions of ozone precursors and particulate matter from this Project to the maximum extent.

### *Recommendations:*

- Provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the Project (including cumulative and indirect impacts) for each alternative.
- Include a thorough analysis of impacts from the construction and operation of the proposed alternatives. Include monitoring data, any anticipated exceedances of

NAAQS, and estimates of all criteria pollutant emissions, including the federal 8-hour ozone standard and the PM<sub>2.5</sub> standard.

- Disclose the available information about the health risks associated with vehicle emissions, sensitive receptors in the vicinity of the project area, and how the proposed project will affect current emission levels.
- Work with the Bay Area Air Quality Management District (BAAQMD), San Joaquin Valley Air Pollution Control District (SJVAPCD), Caltrans, and the Metropolitan Transportation Commission (MTC) to ensure that methods to estimate emissions and anticipated emissions values from the proposed project are consistent with Air Quality Management Plan and Regional Transportation Plan (RTP) conformity determinations.
- Use the most current EPA-approved model to estimate emissions, including re-entrained PM<sub>10</sub> emissions and present all methods and assumptions for analyses with pertinent air quality analyses and conclusions.
- Include an identification of potential hotspot impacts, especially where parking lots, idling locomotives, idling buses, and road modifications are proposed.

#### *General Conformity and Transportation Conformity*

The proposed Project may require a general conformity determination by FRA. If required, the Draft EIS should include the general conformity determination with related mitigation commitments. FRA and CHSRA should work with BAAQMD and SJVAPCD to ensure that anticipated emissions from the proposed project are consistent with the regions' Air Quality Management Plans.

To the extent that the proposed project will require modification of the existing grade crossings, road network and construction of parking lots and transit facilities, the Draft EIS should identify what elements of this project will require funding or approval by the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA). In addition, the Draft EIS should demonstrate that FHWA or FTA-funded or -approved project elements are included in a conforming transportation plan and a transportation improvement program. FRA and CHSRA should work with BAAQMD, SJVAPCD, and MTC to ensure that applicable elements of the proposed project are consistent with future revisions of the RTP and the Regional Rail Plan. The identification of sensitive receptors, and carbon monoxide and particulate matter hotspot analyses should be included in the Draft EIS, especially where parking lots and road modifications are proposed.

#### *Construction Mitigation Measures*

To minimize construction emission impacts to receptors along the proposed Project corridor, FRA and CHSRA should identify and commit to specific requirements to reduce emissions. The Draft EIS should include BAAQMD and SJVAPCD requirements to reduce emissions. In addition to these measures, EPA recommends the following measures to reduce the impacts resulting from future construction associated with the Project.

*Recommendations:*

In light of the serious health impacts associated with PM<sub>2.5</sub> (fine particulate matter) and diesel exhaust exposure, we recommend that the best available control measures for these pollutants be implemented at all times and recommend that a Construction Emissions Mitigation Plan is incorporated into the Draft EIS. We recommend that all BAAQMD and SJVAPCD requirements, and the following additional measures be incorporated into a Construction Emissions Mitigation Plan, where feasible and appropriate, in order to reduce impacts associated with fugitive dust and emissions of PM<sub>2.5</sub>, diesel exhaust, and mobile source air toxics from construction-related activities:

*Fugitive Dust Source Controls:*

- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

*Mobile and Stationary Source Controls:*

- Minimize use, trips, and unnecessary idling of heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. The California Air Resources Board has a number of mobile source anti-idling requirements which could be employed. See their website at: <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>.
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines are available in the 2009 model year and should be used for project construction equipment to the maximum extent feasible. Lacking availability of non-road construction equipment that meets Tier 4 engine standards, FRA and CHSRA should commit to using the best available emissions control technologies on all equipment.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

*Administrative controls:*

- Specify the means by which impacts to sensitive receptors, such as children, elderly, infirm and others identified in the Draft EIS, will be minimized. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility. Provide the justification behind not committing to all mitigation measures. Should FRA and CHSRA determine that potential mitigation measures are not economically feasible, the Draft EIS should provide the context behind this decision.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet EPA diesel fuel requirements for off-road and on-highway, and, where appropriate, use alternative fuels such as natural gas and electric.

*Greenhouse Gases*

Due to the nature of this Project and the potential greenhouse gases (GHG) benefits that could result, we believe the Project proponents have an opportunity to demonstrate the potential overall GHG benefits of such a project. There are many guidance documents available or expected to be available in the near future to assist with this analysis. EPA is also available to coordinate regarding analysis of GHGs.

Additionally, EPA recommends the Draft EIS should ultimately identify the cumulative contributions and reductions to GHG emissions that will result from implementation of the Project. We also recommend that the Draft EIS discuss the potential impacts of climate change on the Project. Finally, the Draft EIS should identify if there are specific mitigation measures needed to 1) protect the Project from the effects of climate change, 2) reduce the Project's adverse air quality effects, and/or 3) promote pollution prevention or environmental stewardship. Any design and operation measures that can be identified as reducing GHGs should be identified in the Draft EIS with an estimate of the GHG emissions reductions that would result if measures were ultimately implemented.

**Cumulative Impact Analysis**

Cumulative impacts are defined in the Council on Environmental Quality's (CEQ) NEPA regulations as the impact on the environment that results from the incremental impact of the action when added to the other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such actions (40 CFR 1508.7). The cumulative impacts analysis should provide the context for understanding the magnitude of the impacts of the alternatives by analyzing the impacts of other past, present, and

reasonably foreseeable projects or actions and then considering those cumulative impacts in their entirety. These actions include both transportation and non-transportation activities. Where adverse cumulative impacts are identified, the Draft EIS should disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts (CEQ's Forty Most Frequently Asked Questions #19).

*Recommendations:*

- The cumulative impact analysis should consider transportation and non-transportation projects such as large-scale developments and approved urban planning projects that are reasonably foreseeable and are identified within city and county planning documents.
- The cumulative impact analysis should describe the “identifiable present effects” to various resources attributed to past actions. The purpose of considering past actions is to determine the current health of resources. This information forms the baseline for assessing potential cumulative impacts and can be used to develop cooperative strategies for resources protection (CEQ's Forty Most Frequently Asked Questions #19). Identify the current condition of the resource as a measure of past impacts. For example, the percentage of wetlands lost to date.
- Identify the future condition of the resource based on an analysis of the cumulative impacts of reasonably foreseeable projects or actions added to existing conditions and current trends. Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or stasis.
- The cumulative impact analysis should identify potential large, landscape-level and regional impacts, as well as potential large-scale mitigation measures. The analysis should examine landscape-level impacts to the human and natural environment on a regional scale. The cumulative impact analysis should guide minimization measures and mitigation efforts. Disclose the parties that will be responsible for avoiding, minimizing, and mitigating impacts, as well as a timeline for implementing mitigation measures.
- EPA recommends that FRA and CHSRA use the Caltrans cumulative impacts guidance, which is applicable to cumulative impact analyses for non-road projects. This guidance can be found at [http://www.dot.ca.gov/ser/cumulative\\_guidance/purpose.htm](http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm).

### **Growth Inducement Analysis**

EPA recommends that FRA and CHSRA make both the methodology and the assumptions in the growth inducement analysis as transparent as possible to the public and decision makers.

*Recommendations:*

- Identify which land use model will be used, discuss its strengths and weaknesses, and describe why it was selected.
- Identify the assumptions used in the model, the strengths and weaknesses of the assumptions, and why those assumptions were selected. For example, describe which method will be used to allocate growth to analysis zones, its strengths and weaknesses, and why that method was selected.
- Ground truth the results of the land use model by enlisting local expertise involved in land use issues, such as local government officials, land use and transportation planners, home loan officers, and real estate representatives. Use their collective knowledge to validate or modify the results of the land use model.
- Use the results of the growth inducement analysis to inform station locations, and parking lot size and locations, as well as mitigation measures to reduce environmental impacts.
- Use the results of the growth inducement analysis to estimate growth inducement impacts to CWA regulated waters and inform LEDPA identification.
- Identify station locations that are currently zoned for high density development and those that are not. Address potential growth-related mitigation efforts, including incentives and other mechanisms to encourage transit-oriented development, and measures to increase the capacity of city/county high density planning efforts.
- Use Caltrans growth-related impacts guidance, which is applicable to growth-related impact analyses for non-road projects. This guidance can be found at [http://www.dot.ca.gov/ser/Growth-related\\_IndirectImpactAnalysis/gri\\_guidance.htm](http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm).

**Environmental Justice**

Executive Order 12898 addresses Environmental Justice in minority and low income populations, and the Council on Environmental Quality has developed guidance concerning how to address Environmental Justice in the environmental review process (<http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>).

*Recommendations:*

- Identify how the proposed alternatives may affect the mobility of low-income or minority populations in the surrounding area.
- Provide specific, appropriate mitigation measures for any anticipated adverse impacts to community members.

- Include opportunities for incorporating public input to promote context sensitive design, especially in Environmental Justice communities.

### **Invasive Species**

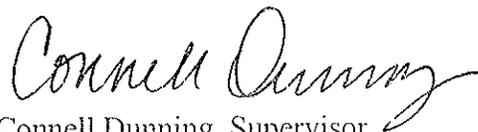
The proposed Project may include impacts to vegetation within the existing right-of-way and mitigation is proposed as a result of ground disturbance and tree removal. Executive Order 13112 on Invasive Species calls for the restoration of native plant and tree species.

#### *Recommendation:*

- To the extent that this project will entail new landscaping and tree replacement, the mitigation measures should describe how the project will meet the requirements of Executive Order 13112 by using native species. Replacement of trees and revegetation should be coordinated with appropriate city and county urban foresters and native species should be utilized where feasible.

We appreciate the opportunity to provide comments on the preparation of the Draft EIS, and look forward to continued participation in this process as more information becomes available. If you have any questions, please feel free to contact me at 415-947-4161, or Carolyn Mulvihill, the lead reviewer for this project, at 415-947-3554 or [mulvihill.carolyn@epa.gov](mailto:mulvihill.carolyn@epa.gov).

Sincerely,



Connell Dunning, Supervisor  
Transportation Team, Environmental Review Office

cc: Dan Leavitt, California High Speed Rail Authority  
Mehdi Morshed, California High Speed Rail Authority  
Jane Hicks, Army Corps of Engineers  
Mark Littlefield, U.S. Fish and Wildlife Service  
Susan K. Moore, U.S. Fish and Wildlife Service  
Ray Sukys, Federal Transit Administration  
Gary Sweeten, Federal Highway Administration  
Marie Pang, Peninsula Corridor Joint Powers Board  
Lindy Lowe, San Francisco Bay Conservation and Development Commission  
Scott Wilson, California Department of Fish and Game  
James B. Richards, Caltrans  
Trais Norris, Caltrans

## Kris Livingston

---

**From:** Ellen\_McBride@fws.gov  
**Sent:** Thursday, December 03, 2009 1:58 PM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Rail Project EIR/EIS

In response to Notice of intent to prepare an environmental impact statement (EIS) for the Altamont Corridor Rail Project: For impacts on federally-listed and state-listed species within the San Joaquin County area, the U.S. Fish and Wildlife Service recommends that the proposed project participate in the San Joaquin Multi-Species Conservation Plan (SJMSCP), where applicable. Full avoidance of any established preserves should be incorporated into the project description. Please contact the San Joaquin Council of Governments for further information.

\*\*\*\*\*  
Ellen R. McBride, M.S.  
Wildlife Biologist  
U.S. Fish and Wildlife Service  
Endangered Species Division  
San Joaquin Valley Branch  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825  
(916) 414-6561 (w)  
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\*\*\*\*\*



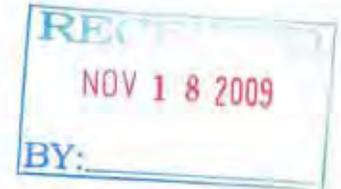
# DEPARTMENT OF CONSERVATION

## DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

801 K STREET • MS 20-22 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 322-1110 • FAX 916 / 322-1201 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

November 17, 2009



Mr. Dan Leavitt, Deputy Director  
ATTN: Altamont Corridor Rail Project  
California High-Speed Rail Authority  
925 L Street, Ste. 1425  
Sacramento, CA 95814

Subject: Altamont Corridor Rail Project EIR/EIS – SCH 200910275

Dear Mr. Leavitt,

The Department of Conservation's Division of Gas, Oil, and Geothermal Resources (Division) has reviewed the above referenced document. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code (PRC), and administrative regulations under Title 14, Division 2, Chapter 4 of the California Code of Regulations (CCR). The Department offers the following comments for your consideration.

The proposed project is located within the administrative boundaries of the Stockton, French Camp, Lathrop Southeast, Vernalis, McMullen Ranch, Tracy, Tracy West and Livermore gas fields, as well as the counties of San Joaquin, Alameda and Santa Clara. There are numerous active, idle, plugged and abandoned wells within or in proximity to the project boundaries.

Information submitted with this document was insufficient to comment specifically on the proximity of the wells to proposed construction. A map of sufficient detail and scale should be submitted to the Division's district office in Sacramento to accurately locate the wells prior to construction. It may be necessary to excavate the wells to locate it precisely with respect to structures. Further requirements would be specified, based on the proximity of the well to structures, and/or if any well casings or surface plugs are disturbed during grading or excavation.

Mr. Dan Leavitt, Deputy Director  
ATTN: Altamont Corridor Rail Project  
November 17, 2009  
Page Two

The Division recommends that no structure be built over or in proximity to an abandoned well location. Section 3208.1 of the Public Resources Code authorizes the State Oil and Gas Supervisor to order the re-abandonment of a previously abandoned well when construction of any structure over or in the proximity of a well could result in a hazard. The cost of re-abandonment operations is the responsibility of the owner or developer of the project upon which the structure will be located. If a well requiring re-abandonment is on an adjacent property and near the common property line, the Division recommends that the structure be set back sufficiently to allow future access to the well.

Regardless, if any other abandoned or unrecorded wells are uncovered or damaged during excavation or grading, remedial plugging operations may be required. This office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

Thank you for the opportunity to comment on the Notice. If you have any questions, please contact me at; (916) 322-1110 or [dogdist6@conservation.ca.gov](mailto:dogdist6@conservation.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Pam Ceccarelli". The signature is written in a cursive, flowing style.

Pam Ceccarelli  
Associate Oil and Gas Engineer

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 STOCKTON, CA 95201  
(1976 E. CHARTER WAY/1976 E. DR. MARTIN  
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PHONE (209) 941-1921  
FAX (209) 948-7194



*Flex your power!  
Be energy efficient!*

November 10, 2009

**10-SJ-Various  
SCH# 2009102075  
Altamont Corridor  
Rail Project**

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

Dear Mr. Leavitt:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the above referenced proposed project.

We have no comments at this time.

If you have any questions or would like to discuss our comments in more detail, please contact Kathy Selsor at (209) 948-7190 (e-mail: [kathy\\_selsor@dot.ca.gov](mailto:kathy_selsor@dot.ca.gov)) or me at (209) 941-1921.

Sincerely,

TOM DUMAS, CHIEF  
OFFICE OF METROPOLITAN PLANNING

c: SMorgan CA Office of Planning and Research

## Kris Livingston

---

**From:** Gary Arnold [gary\_arnold@dot.ca.gov]  
**Sent:** Monday, December 07, 2009 12:34 PM  
**To:** HSR Comments  
**Cc:** Ken Baxter; Tom Dumas; Lee Taubeneck; Becky Frank; Jess Avila; Tom Neumann; scott.morgan@opr.ca.gov; Ron Moriguchi; Grace Magsayo  
**Subject:** Notice of Preparation (NOP)/Notice of Intent (NOI), Altamont Corridor Rail Project from Stockton to San Jose, California (SCH #2009102075)  
**Attachments:** HSRA NOP-NOI Comments - Altamont Pass.pdf

Dear Mr. Leavitt:

Attached are the Department of Transportation's comments on the NOP/NOI, Altamont Corridor Rail Project.

While the due date was identified as December 4, our furlough schedule made it necessary to submit comments to you today (December 7). I apologize for any hassle this may cause.

Please let me know if you have any questions.

Thank you, sir.

---

**Gary S. Arnold, Statewide LD-IGR Coordinator**  
Caltrans Division of Transportation Planning, MS-32  
1120 "N" Street, Sacramento, CA 95814-0001  
V: (916) 651-8201 F: (916) 653-4570



DEPARTMENT OF TRANSPORTATION  
DIVISION OF TRANSPORTATION PLANNING  
1120 N STREET, M.S. 32  
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FAX (916) 643-1447



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December 4, 2009

Mr. Dan Leavitt  
Deputy Director  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Notice of Preparation (NOP)/Notice of Intent (NOI), Altamont Corridor Rail Project from Stockton to San Jose, California (SCH #2009102075)

Dear Mr. Leavitt:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Notice of Preparation (NOP)/Notice of Intent (NOI) as part of the preparation of the Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the California High-Speed Train Project (HST), Altamont Pass segment. It should be noted this correspondence is a coordinated effort between Caltrans Districts 4, 10 and Headquarters.

The primary area of concern for Caltrans related to proposed HST and associated projects pertains to the potential for construction and operational impacts of the project on the State Highway System (SHS). The design of the project within and near the SHS must be coordinated with Caltrans to ensure all physical and operational impacts on the SHS are mitigated. To that end, the California High Speed Rail Authority (Authority) has been inviting Caltrans Districts in which HST projects reside to be participating agencies in the analyses of project alternatives and environmental studies. We understand that Districts 4 and 10 will similarly be invited to participate by the Authority. It has been the practice of the Caltrans Districts to accept these invitations, as is anticipated in the case of Districts 4 and 10.

Caltrans and the Authority have developed and executed a Master Agreement (MA), documenting the framework within which the two agencies will work together during the environmental review of each HST project segment. The MA is the understanding that all work to be performed in the Caltrans right of way (R/W) will be completed according to Caltrans standards (Policies and Procedures). Caltrans has reviewed the Authority's Project-Level Environmental Methodologies and the Alternative Analysis Methodologies documents. Caltrans understands that the Authority is proposing to use both of these documents as technical guides in performing the environmental analysis for the HST Project.

The following comments focus on areas that need to be addressed in the environmental documents regarding the implementation of the HST project and the potential impacts to both State facilities and the surrounding local jurisdictional areas.

### **Project Understanding**

The California High Speed Rail Authority and the San Joaquin Regional Rail Commission (SJRRC) are proposing to develop a dedicated regional rail corridor through Altamont Pass and the Tri Valley area capable of supporting intercity and commuter rail passenger services. The Altamont Regional Rail Corridor's existing endpoints occur in San Jose and Stockton. The project would occur within portions of Santa Clara, Alameda, Stanislaus and San Joaquin Counties, thus involving Caltrans Districts 4 and 10.

Current project maps indicate that the project will entail crossing points and route sections parallel to numerous existing highway and rail facilities. These facilities include, but are not limited to: I-280, SR-17, US-101, SR-237, I-880, I-680, SR-580, I-205, I-5, SR-4, SR-99, SR-132, and rail facilities operated by Burlington Northern Santa Fe (BNSF) and Union Pacific (UP).

The project would improve the existing Altamont Commuter Express (ACE) service managed by SJRRC by accommodating more trains per day, reducing travel times, and eliminating freight railroad delays by providing separate passenger tracks. The Altamont Regional Rail Corridor will serve as a feeder to the Statewide High-Speed Train (HST) System being planned and developed by the Authority. The project will consider connections between the Altamont Corridor and the HST mainline between Stockton and Modesto. The project will include HST-compatible infrastructure that would allow trains to run from one rail line to the other in order to accommodate intercity travel between stations along the Altamont Corridor and regional stops on the greater Statewide HST System.

The preparation of the Altamont Corridor Rail Project EIR/EIS will involve development of preliminary engineering design and assessment of environmental effects associated with the construction, operation, and maintenance of the project including track, ancillary facilities, and stations along the Altamont Corridor.

### **Coordination with State, Regional and Local Partners**

Caltrans strongly encourages ongoing consultation and coordination with regional and local partners. These partners include, but may not be limited to: cities and counties, Metropolitan Planning Organizations (MPOs), Regional Transportation Planning Agencies (RTPAs), local and regional transit operators. Continued coordination with these agencies, local jurisdictions, and Caltrans will help assure that the impacts of the planned project are fully disclosed to affected communities. It is emphasized that the Authority should work closely with the regional and local jurisdictions to provide community involvement to encourage ownership in the proposed HST Project.

### **Coordination with Planned Regional Transportation Plan Projects**

It is important that the Authority consider current planned and future transportation projects along State highway facilities during all phases of project development. Transit improvements to increase mobility throughout the SHS should also be considered during all phases of project development.

Planned and future projects potentially affected by the proposed HST segment in Santa Clara and Alameda Counties may be found in the Regional Transportation Plan (RTP) of the Metropolitan Transportation Commission (MTC), the Metropolitan Planning Organization (MPO) for nine counties in the San Francisco Bay Area. Planned and future projects within San Joaquin and Stanislaus Counties potentially affected by the proposed project can be found in the RTPs for San Joaquin Council of Governments (SJCOG) and Stanislaus Council of Governments (StanCOG), respectively.

### **Traffic Impact Analysis**

The planned project includes new HST Stations that will result in traffic circulation reconfiguration and a traffic volume increase accessing the HST stations. The impacts to the SHS should be included in the Traffic Impact Study (TIS), with discussion on potential impacts to transit services.

The TIS must also include the proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to include the appropriate mitigation measures.

The study guideline is located at the following website:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

Minimum contents of the traffic impact study are listed in Appendix "A" of the TIS guide.

Affected State-owned signalized intersections can be found in the Caltrans Highway Design Manual, Chapter 400 Topic 406, page 400-33 for intersecting lane vehicle (ILV) analysis. The *Caltrans Guide for the Preparation of Traffic Impact Studies* allows for the use of the Highway Capacity Manual method for signalized intersection analysis.

The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips, which is the Caltrans maximum limit. State highway facilities that already experience noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 (per TIS) peak hour trips.

A focused analysis may be required for project trips assigned to a State highway facility experiencing significant delay, such as where traffic queues exceed ramp storage capacities. A focused analysis may also be necessary if there is an increased risk of a potential traffic accident.

All freeway entrance and exit ramps within the TIS study area should be analyzed.

The data used in the TIS should not be more than 2 years old.

Highway and rail maintenance protocols known as Construction and Maintenance agreements (C and M) will be developed where facilities overlap. Other agreements may be needed between the two agencies.

Caltrans endeavors that any direct and cumulative impacts to the State highway system be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA).

Mitigation measures to State facilities should be included in the traffic impact analysis. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. Mitigation improvements should be compatible with Caltrans concepts.

Upon adoption of traffic mitigation measures, the Authority shall monitor impacts to insure that roadway segments and intersections remain at an acceptable Level of Service (LOS), but in no case shall the improvements negatively affect the intersections. Should the LOS reach unacceptable levels, the HSRA should accelerate measures to fully mitigate impacts.

#### **Alternatives Analysis and Preliminary Engineering**

The Authority should coordinate with Caltrans regarding all alternatives impacting the State R/W.

Preliminary engineering plans for all alternatives should be submitted to Caltrans for evaluation and review, as described in the MA. All future development adjacent to a State Route, whether the entitlement is deemed by the Authority to be discretionary or ministerial, should be submitted to Caltrans for review.

#### **Airport Connectivity and Compatibility**

The study should examine the extent to which this service will provide convenient connections to Bay Area airports, sufficient to allow its use in connecting to trips made by air. In so doing, the HST alignment and stations may have direct impacts on existing public-use airports. The transportation opportunities afforded to the traveling public and any potential change in the demand for airport facilities should be assessed.

In accordance with CEQA, Public Resources Code Section 21096, the California Airport Land Use Planning Handbook must be utilized as a resource in the preparation of environmental documents for projects within the boundaries of an airport land use compatibility plan, if no such plan has been adopted within two miles of an airport. The Handbook is a resource that should be applied to all public use airports and is published online at <http://www.dot.ca.gov/hq/planning/aeronaut/>.

#### **Traffic Control Plan (TCP)**

A TCP or construction traffic impact study is required by Caltrans for approval prior to

construction for work within or adjacent to Caltrans R/W. The plans shall be prepared in accordance with Caltrans' manual – *Traffic Controls for Construction and Maintenance Work Zones*. Traffic restrictions and pedestrian/bicycle detours will also need to be addressed. All work proposed within the State R/W will require lane and shoulder Requirement Charts. All roadway features (e.g. signs, pavement delineation, roadway surface, etc) within the State R/W must be protected, maintained in a temporary condition, and/or restored.

### **Transportation Management Plan (TMP)**

A TMP will be required. The TMP must identify potential traffic delays and keep these delays within Caltrans maximum limits. Any proposed closures or detours during project construction must be approved by the District Traffic Manager. Construction activities affecting the traveling public may be limited by the Lane Requirement Charts and by the use of engineering judgment. All bus and rail transit providers affected by the project should be notified well in advance of construction in order to minimize any transit service disruptions.

### **Environmental**

Caltrans will review and comment on the effects within and to the Caltrans R/W. All documents shall be sufficient for approval by Caltrans, as a CEQA responsible agency, NEPA participating agency (if applicable), and owner-operator of the SHS. All environmental studies and documents prepared to address effects within and to the Caltrans R/W shall contain the same or equivalent level of environmental analysis as found in the Caltrans' Standard Environmental Reference (<http://www.dot.ca.gov/ser> and <http://www.dot.ca.gov/ser/forms.htm>).

#### *Stormwater*

The HSRA must also satisfy stormwater requirements by complying with the Caltrans Construction General Permit of July 1, 2010, the Caltrans MS-4 NPDES Permit, the Caltrans Stormwater Management Plan, and the Storm Water Quality Handbook - Project Planning and Design Guide (May 2007).

#### *Noise*

The HSRA must address noise impacts caused by any changes in the vertical or horizontal alignment of a Caltrans roadway by following the Caltrans' Traffic Noise Analysis Protocol (August 2006).

#### *Visual Resources*

CEQA requires that potential visual impacts be assessed for the project and its alternatives. A project of this complexity will require preparation of a Visual Impact Assessment (VIA) technical report. Please refer to the guidelines in Chapter 27, Visual and Aesthetic Review of the Standard Environmental Reference at the following website:  
<http://www.dot.ca.gov/ser/vol1/sec3/community/ch27via/chap27via.htm#content>

#### *Cultural Resources*

The project environmental document must include documentation of current archaeological

record searches with the California Historical Resources Information System (CHRIS) if construction activities are proposed within State R/W. For portions of the project occurring within Alameda County, this records search is to be conducted at the Northwest Information Center (NWIC), California State University (CSU) Sonoma. For portions of the project occurring within San Joaquin and Stanislaus Counties, the record search will be conducted at the Central California Information Center (CCIC) at CSU Stanislaus. Record searches must be no more than five years old. The Department requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, to ensure compliance with CEQA, Section 5024.5 of the California Public Resources Code and Volume 2 of Caltrans' Standard Environmental Reference (<http://ser.dot.ca.gov>).

These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in State R/W; these requirements also apply to NEPA documents when there is a federal action on a project, under Section 106 of the National Historic Preservation Act. Work subject to these requirements includes, but is not limited to lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to State R/W.

#### **Encroachment/Project Development Work in Caltrans R/W**

Any work performed within Caltrans R/W will require discretionary review and approval by the Caltrans District in which it resides. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million, but less than \$3 million, would be allowed to follow a streamlined project development process similar to the Caltrans Encroachment Permit process.

Highway Improvement Projects priced at greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents [PIDs], Project Study Reports [PSRs], and Cooperative Agreements).

Construction within State Highway R/W must include the appropriate engineering plans consistent with Caltrans Standards and Specifications and signed and stamped by a professional engineer registered in the State of California. Depending on the extent of the encroachment, PIDs may also be required to provide more details on the project scope, cost and schedule as it impacts the SHS. The Caltrans Permit Manual contains a listing of typical information required for project plans.

All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements. The authority will not advertise the construction contract within Caltrans R/W until Caltrans issues an encroachment permit for the work.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office in District 4 at (510) 622-0724, and in District 10 at (209) 948-7891.

Mr. Dan Leavitt  
December 4, 2009  
Page 7

Caltrans has assigned a project manager in each District to coordinate the project approval. For further information regarding this matter, please contact our Caltrans/HSR Coordinator Mr. Jess Avila, at (916) 227-9848 or email [jess\\_avila@dot.ca.gov](mailto:jess_avila@dot.ca.gov). The Deputy District Directors for Planning in District 4 and 10 are Lee Taubeneck and Ken Baxter.

If you need further information or have any questions regarding this correspondence, please contact me at (916) 651-8201 or email [gary\\_arnold@dot.ca.gov](mailto:gary_arnold@dot.ca.gov). For information in District 4, please contact Becky Frank at (510) 286-5536, or email [becky\\_frank@dot.ca.gov](mailto:becky_frank@dot.ca.gov). For information in District 10, please contact Tom Dumas at (209) 941-1921 or email [tom\\_dumas@dot.ca.gov](mailto:tom_dumas@dot.ca.gov).

Sincerely,



Gary S. Arnold  
Statewide LD-IGR Coordinator

**cc:** Lee Taubeneck, Deputy District Director, District 4  
Ken Baxter, Deputy District Director, District 10  
Jess Avila, California High-Speed Rail Authority Coordinator, Caltrans  
Becky Frank, Senior Transportation Planner, Caltrans District 4  
Ron Moriguchi, HSR Project Manager, Caltrans District 4  
Tom Dumas, Senior Transportation Planner, Caltrans District 10  
Grace Magsayo, HSR Project Manager, Caltrans District 10  
Scott Morgan, State Clearinghouse

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



NOV 24 2009

California High Speed Rail Authority  
Attn: Dan Leavitt, Deputy Director  
925 L Street, Suite 1425  
Sacramento, California 95814

Notice of Preparation of Environmental Impact Report for the Proposed Altamont Corridor High Speed Rail Project, Various Cities, San Joaquin, Alameda and Santa Clara Counties, Delta Field Division, SCH2009102075

Dear Mr. Leavitt:

Thank you for the opportunity to review and comment on the Notice of Preparation (NOP) of Environmental Impact Report for the Proposed Altamont Corridor High Speed Train Project. The document describes a proposal by California High Speed Rail Authority to develop a dedicated High-Speed Train (HST) rail alignment between the cities of Stockton and San Jose. Although specific alignment proposals are not identified in the document, any HST alignment within the Altamont Corridor would likely cross over the South Bay Aqueduct (Aqueduct), which is part of the State Water Project (SWP). The potential crossings appear to be in the vicinity of where Highway 580 crosses the Aqueduct, approximately 0.5 mile east of Greenville Road in the City of Livermore.

The Department of Water Resources (DWR) reviewed the NOP and has the following comments:

1. Any new rail crossings over SWP facilities or construction work within DWR right of way will require an Encroachment Permit issued by DWR.
2. Early coordination with DWR is recommended concerning crossing design and placement.

Information regarding forms and guidelines for submitting an application for an Encroachment Permit can be found at DWR web address:

[http://www.doe.water.ca.gov/Services/Real\\_Estate/Encroach\\_Rel/index.cfm](http://www.doe.water.ca.gov/Services/Real_Estate/Encroach_Rel/index.cfm)

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review.

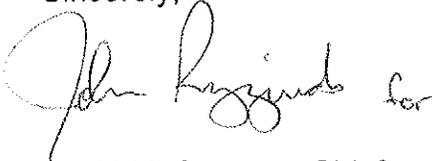
Mr. Dan Leavitt

NOV 24 2009

Page 2

If you have any questions, please contact Scott Williams at (916) 653-5746, or Leroy Ellinghouse of my staff at (916) 653-7168.

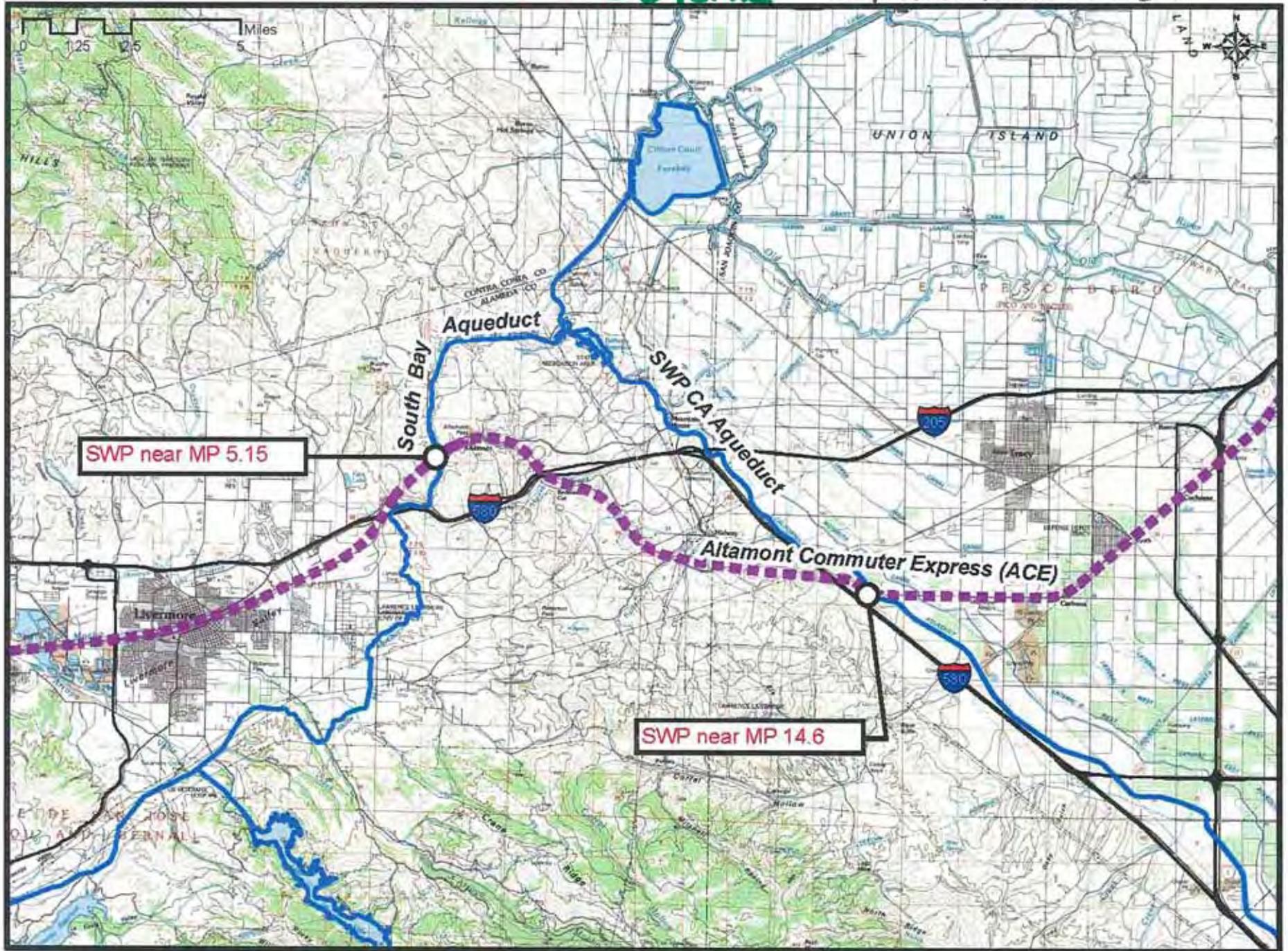
Sincerely,

A handwritten signature in cursive script, appearing to read "David M. Samson" followed by a small flourish.

David M. Samson, Chief  
State Water Project Operations Support Office  
Division of Operations and Maintenance

FROM ANGELICA AGUILAR

Dept. of Water Resources  
angelica@water.ca.gov



Altamont Corridor

## PUBLIC UTILITIES COMMISSION

320 WEST 4<sup>TH</sup> STREET, SUITE 500  
LOS ANGELES, CA 90013



DEC 4 3 2009

December 4, 2009

SCH# 2009102075

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

**Re: SCH# 2009102075 – Response to Notice of Preparation (NOP) of Project Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Altamont Corridor Rail Project from Stockton to San Jose.**

Dear Mr. Leavitt:

The California Public Utilities Commission's (Commission) Rail Crossing Engineering Section (RCES) is taking this opportunity to address the California High-Speed Rail Authority's (Authority) NOP of an EIR/EIS for the Altamont Corridor Rail Project proposed by the Authority and the San Joaquin Regional Rail Commission (SJRRC) from Stockton to San Jose via the Altamont Pass and Tri Valley area, connecting the Northern San Joaquin Valley and the San Francisco Bay Area. The Authority and SJRRC are proposing to develop a dedicated regional rail corridor through the Altamont Pass and the Tri Valley area capable of supporting intercity and commuter rail passenger services. RCES staff offers the following comments.

Commission Requirements and Policy

The Commission has jurisdiction over the safety of highway-rail crossings (crossings) in California. The Commission has exclusive power over the design, alteration, and closure of crossings, pursuant to Public Utilities Code Section 1201 et al. Application to the Commission is required for construction of railroad across a public road (Commission Rule 3.9). The HST project is subject to a number of other rules and regulations involving the Commission. The design criteria of the proposed project will need to comply with Commission General Orders (GO's). The following GO's, among others, may be applicable:

- GO 26-D (regulations governing clearances on railroads and street railroads with reference to side and overhead structures, parallel tracks, crossing of public roads, highways and streets)
- GO 72-B (rules governing the construction and maintenance of crossings at grade of railroads with public streets, roads and highways)
- GO 75-D (regulations governing standards for warning devices for at-grade highway-rail crossings)
- GO 88-B (rules for altering public highway-rail crossings)
- GO 95 (rules for overhead electric line construction)

### Background on Currently Proposed Altamont Corridor Rail Project

The authority and SJRRC are proposing to develop a dedicated regional rail corridor through Altamont Pass and the Tri Valley area capable of supporting intercity and commuter rail passenger services. The project would improve the existing Altamont Commuter Express (ACE) service managed by SJRRC by accommodating more trains per day, reducing travel times, and eliminating freight railroad delays by providing separate passenger tracks. The Altamont Corridor will serve as a feeder to the Statewide High-Speed Train (HST) System being planned and developed by the authority. The project will consider connections between the Altamont Corridor and the HST mainline between Stockton and Modesto and HST-compatible infrastructure that would allow trains to run from one rail line to the other in order to accommodate intercity travel between stations along the Altamont Corridor and regional stops on the greater Statewide HST System. The Authority has jurisdiction for planning passenger rail service capable of speeds over 125 miles per hour (MPH); high speed equipment may attain speeds higher than 125 mph when operating on the proposed Altamont Corridor Rail Project. It is anticipated that the SJRRC would provide regional rail service between the northern San Joaquin Valley and Bay Area through the improved alignment which would be provided by the Project.

### CPUC Staff Project Concerns

The HST Alternative proposes the construction of an “electric-powered steel-wheel-on-steel-rail HST system operating at speeds in excess of 125 mph on *mostly dedicated*, fully grade-separated tracks with state-of-the-art safety, signaling, and automated train control systems.”

The Commission’s RCES recommends the consolidation and grade-separation of all existing at-grade crossings (including railroad track with primarily freight service) along any adopted alignment in the HST project. Building a new grade separation structure adjacent to an at-grade

railroad crossing can negatively impact the safety of the existing crossing due to limiting the configuration of warning devices, limiting the geometry of the roadway and sidewalk (potentially precluding medians or ADA compliant improvements), and obstructing visibility of the warning devices or an approaching train. Rather than degrading the safety of the existing at-grade crossings, the project should provide overall improvement by constructing a grade separation of all the tracks at each crossing.

It is strongly recommended that the HST project operate on an entirely dedicated and fully grade-separated track. Incompatibilities with current railroad technology for Constant Warning Time Detection systems may significantly compromise active warning devices.

With speeds potentially in excess of 125 mph the Stockton to San Jose segment of the HST project must consider in detail the need for grade-separation structures where roadways must cross the tracks.

As construction of roadway grade separation structures is likely to involve massive changes to public infrastructure and private property in the vicinity of the railroad crossings, local entities must be allowed to amend their general plans and incorporate this HST project into existing footprints to allow for future right-of-way preservation.

Cities along the proposed corridor have built around the tracks. In some locations this results in a high frequency of pedestrians around the railroad. Leaving the tracks at the current elevation may result in trespassing issues similar to those currently experienced along the rail corridor. Elevating or lowering the tracks, particularly in the downtown areas, would help to mitigate this concern. Vandal resistant fencing or other major barriers to entering the railroad corridor should be a requirement of the project along any remaining at-grade portions of the alignment.

The Commission's RCES requests a more detailed proposal of the Stockton to San Jose HST project. The comments offered by the Commission's RCES staff are based on limited and generic information of the proposed HST project. In preparation for the EIR study, all proposed grade-separated structure locations must be identified. Moreover, identification of all existing at-grade crossings along any adopted alignment is required, so that potential impact and mitigation measures can be fully addressed.

Because the HST project is solely dependent on an electrified train operation system, discussions in regards to the placement of electrical lines must be held with Commission staff so that existing utilities aren't impacted and minimum required clearances are met.

### Conclusion

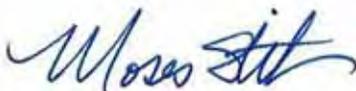
The Commission is the responsible agency under CEQA section 15381 with regard to this project. As such, we greatly appreciate the opportunity to work with the Authority to improve public safety as it relates to crossings in the Stockton to San Jose segment of the HST system in

California. We request that RCES be kept informed of all developments associated with the HST project. Meetings should be arranged with the Commission's RCES staff to discuss relevant safety issues and to conduct diagnostic reviews of any proposed and impacted crossing locations along the final selected railroad alignment in the Stockton to San Jose HST project. As more information related to the HST system becomes available, RCES staff will subsequently forward the Authority its comments and recommendations to prevent any delays in the project.

We request that an administrative draft of the Draft Environmental Impact Report be sent to the Commission's RCES so that all parties are able to address any issues before they are made public in the final EIR. Hopefully, this collaborative process will assist in meeting Commission General Order requirements as they apply to the HST project, the review of the environmental documents and the final CEQA approval of the project.

For questions regarding specific Commission oversight and crossings design, please contact Kevin Schumacher at 415 703-1208 or by email at [shk@cpuc.ca.gov](mailto:shk@cpuc.ca.gov). Regarding any environmental review questions, please contact me at 415 713-0092 or by email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,



Moses Stites

Rail Corridor Safety Specialist  
Rail Transit and Crossings Branch  
Consumer Protection and Safety Division  
515 L Street, Suite 1119  
Sacramento, CA 95814

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



**PAUL D. THAYER**, Executive Officer  
(916) 574-1800 FAX (916) 574-1810  
California Relay Service From TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone:** (916) 574-1900  
**Contact FAX:** (916) 574-1885

October 29, 2009

File Ref: SCH 2009102075

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



**Subject: Notice of Preparation for the Stockton to San Jose Section of the Altamont Corridor Rail Project Environmental Impact Report/ Environmental Impact Statement (EIR/EIS)**

Dear Mr. Leavitt:

Staff of the California State Lands Commission (CSLC) has reviewed the Notice of Preparation (NOP) for the Stockton to San Jose Section of the Altamont Corridor Rail Project Environmental Impact Report/ Environmental Impact Statement (EIR/EIS). Under the California Environmental Quality Act (CEQA), the California High-Speed Rail Authority is the Lead Agency and the CSLC is a Responsible and/or Trustee Agency for any and all projects that could directly or indirectly affect sovereign lands, school lands, and their accompanying Public Trust resources or uses.

As general background, the State of California acquired sovereign ownership of all tidelands, submerged lands, and the beds of navigable waters upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of California for statewide Public Trust purposes (waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space). The State's sovereign land interests are under the jurisdiction of the CSLC.

School lands were granted to the State of California under the School Land Grant of 1853. The CSLC, through its State School Lands Management Program, manages approximately 469,000 acres of school lands held in fee ownership by the State and the reserved mineral interests on an additional 790,000± acres where the surfaces estates previously have been sold. In 1984, the State Legislature approved the School Land Bank Act (Act) that created the School Land Bank Fund (SLBF) and appointed the CSLC as trustee of the SLBF. Through the establishment of the Act, the Legislature directed the CSLC to manage the remaining school lands to provide an economic base for support of the public school system. The CSLC is responsible for developing school lands into a permanent and productive resource base for revenue generating purposes.

Please be advised that use of any sovereign or school lands for any part of the Stockton to San Jose Section of the Altamont Corridor Rail Project requires that the applicant first obtain a lease from the CSLC. Based on the information and maps you provided in the NOP, it is impossible to determine if any sovereign lands or school lands lay within the Project area. Therefore, staff of the CSLC is requesting that more detailed project maps be provided for our review as they become available.

The Commission, acting as a Responsible Agency under CEQA, will use the EIR to approve any leases on land within our jurisdiction. Therefore, we ask that the following issues be discussed in the EIR.

- As part of the air quality analysis in the MND, greenhouse gas emissions (GHG) information consistent with the California Global Warming Solutions Act (AB 32) should be included. For each alternative, this would include a determination of the greenhouse gases that would be emitted, a determination of the significance of the impact, and mitigation measures to reduce that impact.
- Any impacts to aquatic, riparian, and terrestrial species should be fully discussed in the EIR, including a determination of the significance of the impact, and mitigation measures to reduce that impact.

Please contact Jim Porter at (916) 574-1849 or by e-mail at [porterj@slc.ca.gov](mailto:porterj@slc.ca.gov) for information concerning the Commission's leasing requirements. If you have any questions on the environmental review, please contact Mary Ann Hadden at (916) 574-2274 or by e-mail at [haddenm@slc.ca.gov](mailto:haddenm@slc.ca.gov).

Sincerely,



Marina R. Brand, Assistant Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
M. Hadden, CSLC  
J. Porter, CSLC



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Water Quality

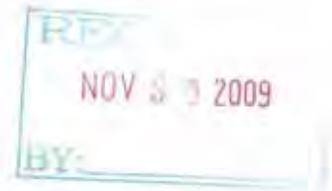
1001 I Street • Sacramento, California 95814 • (916) 341-5455  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
FAX (916) 341-5463 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger  
Governor

NOV 24 2009

Mr. Dan Leavitt, Deputy Director  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814



Dear Mr. Leavitt,

### NOTICE OF PREPARATION (NOP) COMMENTS REGARDING THE PROPOSED CALIFORNIA HIGH-SPEED TRAIN (HST) PROJECT – ALTAMONT CORRIDOR – STOCKTON TO SAN JOSE (SCH# 2009102075)

State Water Resources Control Board (State Water Board) staff has reviewed the Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the HST System for the Altamont Corridor section from Stockton to San Jose. Although we recognize the importance of the HST project, we nevertheless note that the proposed project has the potential to adversely impact water quality and beneficial uses during construction as well as over the life of the project. Because of these potential effects, the State Water Board requests that the following concerns be addressed in the forthcoming Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS).

The proposed project alignments are located in areas administered by Central Valley and San Francisco Bay, Regional Water Quality Control Boards (Regional Water Boards). The size and scope of the proposed HST Project does not allow a comprehensive review of all on-the-ground details for all of the possible routes. This review, therefore, covers several general topics of concern and provides examples of classes of specific concerns that will need to be addressed in a DEIR/EIS and in development of subsequent project implementation plans.

### STATE WATER AND REGIONAL WATER BOARD JURISDICTION

Clean Water Act Section 401 requires that anyone proposing to conduct a project that requires a federal permit, or that involves dredge or fill activities that may result in a discharge to surface waters, including wetlands, is required to obtain a Water Quality Certification (Certification) verifying that the project activities will comply with state water quality standards. Since the overall HST project spans more than one Regional Water Board, the State Water Board will issue the Certifications for each section, including this section. The State Water Board will consult with the Regional Water Board staff on all conditions of the Certification. The State Water Board solicited and received comments from the San Francisco Bay and Central Valley Regional Water Boards and have incorporated their comments into this letter.

The State Water Board and Regional Water Boards have responsibility for all State waters which include waters of the United States as a subset. Any stormwater discharge or discharge

of any pollutant, including dredge and fill material, shall be regulated under State and Regional Water Board permits.

In addition, dischargers whose projects disturb one or more acres or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the State Water Board's General Permit for Discharges of Storm Water Associated with Construction Activity.

State Water Board staff will work closely with Regional Water Board staff in development of all certification and storm water permit conditions, including mitigation and monitoring requirements.

### **PROVISION FOR ANALYSIS OF A FULL RANGE OF ALTERNATIVES**

The State and Regional Water Boards require projects subject to their permitting authority to avoid and minimize impacts to all waters of the State to the maximum extent practicable, and to ensure no net loss of any type of wetlands. For this reason, the Water Boards expect that full consideration and analysis of water quality impacts be included in all project alternatives, of the Draft EIR/EIS.

In the event that unavoidable impacts to waters of the State occur, mitigation for the loss of their functions and beneficial uses shall be provided. State Water Board staff will work with the project proponents and other regulatory agencies to ensure that this goal is met.

### **PROVISION OF FULL INFORMATION ON ALTERNATIVES**

The DEIR/EIS must clearly identify selected routes, and must clearly describe and locate all project infrastructure including station locations, roads, substations and all appurtenant structures. The DEIR/EIS must also clearly identify all waters of the State, including wetlands that may be affected by the various project alternatives.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) LEAD AND RESPONSIBLE AGENCY CONSULTATION**

The lead agency for CEQA compliance should be clearly identified in the DEIR/EIS. That agency should make every effort to ensure that all responsible agencies under CEQA, including the State Water Board and Regional Water Boards and the California Department of Fish and Game, are consulted throughout the preparation of the DEIR/EIS. This consultation should address development of all avoidance, minimization, and compensatory mitigation measures for the project alternatives presented.

### **AVOIDANCE AND MINIMIZATION MITIGATION MEASURES**

Avoidance and minimization of project effects to waters of the State should be a fundamental environmental strategy for the proposed project. For all project alternatives, construction and maintenance activities should be proposed that will avoid disturbance to riparian and wetland areas, streams, drainage channels, or to any landforms which, if disturbed, might affect water quality or beneficial uses of waters. Avoidance measures should include site configurations that minimize the number of stream crossings and require natural channel design for all relocated segments of streams. Project design should also include vegetated buffers between wetlands and streams and any impervious surface.



When avoidance is infeasible, construction and maintenance measures should be specified that would minimize disturbance to the fullest extent possible. For any remaining and unavoidable impacts to waters of the State, mitigation for the loss of their functions and beneficial uses shall be provided. State Water Board staff will work with the project proponents and other regulatory agencies to ensure that this goal is met. The Draft EIR/EIS should discuss likely mitigation approaches for each alternative, including potential types, sites, timing and financial assurances.

## **HYDROLOGY**

Potential significant effects to the aquatic resources should be evaluated using a watershed approach. The loss of functions and services of impacted water bodies, including wetlands, should be appraised considering the availability and the condition of aquatic resources in the impacted watershed. To protect existing hydrology, every effort should be made to incorporate "low impact development" design techniques such as limiting impervious surfaces and controlling runoff through ground infiltration methods. For any proposed change to existing flow volume, channel location/size, or rate of discharge, an evaluation should be made of the effects on current patterns, water circulation, normal water fluctuation, and salinity. Consideration should also be given to the potential diversion or obstruction of flow, alterations of bottom contours, or other significant changes in the hydrologic regime. Any potential surface and ground water effects should be evaluated in the DEIR/EIS. Water quality considerations should be included in the project plans to repair or modify existing railway infrastructure, as well as the project plans to build new infrastructure.

## **BIOLOGICAL RESOURCES**

Development associated with implementation of the proposed HST Project would contribute to the on-going loss of natural and agricultural lands, which currently provide habitat for a variety of federal and State listed special status species, as well as other wildlife and plant resources. Two important types of wildlife habitat are riparian and wetland habitats. These habitats can be threatened by development, erosion, and sedimentation, as well as by poor water quality. The water quality requirements of wildlife pertain to the water directly ingested, the aquatic habitat itself, and the effect of water quality on the production of food materials. Waterfowl habitat is particularly sensitive to changes in water quality. The Project could substantially reduce these habitats and restrict the movement of several species. The DEIR/EIS should fully describe the potential project related impacts to animal and plant species habitat, including wetlands and riparian areas and commit to habitat preservation measures that protect water quality, species movement and habitat needs.

## **INSPECTION AND MONITORING FOR ENVIRONMENTAL COMPLIANCE**

Provisions for inspecting and monitoring the project for environmental compliance should be included in the DEIR/EIS. This monitoring effort would be active for the time required to achieve post-construction mitigation success. Qualified, independent inspectors who would have authority to enforce all pertinent environmental guidelines and mitigation measures should conduct this inspection and monitoring effort. The inspection team should be assigned, funded, and equipped to cover the entire project area for all hours and days of operation. This inspection team should be led and/or staffed by qualified persons with experience and training in natural resources, geology, soils, ecology, or related disciplines. The inspection team should also include persons qualified in storm water management, erosion prevention, and erosion



control (as evidenced by work experience or certifications such as Certified Professional in Erosion and Sediment Control, or Certified Professional in Storm Water Quality). The inspection team should also include persons with experience and skill that is pertinent to the terrain traversed by the proposed project. Inspectors with urban construction experience, for example, may not be skilled or qualified for inspection of activity in backcountry forest or rangeland settings. These inspectors should be readily accessible to regulatory agency staff, and should make regular and timely reports to all agencies.

#### **AVOIDANCE OF SPECIAL AREAS**

Special efforts should be made to avoid impacts to wetlands and waters of the State in areas of ecological integrity, such as California State Parks, designated Wilderness, Wilderness Study Areas, Areas of Critical Environmental Concern, and similar relatively sites. These areas typically contain waters of the State with important habitat and recreational beneficial uses.

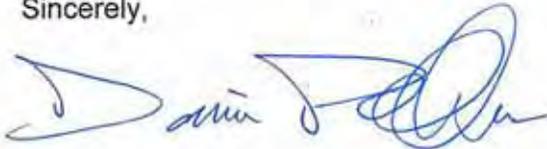
#### **CUMULATIVE EFFECTS**

There are existing and proposed new rail lines and other linear projects in the project area. A full discussion of the cumulative effects of the proposed project in the context of these existing and proposed new projects should be included in the DEIR/EIS. The HST Project should incorporate design modifications that reestablish or improve on current environmental conditions and ecological processes and functions to lessen cumulative effects

#### **IN CONCLUSION**

State Water Board staff thanks the California High-Speed Rail Authority for this opportunity to comment on this project. Please continue to include our agency in all future correspondence regarding this project. We are available to discuss the project and our comments in detail. For questions or comments, contact Mr. Bill Orme at (916) 341-5464 ([borme@waterboards.ca.gov](mailto:borme@waterboards.ca.gov)) or Catherine Woody at (916) 341- 5785 ([CWoody@waterboards.ca.gov](mailto:CWoody@waterboards.ca.gov))

Sincerely,



Darrin Polhemus  
Deputy Director  
Division of Water Quality

cc: (See next page)



cc: (Continuation page)

cc: Ms. Jane Hicks, Chief  
Regulatory Division  
U.S. Army Corps of Engineers  
San Francisco District  
1455 Market Street  
San Francisco, CA 94103-1398

Mr. Mike Jewell, Chief  
Regulatory Branch, Sacramento District  
U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, CA 95814-2922

Mr. Dave Smith, Chief  
Wetlands Regulatory Office  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Mr. Chuck Armor, Regional Manager  
Department of Fish and Game  
Bay Delta Region  
P.O. Box 47  
Yountville, CA 94599

Ms. Sandy Morey, Regional Manager  
Department of Fish and Game  
North Coast Region  
1701 Nimbus Road  
Rancho Cordova, CA 95670

Ms. Pamela Creedon, Executive Officer  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Mr. Bruce H. Wolfe, Executive Officer II  
San Francisco Bay Regional Water Quality Control Board  
Victorville Branch Office  
14440 Civic Drive, Suite 200  
Victorville, CA 92392





Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

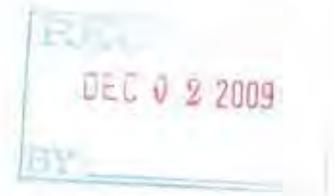
## Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5455  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
FAX (916) 341-5463 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger  
Governor

NOV 30 2009



Mr. Dan Leavitt, Deputy Director  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Dear Mr. Leavitt,

ADDENDUM TO NOTICE OF PREPARATION (NOP) COMMENTS REGARDING THE  
PROPOSED CALIFORNIA HIGH-SPEED TRAIN (HST) PROJECT – ALTAMONT CORRIDOR  
– STOCKTON TO SAN JOSE (SCH# 2009102075)

The following comments were inadvertently left out of the attached comment letter dated November 24, 2009. Please, consider these comments when preparing the forthcoming Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS).

**Niles Canyon** - Please avoid any new tracks/infrastructure in Niles Canyon. Alameda Creek flows through Niles Canyon, and a lot of time and money has gone into improving habitat conditions for steelhead in Alameda Creek. Future habitat restoration projects for steelhead habitat and access are planned. A key to steelhead habitat restoration is keeping Alameda Creek healthy. Creeks are healthiest when they can move around within their floodplains. Any hardscape (e.g., bridge abutments, retaining walls, etc.) along the creek channel restricts the natural movement of the creek channel. In response to the hardscape, channels also tend to experience more scour, which can create barriers to fish passage.

Caltrans is currently working on widening Hwy 84 through Niles Canyon. This project is going to have impacts on Alameda Creek and will require quite a bit of mitigation (and probably roadway redesign) before permits are issued. Once Hwy 84 is widened, Niles Canyon will be pretty much full, as far as infrastructure. Cumulative impacts from the infrastructure may restrain the permitting process at many agencies.

**Post-Construction Stormwater Management at new stations and parking lots** - Please develop proposals for post-construction stormwater management at all facilities that will create or re-create 10,000 square feet of impervious surfaces. This treatment should be consistent with the requirements of the new Municipal Regional Permit that was adopted by the State Water Resources Control Board. Treatment should also be landscape-based at all new facilities. Effective treatment of stormwater runoff requires that treatment measures be incorporated into the site design at the beginning of the design process.

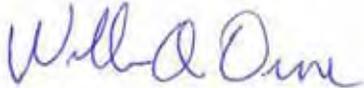
Many California Environmental Quality Act CEQA documents with complete building layouts, parking layouts, and landscape plans, fail to include stormwater management preferring to defer to some later stage in the design process. Unfortunately this does not allow for a

*California Environmental Protection Agency*

thorough analysis of the impacts. Cost-effective stormwater treatment requires that the landscape plans be developed to provide stormwater treatment within the landscaped areas.

State Water Board staff thanks the California High-Speed Rail Authority for this opportunity to comment on this project. Please continue to include our agency in all future correspondence regarding this project. We are available to discuss the project and our comments in detail. For questions or comments, contact Mr. Bill Orme at (916) 341-5464 ([borme@waterboards.ca.gov](mailto:borme@waterboards.ca.gov)) or Catherine Woody at (916) 341- 5785 ([CWoody@waterboards.ca.gov](mailto:CWoody@waterboards.ca.gov))

Sincerely,



Bill Orme, Chief  
Certification and Wetlands Unit  
Division of Water Quality

cc: (See next page)

cc: Ms. Jane Hicks, Chief  
Regulatory Division  
U.S. Army Corps of Engineers  
San Francisco District  
1455 Market Street  
San Francisco, CA 94103-1398

Mr. Mike Jewell, Chief  
Regulatory Branch, Sacramento District  
U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, CA 95814-2922

Mr. Dave Smith, Chief  
Wetlands Regulatory Office  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Mr. Chuck Armor, Regional Manager  
Department of Fish and Game  
Bay Delta Region  
P.O. Box 47  
Yountville, CA 94599

Ms. Sandy Morey, Regional Manager  
Department of Fish and Game  
North Coast Region  
1701 Nimbus Road  
Rancho Cordova, CA 95670

***California Environmental Protection Agency***

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cc: (Continuation page)

cc: Ms. Pamela Creedon, Executive Officer  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Mr. Bruce H. Wolfe, Executive Officer II  
San Francisco Bay Regional Water Quality Control Board  
Victorville Branch Office  
14440 Civic Drive, Suite 200  
Victorville, CA 92392



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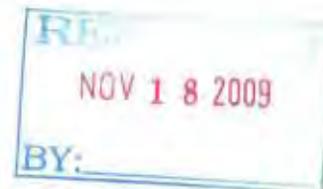
SENATOR ALAN LOWENTHAL, Ex Officio  
ASSEMBLYMAN MIKE ENG, Ex Officio

BIMLA G. RHINEHART, Executive Director

STATE OF CALIFORNIA



ARNOLD SCHWARZENEGGER  
GOVERNOR



## CALIFORNIA TRANSPORTATION COMMISSION

1120 N STREET, MS-52  
P. O. BOX 942873  
SACRAMENTO, 94273-0001  
FAX (916) 653-2134  
(916) 654-4245  
<http://www.catc.ca.gov>

November 9, 2009

Mr. Dan Leavitt, Deputy Director  
Attn: Altamont Corridor Rail Project EIR/EIS  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Notice of Preparation of an Environmental Impact Report/Environmental Impact Statement  
(EIR/EIS) for the Altamont Corridor Rail Project from Stockton to San Jose, California

Dear Mr. Leavitt,

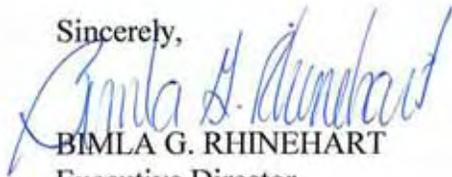
The California Transportation Commission (Commission) received the Notice of Preparation (NOP) that a Draft Environmental Impact Report (DEIR)/ Draft Environmental Impact Statement (DEIS) will be prepared by the California High-Speed Rail Authority (Authority) and the Federal Railroad Administration (FRA) for the Altamont Corridor Rail Project from Stockton to San Jose (project). According to the NOP, this project will develop a dedicated regional rail corridor through the Altamont Pass and the Tri Valley area capable of supporting intercity and commuter rail passenger services.

The Commission has no comments with respect to the project's purpose and need, the alternatives to be studied, the impacts to be evaluated and the evaluation methods to be used. It is our understanding that sources of funding or other actions under the purview of the Commission are not anticipated for the project at this time. If, in the future, funds or other actions under the purview of the Commission are anticipated, please ensure that notification is provided to the Commission as a Responsible Agency. Consideration of the environmental impacts of a project are required prior to the Commission's allocation of funds for design, right of way or construction activities as well as for the approval of new public road connections and route adoptions.

Mr. Dan Leavitt  
November 9, 2009  
Page 2 of 2

If you have any questions, please contact Susan Bransen, Associate Deputy Director, at (916) 653-2082.

Sincerely,



BIMLA G. RHINEHART  
Executive Director

c: Jay Norvell, Chief, Caltrans Environmental Analysis



# ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185  
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

December 4, 2009

**AC Transit**

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Greg Harper

**Alameda County**

Supervisors  
Nate Miloy  
Scott Haggerty

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**BART**

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Larry Reid

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**City of Union City**

Mayor  
Mark Green  
Chair

**Executive Director**

Dorria R. Fay

Mr. Dan Leavitt  
Deputy Director  
ATTN: Altamont Corridor Rail Project EIR/EIS  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814  
[comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)

**SUBJECT:** Comments on the Notice of Preparation for the Draft Program  
Environmental Impact Report/Statement for Altamont Corridor Rail  
Project from Stockton to San Jose

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Draft Program Environmental Impact Report/Statement (EIR/EIS) for the Altamont Corridor Rail Project. As stated in the NOP for the EIR/EIS, the Alameda County Congestion Management Agency (ACCMA) is working with the California High Speed Rail Authority on this important project through the Altamont Corridor Partnership Working Group.

The proposed project would develop a new regional rail line from Stockton to San Jose through the Altamont Pass as well as the Tri Valley area and southern Alameda County that would provide both intercity and commuter rail passenger services to improve connectivity and accessibility between the Northern San Joaquin Valley and the Bay Area. The Altamont Corridor Rail Project will also consider a potential branch east of Tracy to provide access from the Bay Area to Stockton and Sacramento and Modesto within the Statewide High Speed Train (HST) system.

The ACCMA respectfully submits the following comments:

The ACCMA would like to emphasize the importance of analyzing alternatives that will provide the most beneficial intermodal connectivity between the HST and existing and planned Bay Area regional transit systems. These alternatives include intermodal connections in the Tri-Valley consistent with the Draft Program EIR prepared by BART for the BART to Livermore Extension Project and in Southern Alameda County through connection to the existing Fremont BART line or the future BART to San Jose BART Extension and the future Dumbarton Regional Rail extension.

Because obtaining funding for such a large project will be challenging, it is requested that the EIR/EIS considering phasing options including establishing HST compatible service through the Altamont Pass into the Tri-Valley Area possibly terminating at a proposed Livermore BART station where HST passengers could be dispersed to Bay Area locations throughout the BART system, along with improved ACE service to Santa Clara County. This would provide connections in the short term to Oakland International Airport, the City of Oakland, and the City of San Francisco as well as other East Bay and South Bay locations.

The ACCMA monitors and addresses impacts to Alameda County roadways and transit systems through the Congestion Management Program (CMP). As specific alignment and station locations in the corridor are identified, the EIR should address potential impacts to the Metropolitan Transportation System (MTS) as identified below and address impacts to existing transit systems, including ridership impacts and levels of service.

#### *Impacts on the MTS*

- Potential impacts of the project on the Metropolitan Transportation System (MTS) need to be addressed. (See 2009 CMP Figures E-2 and E-3 and Figure 2). The transportation analysis should address all potential impacts of the project on the MTS roadway and transit systems. Depending on the station locations, these may include, but not be limited to I-580, I-680, SR 84, East Stanley Boulevard, Isabel Avenue, Airway Boulevard, North Livermore, Decoto Road, Alvarado-Niles Road, Whipple Road, Mission Boulevard, Paseo Padre Parkway, as well as BART and LAVTA. Potential impacts of the project must be addressed for 2015 and 2035 conditions.

#### *Transit Level of Service and Station Accessibility*

- Station locations should be selected and designed to provide multimodal access, including bus, interconnecting rail, pedestrian and bicycle. The design and operating plan for these stations should demonstrate that the connections are feasible and easy to use.
- The EIR/EIS should analyze how the proposed HST system would affect ridership on existing and planned rail systems, such as the future BART extension to San Jose, the potential extension of BART service to Livermore, and the potential Dumbarton Rail service.
- The EIR/EIS should analyze potential impacts of the project on CMP transit levels of service that are affected by service changes required to accommodate new stations. (See 2009 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The transportation analysis should address the issue of transit funding as a mitigation measure in the context of the CMA's policies as discussed.

*Funding and Adequacy of Mitigation Measures*

- The CMA requests that there be a discussion on the proposed funding sources of the transportation mitigation measures identified in the environmental documentation. The CMP establishes a Capital Improvement Program (CIP) (See 2009 CMP, Chapter 7) that assigns priorities for funding roadway and transit projects throughout Alameda County. The improvements called for in the transportation analysis should be consistent with the CMP CIP. Given the limited resources at the state and federal levels, it would be speculative to assume funding of an improvement unless it is consistent with the project funding priorities established in the Capital Improvement Program of the CMP, the federal Transportation Improvement Program (TIP), or the adopted Regional Transportation Plan (RTP). Therefore, we are requesting that the environmental documentation include a financial program for all transit improvements.
  
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993 the CMA Board adopted three criteria for evaluating the adequacy of EIR project mitigation measures:
  - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
  - Project mitigation measures must be fully funded to be considered adequate;
  - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

Once again, thank you for the opportunity to comment on this NOP for the Draft EIR/EIS. Please do not hesitate to contact me at 510/350-2326 if you require additional information.

Sincerely,



Beth Walukas  
Manager of Planning

cc: file: CMP/Environmental Review Opinions - Responses – 2009  
Dennis Fay, Executive Director  
Diane Stark, Senior Transportation Planner  
Dawn Argula, Deputy Chief of Staff, Supervisor Scott Haggerty's Office  
Malcolm Quint, BART  
Cheri Sheets, City of Livermore  
Art Dao, ACTIA



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
 300 Lakeside Drive, P.O. Box 12688  
 Oakland, CA 94604-2688  
 (510) 464-6000

2009

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 6TH DISTRICT

Lynette Sweet  
 7TH DISTRICT

James Fang  
 8TH DISTRICT

Tom Radulovich  
 9TH DISTRICT

December 4, 2009

Mr. Dan Leavitt, Deputy Director  
 ATTN: Altamont Corridor Rail Project EIR/EIS  
 California High-Speed Rail Authority  
 925 L Street  
 Suite 1425  
 Sacramento, CA 95814

Re: Notice of Preparation of an Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Altamont Corridor Rail Project from Stockton to San Jose, California

Dear Mr. Leavitt,

Thank you for the opportunity to comment on the proposed scope of the Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Altamont Corridor Rail Project (Altamont Project). As the Notice of Preparation (NOP) for the EIR/EIS acknowledges, the San Francisco Bay Area Rapid Transit District (BART) has been working with both the Regional Rail and High-Speed Rail planning teams for several years on integrating high speed rail service from the Central Valley to the Bay Area. In addition to the Altamont Project itself, this package of improvements could include an extension of BART to meet the existing Altamont Commuter Express (ACE) rail service in Livermore, closing a critical gap in California's passenger rail system. BART has taken initial steps by preparing a Draft Program EIR for a potential BART to Livermore extension project. All of these proposals are consistent with the recommendations of the Bay Area Regional Rail Plan, and are critical to the success of the California High Speed Rail Authority's (CHSRA) future system.

As part of the Altamont Pass High-Speed Train (HST) Regional Rail Steering Committee, BART staff has been working with HSRA staff and several other agencies to identify and prioritize capital improvements to existing Altamont Corridor rail service such as an extension of BART from Dublin-Pleasanton to Livermore. The CHSRA's California High-Speed Train November 2008 Business Plan identifies connectivity and accessibility to Oakland and Oakland International Airport via HST service through the Altamont Pass as a crucial objective. As the NOP notes, alternatives connecting the Altamont Project with the BART system in the Tri-Valley would provide transit access to Oakland, Oakland Airport, the greater East Bay counties of Alameda and Contra Costa, and San Francisco and the South Bay, all served by BART. In fact, a potential BART/HST intermodal station in Livermore would provide superior travel times to key Bay Area travel markets such as Oakland, Berkeley and Central Contra Costa County than potential BART/HST connections in Union City or Fremont.

A logical early phase of the Altamont Project from Stockton to San Jose would be to establish HST-compatible service from Stockton through the Altamont Pass into the Tri-Valley area.

Such a phasing of HST-compatible service will only achieve its full potential benefits with an intermodal connection with BART, most likely in the City of Livermore. The existing BART system and the planned BART extensions to Santa Clara County, East Contra Costa County and Oakland International Airport will provide additional access between the Altamont Project and BART.

We ask that the CHSRA analyze and evaluate a first phase alternative from Stockton to Livermore that uses BART as the primary access between the Altamont Project and the San Francisco Bay Area since BART serves the East Bay, West Bay, and other markets. The CHSRA should consider alternatives for an Altamont Project intermodal station in Livermore that are consistent with the Program EIR and the preferred alignment alternative for the BART to Livermore extension, which the BART Board is anticipated to select in mid-2010. In particular, we recommend that the CHSRA analyze and evaluate alternatives that provide a direct connection to BART in Livermore as an initial phase of the Altamont Project, to be followed subsequently by investing in new exclusive passenger rail infrastructure west of the City of Livermore through Pleasanton, Sunol, Niles Canyon, Fremont, Milpitas and San Jose.

While establishing HST-compatible service between Stockton and Livermore would have many environmental benefits of its own, the benefits would be magnified by connecting to BART in the Tri-Valley. The primary benefits of including an intermodal connection between BART and the Altamont Project, in comparison to Altamont Project alternatives lacking such a connection, would be the following:

- Significantly increasing transit ridership by connecting to BART with all the destinations BART serves with faster and more direct connections between San Joaquin County origins and key Bay Area destinations
- Higher numbers of travelers using transit rather than an automobile for a major portion or all of their trips
- Reducing or avoiding adverse environmental impacts (including traffic congestion, air quality and energy consumption impacts) resulting from trips by drivers who lack other access to the Altamont Project
- Greater air quality benefits and greenhouse gas emission reductions from enhanced access between the Central Valley and the Bay Area
- Enhanced Transit-Oriented Development opportunities at existing Central Valley and Bay Area transit hubs that would increase transit use and decrease reliance on automobile trips
- Consistency with the goals of SB 375

Lastly, we ask that the CHSRA recognize that BART, as the backbone of the regional rail system, will likely be capacity-constrained at certain locations. While such constraints exist without the Altamont Project, the project would contribute to the cumulative worsening of capacity issues. BART requires flexibility to not only make strategic connections to a future Altamont Project, but also to absorb any system or ridership impacts from the Altamont Project and, potentially, the larger HST system. The Draft EIS/EIR for the Altamont Project should analyze and evaluate all potential system capacity-related impacts on BART.

We look forward to continuing to work closely with the California High Speed Rail Authority on the Altamont Project and on implementing the vision contained in the San Francisco Bay Area Regional Rail Plan. If you have any questions concerning this request, please contact Malcolm Quint, at (510) 464-7677. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Malcolm Quint". The signature is written in a cursive, flowing style.

Malcolm Quint  
San Francisco Bay Area Rapid Transit District

Cc: Cheri Sheets, City of Livermore  
Beth Walukas, Alameda County Congestion Management Agency

## Kris Livingston

---

**From:** Laura Thompson [LauraT@abag.ca.gov]  
**Sent:** Friday, December 04, 2009 2:10 PM  
**To:** HSR Comments  
**Subject:** Altamont Rail Corridor Project NOP comments  
**Attachments:** Altamont Corridor Rail Project NOP Comments\_2.pdf; Altamont\_Rail\_Corridor.pdf

Attached is a comment letter and map from the San Francisco Bay Trail Project regarding the Altamont Rail Corridor Project Notice of Preparation.

Thanks,  
Laura

Laura Thompson  
Bay Trail Project Manager  
Association of Bay Area Governments  
101 Eighth Street  
Oakland, CA 94607  
p. 510-464-7935  
f. 510-433-5535  
[laurat@abag.ca.gov](mailto:laurat@abag.ca.gov)  
[www.baytrail.org](http://www.baytrail.org)



December 4, 2009

Mr. Dan Leavitt, Deputy Director  
Attn: Altamont Corridor Rail Project  
925 L Street, Suite 1425  
Sacramento, CA 95814

**Subject: Notice of Preparation of Environmental Impact Report for the  
Altamont Corridor Rail Project from Stockton to San Jose,  
California**

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the above referenced project. The Bay Trail Project is a nonprofit organization administered by the Association of Bay Area Governments (ABAG) that plans, promotes and advocates for the implementation of a continuous 500-mile bicycling and hiking path around San Francisco Bay. When complete, the trail will pass through 47 cities, all nine Bay Area counties, and cross seven toll bridges. To date, slightly more than half the length of the Bay Trail alignment has been developed.

### **Bay Trail Alignment in the Project Area**

As shown on the attached map, existing and proposed Bay Trail segments in Alameda County and Santa Clara County are located within the project area. The Bay Trail alignment is within close proximity to the railroad tracks currently used by the Altamont Commuter Express and Capitol Corridor lines. The San Francisco Bay Trail Plan was adopted by ABAG in 1989 as the guiding document for the project including policies, the trail alignment and strategies for implementation. This plan should be reference in the DEIR.

### **Feasibility Studies and Planning Projects Underway**

Several planning efforts are in process within or near the project area and should be referenced in the DEIR:

- 1) **Newark/Fremont Bay Trail Alignment Study.** The cities of Newark and Fremont are moving forward with a coordinated Bay Trail alignment study to determine feasible routes for a bicycle and pedestrian trail between the two communities in the southern Alameda County shown on the attached map.

- 2) **South Bay Salt Pond Restoration Project.** The South Bay Salt Pond Restoration Project is the largest tidal wetland restoration project on the West Coast. When complete, the project will restore 15,100 acres of industrial salt ponds to a rich mosaic of tidal wetlands and other habitats. The California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the California Coastal Conservancy recently completed a public process to design a restoration plan for the property. The final plan was adopted in 2008 and the first phase of restoration started later that year. The plan serves as a blueprint for habitat restoration, flood protection, and the construction of new trails, viewing platforms and other public access amenities along the Bay. Project partners and members of the public are now collaborating on implementing the first phase. The EIS/EIR identifies proposed Bay Trail alignments adjacent to existing tracks within the Altamont Corridor Rail Project area.
  
- 3) **South San Francisco Bay Shoreline Study.** The Shoreline Study is a Congressionally-authorized study led by the US Army Corps of Engineers together with local sponsors to identify and recommend for Federal funding one or more projects for flood damage reduction, ecosystem restoration and related purposes such as public access. The Shoreline Study project area overlaps with the Altamont Rail Corridor Project area.

In the DEIR, please discuss how the Altamont Rail Corridor Project could potentially impact:

- the safety and comfort of the trail user including views, noise, crossings
- the ability to close gaps and construct continuous trail in the South Bay
- development of non-motorized commute connections between rail stations and the Bay Trail.

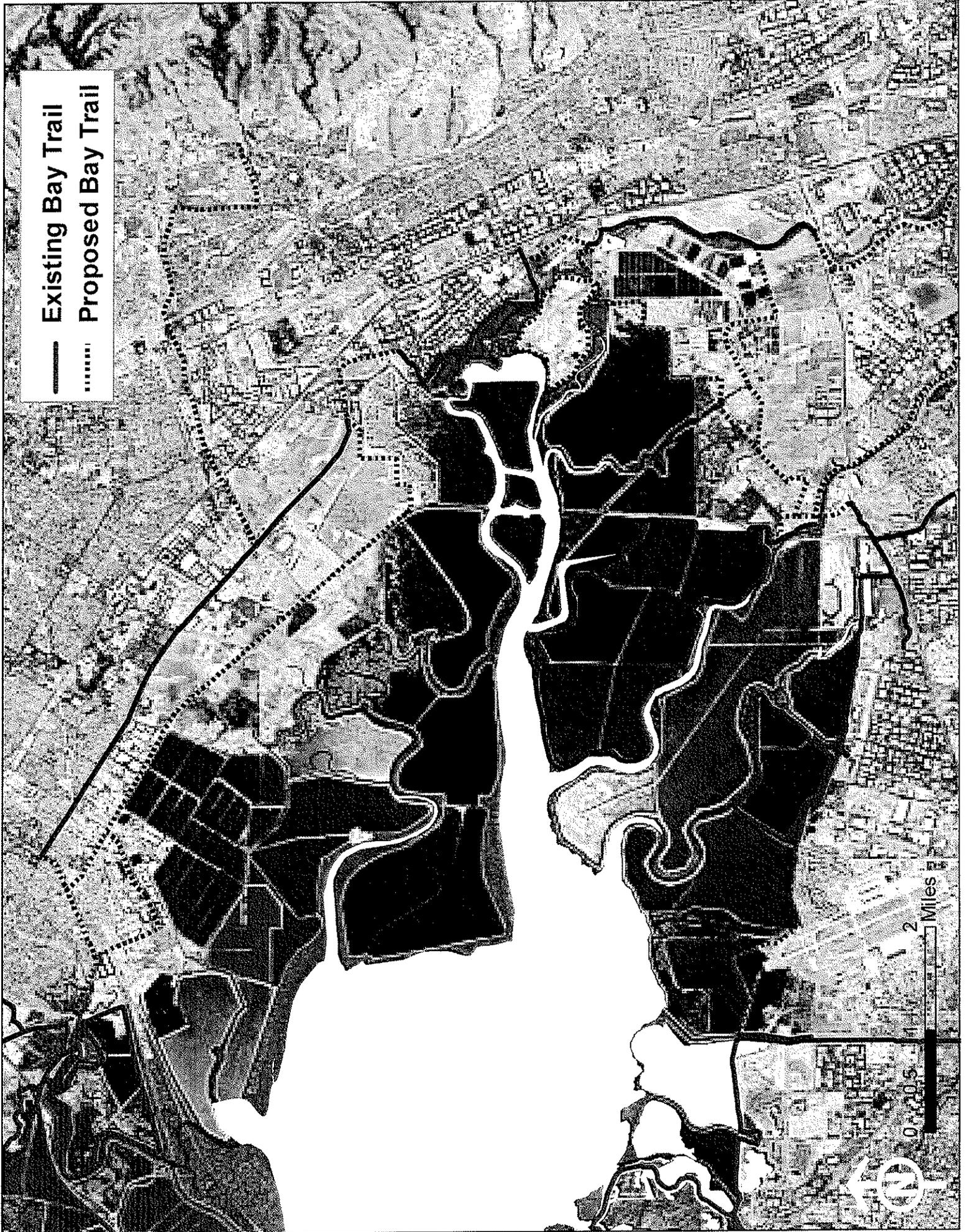
Thank you for your consideration of our comments. If you have any questions, regarding the Bay Trail Project, I can be reached at (510) 464-7935 or by e-mail at [laurat@abag.ca.gov](mailto:laurat@abag.ca.gov).

Sincerely,



Laura Thompson  
Bay Trail Project Manager

Existing Bay Trail  
Proposed Bay Trail



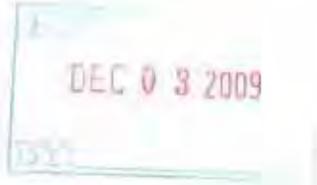
0 0.5 1 2 Miles





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 T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

December 1, 2009



Mr. Dan Leavitt  
 California High Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

Subject: Scoping Comments on the Altamont Corridor Rail Project

Dear Mr Leavitt,

Thank you for providing the East Bay Regional Park District ("District") with a copy of the Notice of Preparation (NOP) for an Environmental Impact Report/Environmental Impact Statement (DEIR/S) for the proposed Altamont Corridor Rail Project ("Project"). The District previously provided comments on the California High Speed Rail Project Programmatic EIR/EIS and the Regional Rail Plan. Copies of our correspondence on these earlier projects are provided for your information.

The District owns or operates 65 regional parks and more than 1,100 miles of regional trails in Alameda and Contra Costa Counties. This encompasses more than 100,000 acres of public land. The NOP does not identify potential effects to these parks or trails, nor does it locate these facilities on the exhibits provided with the NOP and other recent mailings on the proposed Project. Therefore, we are unable to provide specific scoping comments about potential impacts to specific parks and trails.

We have identified five regional parks and eight regional trails that may be affected by the proposed Project. Potential impacts to these parks and trails should be identified and fully evaluated in the EIR/EIS.

Potentially affected Regional Parks:

- Brushy Peak Regional Preserve
- Shadow Cliffs Regional Recreation Area
- Pleasanton Ridge Regional Park
- Vargas Plateau Regional Park
- Quarry Lakes Regional Recreation Area

Potentially affected Regional Trails:

- Shadow Cliffs to Morgan Territory Regional Trail
- Shadow Cliffs to Del Valle Regional Trail

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- San Joaquin County to Shadow Cliffs Regional Trail
- San Francisco Bay to San Joaquin River Regional Trail
- San Francisco Bay Ridge Regional Trail
- Alameda Creek Regional Trail
- Iron Horse Regional Trail
- San Francisco Bay Trail and local connections

Should you have questions regarding this letter, please contact me at (510) 544-2622.

Sincerely,



Brad Olson  
Environmental Programs Manager

Attachments (2)



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T. 510 635 0135 F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

October 16, 2007

Mr. Dan Leavitt  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Mr. David Valenstein  
US Department of Transportation  
Federal Railroad Administration  
1120 Vermont Avenue N.W. M/S 20  
Washington, DC 20590

Subject: Comments on DEIR/EIS for Bay Area to Central Valley High-Speed Train

Dear Messrs Leavitt and Valenstein,

Thank you for providing the East Bay Regional Park District ("District") with a copy of the Draft Program Environmental Impact Report/Environmental Impact Statement (DEIR/S) for the proposed Bay Area to Central Valley High-Speed Train ("Project"). This document covers the Bay Area portion of the proposed California High Speed Rail Project.

The District owns or operates 65 regional parks and more than 1,100 miles of regional trails in Alameda and Contra Costa Counties. This encompasses more than 97,000 acres of public land. The project maps in the DEIR/S do not show 62 of 65 regional parks or any of the regional trails owned or operated by the District.

We have identified that at least nine regional parks and eight regional trails may be affected by the Project. Of these public facilities, Pleasanton Ridge and Vargas Plateau Regional Parks, and Alameda Creek Regional Trail would be significantly impacted by the proposed Project. An additional three parks and one trail have the potential to be significantly impacted. Potential impacts to these public facilities are not identified, discussed or mitigated in the DEIR/S.

The District has taken no position on the proposed Project. However, we believe that the DEIR/S is inadequate because it fails to identify or mitigate potentially significant impacts to public parks and trails owned or operated by the District. And for these reasons, we believe that the DEIR/S does not comply with the California Environmental Quality Act, National Environmental Policy Act and the Department of Transportation Act. Attached are the District's comments on the DEIR/S and the Project's potential impacts to regional parks and trails.

Should you have questions regarding this letter, please contact me at (510) 544-2622.

Sincerely,

Brad Olson  
Environmental Programs Manager

Attachments (3)

Board of Directors

John Sutter President Ward 2	Ayn Wiley Knapp Vice President Ward 5	Ted Backe Treasurer Ward 7	Doug Sidor Secretary Ward 4	Beverly Lane Ward 6	Carol Severin Ward 3	Hancy Lerner Ward 1	Pat O'Brien General Manager
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CC. Steve Heminger, Metropolitan Transportation Commission  
District Board of Directors  
Pat O'Brien, General Manager  
Robert E. Doyle, Asst. General Manager

**East Bay Regional Park District**  
Detailed comments on the Draft EIR/S for  
the proposed Bay Area to Central Valley High-Speed Train  
October 16, 2007

As stated in our cover letter to these comments, we believe that the DEIR/S is inadequate because 1.) it fails to identify and mitigate potentially significant impacts to public parks and trails, and 2.) it does not comply with the requirements of the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and the Department of Transportation Act, Sections 4(f) and 6(f). The following comments describe how the DEIR/S does not adequately address impacts to public parks and trails, and how it does not comply with the requirements of CEQA, NEPA, DOT Act and associated regulations.

Potentially significant effects to regional parks and trails in the Project area

At least nine regional parks and eight regional trails may be impacted by the proposed project. This was determined by projecting the proposed rail alignments over existing base maps developed by the District for these parks and trails. These maps of District parks and trails are available on the District's website [www.ebparks.org](http://www.ebparks.org). Potential impacts to regional parks and trails are also identified and summarized in Table 1, which is attached to this letter.

*Pleasanton Ridge Regional Park:* Construction of the Dumbarton-Fremont Central Park & Livermore UPRR Alignment would impact Pleasanton Ridge Regional Park, near the City of Pleasanton, in Alameda County. This 6,427 acre park would be impacted by construction and operation of approximately 4,000 feet of new railroad tunnel. In addition, there would likely be service vaults, ventilation shafts and emergency exits constructed on parkland, and maintenance easements over parkland to operate and maintain this tunnel. Potential construction impacts considered significant under CEQA and NEPA include tunnel boring, trucking of excavated materials, staging, light, noise, dust, loss of wildlife habitat, and disruption to park visitors and wildlife. Potential permanent impacts include loss of public parkland, plus impacts from night-time lighting, train noise at tunnel openings, and disturbances to park visitors and wildlife. See attached Figure 1 for more information on the location of the potential impacts to Pleasanton Ridge.

*Vargas Plateau Regional Park:* Construction of the Dumbarton-Fremont Central Park & Livermore UPRR Alignment and/or the Niles Subdivision Line to Interstate 880 Alignment would impact Vargas Plateau Regional Park, near the City of Fremont in Alameda County. This 1,030 acre park would be impacted by construction and operation of approximately 11,000 feet of new railroad tunnel. In addition, there would likely be service vaults, ventilation shafts and emergency exits constructed on parkland and maintenance easements over parkland to operate and maintain these railroad tunnels. Potential construction impacts considered significant under CEQA and NEPA include tunnel boring, trucking of excavated materials, staging, light, noise, dust, loss of wildlife habitat, and disruption to park visitors and wildlife. Potential permanent impacts include loss of public parkland, plus impacts from night-time lighting, train noise at tunnel openings, and disturbances to park visitors and wildlife. See Figure 1 for more information on the location of the potential impacts to Vargas Plateau.

*Alameda Creek Regional Trail:* This trail consists of eleven miles of Class I multi-modal trail and 27 acres of parkland and visitor facilities along both the north and south sides of Alameda Creek between Niles Canyon and Coyote Hills Regional Park. Construction of the Dumbarton-

Fremont Central Park & Livermore UPRR Alignment would appear to require a new bridge across Alameda Creek near the western end of Niles Canyon. Such a bridge would result in significant visual and noise impacts to park and trail users along Alameda Creek and Vargas Plateau. Further, it appears that a second bridge across Alameda Creek would be necessary for the Niles Subdivision Line to Interstate 880. This bridge would also cross over the Alameda Creek Trail. Potential construction impacts considered significant under CEQA and NEPA include tunnel boring in Niles Canyon, trucking of excavated materials, staging, light, noise, dust, loss of wildlife habitat, and disruption to park and trail users and wildlife. Potentially significant impacts could also include temporary closure of existing park and trail facilities for Project construction. There could also be permanent loss of open space, plus the addition of night-time lighting, train noise at tunnel openings and disturbances to park visitors, trail users and wildlife.

Additional trails are planned to connect Alameda Creek Trail to Garin Regional Park to the north and Vargas Plateau to the south, including completion of a three-mile key gap in the 54 mile Bay Area Ridge Trail across Niles Canyon. Possible conflicts between rail design and planned public access in Niles Canyon should also be fully evaluated and mitigated in the DEIR/S.

Highway 84 parallels Alameda Creek through Niles Canyon. It is a designated State Scenic Highway. Visual impacts to this Scenic Highway would be considered significant under CEQA. In addition, there are several existing aqueducts, rail lines and bridges running through or across Niles Canyon that might be adversely affected by the Project.

#### Purpose of an Environmental Impact Report

CEQA requires that an EIR provide sufficient analysis and detail about a project and environmental impacts of the project to enable informed decision-making by the CEQA Lead and Responsible agencies, and to provide for informed participation by the public. See CEQA Guidelines § 15151; *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692 (1990). Both the public and decision-makers need to fully understand the implications of the choices presented by the Project, mitigation measures and alternatives. See *Laurel Heights Improvement Ass'n v. Regents of University of California*, 6 Cal.4th 1112, 1123 (1993). The subject DEIR/S does not comply with the requirements of CEQA Guidelines § 15151.

As it relates to the Districts mission to provide for public open space, parks and trails, and in compliance with the requirements of CEQA, the DEIR/S should specifically state which parks (and trails) will be impacted by the proposed Project. These impacts can be identified now by overlaying the proposed rail routes on base maps showing all public parklands. Identification and evaluation of impacts to parks should not be deferred to a future Project-level environmental document. The number and location of potentially affected parks by route has been quantified in the DEIR/S. And while these parks are known to the authors of the subject DEIR/S, their specific names and locations have not been provided in the DEIR/S. Such an approach clearly violates the basic requirements of CEQA to provide for full disclosure of impacts, to enable informed decision-making and to provide for informed public participation in the review process.

The EIR/S at a minimum should contain a list or table with the specific names of all potentially affected parks by proposed route. The EIR/S should also contain programmatic impact analyses and mitigation measures for the project impacts to parks, such as permanent loss of parkland, constructive use, visual impacts, noise, etc. Such mitigation measures should also have specific performance criteria to demonstrate that the EIR/S complies with the requirements of CEQA, NEPA and DOT Act.

### Purpose of an Environmental Impact Statement

Council of Environmental Quality NEPA regulations, 40 CFR 1502.1 "purpose" states (in part) that an Environmental Impact Statement "shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment". We could find no information in the DEIR/S providing a "full and fair discussion of significant environmental impacts" because the DEIR/S appears to have failed to identify potentially significant impacts to regional parks and trails owned or operated by the District.

### Section 4(f) impacts to public parklands

Section 4(f) of the Department of Transportation (DOT) Act of 1966 (49 USC § 303) requires that impacts to public parklands must be evaluated to determine how they may be affected by a proposed project. This law requires that impacts to public parkland must be avoided unless there is no "prudent or feasible alternative" and that "the program or project includes all possible planning to minimize harm to the park, recreation area, or wildlife or waterfowl refuge of national, state, or local importance". We could find no discussion in the DEIR/S identifying Section 4(f) impacts to any of the regional park and trail facilities operated by the District.

The discussion in Section 3.16 of the DEIR/S (Affected Environment) identifies the number of potentially affected parks within close proximity to the various alternative rail alignments. This information is of little or no value in identifying the location of the potentially affected public parklands enumerated in the DEIR/S. As described above, it is clear that Pleasanton Ridge, Vargas Plateau and Alameda Creek Trail would be impacted by the proposed Dumbarton-Fremont Central Park & Livermore UPRR Alignment and/or the Niles Subdivision Line to I-880.

### Section 6(f) impacts to public recreational lands

Several District regional parks, recreational areas and trails were acquired in part using grant funds obtained through the Land and Water Conservation Fund. Section 6(f) of the DOT Act of 1966 (49 USC § 303) "prohibits the conversion to a non-recreational purpose of property acquired or developed with these grants without the approval of the US Department of the Interior (DOI) National Park Service". Land and Water Conservation Funds were used to acquire portions of Pleasanton Ridge and Coyote Hills Regional Parks. As previously described in this letter, approximately 4,000 feet of tunnel would be constructed through Pleasanton Ridge. This would require use of recreational land for a "non-recreational purpose". Table 1 also identifies Coyote Hills as another potentially affected park. We could not tell from the project maps if the proposed project would require use of any parkland at Coyote Hills for the Project. The DEIR/S does not appear to document any consultation between the DOT and DOI regarding potential Section 6(f) impacts. The DEIR/S is deficient in this respect.

### Consultation with other Federal Agencies with jurisdiction

Section 102 (C) of NEPA (42 USC § 4332) states that "prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impacts involved." We could find no information in the DEIR/S describing Section 6(f) consultation on impacts to public parks and recreational areas.

Table 1 – Potential High Speed Rail Project Impacts to Regional Parks and Trails

<u>Regional Parks</u>	<u>Right-of-Way Encroachment</u>	<u>Construction Noise</u>	<u>Operating Noise</u>	<u>Esthetics</u>
<b>Brushy Peak</b> *Potentially significant	None	Boring, excavation, trucking, etc*	Tunnel opening ~500 S of park, new station*	Greenville Road Station, lights, fences*
Shadow Cliffs	Unlikely	Track installation	~2,000 feet of track ~150 feet N of park	Lights, fences
<b>Pleasanton Ridge</b> *Significant	~4,000' of new tunnel, staging, maintenance easements*	Boring, excavation, trucking, etc*	Tunnel opening in or near park*	One tunnel opening, lights, fences*
<b>Vargas Plateau</b> * Significant	~11,000' of new tunnel, staging, maintenance easements*	Boring, excavation, trucking, etc*	Three tunnel openings in or near park*	Three tunnel openings, bridge, lights, fences*
Dry Creek/ Pioneer	None	Track installation	Minor	Minor
Garin	None	Track installation	Minor	Minor
Quarry Lakes *Potentially significant	Possibly for new tracks	Track installation	<100 feet E & S of park*	Bridge widening, lights, fencing
Coyote Hills	Possibly	Track installation, bridge	Minor	Minor
Middle Harbor *Potentially significant	Possibly for tunnel facilities	Tunnel construction*	Tunnel	Minor

Table 1 – Potential High Speed Rail Project Impacts to Regional Parks and Trails

<u>Regional Trails</u>	<u>Right-of-Way Encroachment</u>	<u>Construction Noise</u>	<u>Operating Noise</u>	<u>Esthetics</u>
Shadow Cliffs to Morgan Territory	~25' Crossing	Track installation	Minor	Lights, fences
Shadow Cliffs to Del Valle	None	Track installation	Minor	Lights, fences
San Joaquin County to Shadow Cliffs	Potentially multiple crossings	Track installation	Minor	Lights, fences
Shadow Cliffs to Alameda Creek	~25' Crossing	Track installation	Minor	Lights, fences
<b>Alameda Creek</b> <b>*Significant</b>	Multiple crossings, possible closure*	Track installation, bridge(s) *	Tunnel openings above trail/park*	Lights, fences, bridge(s) *
Bay Ridge	~25' Crossing	Track installation	Minor	Lights, fences
Iron Horse	~25' Crossing	Track installation	Minor	Lights, fences
<b>San Francisco Bay</b> <b>*Potentially Significant</b>	Multiple crossings, possible closure*	Track installation	Minor	Lights, fences



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T. 510 635 0135 F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

August 28, 2007

Katie Balk  
Regional Rail Project Offices  
c/o BART, Kaiser Building  
300 Lakeside Drive, 16<sup>th</sup> Floor  
Oakland, CA 94612

Subject: Comments on the Draft Regional Rail Plan

Dear Ms. Balk,

Thank you for providing the East Bay Regional Park District ("District") with the notice of review for the Draft Regional Rail Plan ("Plan"). The District is very concerned that the Plan will have significant adverse impacts on approximately 24 regional parks and trails owned or operated by the District. We are especially concerned with the Department of Transportation Act Section 4(f) impacts and Land and Water Conservation Act Section 6(f) impacts along the proposed I-80 and I-580/Tri-Valley Corridors.

The Plan states that "notable environmental concerns have been identified". Despite several requests, there has been no written information made available for public review that supports the statement or provides any substantial analysis of such impacts. The Plan should not be considered for approval until there is adequate opportunity for public review of the supporting information and impact analyses. The following are the District's comments on the Plan.

**Goals**

One of the goals for the Plan is to "create well-designed, walkable communities with a mix of transit services nearby". We suggest that this goal more explicitly state that "walkable communities" includes the use of regional trails to provide connection to rail corridors and nearby transit services. For example, some of the East Bay BART stations have existing connections to the Iron Horse Regional Trail, a multi-modal regional trail. These BART stations include Dublin, Walnut Creek, Pleasanton Hill and Concord. Other connections are planned for North Concord and West Dublin.

Use of Regional trails provides an alternative, non-motorized (i.e. pedestrians and bikes) means of access to BART stations that does not contribute to traffic congestion or air pollution, and decreases the demand for parking and fuel consumption. There are numerous other existing and planned trail connections to BART, including the San Francisco Bay and Delta-DeAnza Regional Trails. We strongly encourage that "rail connections to regional trails" be added as a goal for the Plan.

Board of Directors

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## **Alternatives**

Based upon the proposed locations and descriptions for the Plan alternatives, there may be conflicts between the Plan and District park and trail facilities. Analysis of these alternatives should include potential impacts to District facilities that may be located in close proximity to proposed rail system improvements.

***Interstate 80 Corridor:*** Rail improvements along the I-80 corridor north of Richmond have the potential to impact several regional parks and trails. The Plan should consider alternatives that avoid or minimize impacts to the following parks and trails:

- Point Pinole Regional Shoreline
- San Pablo Bay Shoreline
- Lone Tree Point
- Carquinez Strait Regional Shoreline
- Martinez Regional Shoreline
- San Francisco Bay Trail and local connectors
- Iron Horse Regional Trail
- Wildcat Creek Regional Trail
- Hercules to Briones Regional Trail
- Carquinez Strait to Briones Regional Trail

***Interstate 580/Tri-Valley Corridor:*** Rail improvements along the I-580/Tri-Valley corridor from Altamont Pass to Interstate 80 via Niles Canyon (Highway 84) has the potential to impact several regional parks and trails. The Plan should consider alternatives that avoid or minimize impacts to the following parks and trails:

- Brushy Peak Regional Preserve
- Shadow Cliffs Regional Recreation Area
- Pleasanton Ridge Regional Park
- Vargas Plateau Regional Park
- Dry Creek/Pioneer Regional Park
- Quarry Lakes Regional Recreation Area
- Alvarado Wetlands (i.e. Eden Landing)
- Hayward Regional Shoreline
- Shadow Cliffs to Morgan Territory Regional Trail
- Shadow Cliffs to Del Valle Regional Trail
- San Joaquin County to Shadow Cliffs Regional Trail
- San Francisco Bay to San Joaquin River Regional Trail
- San Francisco Bay Ridge Regional Trail
- Alameda Creek Regional Trail
- Iron Horse Regional Trail
- San Francisco Bay Trail and local connections

***Pacheco Pass Corridor:*** Some of the above parks and trails may also be affected by the Pacheco Pass alternative where it might require an expanded right-of-way along the East Bay Shoreline to Oakland.

All of these parks and trails are described in our 1997 Master Plan and associated maps. Maps of these parks and the District's Master Plan can be obtained from the District's website at <http://www.ebparks.org/>.

### **Mapping**

Many of the figures provided in the Plan overlook a number of regional parks. Other regional parks which have been included on the maps are incorrectly labeled as federal lands. Many of the regional park boundaries shown on these exhibits are considerably out of date.

The District operates 65 regional parks (including three State parks) on over 97,000 acres of public parkland. Accurate mapping of these public lands is essential for a full disclosure and evaluation of project impacts, alternatives and mitigation measures for project impacts to public lands. Current boundaries and locations for regional parks and trails can be found on the District's website.

Thank you for the opportunity to comment on this important plan. Please call me at (510) 544-2622 should you have any questions regarding this letter.

Sincerely,



Brad Olson  
Environmental Programs Manager

- cc. ✓ District Board of Directors  
✓ Pat O'Brien, General Manager  
✓ Robert E. Doyle, Assistant General Manager  
✓ Laura Thompson, ABAG Bay Trail



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EXECUTIVE DIRECTOR

December 4, 2009

Mr. Dan Leavitt  
Deputy Director  
Attn: Altamont Corridor Rail Project  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Scoping Comments- Altamont Corridor Rail Project (Stockton to San Jose)

Dear Mr. Leavitt

The Peninsula Corridor Joint Power Board (JPB) is pleased to provide the following comments to the Scoping phase of the Altamont Corridor Rail Project (The Altamont). We want to take this opportunity to reiterate our commitment of partnership and cooperation for the development of this important project that will ultimately link the northern San Joaquin Valley with the Bay Area.

At the heart of our comments is a critical partnership Caltrain has formed with the California High Speed Rail Authority (CHSRA) to create the Peninsula Rail Program (PRP) through which high-speed rail and Caltrain electrification and modernization programs will go forward as a unified program on the Peninsula rail corridor from San Francisco to San Jose.

The Memorandum of Understanding (MOU) and subsequent amendments that create the PRP is the governing context in which our comments are offered and in which plans for the Altamont project be considered as they relate to the Peninsula corridor, particularly as it pertains to Caltrain stations and facilities that will be shared with the proposed San Francisco to San Jose High Speed Rail (HSR) system.

It is essential that the Altamont project team coordinate very closely with JPB, in its role as the owner of Caltrain and as a partners in the PRP concerning any changes in ridership, station improvements and overall service capacity for the Bay Area section of the project such as Santa Clara and San Jose. JPB is committed and PRP envisions a high level of both Caltrain and HSR service in these communities, therefore requiring a high level of coordination with The Altamont project.

**PENINSULA CORRIDOR JOINT POWERS BOARD**  
1250 San Carlos Ave. – P.O. Box 3006  
San Carlos, CA 94070-1306 650.508.6269

Mr. Dan Leavitt, Page 2, December 4, 2009

JPB has made significant investments in track, station and system improvements to improve the current system and in preparation for modernization and electrification of the Caltrain system in partnership with HSR. We expect to preserve these investments and that the work on the Altamont project will go forward accordingly, even as you develop different alternatives.

Lastly, PRP has been utilizing Context Sensitive Solutions to preserve the cultural footprint of the communities we serve and minimize environmental impacts, and we urge that you embrace this method of community outreach and involvement as you develop the design and prepare environmental documentation.

Thank you for the opportunity to provide our comments during this critical phase of The Altamont rail project

Sincerely,

A handwritten signature in black ink, appearing to read 'Marian Lee', with a long horizontal flourish extending to the right.

Marian Lee, AICP  
Executive Officer  
Planning and Development

## **Altamont Corridor Rail Project EIR/EIS - San Joaquin County Habitat Plan**

Steve Mayo [smayo@sjcog.org]

**Sent:** Tuesday, December 15, 2009 1:59 PM

**To:** HSR Comments

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Mr. Leavitt,

My name is Steve Mayo and I am a Senior Planner in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). I am sending this email in regards to the Notice of Preparation of an EIR/EIS for the project. Part of the project will potentially impact habitat within SJ County. The SJMSCP may be an option for potential mitigation for covered endangered specie impacts.

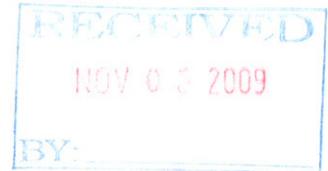
Please contact our staff to discuss the project and potential use of the SJMSCP.

Sincerely,

Steve Mayo  
Senior Habitat Planner  
*San Joaquin Council of Governments*  
*Habitat Conservation Plan*  
*555 East Weber Avenue*  
*Stockton, CA 95202*  
*209-235-0600 (P)*  
*209-235-0438 (F)*  
[www.sjcog.org](http://www.sjcog.org)

Effective Friday November 20, 2009 SJCOG's new main telephone number is 209-235-0600.

October 30, 2009



Ms. Carrie Bowen, Regional Director  
Attn: Altamont Corridor Rail Project EIR/EIS  
California High-Speed Rail Authority  
925 "L" Street, Suite 1425  
Sacramento, CA 95814

**Subject: Comments on Proposed Project**  
**Project: NOP for the Altamont Corridor Rail Project from Stockton to San Jose**  
**District CEQA Reference No: 20090656**

Dear Ms. Bowen:

The San Joaquin Valley Unified Air Pollution Control District (District) is a strong supporter of the proposed High Speed Train System and believes that enhanced passenger rail can play a significant role in helping to reduce mobile source emissions in the San Joaquin Valley. The District recently adopted a plan that included a number of "Fast Track" measures to accelerate attainment of the National Ambient Air Quality Standard for Ozone. Implementation of High Speed Rail is one of the measures that the District included in that plan. We believe that the High Speed Rail project is important to improving air quality within the San Joaquin Valley and the District looks forward to working with the California High-Speed Rail Authority on matters relating to air quality.

Throughout the CEQA process, District staff is available to provide technical assistance in characterizing potential project related impacts on air quality and to assist in identifying feasible mitigation, as appropriate. The District offers the following comments regarding the subject Notice of Preparation for the Altamont Corridor Rail Project from Stockton to San Jose segment of the proposed High Speed Train System.

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

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**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95358-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

## **District Comments**

- 1) The District recommends that environmental review of the project's potential impact on air quality include the following:
  - 1a) A description of the regulatory environment and existing air quality conditions impacting the area. Information on the District's attainment status can be found on the District's web page at <http://valleyair.org/aqinfo/attainment.htm>.
  - 1b) A description of the project, including a discussion of existing and post-project emissions.
    - i) The discussion should include emissions from short-term activities such as construction, and emissions from long-term activities, such as operational, and area wide emission sources.
    - ii) Impact resulting from emissions generated by permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately.
    - iii) Emission reductions achieved through compliance with District rules and regulations should be included in the emissions analysis.
    - iv) Use of the HST system is expected to reduce on-road vehicle miles travelled (VMT) within the valley. The emission reduction associated with the decrease in VMT should be included in the emissions analysis.
    - v) The project should be considered to have a significant adverse impact on air quality if emissions from either source exceed the following amounts: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).
    - vi) A discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment.
    - vii) At this time there are no established significance thresholds for greenhouse gas emissions, however, it is suggested that the EIR include a discussion of greenhouse gas emissions generated by the project and the effect they will have, if any, on global climate change.
- 2) If any portion of the project would be located near residential/sensitive receptors that portion of the project should be evaluated to determine the potential health impact of Toxic Air Contaminants (TACs) to the near-by receptors.

- 2a) Prior to conducting a Health Risk Assessment (HRA), an applicant may perform a prioritization on all sources of emissions to determine if it is necessary to conduct an HRA. A prioritization is a screening tool used to identify projects that may have significant health impacts. If the project has a prioritization score of 10 or more, the project has the potential to exceed the District's significance threshold for health impacts of 10 in a million. Information on conducting a prioritization can be obtained from the District by contacting Mr. Leland Villalvazo, Supervising Air Quality Specialist, at [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org).
- 2b) If the prioritization score indicates that toxic air contaminants (TACs) are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. Please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org). Additional information on TACs can be found on the District's Air Quality Modeling page at [http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm).
- 3) A discussion of whether the project would create nuisance odors.
- 4) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality.
- 5) A discussion of all existing District regulations that apply to the project.
- 6) A discussion of all feasible measures that will reduce air quality impacts.
- 7) The proposed project would be subject to District Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than seeking final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit.

The District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

- 8) This project may require District permits. Prior to construction, the project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District's Small Business Assistance Office at (559) 230-5888.

District staff is available to meet with you or your designee to further discuss our NOP comments, or to help your environmental consultants interpret and implement our suggestions. We look forward to working with you.

If you have any questions or require further information, please call Dan Barber at (559) 230-5840.

Sincerely,



Seyed Sadredin  
Executive Director/Air Pollution Control Officer  
San Joaquin Valley Air Pollution Control District

cc: File



NOV 03 2009

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

**Project:** Altamont Corridor Rail Project - Stockton to San Jose  
**Subject:** District Rule 9510: Indirect Source Review (ISR) applicability  
**District CEQA Reference No:** 20090656

Dear Mr. Morshed,

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and determined that the project may be subject to District Rule 9510 (Indirect Source Review). Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational emissions, and potentially mitigate a portion of those emissions. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval. For additional information, please visit the District's ISR website: <http://www.valleyair.org/ISR/ISRHome.htm>

For your convenience, a document is enclosed which addresses frequently asked questions regarding Indirect Source Review (ISR). This may be used as a reference to better understand ISR, and how the District processes applications.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. You can contact the District at (559) 230-6000 and CEQA/ISR staff will be available to further discuss the regulatory requirements that are associated with this project. Thank you for your cooperation in the matter.

Sincerely,

David Warner  
Director of Permit Services

for Arnaud Marjollet  
Permit Services Manager

Enclosure: ISR FAQ

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585





# San Joaquin Valley

## AIR POLLUTION CONTROL DISTRICT

### Frequently Asked Questions Regarding Indirect Source Review

**Q: What is the purpose of Indirect Source Review (ISR)?**

A: As land development and population in the San Joaquin Valley continues to increase, so will indirect air emissions that negatively effect air quality. The emissions are called indirect because they don't come directly from a smokestack, like traditional industry emissions, but rather the emissions are indirectly caused by this growth in population. As a consequence, the San Joaquin Valley Air Pollution Control District (District) adopted Indirect Source Review (Rule 9510) to reduce the impacts of growth in emissions from all new land development in the San Joaquin Valley.

**Q: When is a project subject to ISR?**

A: A project is subject to ISR if all of the following are applicable:

- The project received its **final discretionary approval** from the land use agency on or after **March 1, 2006**.
- The project meets or exceeds the following District applicability thresholds:

2,000 square feet commercial	25,000 square feet light industrial	100,000 square feet heavy industrial
20,000 square feet medical office	39,000 square feet general office	9,000 square feet educational
10,000 square feet governmental	20,000 square feet recreation space	50 residential units
9,000 square feet of space not included in the list		

- The project's primary functions are not subject to District Rule 2201 (New and Modified Stationary Source Review Rule), or District Rule 2010 (Permits Required). For more information on the applicability of ISR regarding a specific project, please contact the District at (559) 230-6000 or visit the District's website at <http://www.valleyair.org/ISR/ISRHome.htm>.

**Q: For the purposes of Rule 9510, what is final discretionary approval?**

A: A decision by a public agency that requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular development project, as distinguished from situations where the public agency merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. Examples of discretionary approvals include Tentative Tract Maps, Site Plans, and Conditional Use Permits. A building permit would be an example of a ministerial approval.

**Q: What pollutants does ISR target?**

A: The ISR rule looks to reduce the growth in NO<sub>x</sub> and PM<sub>10</sub> emissions associated with the construction and operation of new development projects in the San Joaquin Valley. The rule requirement is to reduce construction NO<sub>x</sub> and PM<sub>10</sub> emissions by 20% and 45%, respectively, as well as reducing operational NO<sub>x</sub> and PM<sub>10</sub> emissions by 33.3% and 50%, respectively, when compared to unmitigated projects.

**Q: What are NO<sub>x</sub> and PM<sub>10</sub>?**

A: Nitrogen oxide (NO<sub>x</sub>) is an ozone precursor, or principal component of ozone. Ozone is a colorless, odorless reactive gas comprised of three oxygen atoms. It is found naturally in the earth's stratosphere, where it absorbs the ultraviolet component of incoming solar radiation that can be harmful to life. Ozone is also found near the earth's surface, where pollutants emitted from society's activities react in the presence of sunlight to form ozone. Hot sunny weather with stagnant wind conditions favors ozone formation, so the period from May through September is when high ozone levels tend to occur in the San Joaquin Valley Air Basin.

Particulate matter (PM) is a generic term used to describe a complex group of air pollutants that vary in composition. PM<sub>10</sub> particles have a diameter of 10 microns (micrometers) or less. The sources of PM can vary from wind blown dust particles to fine particles directly emitted from combustion processes, or may be formed from chemical reactions occurring in the atmosphere.

**Q: What is URBEMIS?**

A: URBEMIS (**Urban Emissions**) is a computer modeling program that estimates construction, area source and operational emissions of NO<sub>x</sub> and PM<sub>10</sub> from potential land uses. This program uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors.

**Q: How can a project's emissions be reduced to lessen the impact on air quality (On-site emissions reductions)?**

A: A project's emissions can be reduced by incorporating District approved mitigation measures. These include, but are not limited to, the following:

- Bicycle lanes throughout the project
- Proximity to existing or planned bus stops
- Proximity to existing or planned local retail
- Eliminate woodstoves and fireplaces from the project
- Cleaner fleet construction vehicles
- Energy efficiency beyond Title 24 requirements

For more information on additional measures that help reduce emissions, please contact the District at (559) 230-6000 or by visiting the District's website at <http://www.valleyair.org/ISR/ISROnSiteMeasures.htm>

**Q: What will I receive from the District once the Air Impact Assessment (AIA) has been approved?**

A: When the AIA is approved the applicant will receive an approval letter, along with the following:

- Off-site emissions estimator worksheet (see below)
- Fee estimator worksheet (see below)
- Monitoring and Reporting Schedule (MRS), if applicable
- Project invoice, if applicable

**Q: What is the Off-site Emissions Estimator Worksheet?**

A: This Excel worksheet uses the project's total tons of NO<sub>x</sub> and PM<sub>10</sub> as calculated using URBEMIS and compares the unmitigated emissions against the mitigated emissions, determining whether the reduction in emissions is sufficient to satisfy the rule. If the reduction is not sufficient, the required off-site emission reductions are calculated using the District's off-site emission reduction equations, which can be found on the District's website at <http://www.valleyair.org/rules/currentrules/r9510.pdf> (Sections 7.0 through 7.1.2.2)

**Q: What is the Fee Estimator Worksheet?**

A: The Fee Estimator is an Excel worksheet used to calculate the total dollar amount of off-site fees that must be paid to the District in order to cover the District's cost of obtaining the required off-site emission reductions, and therefore fulfill the rule requirement. This fee amount is derived by multiplying the total tons of off-site reductions by the applicable rate.

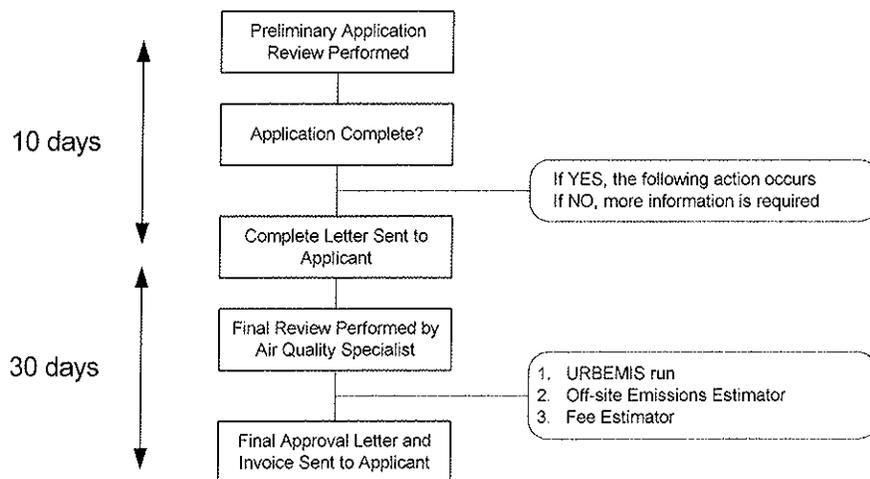
**Q: Why are mitigation fees collected, and how are they used by the District?**

A: When a development project cannot reduce its NO<sub>x</sub> and PM<sub>10</sub> emissions to the level required by the rule, then the difference must be mitigated through the payment of a fee. The monies collected from this fee will be used by the District to reduce emissions in the San Joaquin Valley on behalf of the project, with the goal of offsetting the emissions increase from the project by decreasing emissions elsewhere. More specifically, the fees received by the District are used in the District's existing Emission Reduction Incentive Program (ERIP) to fund emission reduction projects.

**Q: How can additional information on the Indirect Source Review Program be found?**

A: Additional information can be found by visiting the District's website at <http://www.valleyair.org/ISR/ISRHome.htm> or by calling the District at (559) 230-6000.

**ISR Processing Flow Chart**





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GENERAL MANAGER/CEO

December 4, 2009

Mr. Dan Leavitt  
Deputy Director  
Attn: Altamont Corridor Rail Project  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Scoping Comments- Altamont Corridor Rail Project (Stockton to San Jose)

Dear Mr. Leavitt:

Thank you for the opportunity to provide comments to the Scoping phase of the Altamont Corridor Rail Project (The Altamont). The San Mateo County Transit District (SamTrans) comments relate to focus areas outlined in the adopted San Mateo County Transit District Strategic Plan (*Multimodal Services and Transportation and Land Use*) and construction management.

#### Multimodal Services

- SamTrans services include fixed-route buses, paratransit and shuttle services. We request that The Altamont project incorporate design to maximize existing transit infrastructure investments and protect existing transit services to local communities
- The EIR/EIS should adequately address the need for future feeder services to support local and regional access to the future High Speed Rail/Caltrain station in San Jose's Diridon.
- SamTrans recommends the project to include a comprehensive multimodal access strategy to maximize access to the High Speed Rail and Caltrain systems and maximize transit ridership. Auto access (parking) should be considered only as one of multiple access modes.

#### Transportation and Land Use

- SamTrans requests The Altamont project team giving consideration to the link of land use and transportation access. As the region embraces the policies of SB-375 it would be prudent to incorporate these concepts in the development of this project.

Mr. Dan Leavitt, Page 2, December 4, 2009

- Transit Oriented Development (TOD) deserves a priority in the station analysis, as we are promoting and sponsoring several of these initiatives and because TOD provides a way to reduce the region's dependency on Single Occupancy Vehicles.
- SamTrans also requests that our bus and shuttle services be part of the analysis for selecting the preferred station location to preserve our level of service.

#### Construction Management

- It is critical to identify transportation services needed during The Altamont project construction. SamTrans recommends close coordination of these activities to develop mitigation measures related to additional or changed SamTrans services during the construction of the Altamont project.

#### Peninsula Rail Program

The San Mateo County Transit District is the managing partner of the Joint Powers Board and, with the Santa Clara Valley Transportation Authority and the San Francisco Municipal Transportation Agency, owns and operates the Caltrain Peninsula corridor commuter rail service. Caltrain has formed a partnership with the California High Speed Rail Authority, the Peninsula Rail Program, to advance high-speed rail and Caltrain modernization and electrification programs on the Peninsula rail corridor. As such, the District has additional interests in our continuing relationship with The Altamont project beyond those described in this letter. Attached is a copy of the letter transmitted by the Joint Powers Board outlining Caltrain concerns and interests. In our role as SamTrans, we associate ourselves with that letter.

Thank you for the opportunity to comment on the scoping phase and look forward to working together on this important regional project.

Sincerely,



Marian Lee, AICP  
Executive Officer  
Planning and Development



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EXECUTIVE DIRECTOR

December 4, 2009

Mr. Dan Leavitt  
Deputy Director  
Attn: Altamont Corridor Rail Project  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Scoping Comments- Altamont Corridor Rail Project (Stockton to San Jose)

Dear Mr. Leavitt:

Thank you for the opportunity to comment on The Altamont Corridor Rail Project, (The Altamont). The San Mateo County Transportation Authority (TA) manages and administers the countywide Measure A ½ cent sales tax dedicated to multi-modal transportation improvements in San Mateo County.

Through these funds, San Mateo County Transportation Authority made, and continues to make, significant investments in the Caltrain system that include station and grade separation projects within San Mateo County as well as contributing to system-wide improvements. As a major investor in the Caltrain system, we urge you to coordinate closely with the Peninsula Corridor Joint Powers Board (JPB) and the Peninsula Rail Program, which has been formed in partnership with the California High Speed Rail Authority (CHSRA) to advance high-speed rail and Caltrain modernization and electrification programs on the Peninsula rail corridor. Attached is a copy of the letter transmitted by the Joint Powers Board outlining Caltrain concerns and interests. The TA associates itself with that letter.

Additionally, in order to maximize the TA's return on its prior and continuing investment, we urge you to coordinate closely with the (JPB) to maximize past and current investments in areas where The Altamont project alignment and the Caltrain corridor would converge and minimize redesigning or rebuilding of capital improvement projects.

Some of the most significant Caltrain projects on the horizon in our Measure A Program include Caltrain Electrification, station upgrades and grade separations. As these projects are reaching critical decision-making milestones related to design and environmental

**SAN MATEO COUNTY TRANSPORTATION AUTHORITY**

1250 San Carlos Ave. – P.O. Box 3006  
San Carlos, CA 94070-1306 (650)508-6219

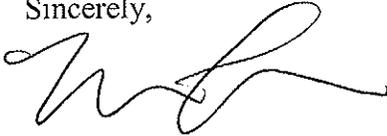
Mr. Dan Leavitt, Page 2, December 4, 2009

clearance, design integration and close coordination are necessary to meet the needs of both the JPB and The Altamont project with strong considerations for cost efficiencies.

In addition, as the sponsor agency for the Dumbarton Rail Corridor we highly recommend very close coordination of all aspects of this project with the Dumbarton Rail project team through Caltrain, to achieve leverage of benefits, project development, stations selection, environmental conservation, and compliance with proposed SB-375 guidelines.

We would like to take this opportunity to affirm our commitment to cooperate in the development of this very important and significant regional program.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Lee', with a stylized, cursive flourish extending to the right.

Marian Lee, AICP  
Executive Officer  
Planning and Development



DEC 13 2009

December 3, 2009

Mr. Dan Leavitt, Deputy Director  
ATTN. Altamont Corridor Rail Project EIR/EIS  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

**Subject:** Altamont Corridor Rail Project EIR/EIS

Dear Mr. Leavitt:

VTA welcomes the opportunity to provide scoping comments to the Altamont Corridor Rail Project EIR/EIS.

ACE improvements should be coordinated with the Silicon Valley Rapid Transit (SVRT) Project, which will be extending BART from Warm Springs to Berryessa (Northeast San Jose) by 2018 and eventually to Santa Clara through Downtown San Jose.

We request an alternative be studied that terminates ACE service at the Union City or Fremont BART Station. Terminating ACE at Union City or Fremont would have the advantages of saving capital and operating costs, reducing conflicts with UPRR freight and Caltrain/High Speed Rail service in the portion of the Caltrain Corridor from Santa Clara to San Jose Diridon Station, and reducing environmental impacts by not requiring track improvements through the South Bay wetlands.

ACE improvements should be coordinated with Dumbarton rail improvements under study and Capitol Corridor service in operation to ensure that services are not duplicated.

We also request the EIR/EIS financial plan acknowledge the difficulty of local agencies increasing operating contributions for higher levels of ACE service operating funds or even maintaining current contribution levels. It is important that the public understand that while there may be sources of funds for capital improvements in the Altamont Corridor, the present arrangement of operating contributions from local counties will be a continuing constraint to service expansion.

The Altamont Corridor technical work should develop ridership standards that will be used to evaluate the level of capital investment. The high-speed train is bound by legislation requiring that operations be supported by fares and other revenues, not an ongoing public subsidy. As far as we know, there is no such constraint on the Altamont improvements. Therefore, there needs to be some evaluative criteria developed that public officials will use to judge the cost-effectiveness of capital improvements associated with different alternatives.

VTA will continue to review technical work that impacts Santa Clara County and ongoing VTA projects as the Altamont work advances.

Sincerely,

A handwritten signature in blue ink that reads "Michael T. Burns".

Michael T. Burns  
General Manager

## Kris Livingston

---

**From:** Beth Dyer [BDyer@valleywater.org]  
**Sent:** Friday, December 04, 2009 4:15 PM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Rail Project EIR/EIS

ATTN: Mr. Dan Leavitt

Dear Mr. Leavitt:

The Santa Clara Valley Water District (SCVWD) provides comprehensive water resources management, including flood protection, water supply, and environmental stewardship, to Santa Clara County. SCVWD staff have reviewed the notice of intent to prepare an EIR/EIS for the proposed Altamont Corridor Rail Project, and would like to submit comments for your consideration.

First, projections of sea level rise should be considered in the planning and design of any infrastructure project that may be located in areas that could be affected by elevated sea levels. Consistent with Executive Order S-13-08, California presently uses sea level rise projections of 16 inches by 2050 and 55 inches by 2100 for project planning purposes.

Second, SCVWD is partnering with the U.S. Army Corps of Engineers and the California State Coastal Conservancy on the South San Francisco Bay Shoreline Study (Shoreline Study). That study is seeking to recommend a plan to provide tidal flood protection and ecosystem restoration to northern Santa Clara County. The alignments of the new high speed rail track and the location of any flood protection and/or ecosystem restoration features would need to be closely coordinated to ensure compatibility. For that reason, SCVWD strongly recommends that Altamont Corridor Partnership Working Group be expanded to include representatives of the three Shoreline Study sponsor agencies.

Thank you for the opportunity to comment.

**Beth Dyer**

Senior Project Manager  
Office of Stewardship Planning  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118  
(408) 265-2607 x3125



December 4, 2009

Mr. Dan Leavitt, Deputy Director  
ATTN: Altamont Corridor Rail Project EIR/EIS  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Dear Mr. Leavitt:

Thank you for the opportunity to provide comments on the Notice of Preparation (NOP) for the Altamont Corridor Rail Project EIR/EIS proposed by the California High-Speed Rail Authority and the San Joaquin Regional Rail Commission (SJRRRC). The proposed project would develop a rail corridor through the Altamont Pass and Tri-Valley area capable of supporting intercity and commuter rail passenger services. The project would improve the existing Altamont Community Express (ACE) service and serve as a feeder to the planned Statewide High-Speed Train System. The City of Livermore provides the following comments.

The proposed project should include and the environmental document should analyze the potential for a multimodal station in Livermore at a future BART station.

The draft EIR/EIS should address the potential noise impacts from trains and auto traffic accessing the stations, including consideration of the cumulative noise effects with other rail users along the same corridor (BART and freight trains). Visual impacts of the rail lines (particularly if elevated) and proposed stations should also be considered. Land use compatibility and potential for the transition of land uses near station locations should be analyzed.

The EIR/EIS should also include an alternative that terminates the high-speed train in Livermore at a BART station and allows BART, including the future BART extension to San Jose, to provide connectivity to San Jose, San Francisco, and Oakland, etc.

The City is looking forward to working with the Authority and the SJRRRC on this exciting project. If you have any questions, please call me at (925) 960-4462.

Mr. Dan Leavitt  
December 4, 2009  
Page 2 of 2

Sincerely,

A handwritten signature in cursive script that reads "Susan Frost".

Susan Frost  
Principal Planner  
Planning Division, Community Development Department

cc: Marc Roberts, Community Development Director  
Cheri Sheets, City Engineer  
Fred Osborn, Planning Manager  
Bob Vinn, Assistant City Engineer



# CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

December 4, 2009

Dan Leavitt, Deputy Director  
Attn: Altamont Corridor Rail Project  
925 L Street, Suite 1425  
Sacramento, CA 95814

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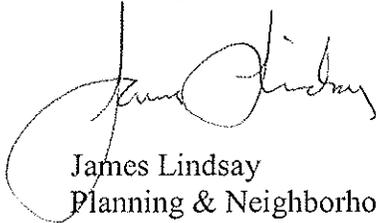
RE: Environmental Scoping Comments

Dear Mr. Leavitt:

The City of Milpitas is supportive of the objectives for the Altamont Corridor Rail Project in enhancing linkages within the regional transit network. This project proposes to electrify the existing heavy rail Altamont Commuter Express along a different alignment which could result in new grade-separated tracks. The Project Study Area indicates a potential alignment through the western portion of Milpitas along the I-880 corridor. Many of the City's key business and commercial centers such as McCarthy Ranch Marketplace, South Bay Honda, Piercy Toyota and Milpitas Square are located along this corridor.

The success of these centers is directly related to the visibility of their signage to the thousands of people driving the I-880 freeway everyday. The City of Milpitas is not supportive of a grade separated aerial structure along the I-880 corridor. Any such design would significantly reduce the visibility of these centers and their advertising which would result in cumulative impacts that could destroy these centers resulting in urban decay and physical deterioration of surrounding properties. Refer to 14 Cal. Code Regs. § 15064(e) "Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment." We expect that the environmental documents for the Altamont Corridor Rail Project will take this impact together with noise and visual impacts seriously, and that the proposed alignment will be considered accordingly.

Sincerely,



James Lindsay  
Planning & Neighborhood Services Director

Cc: City Manager  
City Attorney  
Public Works Director / City Engineer



**CITY of MODESTO**

November 6, 2009

*Garrad Marsh  
Councilmember*

1010 Tenth Street  
Suite 6200  
P.O. Box 642  
Modesto, CA 95353  
209/571-5169  
209/571-5586 Fax

e-mail:  
gmarsh@modestogov.com

Hearing and Speech  
Impaired Only  
TDD 209/526-9211

Dan Leavitt, Deputy Director  
Attn: Altamont Corridor Rail Project  
925 L Street, Ste. 1425  
Sacramento, CA 95814

Dear Mr. Leavitt:

I enjoyed your presentation at the California High-Speed Rail Symposium in San Francisco on Tuesday.

That same day, I received an invitation to the scoping meeting on the Altamont Corridor project. As a long time supporter of this project, and as the Modesto City Council designated liaison for the High-Speed Rail, I have been looking forward to the presentations and progress reports.

Modesto's City Council was informed of scoping meetings for the Merced to Sacramento segment planned for later this year or early in 2010. However, I was taken aback with your notice of the Altamont hearings.

Your scoping brochure details who has participated in the working group responsible for this corridor. It is heavily represented by Bay Area agencies and even Sacramento entities. Nowhere is the City of Modesto or Stanislaus County included as participants. Your planning timeline indicates the meetings started in 2008. Is there a reason Modesto and Stanislaus County were excluded? This is particularly disconcerting since Modesto and most of Stanislaus County are in the study area.

In the passage of Prop 1A, the Altamont Corridor was included as one of the areas eligible for bond funding. That was one of the greatest selling points emphasized by Assemblywoman Galgiani and the united valley legislators who supported the bond measure. In the maps and discussions, at the time, a Modesto link to the Altamont was never considered only a "possibility", yet that is how your scoping notice now describes it.

Give the exclusion of our area in the planning meeting for the Altamont Corridor segment to be held in Modesto. I hope we can jointly make progress on the Modesto link not only north-south, but more importantly to the east. This is the element that excites our community and citizens.

I look forward to hearing from you.

Sincerely,

GARRAD MARSH, Councilmember

cc: Mayor Jim Ridenour and the Modesto City Council  
Chairman Jim DeMartini, Stanislaus County Board of Supervisors  
Supervisor Vito Chiesa, Stanislaus County Board of Supervisors  
Senator Dave Cogdill  
Assemblymember Cathleen Galgiani

THE CITY OF



PLEASANTON®

December 2, 2009

DEC 08 2009

Mr. Dan Leavitt, Deputy Director  
Attn: Altamont Corridor Rail Project EIR/EIS  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Dear Mr. Leavitt:

**RE: Comments on Notice of Preparation of a Joint Environmental Impact Report/Environmental Impact Statement for the Altamont Corridor Rail Project**

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Joint Environmental Impact Report/Environmental Impact Statement for the Altamont Corridor Rail Project. While the City of Pleasanton supports improving/expanding regional rail service, there are several concerns the City of Pleasanton would have if a new regional rail corridor or station were proposed through or adjacent to the City of Pleasanton. The City of Pleasanton respectfully submits the following comments:

1. The City of Pleasanton does not support high-speed rail running through Pleasanton.<sup>1</sup> The EIR/EIS should include one or more project alternatives that does not include running the rail corridor through Pleasanton.
2. There appears to be potential significant environmental impacts to Pleasanton that will need to be analyzed in the EIR/EIS. The City of Pleasanton is particularly concerned that the following potential impacts be thoroughly analyzed in the EIR/EIS:
  - Public Health and Safety
  - Noise
  - Vibration
  - Odors
  - Electric and Magnetic Fields
  - Potential conflicts with existing land use plans
  - Physical division of an established community
  - Air Quality

<sup>1</sup>Circulation Element, City of Pleasanton General Plan 2005-2025

**COMMUNITY DEVELOPMENT**

**P. O. BOX 520, Pleasanton, CA 94566-0802**

<b>Planning</b>	<b>Building &amp; Safety</b>	<b>Engineering</b>	<b>Traffic</b>	<b>Inspection</b>
200 Old Bernal Ave. (925) 931-5600 Fax: 931-5483	200 Old Bernal Ave. (925) 931-5300 Fax: 931-5478	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	157 Main Street (925) 931-5680 Fax: 931-5484

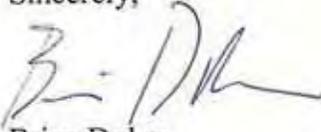
- Aesthetics/Visual (power poles/lines, underpass/overpass, grading, etc.)
  - Lighting/Glare
  - Transportation/Circulation (including vehicular, bicycle, and pedestrian)
  - Parking (where stations are proposed)
  - Socioeconomics
  - Biological Resources
  - Cultural Resources (the City of Pleasanton has experienced development locations where archeological resources have been found in the form of Native American burial sites)
3. The City of Pleasanton should be directly involved in land use planning and development around proposed/potential train stations within Pleasanton's Planning Area Boundary.

We request that we be kept informed of all project updates and public meetings. Correspondence on this project should be sent to:

Brian Dolan  
Community Development Director  
City of Pleasanton  
P.O. Box 520  
200 Old Bernal Avenue  
Pleasanton CA 94566

Your consideration of our comments is appreciated. Please call me or Steve Otto, Associate Planner at 925-931-5608 if you have any questions.

Sincerely,



Brian Dolan  
Community Development Director

## Kris Livingston

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**From:** Barbara Barker [BARKERB@stancounty.com]  
**Sent:** Friday, December 04, 2009 4:25 PM  
**To:** HSR Comments  
**Cc:** Christy Almen  
**Subject:** Altamont Corridor Rail Project  
**Attachments:** SKMBT\_60009120508060.pdf

Attached please find comments from the Stanislaus County Environmental Review Committee regarding the California High-Speed Rail Authority - Notice of Preparation of an Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Altamont Corridor Rail Project from Stockton to San Jose, CA.

Barbara Barker  
Confidential Assistant III  
Chief Executive Office  
209-525-7692  
[barkerb@stancounty.com](mailto:barkerb@stancounty.com)



CHIEF EXECUTIVE OFFICE  
Richard W. Robinson  
Chief Executive Officer

Patricia Hill Thomas  
Chief Operations Officer/  
Assistant Executive Officer

Monica Nino-Reid  
Assistant Executive Officer

Stan Risen  
Assistant Executive Officer

1010 10<sup>th</sup> Street, Suite 6800, Modesto, CA 95354  
P.O. Box 3404, Modesto, CA 95353-3404  
Phone: 209.525.6333 Fax 209.544.6226

## STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

December 4, 2009

Dan Leavitt, Deputy Director  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

**SUBJECT: ENVIRONMENTAL REFERRAL – CALIFORNIA HIGH-SPEED RAIL  
AUTHORITY – NOTICE OF PREPARATION OF AN ENVIRONMENTAL  
IMPACT REPORT / ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS)  
FOR THE ALTAMONT CORRIDOR RAIL PROJECT FROM STOCKTON  
TO SAN JOSE, CALIFORNIA**

Mr. Leavitt:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has determined that it will not have a significant effect on the environment.

In addition, the ERC attaches hereto and incorporates herein by reference comments/ conditions from the Department of Public Works dated December 3, 2009.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Christine Almen, Senior Management Consultant  
Environmental Review Committee

cc: ERC Members

Attachment



DEPARTMENT OF PUBLIC WORKS

**Matt Machado, PE**  
Director

**Laurie Barton, PE**  
Deputy Director, Engineering/Operations

**Diane Haugh**  
Assistant Director, Business/Finance

1010 10th Street, Suite 3500, Modesto, CA 95354  
Phone: 209.525.6550/email: publicworks@stancounty.com

Environmental Review Committee  
California High Speed Rail Authority

December 3, 2009

**TO:** Environmental Review Committee, Christy Almen/Raul Mendez/Barbara Barker, CEO's Office

**FROM:** Public Works  
Brad Christian, Transit Manager  
David Leamon, Senior Civil Engineer  
Angie Halverson, Senior Land Development Coordinator

The High Speed Rail should come to Modesto and Stanislaus County. Public Works would encourage the ERC to strongly adopt a statement of support for this project.

This project is in compliance with our General Plan which states: "*The Stanislaus County Circulation Element serves to: (1) provide a system of roads throughout the County which reflects land use needs; and (2) support a broad range of transportation modes. Development of these facilities is based on the needs generated by future land use and represents the anticipated needs of each area when fully developed to the uses and densities proposed by the General Plan.*"

This rail service would also help conserve prime farmland if the station(s) were located in downtown areas. There are multiple studies that have shown that Transit Oriented Development increases densities, which encourage development within existing cities. Ideally service would extend to the Modesto area to serve Stanislaus County's most populous city, saving on green house gas emissions from vehicles that would normally be used for commuting purposes.

## Kris Livingston

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**From:** Duncan Jones [djones@ci.atherton.ca.us]  
**Sent:** Friday, December 04, 2009 2:53 PM  
**To:** HSR Comments  
**Cc:** Jerry Gruber; Jerry Carlson  
**Subject:** Altamont Corridor Rail Project EIR/EIS Scope Comments  
**Attachments:** Altamont Corridor Rail Project EIR-EIS Comments.pdf

Dear Mr. Leavitt

Attached are comments from the Town of Atherton.

Duncan L. Jones, P.E.  
Public Works Director/City Engineer  
Town of Atherton  
91 Ashfield Road  
Atherton, CA 94027  
650.752.0532



## Town of Atherton

91 Ashfield Road  
Atherton, California 94027  
650-752-0500  
Fax 650-688-6528

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December 4, 2009

Mr. Dan Leavitt, Deputy Director  
ATTN: Altamont Corridor Rail Project EIR/EIS  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Subject: Scope of Work Comments on California High-Speed Train (HST) Project  
EIR/EIS for the Altamont Corridor Rail Project from Stockton to San Jose,  
California

Dear Mr. Leavitt:

The Atherton City Council, Rail Committee and staff have the following comments and suggestions regarding the scope of the EIR for the California High-Speed Train (HST) project from Stockton to San Jose.

### PURPOSE

The purpose of this document is to present the Town of Atherton's comments on the Scope of Work to be included in the development of the EIR for the HST from Stockton to San Jose.

### SUMMARY

In light of the CHSRA decision on December 3, 2009 to rescind the Program Level EIR for the HST from the Central Valley to San Francisco, the Altamont Corridor EIR should be developed considering that it may become the selected HST alignment.

### PROGRAM LEVEL HST EIR

The program Level EIR was rescinded by the CHSRA for two reasons: first, that an alternative to the UPRR right of way to Gilroy was not adequately evaluated; and second that land use impacts on the Peninsula were not adequately evaluated. It should not be assumed that the result will be the same after these evaluations are revised.

As Atherton has stated in previous comments, the Caltrain alignment on the San Francisco Peninsula is the wrong place for the HST project. A thorough evaluation of all the impacts, primarily environmental but also economic and quality of life, should result in the Altamont Corridor being chosen for the primary HST project alignment.

The CHSRA can refer to Atherton's previous extensive comment letters, so the comments are not repeated here. Those comments were not adequately responded to or addressed in the Program Level EIR, but it is anticipated that many of them will be evaluated in the project level EIR.

#### EIR/EIS SCOPE

The Altamont Corridor EIR scope of work is also a project level EIR. As such, it needs to evaluate all of the impacts of the proposed project in detail. It also needs to evaluate all potential alternatives of the proposed project. One such alternative is that this corridor may become the primary route for the HST project from Los Angeles to San Francisco.

There are now three EIR efforts underway: the Program Level HST EIR, the Project Level EIR for the HST from San Francisco to San Jose, and this EIR for the Altamont Corridor. It appears to be an excellent opportunity to re-evaluate the Program Level decision based on detailed information developed by both project-level EIR efforts.

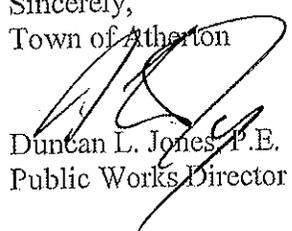
#### CONCLUSION

An Atherton City Council Resolution stating the Town's position on the program level EIR/EIS is attached. The Town of Atherton requests that the Altamont Corridor EIR study provide for reopening and reconsideration of the Altamont route as the primary HST route for reaching San Francisco and San Jose from the Central Valley.

Once all the impacts and costs are known, the less impacted corridor should be chosen.

Thank you for your consideration.

Sincerely,  
Town of Atherton

  
Duncan L. Jones, P.E.  
Public Works Director

## RESOLUTION 07-26

### A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REGARDING THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR BAY AREA TO CENTRAL VALLEY HIGH SPEED TRAIN

The City Council of the Town of Atherton hereby resolves as follows:

**RESOLVED**, that the town of Atherton provide comments to the California High-Speed Rail Authority regarding the Draft Bay Area to Central Valley High-Speed Train (HST) Program EIR/EIS, with the following points:

1. The Town of Atherton opposes high-speed rail on the Peninsula and within the Caltrain Railway Corridor.
  - a. High-speed rail would not directly benefit the Peninsula because express high-speed trains would not stop on the Peninsula, requiring Peninsula travelers to Southern California to transfer, either in San Francisco or San Jose, to the express train in order to benefit from express service.
  - b. Construction of high-speed rail along the Caltrain Corridor would be devastating to the long-established and heavily developed communities through which the corridor passes. Construction and operation of high-speed trains along this corridor would have a significant adverse environmental affect on the communities.
2. For the reasons stated above, we support the Altamont alignment for high-speed rail, with access to San Jose along the Capital Corridor (East Bay) route, and with access directly to Oakland via Altamont, with a new TransBay Tunnel connecting Oakland with San Francisco.
3. If the Pacheco alignment is ultimately chosen with a Peninsula route for high-speed rail, the preferred routing should be along Highway 280 or 101, in order to avoid the disastrous consequences of construction within established communities. As stated above, high-speed rail on the Peninsula will not provide easier access to express trains to Southern California. Accordingly, the Peninsula should rely upon existing Caltrain service to access either San Francisco or San Jose as starting off points, from which express trains to Southern California would depart.
4. In all events, if a Caltrain Corridor route is ultimately chosen for high-speed rail alignment, the HST should run in a tunnel or a trench in order to minimize environmental impacts and to maximize the availability of surface land for positive redevelopment.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the Town of Atherton that this Resolution shall be effective immediately upon adoption.

\* \* \* \* \*

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 19th day of September 2007, by the following vote.*

<i>AYES:</i>	<i>5</i>	<i>Council Members: Janz, J. Carlson, Marsala, A. Carlson, McKeithen</i>
<i>NOES:</i>	<i>0</i>	<i>Council Members:</i>
<i>ABSENT:</i>	<i>0</i>	<i>Council Members:</i>
<i>ABSTAIN:</i>	<i>0</i>	<i>Council Members:</i>

ATTEST:

\_\_\_\_\_  
Alan B. Carlson, MAYOR  
Town of Atherton

\_\_\_\_\_  
Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc Hynes, City Attorney

**Kris Livingston**

---

**From:** Andy Chow [andychow@pobox.com]  
**Sent:** Friday, December 04, 2009 4:57 PM  
**To:** HSR Comments  
**Cc:** BayRail Board group  
**Subject:** Altamont Corridor Rail Project  
**Attachments:** Altamont comment.doc

Hello:

Attached is the scoping comments. Please disregard the previous message. It was a mistake.

Andy Chow  
President  
BayRail Alliance

December 04, 2009

Dan Leavitt, Deputy Director  
California High Speed Rail Authority  
ATTN: Altamont Corridor Rail Project  
925 L Street, Suite 1425  
Sacramento, CA 95814

**RE: Altamont Corridor Rail Project**

BayRail Alliance is a non-profit, 501(c)4 organization founded in 1983. For more than 20 years, we have advocated for improvements to rail public transit in the San Francisco Bay Area that will efficiently produce a quantum leap in their quality and convenience. Our mission is to build public awareness of and support for these plans, so as to improve our environment and quality of life. We're interested in rail's current and future potential to help the Bay Area reduce its dependence on automobiles, stop climate change and improve air quality, and for many other benefits.

We would like to thank you for the opportunity to provide scoping comments for the Altamont Corridor Rail project, despite our differences over our preference on the high speed rail alignment between the Bay Area and Central Valley, we support the planning effort for improved rail service over the Altamont Corridor.

We would like the HSRA/Altamont Partnership Working Group to consider the following:

**Project Scope**

- We are in full support of the cooperation between ACE and the Authority to facilitate a long-term transformation of ACE service into a high frequency electrified service similar to Caltrain's 2025 vision. BayRail Alliance has been a strong supporter for the ACE for the past 11 years. We are pleased to see an effort to seriously improve rail service on the Altamont Corridor.
- The current Altamont Corridor Rail Study Area is too narrow. This project should be designed to provide a direct connection to the Dumbarton Rail Corridor. Prop 1A defines the Altamont Corridor as "Merced to Stockton to Oakland and San Francisco via the Altamont Corridor." in article 2 section is (b)(3)(G). At the least the scope needs to include a connection to the HSR mainline in Redwood City.

**Project Capacity**

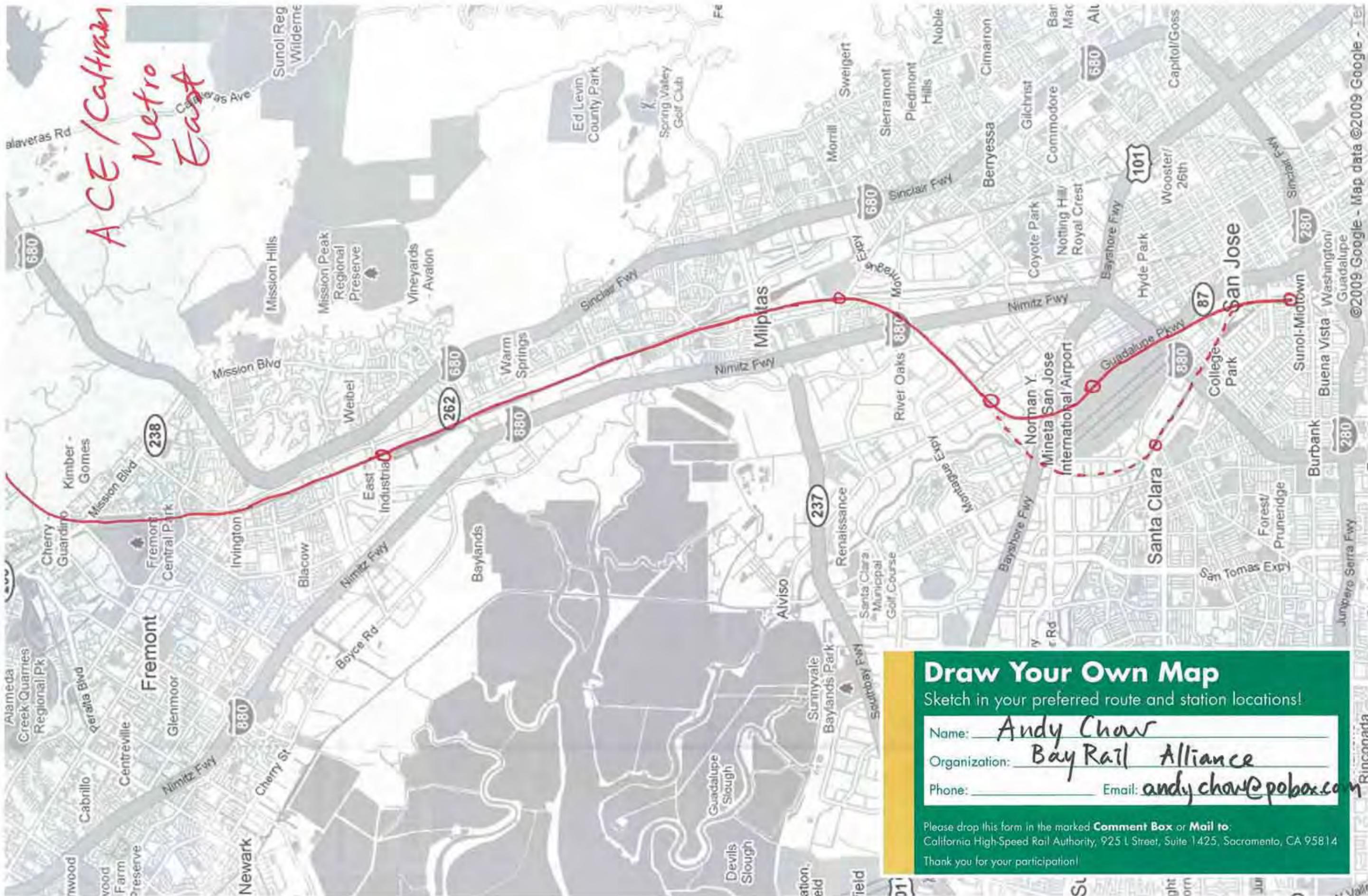
- The proposed corridor should be designed for possible future addition of tracks beyond the basic two tracks as currently proposed, particularly at proposed station locations.

**Proposed Alignments and Station Locations**

- Between Fremont and San Jose, the Caltrain Metro East ([http://www.bayrailalliance.org/caltrain\\_metro\\_east\\_maps](http://www.bayrailalliance.org/caltrain_metro_east_maps)) alignment should be evaluated. Despite the current planning effort for the BART extension in the area, we believe it is possible to utilize the right of way currently owned by UP adjacent to the BART corridor, or utilize the air space on top of BART tracks. The planned BART project and Altamont Corridor Rail serve different travel markets.
- Alignments leading to the Dumbarton Rail Bridge in the East Bay that were studied in the program level Bay Area-Central Valley EIR/EIS should be carried forward.

The Altamont Corridor Rail Project is an important part of completing the MTC Regional Rail Plan and the voters' mandate of Prop 1a. The project expansions we have outlined above are critical to making this the best, most environmentally beneficial project it can be. They are also necessary to fulfill the Authority's legal obligations under Prop 1A. We look forward to working with the Authority and the Altamont Corridor Partnership Working Group in moving this project forward.

Andy Chow  
BayRail Alliance



ACE / Caltrans  
Metro  
East

### Draw Your Own Map

Sketch in your preferred route and station locations!

Name: Andy Chow  
 Organization: Bay Rail Alliance  
 Phone: \_\_\_\_\_ Email: andy.chow@pobox.com

Please drop this form in the marked **Comment Box** or **Mail to:**  
 California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
 Thank you for your participation!



### Draw Your Own Map

Sketch in your preferred route and station locations!

Name: Andy Chow  
Organization: Bay Rail Alliance  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Please drop this form in the marked **Comment Box** or **Mail to**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
Thank you for your participation!



## Bellarmino College Preparatory

December 4, 2009

Mr. Dan Leavitt, Deputy Director  
ATTN: Altamont Corridor Rail Project EIR/EIS  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Dear Mr. Leavitt,

Bellarmino College Preparatory is a Catholic Jesuit high school for boys located at 960 West Hedding Street, San Jose. The school was established in 1851 and is the oldest continuously operating high school in California. From 1851 to 1925 the school was co-located with Santa Clara University. In 1925 the school moved to its current location at the corner of West Hedding and Elm Streets. The original seventeen acres were purchased from the University of the Pacific which had been at the site since the early 1860's.

Over the last 84 years the school has invested multiple millions of dollars in the property and now has 18 buildings for a total of 300,000 square feet along with parking and athletic facilities occupying 26 acres. On June 1, 2010 we will commence construction of a 54,000 sq. ft. classroom building and we recently started initial planning for a 40,000 sq. ft. gymnasium and office complex. In the ten years between 2005 and 2014 we will have spent more than \$150M in new building construction.

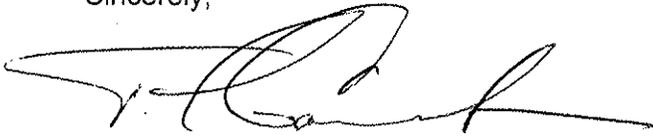
The reason that we are writing is that school property borders approximately 900 feet of the Caltrain right of way and, as a result, will feel a direct impact of both the High Speed Railway and the recently announced Altamont Corridor Rail Project. The several questions that we would like you to address are:

1. In the area where the school is located will the Corridor Rail Project be constructed above, below or at grade?
  - a. In any of the options, will it be necessary for the Railway to expand the existing Caltrain right of way and, if so, will it require the acquisition of school property?
  - b. How much property do you anticipate acquiring?
2. What will be the noise levels of the trains passing near the school? What noise mitigation measures will be taken? What impact will the noise have on our athletic and educational activities?

3. What will be the vibration levels? What impact will these vibrations have on buildings, especially those that were built prior to 1990? What impact will the vibrations have on our athletic and educational activities?
4. What impact will the Corridor Rail Project have on drainage on our campus? What impact will it have on ground water?
5. What impact will the Project have on air quality?
6. What effect will the Project have on the historic College Park Station?
7. If the Railway is elevated what will be the shading impact?
8. What safety measures will be implemented to prevent humans and animals from crossing the tracks?

Thank you for considering these questions and we look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Gorndt', with a long horizontal flourish extending to the right.

Thomas L. Gorndt  
Secretary/Treasurer



# CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5665 • FAX (916) 561-5691

*Via U.S. Mail and Email*

*comments@hsr.ca.gov*

December 4, 2009

Mr. Dan Leavitt, Deputy Director  
Attn: Altamont Corridor Rail Project EIS/EIS  
California high-Speed Rail Authority  
925 L St., Ste. 1425  
Sacramento, CA 95814

***Re: Altamont Corridor Rail Project EIR/EIS***

Dear Mr. Leavitt:

The California Farm Bureau Federation ("Farm Bureau") is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 85,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

Farm Bureau appreciates the opportunity to comment on the Federal Railroad Administration and California High-Speed Rail Authority's (hereinafter "Agencies") Notice of Intent to prepare an Environmental Impact Report and Environmental Impact Statement ("EIR/EIS") for the Altamont Corridor Rail Project that is proposed to pass through the Altamont Pass and Tri Valley area. Although the project proposes transportation benefits, Farm Bureau has some concerns. Farm Bureau is concerned that the Agencies may fail to recognize that agricultural land and water quality resources are a part of the physical environment, thus consideration of impacts to agricultural resources must be included as part of a proper National Environmental Policy Act ("NEPA") and California Environmental Quality Act ("CEQA") environmental review.

### **Agricultural Resources Must Be Considered During Environmental Review**

Agricultural resources are an important feature of the existing environment of the State, and are protected under federal policies, such as the Farmland Protection Policy Act and NEPA, State policies, and CEQA. Agriculture is the number one industry in California, which is the leading

agricultural state in the nation.<sup>1</sup> Operation of the Central Valley Project and the State Water Project helped to transform agriculture throughout the State. Agriculture is one of the foundations of this State's prosperity, providing employment for one in 10 Californians and a variety and quantity of food products that both feed the nation and provide a significant source of exports.<sup>2</sup> In 1889, the State's 14,000 farmers irrigated approximately one million acres of farmland between Stockton and Bakersfield. By 1981, the number of acres in agricultural production had risen to 9.7 million.<sup>3</sup> More recently, the amount of agricultural land in the State has declined. From 1982 to 1992, more than a million acres of farmland were lost to other uses. Between 1994 and 1996, another 65,827 acres of irrigated farmland were lost, and this trend is expected to continue.

In order to preserve agriculture and ensure a healthy farming industry, the Legislature has declared that "a sound natural resource base of soils, water, and air" must be sustained, conserved, and maintained.<sup>4</sup> Prior to converting agricultural lands to other uses, decision makers must consider the impacts to the agricultural industry, the state as a whole, and "the residents of this state, each of whom is directly and indirectly affected by California agriculture."<sup>5</sup>

Both NEPA and CEQA require analysis of significant environmental impacts and irreversible changes resulting from proposed projects. These include unavoidable impacts; direct, indirect, and cumulative effects; irreversible and irretrievable commitment of resources; relationships between short-term uses and long-term productivity; and growth-inducing impacts to the environment. In both CEQA and NEPA, the physical environment includes agricultural lands and resources. Given the national and statewide importance of agriculture and the legal requirements of environmental review, Farm Bureau urges the Agencies to properly assess all direct and indirect effects on the agricultural environment resulting from the proposed project in the EIR/EIS.

### **Agricultural Resource Must be Considered In a Legally Defensible NEPA Review**

#### **1. Farmland Protection Policy Act**

As a result of substantial decreases in the amount of open farmland, Congress enacted the Farmland Protection Policy Act ("FPPA") in 1981 as part of the Agriculture and Food Act (final rules and regulations were published in the Federal Register on June 17, 1994).<sup>6</sup> In its statement of purpose, the FPPA aims to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural uses. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to non-agricultural use and are completed by a Federal agency or with assistance from a Federal

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<sup>1</sup> Food & Agr. Code, § 802 subd. (a).

<sup>2</sup> CALFED Final Programmatic EIS/EIR, July 2000, pg. 7.1-1.

<sup>3</sup> Littleworth & Garner, California Water II (Solano Press Books 2007) p. 8.

<sup>4</sup> Food & Agr. Code, § 802 subd. (g).

<sup>5</sup> Food & Agr. Code, § 803.

<sup>6</sup> 7 U.S.C. §§ 4201 et seq.

agency.<sup>7</sup> Such projects shall also be administered in a manner compatible with local government and private programs and policies to protect farmland.<sup>8</sup>

To help assist federal agencies in minimizing the loss of farmland, guidelines were developed.<sup>9</sup> Prior to progressing with the project, the Agencies should review these guidelines and incorporate the criteria into their NEPA analysis:<sup>10</sup>

As stated above and as provided in the Act, each Federal agency shall use the criteria provided in § 658.5 to identify and take into account the adverse effects of Federal programs on the protection of farmland. *The agencies are to consider alternative actions, as appropriate, that could lessen such adverse effects*, and assure that such Federal programs, to the extent practicable, are compatible with State, unit of local government and private programs and policies to protect farmland.<sup>11</sup>

[....]

It is advisable that evaluations and analyses of prospective farmland conversion impacts be made early in the planning process before a site or design is selected, and that, where possible, agencies make the FPPA evaluations part of the National Environmental Policy Act (NEPA) process.<sup>12</sup>

## 2. NEPA

In addition to the FPPA, NEPA itself requires review of the agricultural environment. Title I of NEPA contains a Declaration of National Environmental Policy which requires the federal government to use all practicable means to create and maintain conditions under which man and the environment, including the agricultural environment, can exist in productive harmony.<sup>13</sup> Section 102<sup>14</sup> requires federal agencies to incorporate environmental considerations in their

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<sup>7</sup> 7 U.S.C. § 4201.

<sup>8</sup> 7 C.F.R. § 658.4.

<sup>9</sup> See 7 C.F.R. §§ 658.1 et seq.

<sup>10</sup> Agencies are to integrate the NEPA reviews with other agency planning and review processes, and coordinate with other federal agencies and with similar state processes when appropriate. (40 C.F.R. § 1500.2 subd. (c); 40 C.F.R. § 1506.2.)

<sup>11</sup> 7 C.F.R. § 658.4, emphasis added.

<sup>12</sup> 7 C.F.R. § 658.4 subd. (e).

<sup>13</sup> 42 U.S.C. §§ 4321 et seq.

<sup>14</sup> Among other things, Section 102(2) of NEPA requires agencies to:

(C) Include in every recommendation or report on proposals for legislation and other major Federal Actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on --

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

*Altamont Rail Corridor Project-Scoping Comment Letter*

planning and decision-making through a systematic interdisciplinary approach.<sup>15</sup> Specifically, all federal agencies are to prepare detailed statements assessing and evaluating the environmental impact of and alternatives to major federal actions significantly affecting the environment.<sup>16</sup>

Given the magnitude and scope of the project, significant environmental impacts, including direct, indirect, and cumulative effects, will occur. In determining “significance” under NEPA, the discussion in the EIR/EIS should focus on the “context” and the “intensity” of the impacts.<sup>17</sup> Under NEPA, context “means that the significance of an action must be analyzed in several contexts such as society as whole (human, national), the affected regions, the affected interests, and the locality.”<sup>18</sup> Intensity is measured, in part, by considering: (1) unique characteristics of a geographic area such as proximity to historic or cultural resources, parkland, prime *farmlands*, wetlands, wild and scenic rivers, or ecological critical areas; (2) the degree which the effects on the quality of the human environment are likely to be highly controversial; (3) the degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principal about a future consideration; (4) *whether the action is related to other actions with individually insignificant but cumulatively significant impacts*; (5) whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.<sup>19</sup>

Farm Bureau would like to caution the Agencies against overlooking their obligation to consider impacts to agricultural resources, as many federal agencies have made this mistake in the past. On August 30, 1976 the Council on Environmental Quality (“CEQ”) issued a memorandum to federal agencies informing them of the need to consider farmland loss as a potentially significant environmental impact. On August 20, 1980, the CEQ issued the following additional guidance to the heads of agencies regarding losses of agricultural lands because:

Approximately one million acres of prime and unique agricultural lands are being converted irreversibly to non-agricultural uses each year. Actions by federal agencies such as construction activities, development grants and loans, and **federal land management decisions** frequently contribute to the loss of prime and unique agricultural lands directly and indirectly. Often these losses are

- 
- (iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
  - (v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented; ...

(E) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. (42 U.S.C § 4332(2)(C), § 4322(2)(E).)

<sup>15</sup> 42 U.S.C. § 4332(2).

<sup>16</sup> *Id.*

<sup>17</sup> 40 C.F.R. § 1508.27.

<sup>18</sup> *Id.*, *emphasis added.*

<sup>19</sup> *Id.*, *emphasis added.*

unintentional and are not necessarily related to accomplishing the agency's mission.<sup>20</sup>

For this reason, the CEQ advised:

If an agency determines that a proposal significantly affect[s] the quality of the human environment, it must initiate the scoping process [cite omitted] to identify those issues, **including effects on prime or unique agricultural lands, that will be analyzed and considered, along with the alternatives available to avoid or mitigate adverse effects...** The effects to be studied include 'growth inducing effects and other effects related to inducing changes in the patterns of land use...cumulative effects...mitigation measures...to lessen the impact on...agricultural lands.<sup>21</sup>

Clearly in light of this guidance, the Agencies must consider agricultural resources as part of the physical environment when undertaking its NEPA analysis of alternatives, direct and indirect impacts, cumulative impacts, and mitigation alternatives within the EIR/EIS.

#### **Agricultural Resource Must be Considered In a Legally Defensible CEQA Review**

One of the major principles of the State's environmental and agricultural policy is to sustain the long-term productivity of the State's agriculture by conserving and protecting the soil, water, and air that are agriculture's basis resources.<sup>22</sup> As currently proposed, the rail corridor project alternatives will convert agricultural lands to other uses. This conversion would add to the existing statewide conversion of substantial amounts of agricultural lands to other uses, and may conflict with adopted plans of many local governments, including cities and counties, and existing habitat conservation plans or natural community conservation plans.

Since the environmental review for the project will result in a joint State and Federal environmental document, the Agencies must consider the fact that CEQA also recognizes agricultural land and water resources as a part of the physical environment. Any and all adverse environmental effects on agricultural resources resulting from the project, as well as cumulative impacts that will occur over time, must be fully assessed and disclosed under CEQA, as well as avoided or mitigated as required by CEQA.

In CEQA, "[s]ignificant effect on the environment" means, "a substantial, or potentially substantial, adverse change in the environment."<sup>23</sup> The CEQA Guidelines make it clear the "environment" in question encompasses, "any physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or

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<sup>20</sup> 45 Fed. Reg. 59189, *emphasis added* (see copy of document attached marked Attachment A).

<sup>21</sup> *Id.*, *emphasis added* (attached).

<sup>22</sup> Food & Agr. Code, § 821 subd. (c).

<sup>23</sup> Pub. Resources Code, § 21068.

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aesthetic significance.”<sup>24</sup> For further guidance as to the exact meaning of “significance,” the CEQA Guidelines provide a list of 29 general effects that will cause a project to “normally have a significant effect on the environment.”<sup>25</sup>

Of particular relevance is CEQA Guidelines Appendix G, section II, Agricultural Resources, which states the following:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agriculture Land Valuation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optimal model to use in assessing impacts on agriculture and farmland. Would the project:

- (a) Convert prime farmland, unique farmland, or farmland of state-wide importance . . . to non-agricultural use?
- (b) Conflict with existing zoning for agricultural use or a Williamson Act contract?
- (c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use?

**Specific Environmental Concerns That Must Be Analyzed in the Joint EIR/EIS**

Having reviewed the Notice of Intent and the Notice of Preparation, Farm Bureau has identified several specific concerns relating to agricultural resources that should be analyzed in the EIR/EIS, as follows:<sup>26</sup>

- **Accurate and Complete Identification of Agricultural Resources:** The agricultural lands surrounding the Project must be accurately and completely depicted. The California Department of Conservation, through the Farmland Mapping and Monitoring Program (“FMMP”), monitors changes in Prime farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. The EIR/EIS must incorporate the FMMP Maps as a basis for its analysis. The acreage of farmland that will be converted and/or impacted from this project must be included in the EIR/EIS. Additionally, any other changes in the existing environment due to the project which, due to their location or nature, could result in conversion of agricultural to non-agricultural use must also be examined.

Farm Bureau also recommends that any agricultural impact discussion for areas outside existing Important Farmland Map boundaries be based on the agricultural land definition

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<sup>24</sup> Pub. Resources Code, § 21060.5.

<sup>25</sup> Cal. Code Regs., tit. 14, § 15000 et seq, (“CEQA Guidelines, Appendix G).

<sup>26</sup> Note: this list is not exhaustive.

in the Williamson Act.<sup>27</sup> This would also be in accordance with the definition of “agricultural land” in CEQA. Public Resources Code Section 21060.1 provides:

- (a) “Agricultural land” means prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.
- (b) In these areas of the state where lands have not been surveyed for the classifications specified in subdivision (a), “agricultural land” means land that meets the requirements of “prime agricultural land” as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of section 51201 of the Government Code.

- **Accurate and Complete Analysis of All of the Impacts:** The impact analysis in the EIR/EIS must not be limited to the amount of area that would be physically occupied by the project. The analysis should consider the construction of ancillary facilities and supporting infrastructure, mitigation areas, as well as growth-inducing impacts, urban sprawl, especially on the urban fringe, and social and economic impacts. These potentially significant impacts must not be overlooked. Furthermore, the permanent and temporary disturbances caused directly by construction activities must be fully analyzed in the EIR/EIS.

The Agencies should fully examine all future land use impacts that are likely to result from the project, especially since they Agencies have stated that the Altamont Rail Corridor will “serve as a feeder to the Statewide High Speed Train System” and is consistent with future uses of the Bay Area Rail Transit plan.

- **A Full Range of Alternatives Must be Examined:** The Agencies shall identify and rigorously examine all reasonable alternatives for the project.<sup>28</sup> The range of alternatives must be feasible and must avoid or substantially lessen the project’s significant environmental effects<sup>29</sup> “*even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly.*”<sup>30</sup> A feasible alternative is one that is “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”<sup>31</sup>
- **All Impacts to Agricultural Resources Must be Fully Mitigated:** All feasible mitigation measures proposed in the EIR/EIS to address the impacts to agricultural

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<sup>27</sup> The California Land Conservation Act of 1965 (Government Code, §§ 51200 *et seq.*), commonly known as the “Williamson Act.”

<sup>28</sup> 40 C.F.R. §§ 1500.2 subd. (e), 1501.2 subd. (c), 1502.1, 1502.14 subd. (a), 1502.15 subd. (d).

<sup>29</sup> Pub. Resources Code, §§ 21002, 21001.1(a), 21100(b)(4), 21150.

<sup>30</sup> Cal. Code Regs., tit. 14, § 15126.6, subd. (b), *emphasis added*.

<sup>31</sup> See Pub. Resources Code, § 21061.1; Cal. Code Regs., tit. 14, § 15364.

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resources must be fully described and must mitigate for the impacts. A project of this magnitude has the potential to convert significant amounts of agricultural land to non-agricultural use. To address this, sufficient funding should be allocated for mitigation of agricultural land loss on a per acre basis.<sup>32</sup>

- **The Project Must Comply With the Williamson Act:** The Williamson Act provides a tax incentive for the voluntary enrollment of agricultural and open space lands in ten year contracts between local government and landowners. The contract enforceably restricts the land to agricultural and open space uses and defined compatible uses. A project such as this would not be compatible with the Williamson Act. Each local government that participates in the Williamson Act designates certain boundaries within their jurisdictions as “agricultural preserve” and land within these boundaries can be enrolled in the Williamson Act. Once enrolled, local governments calculate the property tax assessment based on the actual use of the land instead of the potential land value assuming full development.

A Williamson Act contract lasts a minimum of ten years, and automatically renews each year, so that a minimum ten year contract is always in effect. A nonrenewal of the contract can be filed by either the landowner or the local government. Unless the contract is cancelled<sup>33</sup>, the restrictions on the use of the property continue for the life of the contract.

Any discussions regarding mitigation for this project must include a discussion of the Williamson Act’s policies regarding public acquisition of and public improvements within, agricultural preserves and on lands under Williamson Act contract.<sup>34</sup> In addition to disfavoring locating public improvements in agricultural preserves, a public agency

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<sup>32</sup> The Agencies should consult with applicable county and local governments to assess local agricultural mitigation measures. For example, San Joaquin County and Yolo County have adopted ordinances to preserve agricultural land through the use of agricultural easements for agricultural land lost to development. San Joaquin County requires a 1:1 mitigation ratio for any “General Plan amendment that changes the designation of any land from an agricultural to a non-agricultural use” or any “Zoning Reclassification that changes the permitted use from agriculture to a non-agricultural use, regardless of the General Plan designation.” (*San Joaquin County General Plan*, Section 9-1080.3(a) (c)) Yolo County requires a 1:1 mitigation ratio for any “conversion or change from agricultural use to a predominantly non-agricultural use...” (*Yolo County General Plan*, Section 8-2.2416(3)) In addition, various cities within the counties of the Delta have adopted their own agricultural mitigation measures. The cities of Brentwood, Davis, Gilroy, and Stockton have also adopted ordinances to preserve agricultural land through the use of agricultural easements for agricultural land lost to development. Brentwood requires a 1:1 mitigation ratio “by any applicant for a subdivision or any other discretionary land use entitlement which will permanently change agricultural land ... to any non-agricultural use.” (*Brentwood Municipal Code*, Section 17.730.030(A)(B).) Davis requires that “[t]otal mitigation for a development project shall not be less than a ratio of two acres of protected agricultural land for each acre converted from agricultural land to non-agricultural land.” (*Davis Municipal Code*, Section 40A.03.025(c).)

<sup>33</sup> The Williamson Act contract cancellation process is outlined at Gov. Code, §§ 51280 *et seq.*, and requires a specific set of findings which often includes environmental review pursuant to CEQA.

<sup>34</sup> Gov. Code, §§ 51290 *et seq.* contains the state policy against locating public improvements in agricultural preserves and prescribes the requirements that any public agency must take before locating public improvements in agricultural preserves.

must consult with the Director of the Department of Conservation whenever it appears likely that a public improvement may be located in an agricultural preserve.

At a minimum, the EIR/EIS must include the following specific information on the agricultural preserves and Williamson Act contracts in the project area: (1) a map detailing the location of agricultural preserves and Williamson Act contracted land with each preserve. The document must also calculate the total amount of acreage under contract, according to land type (prime or non-prime), that could be either directly or indirectly impacted by this project; and (2) the impacts that public acquisition of areas under Williamson Act contracts would have on nearby properties also under contract. This analysis is similar to the "growth-inducing" impacts analysis under CEQA.

- **Public Acquisition of Property for this Project Must be Limited:** It is unclear at this time how much private property will have to be acquired for this project. The least environmentally damaging and practicable alternative must maximize the use of property already owned by the government before acquiring private land. For land under Williamson Act contract, Government Code Section 51291(c) spells out the requirements for government acquisition of land under contract (*see also* Gov. Code, § 51292 for the findings to be made before acquisition). These requirements must be strictly adhered to whenever any property under contract is acquired for this project.
- **Significant and Cumulative Impacts to Water Resources Must be Examined:** The EIR/EIS must also analyze the direct and indirect impacts of this project on water quality, including the indirect conversion of existing farmland for want of adequate and reliable water supply of sufficient quality. Water quality impacts, both direct and indirect, resulting from the conversion of agricultural land to non-agricultural uses must be analyzed and mitigated. Such analysis should include water supply and water quality and should involve an examination of water supply impacts the project may have, and how that might impact the water supply otherwise available for production agriculture.
- **Social and Economic Impacts Must be Analyzed:**<sup>35</sup> The siting of the project through agricultural lands will greatly impact the agricultural industry as a whole, as well as local rural communities. These impacts can be far-reaching and include a loss of jobs, a loss of sales tax revenue which leads to a loss of social services, and a loss of agriculturally-

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<sup>35</sup> NEPA and CEQA requirements for the analysis of social and economic impacts differ somewhat. NEPA requires that an EIS consider social and economic effects if they are related to effects on the natural or physical environment, and the NEPA definition of *effects* includes social and economic factors. (40 C.F.R. §§ 1508.8, 1508.14.) However, the intent of NEPA is that social and economic effects alone should not trigger preparation of an EIS. (40 C.F.R. § 1508.14.) CEQA requires analysis of a proposed project's potential impacts on population growth and housing supply, but social and economic changes are not considered environmental impacts in and of themselves under CEQA, although they may be used to determine whether a physical change is significant or not. CEQA also permits discussion of social and economic changes that would result from a change in the physical environment and could in turn lead to additional changes in the physical environment (CEQA Guidelines, § 15064 subd. (f).)

*Altamont Rail Corridor Project-Scoping Comment Letter*

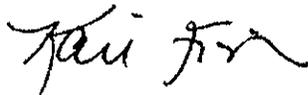
related businesses. Such socio-economic impacts are interrelated with the proposed effects on the physical environment and thus, must be evaluated in the EIR/EIS.<sup>36</sup>

**Mitigation Strategies Must Be Analyzed**

Given the significant environmental impacts of the project, including impacts to agricultural lands, both NEPA and CEQA require the Agencies to mitigate impacts. Under NEPA, the mitigation of impacts must be considered whether or not the impacts are significant. Agencies are required to identify and include in the EIR/EIS all relevant and reasonable mitigation measures that could improve the proposed action.<sup>37</sup> Under CEQA, an EIR must propose and describe mitigation measures to minimize the significant environmental effects identified in the EIR.<sup>38</sup> A mitigation measure must be designed to minimize, reduce, or avoid an identified environmental impact or rectify or compensate for that impact.<sup>39</sup> Farm Bureau urges the Agencies to fully analyze impacts resulting from the project, especially those impacts to agricultural lands and operations, and necessary mitigation strategies.

Thank you for the opportunity to provide our comments and concerns. We look forward to further involvement and discussion with the Federal Railroad Administration and California High-Speed Rail Authority on the proposed Altamont Rail Corridor Project.

Sincerely,



**Kari E. Fisher**  
Associate Counsel

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<sup>36</sup> See 40 C.F.R. § 1508.14, [When socioeconomic effects are interrelated with other effects on the physical environment, then all of these impacts should be addressed together in the EIS.].

<sup>37</sup> NEPA regulations define mitigation as:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments. (40 C.F.R. § 1508.21.)

<sup>38</sup> Pub. Resources Code, §§ 21002.1 subd. (a); 21100 subd. (b)(3); 14 Cal. Code Regs., § 15126.4.

<sup>39</sup> Cal. Code Regs., tit. 14, § 15370.

## Kris Livingston

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**From:** Daniel Krause [daniel.krause@ca4hsr.org]  
**Sent:** Friday, December 04, 2009 4:27 PM  
**To:** Dan Leavitt  
**Cc:** HSR Comments; HSR Info  
**Subject:** Altamont Corridor Rail Project Comments  
**Attachments:** CA4HSR Scoping Comments - Altamont Rail Corridor Project.pdf

Hi Dan,

Please find the attached letter that includes Californians For High Speed Rail's scoping comments for the Altamont Corridor Rail Project.

Please let me know if you have any questions. I can be reached at 415.559.8836.

Best regards,

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Daniel Krause  
Vice Chair of the Board of Directors and Co-Founder  
Californians For High Speed Rail  
[daniel.krause@ca4hsr.org](mailto:daniel.krause@ca4hsr.org)  
[www.ca4hsr.org](http://www.ca4hsr.org)



## *Californians For High Speed Rail*

A Statewide Coalition of High Speed Rail Supporters | [www.ca4hsr.org](http://www.ca4hsr.org) | 510.931.0384

December 4, 2009

Mr. Dan Leavitt, Deputy Director  
California High Speed Rail Authority  
Attn: Altamont Corridor Rail Project  
925 L Street, Suite 1425  
Sacramento, CA 95814

### **RE: Altamont Corridor Scoping Comments**

Californians For High Speed Rail is a grassroots, statewide coalition of high speed rail supporters advocating for the high speed rail project approved by California voters in November 2008. Founded in 2005 and re-launched in 2009, we exist to educate, inform, and organize Californians about ways they can help make high speed rail a reality in this state. Additionally, Californians For High Speed Rail also encourages sustainable development of the high speed rail (HSR) system, promoting the building of HSR stations in city centers and surrounding transit-oriented development, as well as developing and improving feeder transit systems.

We are submitting this letter to provide our scoping comments regarding the Altamont Rail Corridor section of the environmental review process being undertaken by the California High Speed Rail Authority (Authority) in cooperation with the Altamont Corridor Partnership Working Group (Partnership).

### **Planning and Project Scope**

The scope of the Study Area currently being considered for the Altamont Corridor Rail Project (ACRP) is inadequate in that it is missing two key segments and endpoints of the Altamont corridor as defined by Proposition 1A. The Altamont corridor is identified as a "high speed train corridor" in Article 2 Section (B)(3). Furthermore, Article 2 (B)(3)(G) defines the corridor as "Merced to Stockton to Oakland and San Francisco via the Altamont Corridor." Given that the Authority is a partner of the ACRP and that Proposition 1A is funding the environmental impact report/environmental impact statement (EIR/EIS) of the ACRP, the scope should include the two endpoints of San Francisco and Oakland.

As planning for the core California High Speed Rail (CHSR) system is underway in the San Francisco - San Jose section, and the ACRP would be able to share tracks with the CHSR system along the Peninsula and San Francisco, the scope of ACRP should examine an alignment that extends across the San Francisco Bay in the vicinity of the Dumbarton rail bridge to a connection to the CHSR system in Redwood City. Furthermore, a Dumbarton connection via a high bridge is consistent with the MTC Regional Rail Plan under all three scenarios, including "A8 Modified" "P5" and "AP1 Modified", all of which include a Niles canyon tunnel alignment, a Livermore BART extension, and the high bridge as

later elements.<sup>1</sup> A Bay Bridge corridor alignment should also be considered for inclusion in the scope of the ACRP to provide access from San Francisco to Oakland. If a Bay Bridge alignment is not considered, the ACRP should examine potential routes to Oakland via a variety of East Bay routes. Routes along the East Bay should build off of the design work contained in the 2005 and 2008 CHSR EIR/EIS documents to produce the project level clearance.

The inclusion of both Oakland and San Francisco would likely lead the necessity of dividing the implementation of the project into phases. Budgetary constraints, permitting issues, and the need for local partner agencies may delay the implementation of some of the phases far more than others. CEQA case law is clear however that all potential phases and impacts must be studied in the initial EIR, after which phases may be constructed sequentially over time. Californians For High Speed Rail would in no way object to the phasing of implementation for the Altamont Corridor Rail Project to San Francisco and Oakland, with a first phase being defined between the Central Valley and San Jose. However, we want to ensure that planning consider how best to provide for future extension by designing the first phases consistent with future extensions.

We understand the current justification for limiting the scope to not include a Study Area that includes San Francisco and Oakland is due to the proposed connections between the ACRP project and future BART stations at Livermore and Warm Springs, or the existing Union City BART station. However, accessing the BART system (with the purpose of completing trips to San Francisco and Oakland) in Livermore, Warm Springs, or Union City are not adequate substitutes for “high speed train” service to either San Francisco or Oakland, of which Proposition 1A is referring to. As an urban transit metro, BART provides an entirely different level of service, speed, and amenities than high speed, intercity rail. Just as a forced Caltrain transfer at San Jose is no reasonable substitute to intercity high speed rail service to San Francisco, a forced transfer at a BART station is not a substitute for regional intercity service to San Francisco or Oakland. Therefore planning for high speed intercity service to both San Francisco and Oakland is essential to fulfill the Partnership’s and Authority’s obligation to study high speed, intercity service from Merced and Stockton to San Francisco and Oakland via the Altamont corridor.

The proposed scope has wisely added San Jose as a third endpoint to the corridor. Californians For High Speed Rail fully supports adding San Jose to the Altamont corridor and joint planning with ACE to transform and extend their services across Northern California.

We also want express our intention that the expansion of scope we are calling for the ACRP project is in no way related to the Pacheco vs. Altamont controversy. Californians For High Speed rail supports moving forward with the current Pacheco alignment for the core CHSR system.

### **Planning Criteria**

Alignments for the ACRP should be pursued which ensure the best possible locations of stations. Therefore, the determination of ideal station locations should be given high priority, with alignments designed to access these sites. Several specific criteria should be considered when deciding the location of ACRP stations. These criteria are summarized below. Please note we have also provided much more detailed suggestions for planning and mitigation criteria in Attachment A to this letter (see page 12).

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<sup>1</sup> "Regional Rail Plan" Metropolitan Transportation Commission p. 19

#### Potential for Transit-Oriented Development (TOD)

- Give priority to station locations where there are strong commitments to significant amounts TOD within a half-mile radius of the station site.
- Ensure that growth management policies adopted by a given locality have teeth and are designed to efficiently direct growth into the half-mile radius of ACRP station sites.
- Consider eliminating station sites in localities that are not committed to maximizing development around ACRP stations.

#### Ability of Riders to Walk from an ACRP Station to Large Volumes of Urban Development and Major Destinations

- Closely study and analyze “walk sheds” based on a 12-minute walk time from a ACRP station to the surrounding area. With a 12-minute walking radius, determine how many square feet of development there is and what types of land uses exist. Prioritize station location that are within a 12-minute walking distance to land uses that stimulate high speed rail ridership, such as offices, residential, and large cultural and commercial destinations.
- Transportation strategies for access to and from ACRP stations should focus on transportation demand management (TDM) measures that reduce automobile trips generated (ATG). The amount of travel demand that can be satisfied by walking, transit usage, and bicycling will greatly impact the effectiveness of TDM measures used to mitigate the ATG impact of each station.

#### Convenient and Seamless Connections to Existing and Planned Transit Services

- Stations should be located where the most transit services converge, including metro and light rail services, commuter rail service, and bus service.
- A goal of one transfer from the ACRP station to another form of transit should be established to encourage convenient access to a large percentage of prominent destinations in a given city.
- Two or more transfers to prominent destinations should be discouraged.

#### Potential to Add Future Express Service

- Stations should be designed in a way to allow future upgrade to three or four tracks.
- Triple or quadruple track sections between any ACRP stations as necessary.
- Design the ACRP to not preclude future express service as ridership grows over the decades.

### **Station and Alignment Alternatives**

The comments of Californians For High Speed Rail are discussed below for various alternative alignments and station alternatives presented by the Authority at recent scoping meetings for the Altamont Corridor Rail Project EIR/EIS. Additionally, several new alternatives are suggested in certain areas of the San Francisco Bay Area section, especially leading to Oakland and Redwood City.

### **San Joaquin and Stanislaus Counties**

Generally, we support downtown station locations and alignments that lead to the downtown station sites for San Joaquin and Stanislaus County.

- **Downtown Stockton Station**

The **Robert J. Cabral Station in downtown Stockton should be the only station location carried forward** for Stockton. The Altamont Commuter Express (ACE) already uses this station and it provides the best access to downtown Stockton for passengers headed to Stockton destinations. Furthermore the Stockton station will serve as a critical transfer station for San Joaquin riders to/from Sacramento to transfer to the Altamont service. It will remain so until such time as the CHSR system is constructed to Sacramento, allowing the Altamont trains to directly serve Sacramento.

- **Downtown Tracy Station and the UPRR Alignments**

The **former Southern Pacific station site in downtown Tracy should be the only station location carried forward** for Tracy. Conversely, **the current Tracy ACE station is not a good candidate to carry forward** due to the surrounding residential development and lack of TOD potential.

The former Southern Pacific alignment alternative through downtown Tracy should be examined, while the former Western Pacific alignment through should not be carried be forward.

- **Downtown Modesto Station**

The **former Southern Pacific station in downtown Modesto should be the only station location carried forward for Modesto**. We don't support locating a Modesto station at the current Amtrak station site along the BNSF alignment.

### **Alameda County, Livermore Valley Area**

Generally, we support further study of downtown station locations in the Livermore Valley.

- **Downtown Livermore ACE Station / UPRR and SPRR Corridors**

Californians For High Speed Rail supports the examination of a downtown Livermore ACE station option served by trains along the UP or old SP track alignments. At-grade, elevated, and trenched station options should be considered.

Note: We only support creation of a Greenville or Vasco station if the City of Livermore is willing to support extremely high levels of TOD (i.e. at least 5000 housing units as part of a mixed use development) not currently envisioned. Moving the station outside of downtown Livermore to connect to a future Livermore BART Station is not reason enough to abandon a

downtown Livermore station.

- **Pleasanton - Transit Center Station**

Californians For High Speed Rail supports the examination of a downtown Pleasanton station option along the old SPRR alignment near the old SP station at West Neal Street and Railroad Avenue. Both aerial and trenched options should be examined for the approximately 1.75 mile section that runs through downtown and the surrounding neighborhoods.

### **Southern Alameda County / Rail Junction**

The inner Bay Area presents many considerations, given the inadequate scope of the initial proposal. The excellent cooperative planning the Authority is undertaking with Caltrain and ACE to positively reinvent and transform their service needs to result in a coherent cross-regional network. It is essential that the Authority create new alignment alternatives that explore routes to bring Altamont Corridor Rail (ACR) trains from the Tri-Valley to the San Francisco - San Jose HSR corridor. This is critical to ensure an increase in Transbay travel capacity, create a connected and coherent Northern California rail network, and fulfill the objectives of the MTC Regional Rail Plan and Proposition 1A. Therefore many of the following comments are about additional alignments to be included in the project scope. We have outlined five additional alternatives for southern Alameda County that will facilitate the creation of up to three branches for the ACRP. The first three examine the ACRP with three branches at full build out, while the last two examine the ACRP with two branches at full build out.

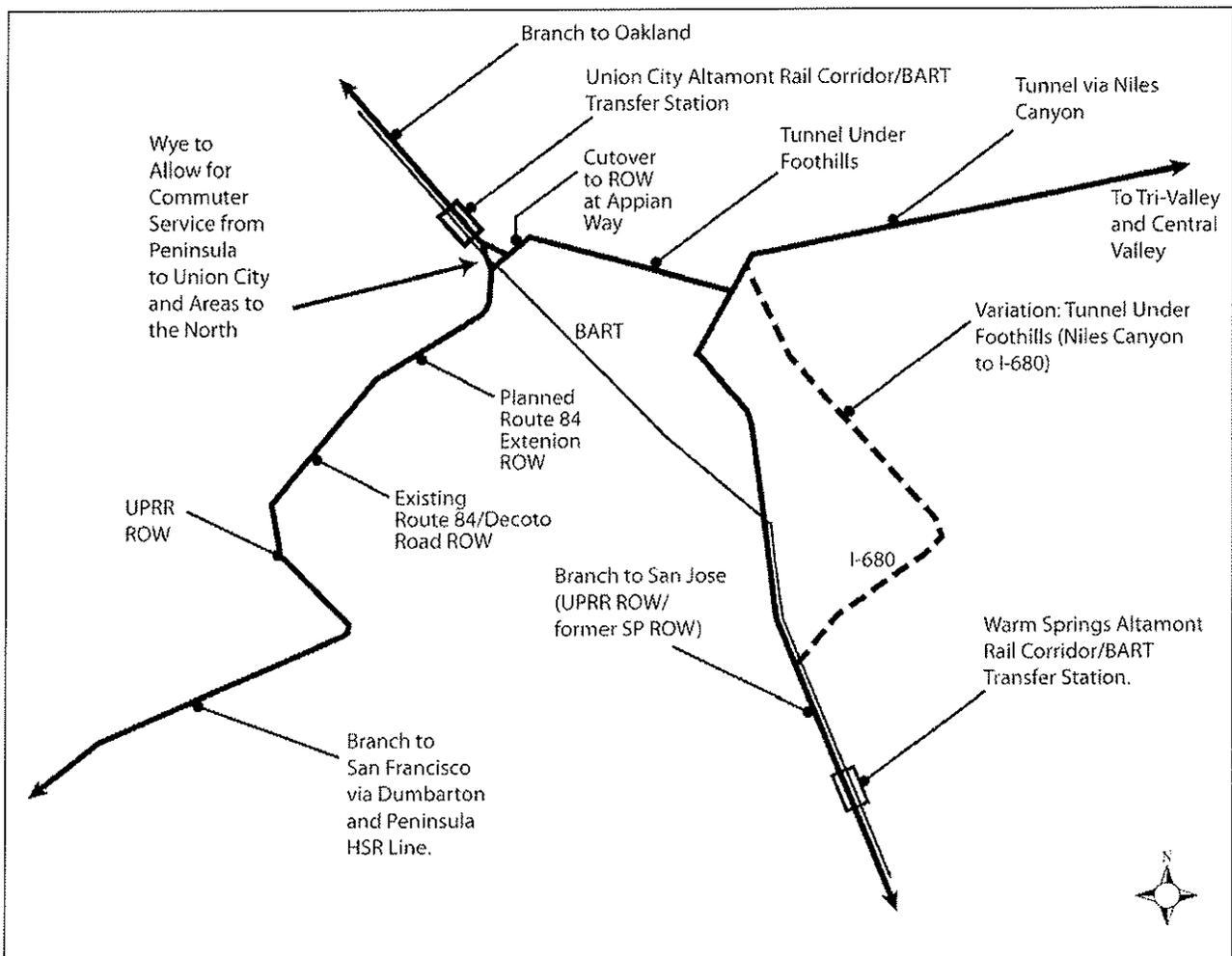
- **Proposed New Alternative #1: Junction of Three Branch System to San Francisco, Oakland, and San Jose (via Niles Canyon to Union City, Route 84/Decoto, Dumbarton, and BART Alignment)**

This alignment would follow the Niles Canyon route described in the CHSR 2008 EIR/EIS. After exiting the canyon, trains would eventually split into three separate branches, with one branch headed to San Francisco, the second to Oakland, and a third to San Jose (see Figure 1). The San Francisco branch would exit the Niles Canyon and then turn northwest along the foothills and travel at grade (cut/fill) or through a tunnel. It would then turn west at Appian Way and travel along the Route 84 extension ROW as well as the exiting Route 84/Decoto ROW. Then the San Francisco branch would turn south along the UPRR Alviso line, or Thornton Avenue, to the Caltrain-owned railroad ROW where it would turn west to cross the Dumbarton rail bridge to access the planned HSR ROW along the Peninsula, where it would travel to San Francisco.

In addition to meeting the requirements of Proposition 1A, a San Francisco branch would likely allow for much faster service between San Francisco and Sacramento in the long term. In the near-term, commuters from the Central Valley to San Francisco will have much faster service than requiring riders to transfer to the BART system. Ride times from planned BART stations in Livermore or Warm Springs are likely to be approximately one hour or so, whereas the ARC service would likely provide access in just over a half an hour. Additionally, it is likely that transferring to BART could range anywhere from 5-20 minutes each way, greatly discouraging ridership.

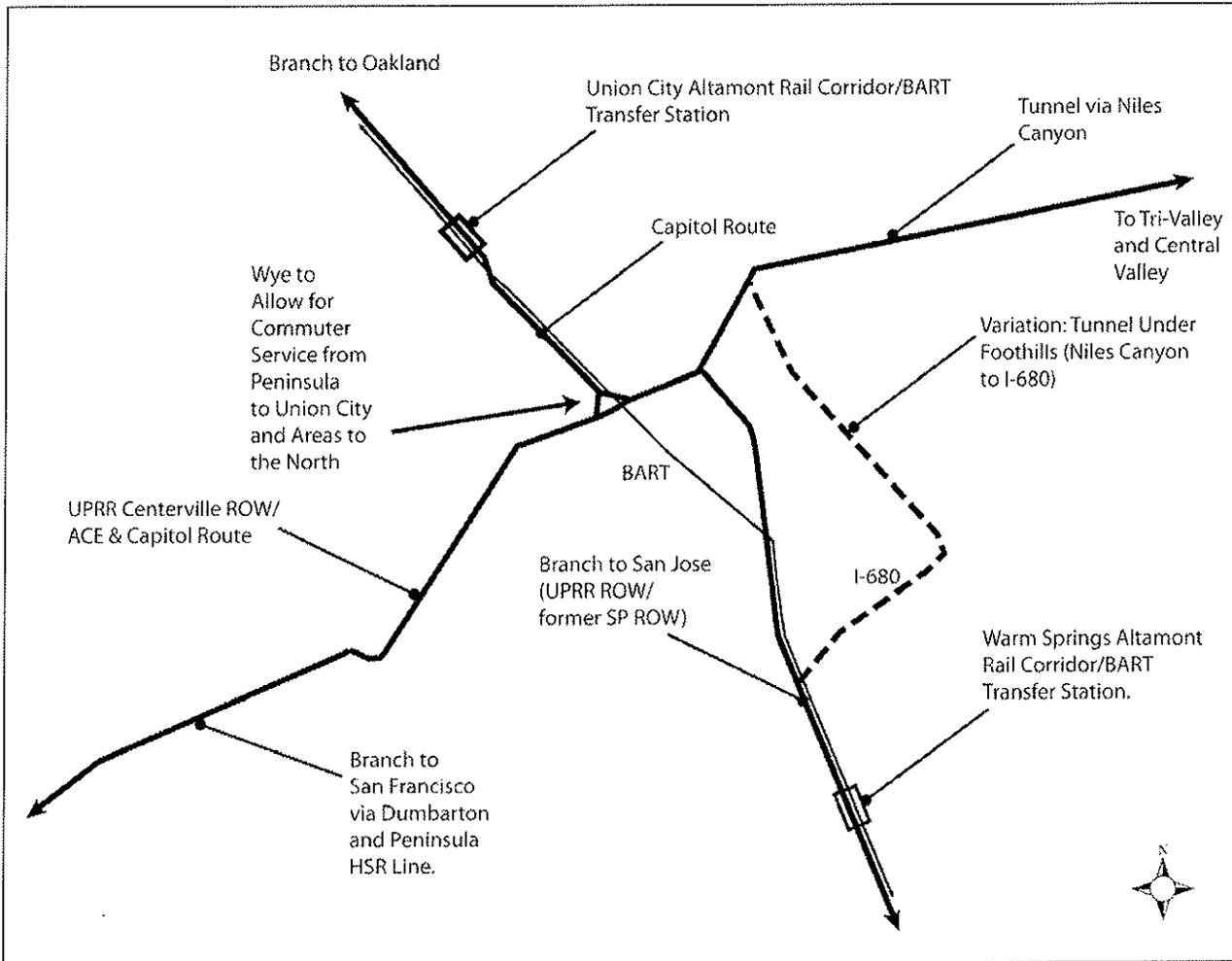
The Oakland branch would follow the same route as the San Francisco branch until reaching the intersection of the proposed Route 84 extension and the URPP ROW (and Capital Corridor route) just east of the BART line. At this point, a wye at the intersection of the Route 84 rail ROW (discussed above) and the Oakland subdivision would allow trains to turn north into the Union City intermodal station and then continue north to Oakland. It would follow the Niles subdivision line to the Coliseum Amtrak/BART station, and then proceed to downtown Oakland, as described in the CHSR 2005 and 2008 EIR/EIS documents. Other alignments to Oakland along the East Bay should be considered if necessary. Again, service to the East Bay and Oakland would be much faster with ARC service than require riders to transfer to BART.

The San Jose branch would head south and utilize the former Southern Pacific ROW south from Niles Canyon with a stop at Warm Springs before heading south to Santa Clara County. A variation on this would have trains branch to the south farther east and tunnel under the foothills until reaching I-680, where it would then follow I-680 and then cut over to the ex-SP ROW. (see dashed line in Figure 1).



**Figure 1. Proposed New Alternative #1 - Junction of Three Branch System to San Francisco, Oakland, and San Jose (via Niles Canyon, Route 84, Dumbarton, and UPRR/Former SP ROW)**

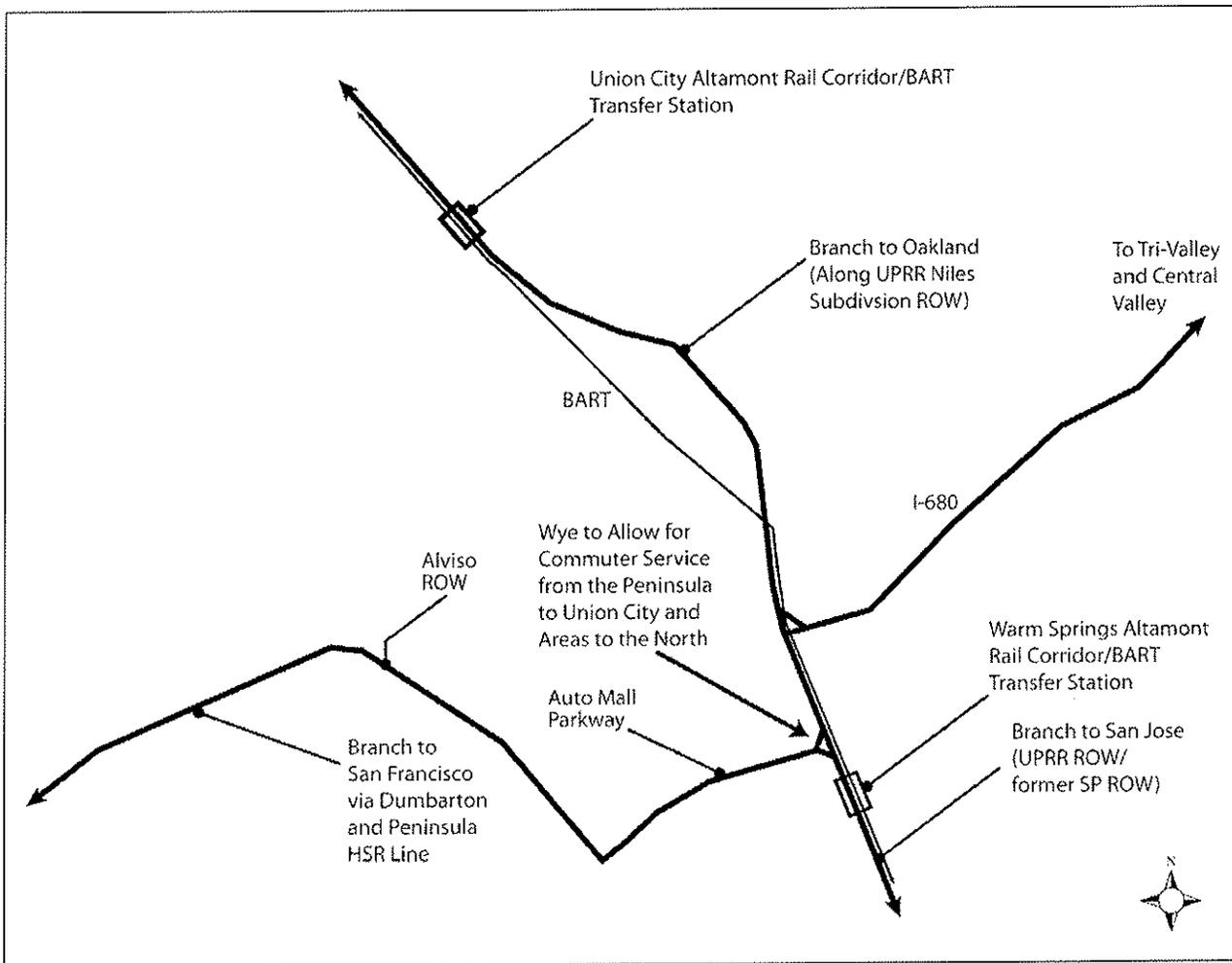
- Proposed New Alternative #2 - Niles Canyon to Newark via Centerville (ACE Alignment)**  
 This proposed alternative is very similar to the proposed new alternative #1 in that it would provide the same three branched service to San Francisco, Oakland (via the East Bay) and San Jose. The San Francisco branch would use an aerial or trench along the UPRR Centerville ROW (currently used by ACE/Capitol rail services) to Newark and the Dumbarton rail bridge. The Oakland branch would turn northward from the Centerville ROW along the Capitol Corridor route to Union City, and the north to Oakland. The San Jose branch would see no change from alternative #1. This alternative would also allow for ARCP to service the existing ACE/Capitol station in Centerville, whereas proposed alternative #1 would bypass this station.



**Figure 2. Proposed New Alternative #2 - Junction of Three Branch System to San Francisco, Oakland, and San Jose (via Niles Canyon, UPRR Centerville ROW, Dumbarton, and UPRR/Former SP ROW)**

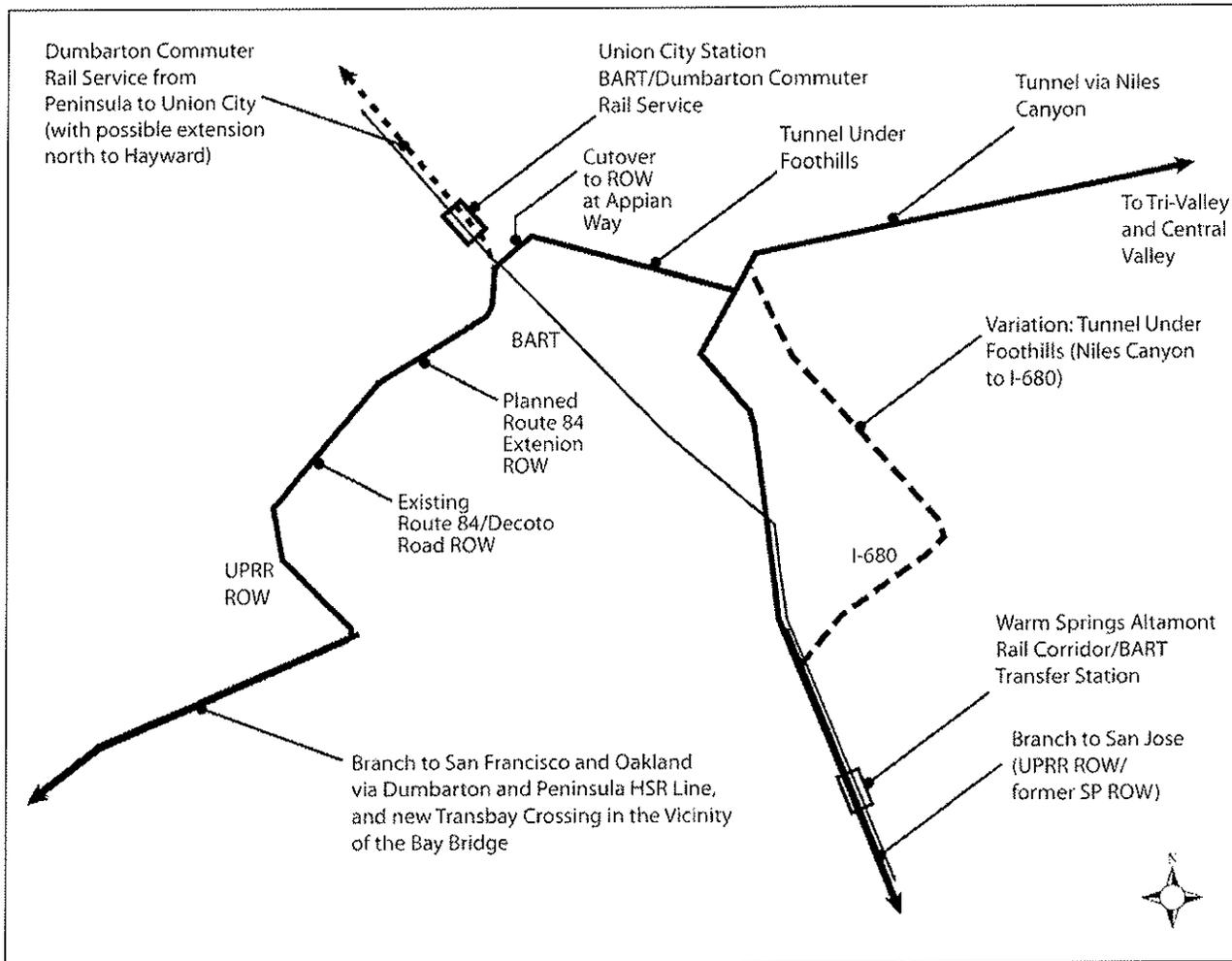
- Proposed New Alternative #3 - 680 to Warm Springs BART and Newark via Auto Mall Parkway/utility corridor**

The proposed new alternative #3 would approach the Fremont area from Livermore Valley via an I-680 alignment rather than Niles Canyon (as is the case in proposed new alternatives #1 and #2). The ARC service would then split into an Oakland branch and a San Jose branch around Blacow Road. The Oakland branch would follow the UPRR Niles Subdivision as defined in the 2008 EIR/EIS north through Union City, and then on to Oakland. The San Jose branch would follow the former Southern Pacific ROW southward, with the San Francisco branch splitting off west along Auto Mall Parkway, or the utility corridor approximately 1,000 feet north of the parkway. Then the San Francisco branch would turn north along the Alviso line until the Newark Junction where it turns west to continue to Dumbarton Bridge.



**Figure 3. Proposed New Alternative #3 - Junction of Three Branch System to San Francisco, Oakland, and San Jose (via I-680, Auto Mall Parkway, Alviso Line, Dumbarton, and UPRR/Former SP ROW)**

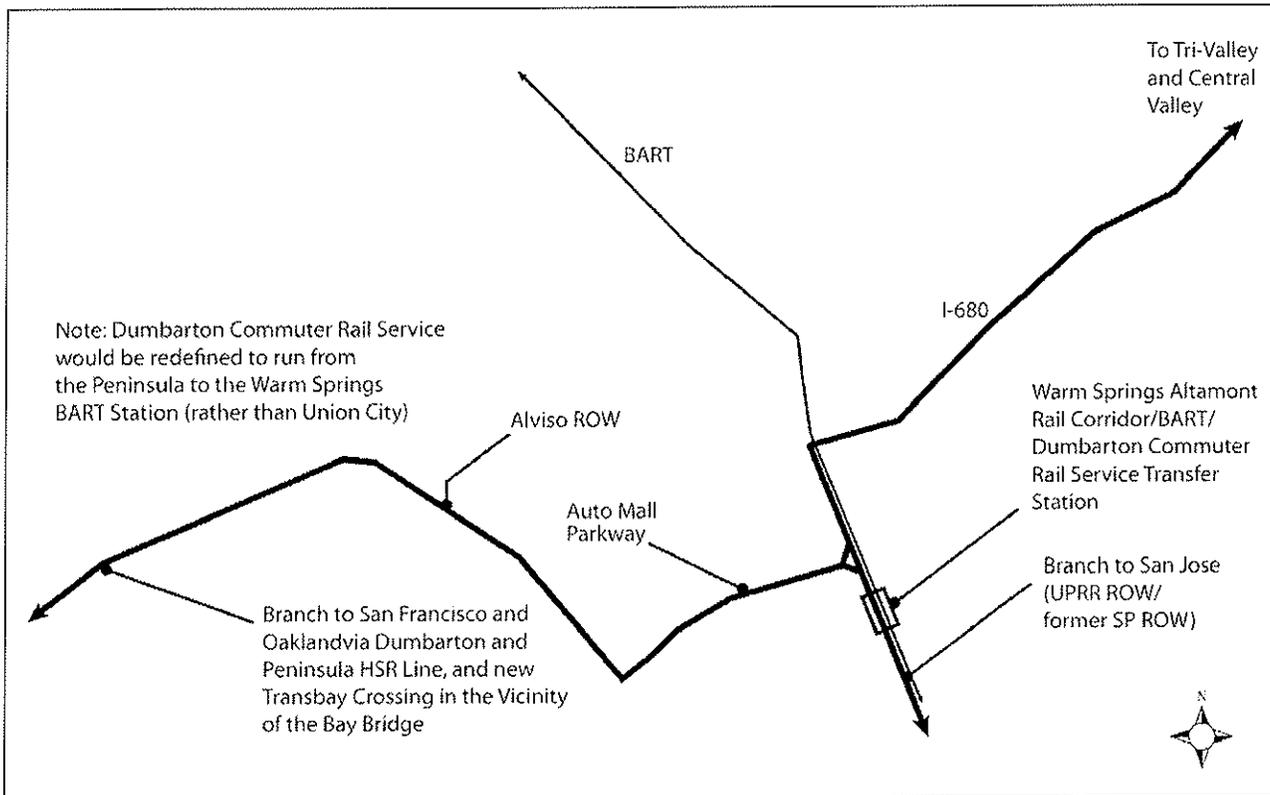
- New Alternative #4 - Niles Canyon to Union City and Newark via Route 84/Decoto**  
 This alignment is similar to proposed new alternative #1 except Oakland is reached via a new Transbay Tube in the vicinity of the Bay Bridge rather than a line up the East Bay. The wye for the Union City intermodal station would be retained for Dumbarton commuter rail service only, with a possible extension to Hayward along the Oakland subdivision.



**Figure 4. Proposed Alternative #4 - Junction of Two Branch System to San Francisco and San Jose (via Niles Canyon, Route 84, Dumbarton, and UPRR/Former SP ROW)**

- **New Alternative #5 - to Warm Springs BART and to Newark via Auto Mall Parkway/utility corridor**

This alignment is similar to proposed new alternative #3 except Oakland is reached via a new Transbay Tube in the vicinity of the Bay Bridge rather than a line up the East Bay. The northern branch from alternative #3 is completely eliminated.



**Figure 5. Proposed Alternative #5 - Junction of Two Branch System to San Francisco and San Jose (via I-680, Auto Mall Parkway, Alviso, Dumbarton, and UPRR/Former SP ROW)**

### Santa Clara County

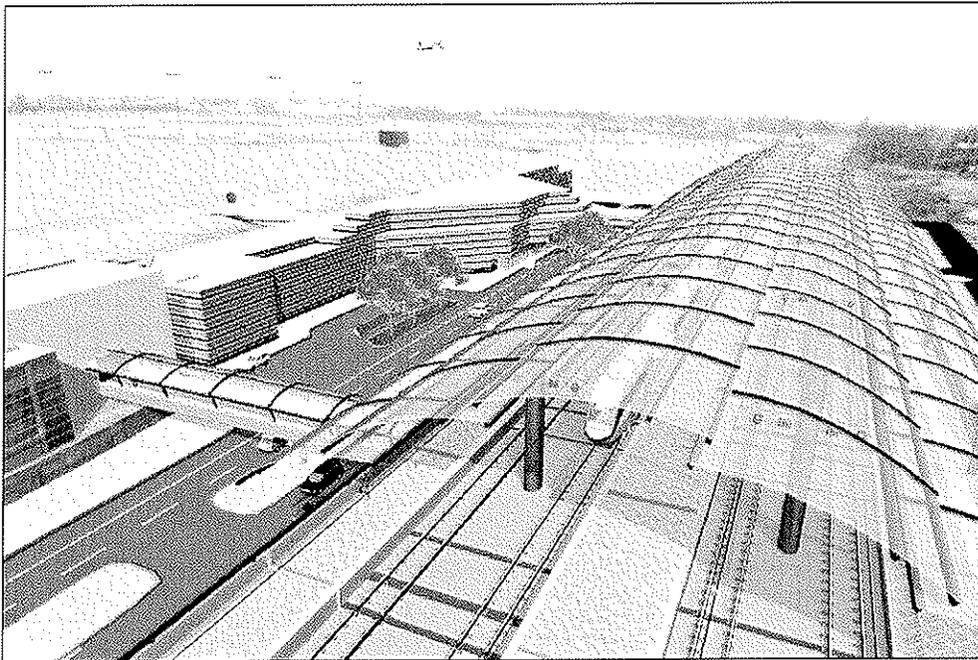
The Alignment choices in Santa Clara County are simpler than in Alameda County, and our comments generally support the scope as proposed by the Authority and the Partnership. However, we would like an examination of providing direct access to the Mineta International Airport.

- **UPRR and/or I-880 Milpitas, Milpitas and North 1<sup>st</sup> Street Stations**

Californians For High Speed Rail recommends continued study of both the UPRR and I-880 alignments for the ARCP within Santa Clara County. The UPRR route may be more viable in Fremont due to the recent closure of the Fremont NUMMI plant, and subsequent reduction in rail traffic. A station should be provided that connects the ARCP to the Valley Transportation Authority's (VTA) light rail system in Milpitas for either alignment. Additionally, we support further study of the Trimble corridor. We strongly encourage that a station be located at North 1<sup>st</sup> Street and Trimble to connect to VTA's light rail system.

- **Mineta International Airport Station**

We would also like to encourage the Authority and the Partnership to study the possibility of providing direct service to a station located immediately east of the terminals at the Mineta International Airport, as envisioned by the Caltrain Metro East vision promoted by several organizations. This would be much more convenient than forcing riders to transfer to a people mover from a station in Santa Clara. This link would allow for the flexibility of some core HSR trains to head directly to the airport from Diridon station as well, or at least the ARC service could serve as a feeder to/from the airport for core HSR system riders (as current plans have no way for HSR riders to access the airport from/to Diridon Station unless they transfer to Caltrain and then to the proposed people mover).



**Figure 6. Image of proposed Mineta Airport Station. (Image created by David Vasquez)**

South of a Mineta Airport station, routes for ARCP would need to be studied. One possible route is along Highway 87 until it intersects with tracks that connect to the Diridon Station.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Brian Stanke".

Brian Stanke  
Executive Director and Co-Founder  
Californians For High Speed Rail

A handwritten signature in black ink, appearing to read "Daniel Krause".

Daniel Krause  
Vice-Chair of the Board of Directors and  
and Co-Founder  
Californians For High Speed Rail

## **Attachment A: Criteria and Mitigation Measures**

The land use impacts, growth inducement potential, and transportation impacts of a HSR stations along the Los Angeles to San Diego alignment can be very environmentally beneficial or negative, depending on the station location, mitigation measures chosen, and land use and transportation policies undertaken by the host localities. The following criteria and mitigation measure should be included in the process of selecting station and alignment alternatives.

The station sites need to maximize walking and transit access to the station in order to maximize ridership and minimize automobile trips generated (ATG). Therefore the amount of existing and planned transit-oriented development (TOD) around the site is of critical importance.

### **Station site selection criteria:**

- Number of residences and hotel rooms existing within a half-mile radius of proposed station site.
- Square footage of commercial/ retail space within a half-mile radius of the proposed station site.
- Amount of transit-oriented development (TOD), residences and commercial square footage, the locality has committed to planning for within a half-mile radius of the proposed station site.
- The existing and planned peak hour capacity of connecting transit network to the proposed station site.
- Number of residences and hotel rooms and square footage of commercial and retail space within a one-seat, 15-minute, transit ride of the proposed station site.

Land use mitigation needs to focus on pulling development into the station area, away from more environmental sensitive areas on the urban fringe.

Land Use and Growth Inducement mitigation strategies:

- Growth management policies the locality has adopted or is committed to adopting that would direct growth into the half-mile radius of the station site.

Transportation mitigation strategies likewise need to focus on the reduction of automobile trips generated (ATG) rather than the subsidization of automobile parking and access. Transportation mitigation strategies include:

- Transportation demand management measures to be adopted by the station operator to mitigate ATG.
- Use of the Natural Resources Agency 2009 Proposed Rulemaking to evaluate transportation impacts in a broader more multi-modal approach, rather than the conventional intersection automobile level-of-service (LOS) analysis.<sup>1</sup> This includes use of ATG rather than LOS as the measure to mitigate.
- Transportation demand management measures adopted or committed to by the locality to mitigation traffic generation.
- Availability of current and planned local transit access to HSR stations to mitigate traffic generation.

---

<sup>1</sup> California Natural Resources Agency. "Proposed Guideline Amendments" ("to the "Guidelines for Implementation of the California Environmental Quality Act"). <[http://ceres.ca.gov/ceqa/docs/Text\\_of\\_Proposed\\_Changes.pdf](http://ceres.ca.gov/ceqa/docs/Text_of_Proposed_Changes.pdf)>

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

December 4, 2009

Mr. Dan Leavitt, Deputy Director  
California High-Speed Rail  
Authority,  
925 L Street, Suite 1425  
Sacramento, CA 95814

ATTN: Altamont Corridor Rail  
Project EIR/EIS

RE: Notice of Preparation for Environmental Impact Report/  
Environmental Impact Statement (EIR/EIS) for Altamont  
Corridor Rail Project from Stockton to San Jose,  
California.

Dear Mr. Leavitt:

Thank you for the opportunity to provide scoping comments for the EIR/EIS for the above-referenced project. These comments are provided on behalf of my clients: the Planning and Conservation League, the California Rail Foundation, and the Transportation Solutions Defense and Education Fund.

My clients appreciate the Authority's moving forward on preparing an EIR/EIS for this very important project. However, my clients are concerned that it does not appear that the proposed project is currently funded. A basic question, therefore, is the feasibility of this project in the absence of funding. From that standpoint, my clients believe that it is important that the alternatives section of the EIR/EIS consider alternative projects that might have greater feasibility, i.e., a better prospect of funding. In particular, especially given that the Authority is being required to revise its Programmatic EIR/EIS for the Bay Area to Central Valley High-Speed Rail Project and revisit its decisions on that project, my clients believe the EIR/EIS needs to include consideration of an alternative where the Altamont Rail Corridor alignment serves as the route for that project. Such an alternative would provide funding for the Altamont Rail Corridor. In addition, the combined project would add the benefit of the resulting ACE service between the Northern San Joaquin Valley and San Jose to the benefits of the previously approved Bay Area to Central Valley High-Speed Rail Project, without increasing project costs.

In addition, this alternative would allow High-Speed Rail service to be extended from San Jose to Sacramento in an earlier time frame, at a lower cost and with a much higher ridership than would otherwise be possible.

### The I-580 Alternative

This Alternative seeks to achieve the fastest possible travel times through the Tri-Valley at the lowest cost and with the least disturbance of residents. To avoid the substantial expense of tunneling and/or bridging through the Niles Canyon area, an existing rail right-of-way would be converted from the BART gauge to standard gauge. This alternative would take advantage of the proposed BART Livermore Extension, now in its DEIR comment process, by replacing the proposed BART service with ACE service and adding a new Isabel/I-580 station. The alternative would thus provide for a Livermore Extension.<sup>1</sup> High-Speed and ACE trains would emerge into the Tri-Valley from the tunnel through the Altamont Pass and travel entirely within the I-580 right-of-way, thus minimizing travel time, construction cost and community impacts. The Dublin and Isabel stations would be built with proper height platforms, and equipped, if possible, with a center run-through track for express service. This Alternative would be far more cost-effective than separately building both a BART Livermore Extension and an Altamont Corridor Rail Project. Using standard gauge, HSR-compatible tracks would also add the flexibility of being able to connect a wide variety of destinations with direct local and express service.

The I-580 rail right-of-way would then connect to the Capitol Corridor to San Jose. (See attached map, where the short purple line indicates a cut-and-cover tunnel under a high school's athletic fields.) If a wye were installed at that point, ACE and HSR service to Oakland could be provided as well. An intermodal station would be built either where the I-580 rail line crosses the BART Fremont line, or at Shinn Street, allowing transfers to the existing BART system. Especially if purchase of this portion of the Capitol Corridor became possible, it would enable greatly improved service not only to downtown San Jose, but also to North San Jose and Santa Clara, with associated greater ridership and larger travel market.

### The Transbay Alternative

While not part of the proposed alignment for the Altamont Corridor Rail Project, my clients also ask that the Authority study an alternative route that would enable both ACE and High-Speed Rail trains on the Altamont Corridor to access the Caltrain Corridor to San Francisco. To connect the Altamont Corridor to San Francisco, the I-580 rail corridor could be extended along I-238 into San Leandro. It would then use a cover-and-cut tunnel under Lewelling Blvd., until turning to parallel the Bay shoreline. From there it would travel south,

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<sup>1</sup> While the alternative designates the rail gauge and cities served, it is agnostic on the political question of which agency--BART, ACE or the CAHSRA-- would operate the service.

roughly parallel to the shoreline, until turning onto a new two-track high rail bridge, parallel and next to the San Mateo Bridge. (See attached map.) Once across the Bay, the tracks would connect into the Caltrain Corridor via an AirTrain station near the Airport. This alternative, by avoiding residential areas along the Peninsula, would also avoid the significant community impacts identified in previously-studied Bay Area to Central Valley Alternatives.

By connecting to the Caltrain Corridor much further north than other proposed alternatives, this Transbay Alternative would also eliminate much of the conflict with UP freight traffic on that Corridor, making the remaining conflicts more manageable. Building this rail bridge would have the added benefit of providing additional Transbay capacity for future growth of BART ridership. Providing a separate connection to San Francisco for Tri-Valley and Central Valley travelers would remove a substantial passenger load from the Transbay Tube, thereby freeing up capacity for expected growth of demand for BART service in the Inner East Bay.

#### The Local Service Alternative

If funding can be found for proposed Smart Growth efforts in Livermore, a low-cost Local Service Alternative could also be included. This alternative would divert from the I-580 rail right-of-way to join either the current ACE alignment or the former SPRR right-of-way as close to the tunnel as possible. A single-track line dedicated to HSR-compatible trainsets, with passing sidings as needed, would serve stations at Vasco Road and Downtown Livermore. With funding for this Local Service Alternative, there would be no need to build a station at Isabel, thus enabling higher operating speeds on the main line, with only one HSR stop in the Tri-Valley. This line would have adequate capacity for the service levels expected for this area, while reducing construction costs and the need to acquire additional right-of-way. This alternative would provide a low-cost, low-impact connection from the Downtown Livermore station to the I-580 rail right-of-way. It is not clear that any of the current BART Livermore Extension alternatives meet these criteria.

#### Oakland Alternative

Another alternative that should be considered, in that same context, is a corridor that would provide direct service to Oakland as well as to San Jose. In addition to the service to Oakland *per se*, this option could also provide greatly improved service to San Francisco as well.

#### Cumulative Impacts

The EIR/EIS should also more generally include a discussion of cumulative impacts including both the Altamont Corridor Project's impacts and those of the two high-speed rail projects being conducted by the authority (the Los Angeles to Fresno

Mr Dan Leavitt, CAHSRA  
12/4/2009  
Page 4

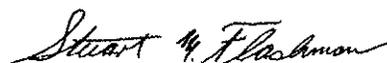
segment and the Fresno to San Francisco segment). Of course, an alternative that integrates the Altamont Corridor Project into the Bay Area to Central Valley High-Speed Rail Project would automatically include such cumulative impacts in its analysis.

The EIR/EIS should also take into account the potential problems that would be created for the Bay Area to Central Valley High-Speed Rail Project if the Authority is unable to reach agreement with the Union Pacific Railroad (UP), pursuant to that company's MOU with the Peninsula Joint Powers Authority, over the High-Speed Rail Authority's use of the Caltrain right-of-way for intercity passenger rail service. At the moment, it appears that such an agreement is unlikely. Consequently, the EIR/EIS needs to discuss the impact on Bay Area transit service, including the Altamont Rail Corridor Project, and on regional GHG emissions if the High-Speed Rail line is unable to use the Caltrain right-of-way between San Francisco and San Jose.

Finally, if the Authority is unable to reach agreement with UP over use of the Caltrain right-of-way, the EIR/EIS should include discussion of alternative approaches to extending service from the Altamont Corridor Project into San Francisco. These should include, in addition to extending corridor service into downtown Oakland and connecting to BART at that point, extending service into another part of Oakland (e.g., the Oakland Coliseum area) and connecting to BART at that point, or options for a new Bay Crossing, perhaps combining both local and regional rail service, similar to that suggested above, that could provide direct access to San Francisco without the need to use the Caltrain right-of-way.

Thank you for allowing these comments on the proposed scope of the Altamont Rail Corridor Project EIR/EIS. Please keep me, and my clients, informed of future developments on this project.

Most sincerely,



Stuart M. Flashman



Current Dublin BART Line

Fremont BART Line

BART HSR Station

# San Leandro Routing Idea

Capitol Corridor connection Southward

238 beyond BART

Small Shopping Center w/Safeway

Llewelling Blvd. 100 ft right-of-way

- Existing BART Dublin Line
- 238 Median and Elevated Structure
- Cover and Cut Shallow Tunnel (2 miles total)

92

## Kris Livingston

---

**From:** Dan Leavitt  
**Sent:** Wednesday, December 09, 2009 3:23 PM  
**To:** Ogden, Brent; John Harrison  
**Cc:** Kris Livingston  
**Subject:** FW: Revised Altamont Scoping Comments  
**Attachments:** Altamont Corridor EIR-EIS Scoping Comments.pdf; ATT00001.txt  
  
**Importance:** High

Dan Leavitt  
t: 916-322-1397  
e: [dleavitt@hsr.ca.gov](mailto:dleavitt@hsr.ca.gov)  
[www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov)

-----Original Message-----

**From:** David Schonbrunn [mailto:[David@Schonbrunn.org](mailto:David@Schonbrunn.org)]  
**Sent:** Wednesday, December 09, 2009 3:12 PM  
**To:** Dan Leavitt  
**Cc:** Stuart Flashman, Esq.; Rich Tolmach  
**Subject:** Revised Altamont Scoping Comments

Dan,

We re-sized the map that had been included with our scoping comments, so as to make the PDF file easier to use (There had been a tremendous disparity in page sizes with our submission that would make it difficult to use. No content has been changed--only the page size of the map.)

Please accept the attached file in place of the December 4 submission.

--David

David Schonbrunn, President  
Transportation Solutions Defense and Education Fund (TRANSDEF) P.O. Box 151439 San Rafael, CA  
94915-1439

415-331-1982

[David@Schonbrunn.org](mailto:David@Schonbrunn.org)  
[www.transdef.org](http://www.transdef.org)

## Kris Livingston

---

**From:** GREIG PIRIE [gpirie2001@yahoo.com]  
**Sent:** Sunday, December 06, 2009 12:20 PM  
**To:** HSR Comments  
**Subject:** Fw: Altamont Corridor Rail Project

--- On Sun, 12/6/09, GREIG PIRIE <[gpirie2001@yahoo.com](mailto:gpirie2001@yahoo.com)> wrote:

From: GREIG PIRIE <[gpirie2001@yahoo.com](mailto:gpirie2001@yahoo.com)>  
Subject: Fw: Altamont Corridor Rail Project  
To: [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov)  
Cc: "Ray Ahearn" <[ra555@sbcglobal.net](mailto:ra555@sbcglobal.net)>  
Date: Sunday, December 6, 2009, 12:17 PM

--- On Sun, 12/6/09, GREIG PIRIE <[gpirie2001@yahoo.com](mailto:gpirie2001@yahoo.com)> wrote:

From: GREIG PIRIE <[gpirie2001@yahoo.com](mailto:gpirie2001@yahoo.com)>  
Subject: Altamont Corridor Rail Project  
To: [comments@hsr.cagov](mailto:comments@hsr.cagov)  
Cc: "Ray Ahearn" <[ra555@sbcglobal.net](mailto:ra555@sbcglobal.net)>  
Date: Sunday, December 6, 2009, 12:10 PM

Dear Mr. Leavitt...

Last week I left a voicemail regarding our Station Host Association in Northern California.

We are having our Annual Meeting at the Sacramento Station on Saturday January 16.

Our Vice President, Mr. Ray Ahearn recently received information regarding your project.

We have 64 active Station Hosts covering Northern and Central California.

We would be most interested in hearing more about this project !

If possible, we would enjoy having a guest speaker from your organization.

We will mail more information to you about our group.

You can check out our website at [www.stationhost.org](http://www.stationhost.org) Click on "in the news" on the right side.

Sincerely,

Greig Pirie, President

Station Host Association of California



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: DAVID SCHONBRUNN    Organization: TRANSEDEF

Address: \_\_\_\_\_

Phone: \_\_\_\_\_    Email: \_\_\_\_\_

**Comment(s):** The Design of this meeting was BADLY FLAWED: There should have been graphics showing all existing rail rights of way, plus any that any team member had been thinking about. INSTEAD of focusing ATTENDEES ON ACTUAL OPTIONS THAT could be considered in the EIR, this event was mostly A PR EVENT. YOU WASTED MY TIME.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

**Meeting Date/ Location** – Please check one

- Nov. 10, 2009: Livermore  
  Nov. 12, 2009: Stockton  
  Nov. 17, 2009: Fremont  
  Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Robert S. Allen Organization: \_\_\_\_\_

Address: 223 Danner Avenue, Livermore, CA 94551-4240

Phone: (925) 449-1387 Email: \_\_\_\_\_

Comment(s): See attached

to Dan Leavitt, Deputy Director CHSRA  
 Attn: Altamont Corridor Rail Project  
 (916) 322-0827

Please drop this form in the marked **Comment Box** or  
**Mail to:** California High Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

223 Donner Avenue  
Livermore, CA 94551-4240  
17 November 2009

Dan Leavitt, Deputy Director  
Attn: Altamont Corridor Rail Project  
925 Street, Suite 1425  
Sacramento, CA 95814

You plan a new railroad, dedicated, grade separated, electrified, and probably double tracked. Simply extending BART would serve many more people far better, and likely at much lower cost. See also my letter of 12 November "BART to Livermore DPEIR".

Your scoping brochure depicts a costly double track structure and tunnel. (A single track transit line with passing tracks at least at half-headway spacing would involve substantial train delays.) Building the new rail line as a BART extension would involve little structure, earthwork, or land cost, and few adverse environmental impacts. Riders to much of the Bay Area would have one-seat rides; to the South Bay they would have a cross-platform transfer at Bayfair.

I have repeatedly asked the authority to consider a BART alternative, but they refuse even to look at the possibility.

Perhaps my recent call for a five-county Bay Rail district should be extended to include also San Joaquin and possibly Stanislaus Counties, making it a six- or seven-county district. More people, more tax base, but a bigger challenge at the polls.



Robert S. Allen  
BART Director (1974-1988)  
Retired, SP Engineering/Operations  
(925) 449-1387

223 Donner Avenue  
Livermore, CA 94551-4240

12 November 2009

BART Planning Department  
Attn: Malcolm Quint  
300 Lakeshore Drive  
Oakland, CA 94612

Re: BART to Livermore DPEIR

I back Alternative 4, a one-station extension at grade in a widened I-580 median, with a station near Isabel and tail tracks extending toward Portola. See attached for my reasons.

About 1988 BART bought the 53-acre Gandolfo parcel for a station. Much of the land was recently swapped to allow the Isabel/I-580 interchange. I understand that BART retained land for station parking, etc., on both sides of I-580. There should be enough land left for a credit toward land to widen I-580 between Hacienda and Portola.

I support also acquiring land and programming work to allow a median at-grade route for a future BART line to and east of Greenville Road and a station near the truck scales. (The existing truck scales could serve better at the Altamont crest.)

East of Greenville Road the EIR should plan a future BART trackway curving left in a tunnel under the elevated westbound I-580 lanes and up to the former SP roadbed. (I understand Alameda County now owns the 400-foot-wide Congressional Grant right of way up to the Altamont.) A yard, shop, and intermodal station (between I-580 and the high trestle) could lie on the old SP land. Direct I-580 crest access ramps serving the station, together with adequate bus and parking facilities should be planned.

While this plan would not link to ACE now, it would allow for a low-cost connection later to whatever Altamont Corridor route is selected. Because that project would be basically a new grade-separated and electrified railroad line, it could very well be built and run as a BART extension – somewhat like the Silicon Valley Rapid Transit line. That possibility, running along the former SP and Altamont Pass Road to Mountain House and the Central Valley, should be part of the ACE project.

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

## BART to Livermore Alternatives Ranked by Cost

11 November 2009

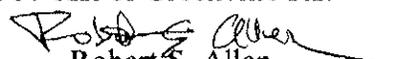
Alternative #	Stations	Route	Cost, per DPEIR (000,000)	
			Construction Line 6	Total Line 11
4	1	Isabel/I-580	\$ 720	\$ 1,120
5	1	Quarry	1,010	1,610
1	2	Greenville East	1,980	2,920
2	2	Las Positas	2,080	3,280
3a	2	Railroad	2,080	3,380
3	2	Portola	2,360	3,470
1a	2	Downtown via WP	2,450	3,610
1b	2	Downtown via SP	2,530	3,650
2a	2	Downtown/Vasco	2,390	3,800

### Why I favor Alternative 4.

- \* By far the least costly alternative;
- \* Very little earth or structural work;
- \* No "Great Wall";
- \* In direction for all of Livermore;
- \* Easily accessible for most of Livermore
- \* Easily accessible from travel corridors;
- \* Relieves I-580 congestion west of Isabel;
- \* Lower fares (BART fares are mileage-based);
- \* Shorter travel time;
- \* Easily extended later to Greenville via modified Alternative 1

### Modified Alternative 1:

In widened I-580 median at grade to east of Greenville Road;  
 Curve left east of Greenville, tunneling under high I-580 westbound lanes;  
 Future station near truck scales (close to both Vasco and Greenville);  
 Pointed to Central Valley along former SP and Altamont Pass Road;  
 Convert Altamont Corridor plans to BART at low cost.  
 TOD and intermodal station north of I-580 east of Greenville Rd.

  
 Robert S. Allen  
 BART Director (1974-1988)  
 (925) 449-1387  
 223 Donner Ave.  
 Livermore, CA 94551-4240

## Allen's Bay Rail Plan

7 September 2009

Robert S. Allen (925) 449-1387

223 Donner Avenue

Livermore, CA 94551-4240

Six million people in the five large Bay Area counties\* need better rail transit. BART, Caltrain, ACE and Capcor each serve specific markets well. Together they could do much better for the region, like BART around the Bay and over the Altamont.

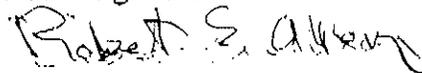
I have long urged legislators to form a five-county\* Bay Rail district – like they did for BART in 1957. Come up with a plan to work with BART, Caltrain, freight railroads, MTC, Caltrans, and High Speed Rail for crossing-free rail lines, including:

- A widened (5-track) grade separated, secure Caltrain trackway:
  - 2 tracks for commute trains;
  - 2 tracks for bullet/HSR trains;
  - 1 conventional freight main track.
- Widen freeway medians for at grade BART to the Altamont, Brentwood, and Crockett.
- Convert Caltrain commute to BART south from Millbrae and to Muni north (via SFO).
- Grade separate and widen East Bay Mulford line, San Jose to Oakland for Bullet/HSR.
- BART over the Altamont to Mountain House, Tracy, Lathrop, and Manteca HSR.
- Possibly a new SFO-OAK Trans-Bay tube (HSR or BART).
- BART subway, Civic Center to the Presidio and Golden Gate Bridge in SF.
- A Magnolia intermodal station in Oakland with a BART West Oakland bypass.
- Possibly a new Port Costa-Benicia tube for HSR.

### Why do I stress BART?

- Dependable: Congestion-free and 95% on time (within five minutes of schedule).
- Frequent: Typically four trains per hour on each route.
- Labor-efficient: Automatic fare collection; one operator trains.
- Environment: Smog-free; quiet electric power.
- Comfortable: Up to 520 wide, cushioned seats per train.
- Safe: 37 years with *no* fatal passenger accidents; no grade crossings.
- Platforms: Fare paid, for quick, easy boarding, including bikes and wheelchairs.
- Access: BART already serves city core high rise and major traffic generators.

Adjusted for inflation and population, a bond issue like BART's in 1962 (paid off a decade ago) would raise about \$16 billion. Develop a plan and let the people vote on funding BART extensions, around the Bay, and to our neighbors.



Robert S. Allen

(925) 449-1387

BART Director (1974-1988)

Retired SP Engineering/Operations

\* Santa Clara, Alameda, Contra Costa, San Francisco, San Mateo

## Peninsula Rail Elements

Robert S. Allen - (925) 449-1387 - Rv. 12 October 2009

### South from San Bruno:

#### Five-track grade separated trainway

West two tracks: for commute operations.

Allows island platform stations for commute trains;

East of commute: two Bullet/HSR tracks.

Keeps commute and HSR/Bullet operations separate;

East side track: conventional freight track. Occasional drill on west side.

Most rail-served industry is on the east (water) side.

#### Convert Caltrain local commute to BART.

BART typically runs at least four trains each way every hour.

Automatic fare collection.

One operator per train.

Easy boarding, even for wheelchairs and bicycles.

Comfortable; up to 520 wide, padded seats per train.

Tunnel and train box in San Francisco much smaller and less costly.

Key to BART around the Bay.

Four downtown SF stations for commuters.

Shorter, less costly tunnel in San Jose. (San Fernando St. subway?)

BART over US 101 in San Jose - a dramatic BART signature;

Alternate trans-Bay BART if trouble in trans-Bay tube.

One-seat ride for most passengers.

Lower overhead clearance (13.5' ATR) over western two tracks.

#### Include HSR station at Santa Clara (for SJC airport rail)

HSR would link SFO and SJC airport rail, and later SJC with OAK.

HSR ultimately to airport rail at all major Bay airports.

### North from San Bruno:

Similar to South, but SF Muni instead of BART,

Consider SFO airport rail to a San Bruno BART/Bullet/HSR/Muni intermodal.

No commute trains into downtown San Francisco; HSR/Bullet trains only.

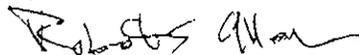
### Governance:

Form a five-county rail district ASAP to promote these and other projects.

(Santa Clara, Alameda, Contra Costa, San Francisco, and San Mateo Counties)

These counties have 6 million residents and could support bond financing.

See also my 7 September 2009 "Bay Rail Plan".

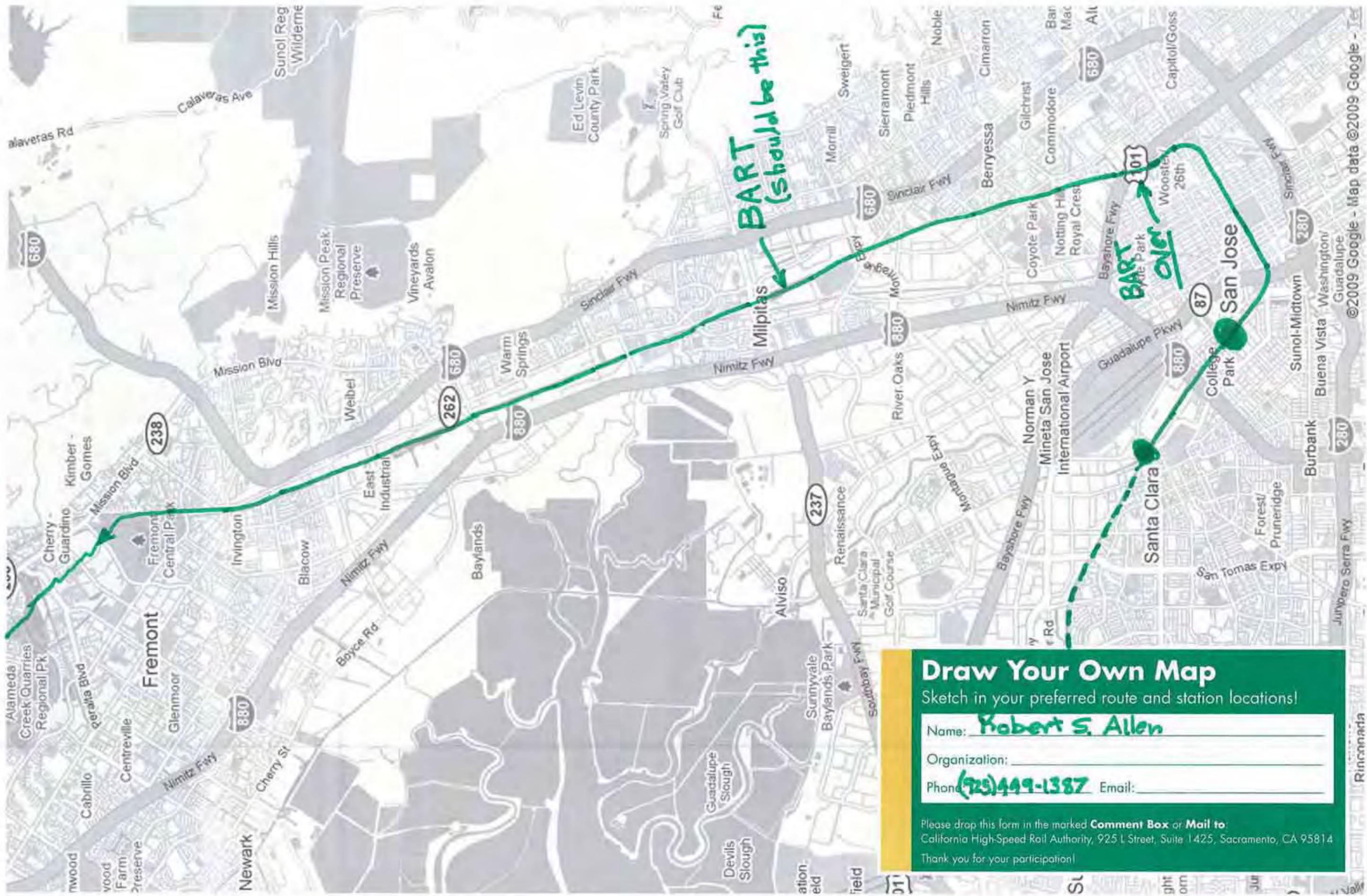


Robert S. Allen

(925) 449-1387

BART Director (1974-1988)

Retired, SP Engineering/Operations



### Draw Your Own Map

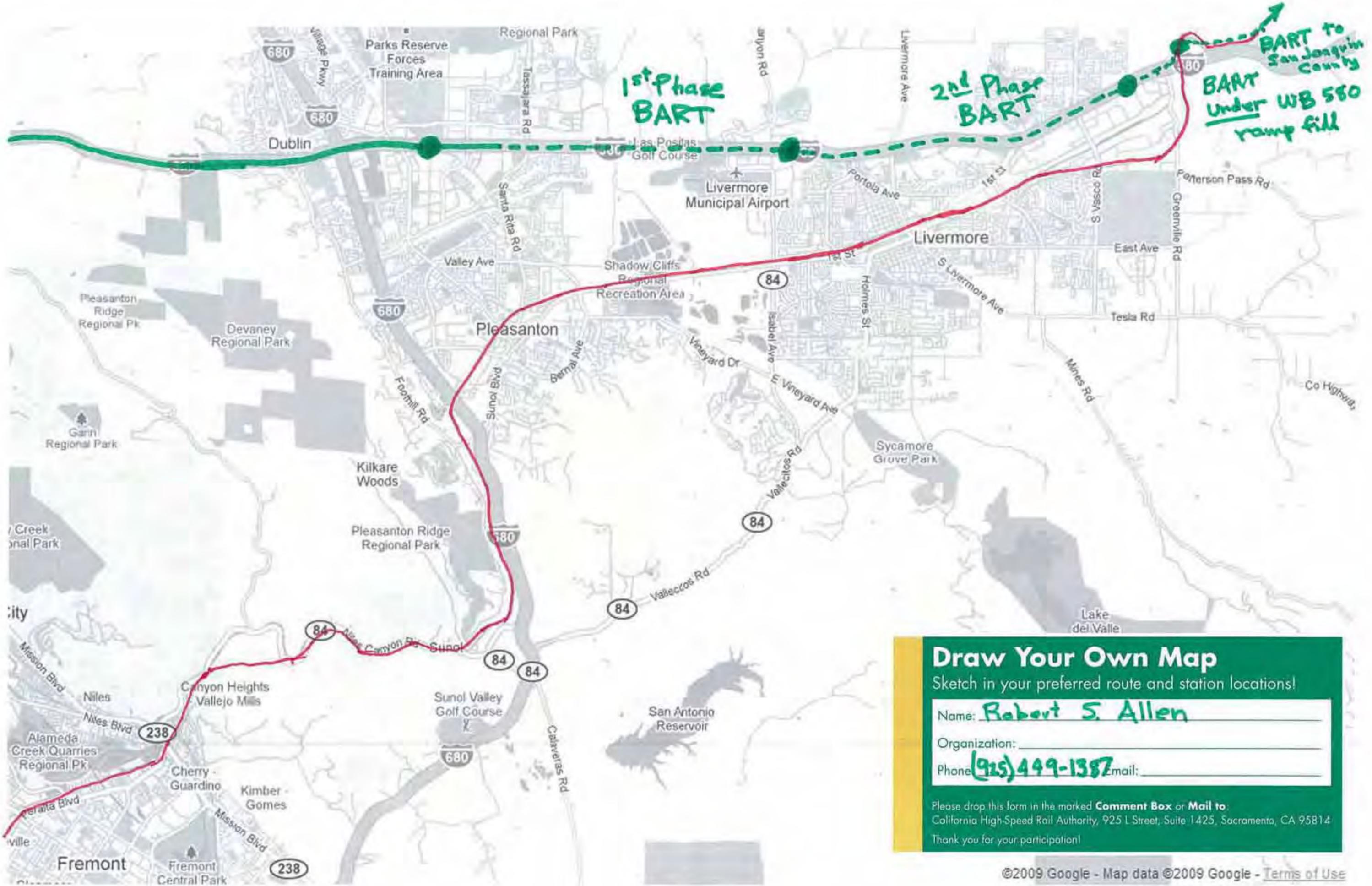
Sketch in your preferred route and station locations!

Name: Robert S. Allen

Organization: \_\_\_\_\_

Phone: (925) 449-1387 Email: \_\_\_\_\_

Please drop this form in the marked **Comment Box** or **Mail to**  
 California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
 Thank you for your participation!



### Draw Your Own Map

Sketch in your preferred route and station locations!

Name: Robert S. Allen

Organization: \_\_\_\_\_

Phone: (925) 449-1387 Email: \_\_\_\_\_

Please drop this form in the marked **Comment Box** or **Mail to:**  
 California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
 Thank you for your participation!

## Kris Livingston

---

**From:** Woody Alspaugh [w.hope07@yahoo.com]  
**Sent:** Saturday, November 14, 2009 12:27 PM  
**To:** HSR Comments  
**Cc:** woo5alp@gmail.com  
**Subject:** Altamont Corridor Rail Project

At the "scope" meeting, while conversing with one of the "officials", (I think that it was the tall man representing a local politician), I realized that he, (along with others, including the incompetent reporter of the Stockton Rag), do not know that the "Locomotive" on a passenger train is not an locomotive, but a Power Car.

Therefore I wrote this little story.

### **Locomotive**

One thinks of the word "Locomotive" as a noun meaning a vehicle with an Internal Combustion Engine that pulls or pushes cars on rail road tracks. In 1829 that term was "coined" therefore leading to the continued thought that all the lead cars on a "Train" are a Locomotive.

Actually the term comes from the Latin word(s), Loco and *motivus*, "causing motion", which means to move, such as to drive one's actively.

Most Locomotives use Diesel as a fuel; hence the "Diesel-Electric". Which brings me to the Diesel - Electric Locomotive that powers passenger trains. Unlike "Freight trains" in which the Locomotive pulls or pushes the cars, the passenger train Locomotives generate electricity, (power/ "energy"), that powers every individual car which has its own motor.

According to "Woody's Law of Motion", this allows the smooth "take-off" of all the cars at one time; therefore avoiding any "jerks". Also some of the modern train cars utilize the principle of "Woody's Law" and have transmissions.



# COMMENT FORM

**Meeting Date/ Location** – Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: WOODY ALSPAUGH Organization: WWW.HOPE05.ORG  
Address: 119 W. ALDIER ST., 95204  
Phone: 941-0504 Email: W.HOPE07@YAHOO.COM

**Comment(s):**

WILL E-MAIL COMMENTS

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

# Draw Your Own Map

Sketch in your preferred route and station locations!

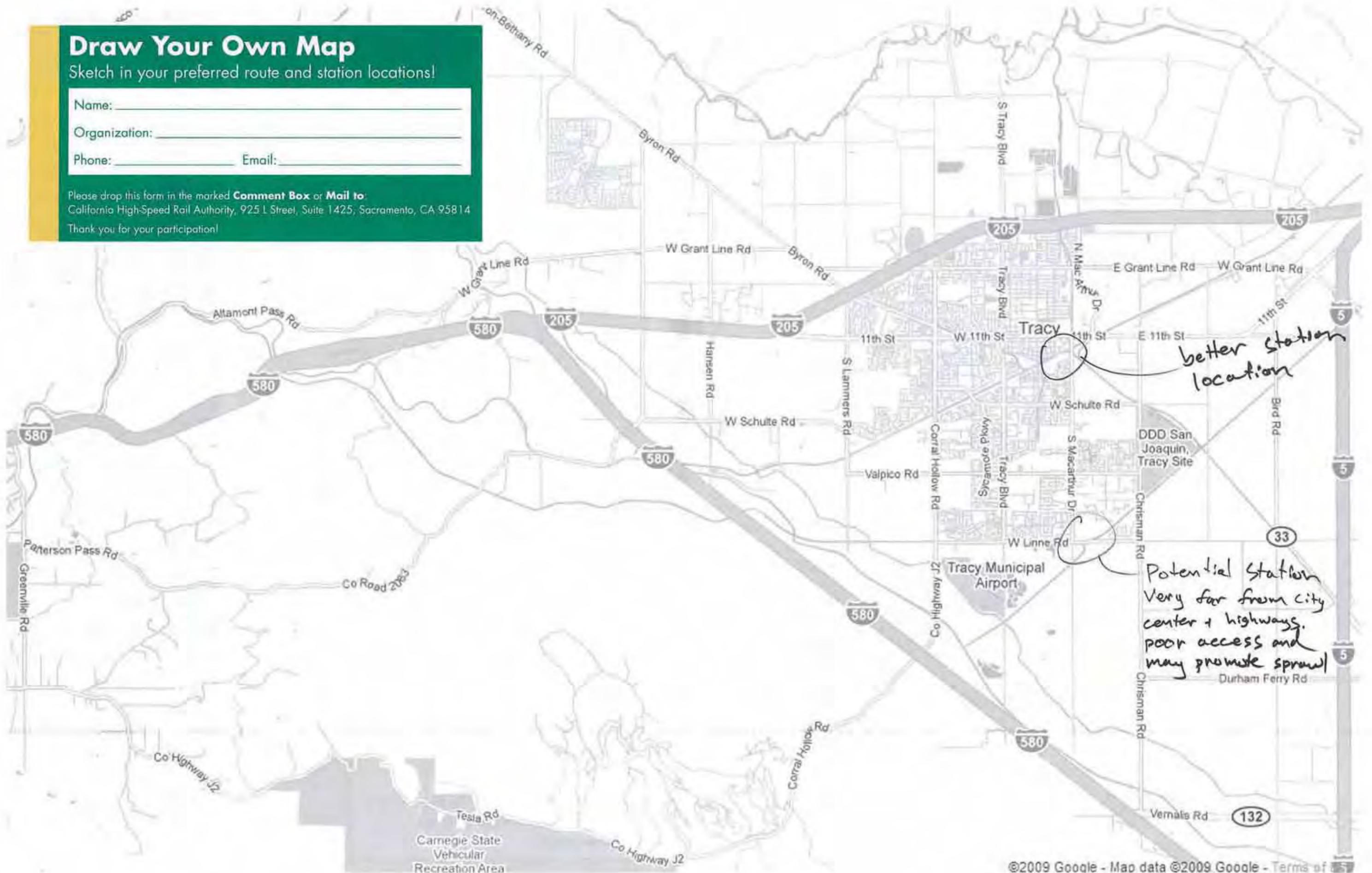
Name: \_\_\_\_\_

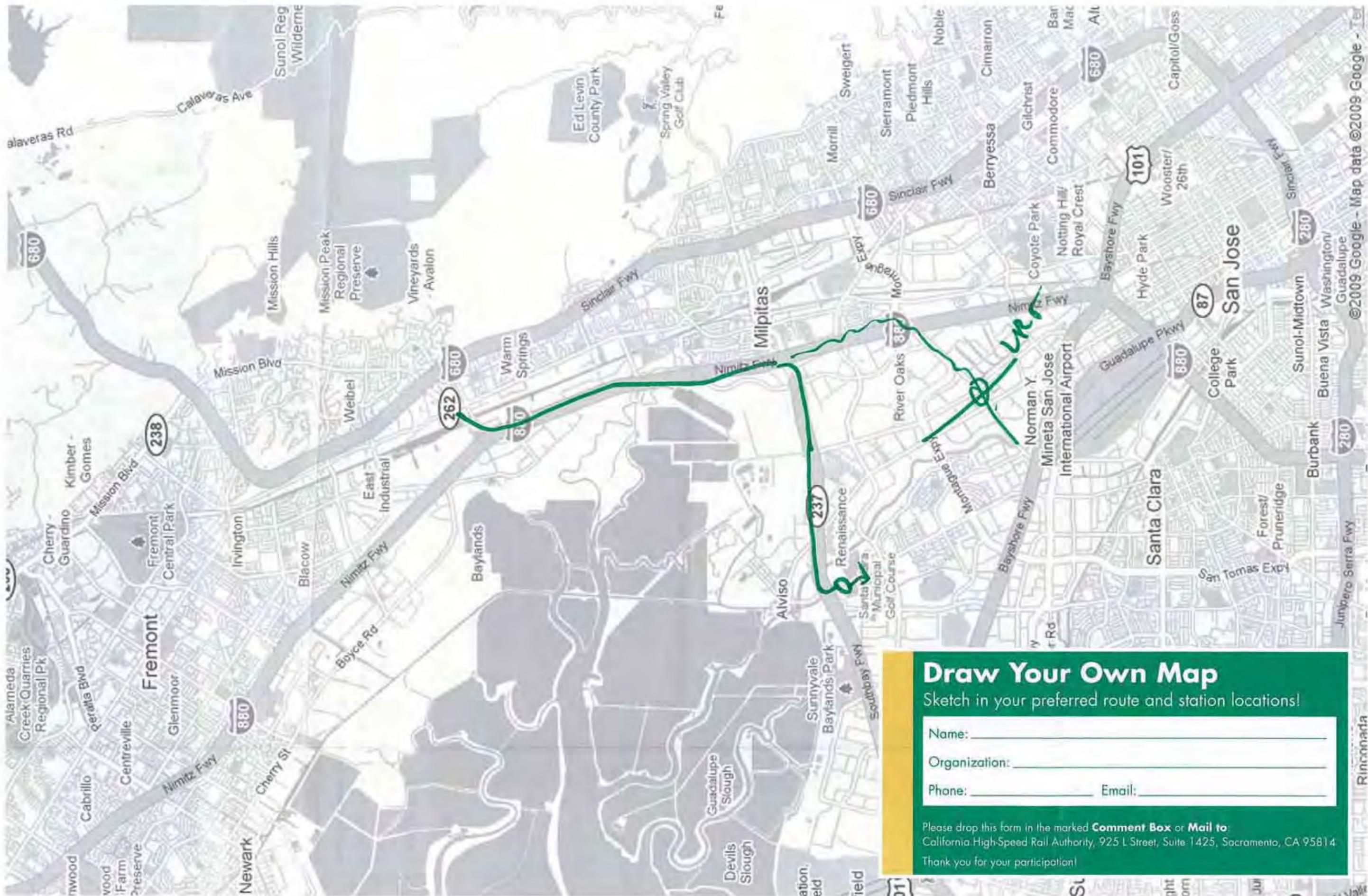
Organization: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Please drop this form in the marked **Comment Box** or **Mail to:**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814

Thank you for your participation!





## Draw Your Own Map

Sketch in your preferred route and station locations!

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Please drop this form in the marked **Comment Box** or **Mail to**  
 California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
 Thank you for your participation!

Nov. 13, 2009



SACRAMENTO CA 957

14 NOV 2009 PM 3 L

Paula Barker  
01 Westchester Ln  
Modesto, CA 95350-2447

Altamont Corridor Rail Project

RECEIVED

Altamont Rail Project,

I am a resident of Modesto and deeply concerned that our city may be passed over as a link to the Bay Area. Why were the people of Modesto and Stanislaus County not asked for public input via town hall meeting?

It makes sense to link Modesto to this rail system to include more people in the Valley to get people out of their cars.

Disappointed in Modesto,

Paula Barker

**Kris Livingston**

---

**From:** Maria Borges [Mborges@evansinet.com]  
**Sent:** Wednesday, November 18, 2009 9:09 AM  
**To:** HSR Comments  
**Subject:** The Altamont Corridor Rail Project : Upcoming Public Scoping Meetings

I was not able to attend any of the open houses regarding the Altamont Corridor Rail Project.

**I would like for the Altamont Corridor Rail Project Committee to consider an extension from Tracy station to Patterson.**

Please let me know if I need to contact our City Manager, City Mayor, City Council Representatives, or Bill Berryhill (state representative from 26<sup>th</sup> district) in order to make this a reality.

Sincerely,  
Maria Borges

P.S. I know of individuals who commute from Turlock to the Bay Area everyday!!!!!!!!!!!!



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Corey Boyer    Organization: \_\_\_\_\_  
Address: 3812 Stanford Way  
Phone: 925-371-2511    Email: coreyb2757@aol.com

**Comment(s):**

Not much, just want faster rail service.  
I take the ACE train Daily and it  
needs to speed up.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

## Kris Livingston

---

**From:** Adrian Brandt [adrian.brandt@gmail.com]  
**Sent:** Monday, November 16, 2009 4:29 PM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Rail Project feedback

Dear Sirs:

Include the Dumbarton Rail Corridor in the scope and analysis of the Altamont Rail Corridor Project.

The Altamont Rail Corridor Project should certainly analyze and include the potential operational, ridership and travel time benefits of tying into the Peninsula Caltrain/HSR corridor at Redwood Junction in Redwood City via a rehabilitated or reconstructed Dumbarton Rail Bridge.

The railroad wye at Redwood Junction would allow trains to/from the east Bay to serve all Peninsula stations from San Jose to San Francisco. The Dumbarton Corridor linking Fremont/Union City with Caltrain in Redwood City has long been in public ownership expressly for the restoration of passenger rail service in this corridor.

Regards,  
Adrian Brandt



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore  Nov. 12, 2009: Stockton  Nov. 17, 2009: Fremont  Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: STEPHEN BRIDGE Organization: Granite Construction Co  
Address: P.O. Box 151 Stockton CA 95201  
Phone: (909) 234-3580 Email: \_\_\_\_\_

**Comment(s):**

Project looks very exciting - huge benefit to California -  
Looking forward to see the rail built in the next 10<sup>+</sup> years -

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

RECEIVED  
NOV 19 2009  
BY: \_\_\_\_\_

Meeting Date/ Location -- Please check one

- Nov. 10, 2009: Livermore   
  Nov. 12, 2009: Stockton   
  Nov. 17, 2009: Fremont   
  Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: FRANIE CAMPBELL Organization: JURVIE  
 Address: P.O. BOX 53 HAYWARD CA, 94543  
 Phone: N/A Email: N/A

Comment(s):  
 1) SBB COURTESY SPECIAL FOR THIS WORD.  
 2) PLS. DOB. NOTE ON THE CONA DOTIAL Pg. TO THIS HANDOUT HAS THE COURTESY SPECIAL FOR THIS WORD USP & BY THE WAY DAN  
 3) JUST HOW CAN CREDIT DID THIS TYPED GO OUT OVER YOUR SIG  
 3A) WHAT YOU GO TO WORK ABOUT WITH OTHER THINGS AND WORK NO ONE CAN'T & SEE THEM GO TO YOU.  
 3B) DID THE CAPITAL CORRIDOR JUST POWERS BY TAXITY SEND ON CONNECTION TO YOU & OTHERS

Please drop this form in the marked **Comment Box** or  
**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

3) Why THEIR SET 3/8 4 PM, UP FREEMAN, CA,

4) JUST IN NOTICE YOU REMIND THEM THAT  
HAD HOT CUPS FOR COFFEE & NOT  
TOD CUPS FOR COFFEE OR ANY OTHER  
WANT DUCK HUNTING CUPS, (HOT CUP,  
MELTS WAP)

5) ARE THERE ANY BIG BUSES  
AAA REWARDS PARTYING  
YOU & SEND IN CONNECTIONS TO  
YOU.

PS. I'D LIKE TO HAVE TO  
ASK YOU TO GO  
START IS AT 11.  
ABOUT 10 SEAT  
WAS AS AT  
THAT WAS AT  
YOUR SQ. TABLE  
ON 11/17/2009 AT 3 PM  
NO ONE ELSE  
THE SEATS MOVE ME  
WANT

THE  
Cheryl  
FAIRIE CAMPBELL  
P.O. BOX 55  
HAYWARD, CA  
94543



# THE ALTAMONT CORRIDOR RAIL PROJECT

Ag Egan  
(11/17/2019)

## How is ACE involved?

ACE and the Authority are working in partnership towards the implementation of the Altamont Corridor Rail Project. The Altamont Commuter Express (ACE) is owned and managed by the San Joaquin Regional Rail Commission (SJRRRC). The SJRRRC has signed a Memorandum of Understanding with the Authority to jointly work to develop the Altamont Corridor Rail Project. SJRRRC has agreed to serve as a "responsible agency" under the provisions of the California Environmental Quality Act (CEQA) and is also assembling funds to support project development and construction. The MOU with ACE also provides that ACE will work together with the Authority to develop the Merced to Sacramento section of the high-speed line so that ACE trains could potentially operate both on the Altamont route as well as the Valley route.

## The Altamont Corridor Rail Project is described as a partnership with "local and regional agencies and transit providers." What parties are involved?

The Altamont Corridor Partnership Working Group is focused on the planning and implementation of the joint-use Altamont Corridor Rail Project. The Working Group includes the following members:

- California High-Speed Rail Authority
- Alameda County Congestion Management Agency
- Altamont Commuter Express
- Bay Area Rapid Transit District
- Caltrain
- California Partnership for the San Joaquin Valley
- Capital Corridor Joint Powers Authority
- Metropolitan Transportation Commission
- Sacramento Area Council of Governments
- San Joaquin Council of Governments / San Joaquin Regional Rail Commission
- San Mateo County Transit District
- Tri-Valley Regional Rail Policy Advisory Committee

Capital

The Working Group recognizes the importance of the corridor for regional transportation needs and has reached consensus on the corridor limits (Stockton to San Jose), principal features including key intermodal connections, and goals and objectives which include improving the ACE service in the near term, as well as developing capability to accommodate high-speed trains through connections to the statewide high-speed train (HST) system and HST-compatible equipment. The Working Group will continue to support the project as it moves forward in the planning and implementation process.

## How fast will trains operate on the Altamont Corridor? Will high-speed trains be operated?

The maximum speed at which trains will operate will depend upon the alignment that is identified and developed. Trains could potentially operate at speeds of 150 mile per hour or more in rural areas away from cities and towns. However, in urbanized areas, the speeds are likely to be considerably lower. The long-term project will be fully grade separated, electrified, and suitable for operation with trains similar to those operating on the statewide high-speed train system. This will allow Altamont Corridor trains to reach destinations on the statewide system such as Sacramento and Merced.

STZM



# COMMENT FORM

~~NOV 10~~ / ~~NOV 12~~ / ~~NOV 17~~

Meeting Date/ Location -- Please check one

Nov. 10, 2009: Livermore  Nov. 12, 2009: Stockton  Nov. 17, 2009: Fremont  Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: HARLIE CAMPBELL Organization: PUBLIC & USER  
Address: P.O. BOX 55 HAYWARD, CA, 94543  
Phone: N/A Email: N/A

HARD TO GET BY MASS TRANS.

Comments: 1) PUT THE DIRECTION OF NORTH ON YOUR TITLE ALTA MOUNT CORRIDOR CONSIDERING MANY OTHERS, IT IS UNUSUAL

2) MOST EVERY OTHER "THINKS" A "SURE" LOOK OR "YOU HAVE GOT TO HANDLE ON IT."

\* 3) AS I BRING TO RAIL OR IEC ATTN. SINCE JULY 2008 ALOT UPRA PUT ABOUT 100 MTS COURTS TO APPEAL THAT DO NEED REPAIR & OR SOME CARS ARE LEASED & SUBLEASED & I HAVE SOME OF THE TOP PARTS OPEN MAIN ISSUE & OTHER TYPE OF DAMAGE TRAINS & SCHEDULE

Please drop this form in the marked **Comment Box** or **Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation! *FIN*

AT & BUY THE HAYWARD BART STA,  
TO UNCLASSED PARTS & HEAVY LOAD ON  
THE UPRR MAIN LINE

\*3A) OUR CITY LGA, AM. GRAD JONES &  
HAYWARD OTHERS TO UNCLASSED  
SP. FINE SLIP TO GET THESE CARS  
MOVED. & OTHERS.

\*3B) THE SID YOUR AREA 30 CARS TO  
THE NORTH BY HAYWARD BART STA, &  
& MOVED THEM CLOSER TO THE SOUTH  
HAYWARD BART STA. TO THE  
NORTH 200/300' OF THE S/HAY. BART  
STA. ABOUT 60 CARS.

\*3C) AS PER WHAT SAID & TOLD &  
ROADSIDE (TO YOUR PERSONAL & THE  
GO TO THE PRS. & THE UPRR, TO GET  
THESE CARS YOURS OR WE SPARE 15/17/009  
SO SOME WERE UPRR, & OTHERS NOT UPRR.  
THESE CARS ON THE UPRR MAIN LINE  
100 CITY CARS ON THE UPRR MAIN LINE  
TRUCKS FOR 500 TONS OF TONNAGE  
PROB, PERS, FARM WAG.

\* P.S. PLZ, TAKE UP WITH  
GARTH W/ UPRR.  
NOW!

Chall  
Tommy  
FRANK (Anger)

## Ogden, Brent

---

**From:** Dan Leavitt [dleavitt@hsr.ca.gov]  
**Sent:** Sunday, November 15, 2009 3:05 PM  
**To:** Cautn1@aol.com  
**Cc:** Ogden, Brent  
**Subject:** RE: Altamont

Hi Jerry,

Thanks for your e-mail/input. Please see our website for more information.

Best regards,

Dan

---

From: Cautn1@aol.com [Cautn1@aol.com]  
Sent: Friday, November 13, 2009 5:42 PM  
To: Dan Leavitt  
Cc: Maria.Ayerdi@TransbayProject.org; strakosc@pacbell.net  
Subject: Altamont

Dan,

I see you are having an Altamont open house in Livermore. Since I can't get to the meeting I'm forwarding a few initial thoughts. There could be more, as I learn more about your current plans:

First, I'm glad to see that a serious study of an electrified Altamont Commuter Rail Line is at last underway.

A top speed of 150 mph sounds right. Hans Korve mentioned that number to me about two years ago. I agreed with him then and still do.

The line should extend to Sacramento and possibly also southward as well.

In the Bay Area there should be service to San Francisco as well as to San Jose. BART is projected to run out of transbay carrying capacity in about 20 years, a problem that MTC has accountably refused to address. By studying the Altamont Corridor your Authority is doing work MTC should have completed long ago. (While I marvel at the anomaly, I'm not complaining)

So as not to burden you with too many words, I'll end here.

I hope all is well with you.

Jerry

## Kris Livingston

---

**From:** Lisa Charpontier [lischa@earthlink.net]  
**Sent:** Friday, December 04, 2009 1:50 PM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Scoping

I am a resident of the Newhall Neighborhood in San Jose, and I am writing to offer my comments on the High Speed Rail project proposed from San Jose to San Francisco. Our neighborhood is already highly impacted by mass transportation from the airport, train and nearby freeway, and yet we manage to keep a strong neighborhood where neighbors are friendly and work for the common good. However, if we are again impacted by elevated tracks 40-50 feet in the air right next to our neighborhood with about 90 decibels of noise at each passing once every 2-3 minutes, our neighborhood is sure to disintegrate.

We are currently struggling to improve the neighborhood, but this proposal basically considers our neighborhood a casualty of a bigger picture-- a flawed bigger picture, in my opinion. Blight in our area will follow. If high speed rail is to come in our area, we should have underground tracks which will allow for comfortable living in the adjacent neighborhoods, and allow for a harmonious co-existence with mass transportation. Please do not bring elevated high speed rail tracks to our neighborhood.

Thank you--

Lisa Charpontier  
Botany of Design  
Landscape Design  
408.243.2131  
[www.botanyofdesign.com](http://www.botanyofdesign.com)  
[lischa@earthlink.net](mailto:lischa@earthlink.net)

## Kris Livingston

---

**From:** Anzelon, Daniel B. [DANIEL.B.ANZELON@saic.com]  
**Sent:** Monday, December 07, 2009 10:56 AM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Rail Project - Historic Chevron Pipeline Alignments  
**Attachments:** Altamont Pass NOP for EIR \_12-4-09\_.pdf

Mr. Leavitt,

On behalf of Chevron, I've attached a comment letter for the Altamont Corridor Rail Project. The purpose of this letter is to notify stakeholders of the California High Speed Rail Authority as to the location of formerly active crude-oil transportation pipelines located within San Joaquin County.

Please let me know if you have any questions. Thanks for your time,

-Daniel

**Daniel Anzelon** | SAIC  
Project Geologist | Energy, Engineering & Infrastructure Business Unit  
phone: 858.826.3316 | fax 858.826.2735  
email: [anzelond@saic.com](mailto:anzelond@saic.com)

Science Applications International Corporation  
10260 Campus Point Dr., M/S D-4  
San Diego, CA 92121  
[www.saic.com](http://www.saic.com)

Energy | Environment | National Security | Health | Critical Infrastructure

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**Lee Higgins, PG**  
Environmental Project  
Manager

**Chevron Environmental  
Management Company**  
6111 Bollinger Canyon Road  
BR1Y/3484  
San Ramon, CA 94583  
Tel (925) 543-2365  
Fax (925) 543-2323  
leehiggins@chevron.com

December 4, 2009

Stakeholder Correspondence—California High Speed Rail Authority

Mr. Dan Leavitt,  
Deputy Director  
ATTN: Altamont Corridor Rail Project EIR/EIS  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

***Subject:* Comments on the Notice of Preparation of an Environmental Impact Report/  
Environmental Impact Statement for the Altamont Corridor Rail Project  
from Stockton to San Jose, California**  
Chevron Environmental Management Company  
Historical Pipeline Portfolio—Bakersfield to Richmond

Dear Mr. Leavitt:

Chevron Environmental Management Company (CEMC) recently became aware of the Notice of Preparation (NOP) of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Altamont Corridor Rail Project from Stockton to San Jose, California. The purpose of this letter is to notify stakeholders of the California High Speed Rail Authority as to the location of formerly active crude-oil transportation pipelines located within San Joaquin County (Figure 1). The intent is that the pipeline location information will be incorporated into future engineering and environmental documents associated with the Altamont Corridor Rail Project.

Former crude-oil pipelines of the Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) systems existed within San Joaquin County. The OVP was installed in the early 1900s and carried San Joaquin Valley crude oil from the Kern River Oil Fields in and near Bakersfield to the Richmond Refinery until pipeline operations ceased in the 1940s. The TAOC system was also constructed in the early 1900s and transmitted heated crude oil from the southern San Joaquin Valley to the Bay Area until the 1970s. These two former pipeline systems are collectively referred to as the CEMC Historical Pipeline Portfolio—Bakersfield to Richmond (HPP-BTR).

Evidence of historic releases associated with the formerly active pipelines is sometimes identified during the course of underground utility work and other subsurface construction activities near the former pipeline right of ways (ROWs). Generally, residual weathered crude oil associated with former OVP and TAOC pipeline operations can be observed visually; however, analytical testing is necessary to confirm that the likely source of the affected material is associated with these former pipelines. Analytical results from human health risk assessments performed by CEMC at several known historical pipeline release sites confirm that soil affected by the historic release of product from the pipelines is non-hazardous, and does not pose significant health risks.

Mr. Dan Leavitt, Deputy Director – California High Speed Rail Authority  
December 4, 2009  
Page 2 of 2

CEMC has identified the areas within San Joaquin County that are transected by the former OVP and TAOC ROWs (see Figure 1). CEMC recommends that the project proponent be prepared to address residual weathered crude oil from the former OVP and/or TAOC systems during subsurface construction activities. This potentiality is easily managed by project proponents with some advanced planning. CEMC would appreciate being informed of project progress, encountered petroleum, and any additional planned construction and land development projects in the vicinity of the former OVP and TAOC ROWs.

For more information regarding the HPP-BTR alignment, please visit <http://www.hppinfo.com/>. If you have any questions, require additional information, or would like to request more detailed maps, please call SAIC consultants Tom Burns at (916) 979-3748 or Daniel Anzelon at (858) 826-3316.

Sincerely,



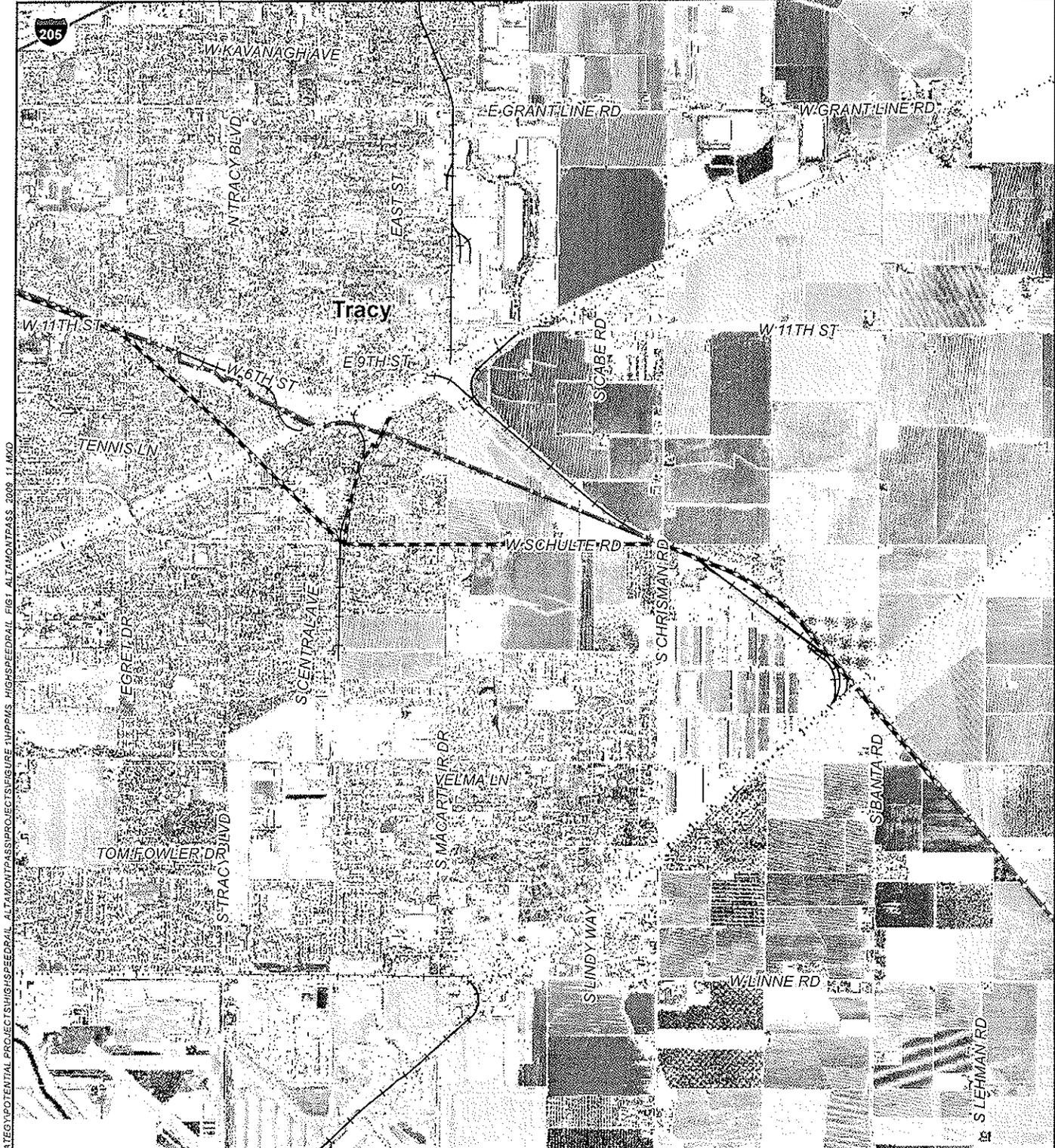
Lee Higgins

LPH/klg

Enclosures:

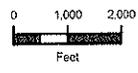
Figure 1. Historical Pipeline Alignments – Altamont Corridor Rail Project

cc: Mr. Tom Burns – SAIC  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Mr. Mike Jenkins – SAIC (letter only)  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Mr. Mohamed Ibrahim – SAIC  
3800 Watt Avenue, Suite 210, Sacramento, California 95821



FILE: \\SAGGIS\GIS\CAD\PP\TRMANAGEMENT\STRATEGY\HIGH\SPED\RAIL\ALTAMONT\PASS\PROJECT\FIGURE 1\TRIPMAPS\_HIGH\SPED\RAIL\_FIG1\_ALTAMONT.PASS\_2009\_11.MXD

Map is a relative representation of current and historical data and should be verified for exact legal or underground work.



- Potential Altamont Rail Corridor Alignment
- Historical Old Valley Pipeline (OVP)
- Historical Tidewater Associated Oil Company (TAOC) Pipeline
- Railroad

**HISTORICAL PIPELINE ALIGNMENTS**

**ALTAMONT CORRIDOR RAIL PROJECT**  
San Joaquin County, California

DATE: 12/4/2009 ANALYST: HOANGTA FIGURE



**1**

CALIFORNIA LOCATION MAP



# COMMENT FORM

Meeting Date/ Location -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: GEORGE CHILDS    Organization: NCAH  
Address: 1652 LISA GARD AW, PLEASANTON 94611  
Phone: 510 653 0354    Email: GDCHILDSJR@SBCGLOBAL.NET

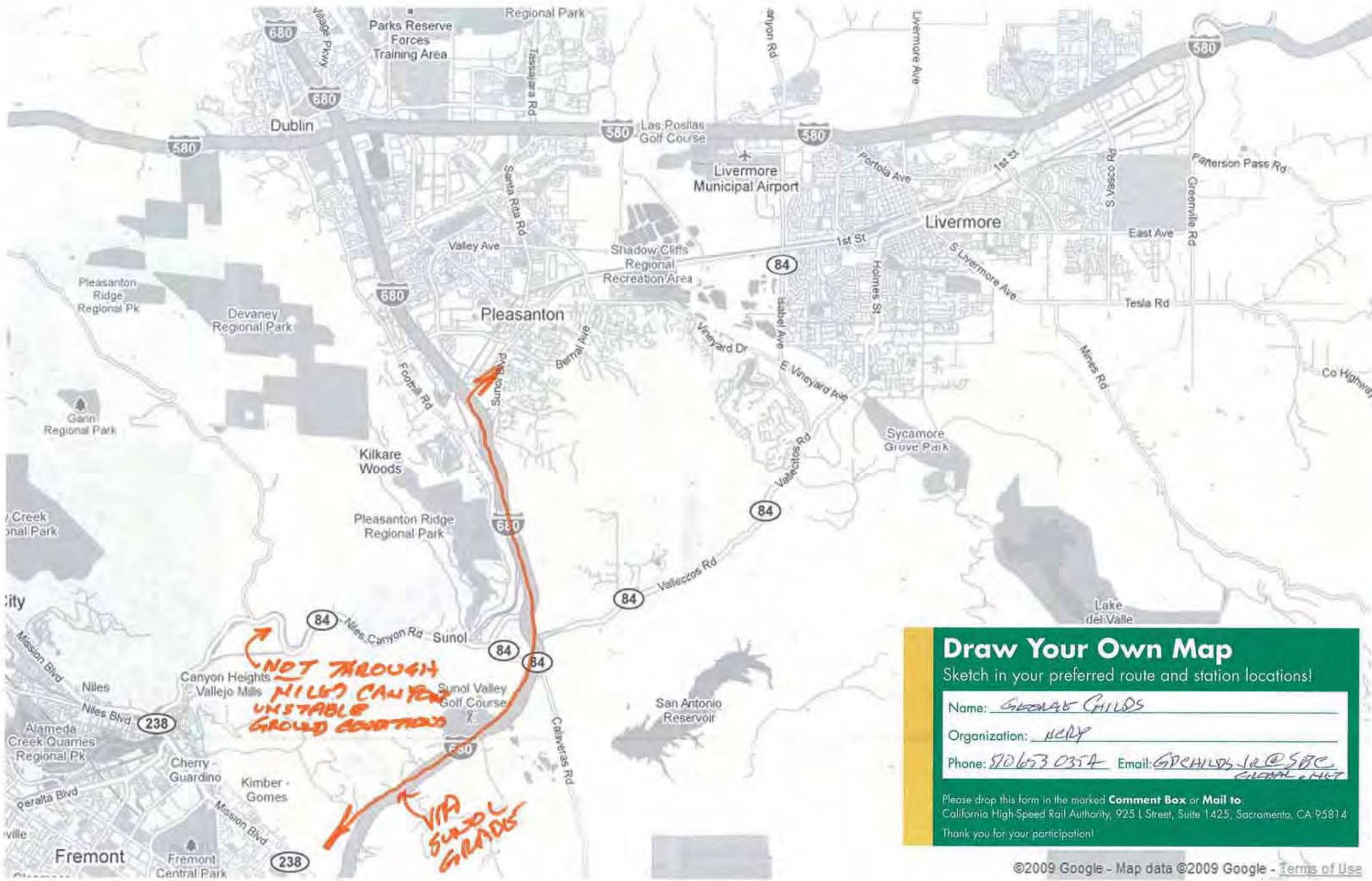
**Comment(s):**

- SUGGEST AN ALIGNMENT THAT FOLLOWS I-680 ACROSS THE SONOL PASS BETWEEN PLEASANTON AND FREMONT.
- AVOID NEW RIGHT OF WAY THROUGH NILES CANYON, MUCH OF THIS CANYON HAS UNSTABLE EARTH THAT IS SUBJECT TO FREQUENT MUD AND ROCK SLIDES.
- NILES CANYON ROUTE ALSO INCLUDES THE RIGHT OF WAY OF THE HISTORIC CENTRAL PACIFIC RAILROAD FROM SACRAMENTO TO THE EAST BAY. AS ONE OF THE LAST AND BEST PRESERVED PORTIONS OF THE ORIGINAL TRANSCONTINENTAL RAILROAD, THIS RIGHT OF WAY SHOULD BE PRESERVED FOR THE EDUCATION OF FUTURE GENERATIONS OF CALIFORNIANS.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



### Draw Your Own Map

Sketch in your preferred route and station locations!

Name: GREENAS CHILDS

Organization: HCAP

Phone: 510 673 0354 Email: GREENCHILDSJA@SBC  
GLOBAL-HST

Please drop this form in the marked **Comment Box** or **Mail to**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
Thank you for your participation!

## Kris Livingston

---

**From:** lateautumnwind@aol.com  
**Sent:** Saturday, December 05, 2009 12:00 AM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Rail Project - Route Suggestions

To those involved in the Altamont Corridor Rail Project:

As a part of the Altamont Corridor Rail Project goals as stated at the project scoping meetings, the proposed rail service will be separate from freight, involve joint use infrastructure, as well as serve population and employment centers. In addition, due to current economic conditions, cost will also be a factor in the project.

For the aforementioned reasons, a rail route that uses the right of way of I-580 to cross the Diablo Range at the Altamont Pass, and the right of way for I-680 to cross the Sunol Grade at Mission Pass is more cost effective, avoiding tunneling and serving Mountain House, a community projected to reach 40,000 residents in the next 20 years.

For more information, visit the below link:

<http://sites.google.com/site/altamontcorridorrail/>

-Clint

## Kris Livingston

---

**From:** MCraggs [sunpun@earthlink.net]  
**Sent:** Friday, December 04, 2009 10:17 AM  
**To:** HSR Comments  
**Cc:** Urban John  
**Subject:** Altamont Corridor Scoping

I have a number of questions regarding the proposed High Speed Rail through San Jose.

If an elevated design is chosen, the impacts to the surrounding community will be tremendous, in terms of visual impact, noises and light pollution, construction and operation noise, and safety. An at-grade design will still have those impacts, but to a somewhat lesser degree. A buried design is by far more acceptable, since it will have minimal impact after construction.

It is imperative that you provide clear and specific information to the community regarding the impacts that will occur for each design option and obtain input from the neighboring residents and businesses before selecting a design.

Visual Impact: Please answer the following questions for both the elevated and at-grade options:

An elevated rail line will generate huge visual impact. What will be the actual visual impact during its course through San Jose. Please provide mock-ups that will clearly show the visual impact from every vantage point throughout the corridor, so residents can see what their views will be like when it is built. How far above current ground level will the railbed be in every location? How far above current ground level will the top of the train be in every location? How far above the current ground level will any other structures be in every location? Provide detailed photo mock-ups so every resident and business can clearly see the visual impact from his property.

Lights: Please answer the following questions for both the elevated and at-grade options. How many stationary lights will there be? Where? How far above current ground level will they be in every location? From how far away will those lights be visible from every vantage point along the route? What light output will they generate? Will the trains have lights? How often will the trains be running? During what times? Provide detailed light glow/spread drawings so every resident/business can clearly see the visual impact from his property.

Noise: Please answer the following questions for both the elevated and at-grade options. How much noise will each train generate? How many trains will run each day? During what times will they run? Provide detailed sound maps, showing the increase in dB of noise that those living within earshot of the train tracks will experience at each possible listening point.

Vibration: Please answer the following questions for the elevated, at-grade and below grade options. How much ground vibration will be generated when each train passes? Please provide a map for the route showing the vibration expected at each point along its entirety.

Construction: Please answer the following questions for the elevated, at-grade and below grade options. What levels of noise will be generated during construction? How much ground vibration will be generated? Where? Who will be responsible for fixing damage to structures above the tunnels? Please show the exact locations of each piling that will be needed and the amount of area the vibration generated during construction will impact at what force. How will nearby persons and properties be protected from falling debris/equipment, etc.? What hours will construction occur?

Operations: Please answer the following questions for the elevated, at-grade and below grade options. What operations/maintenance activities will occur at the Newhall Yard? At Diridon Station? What new structures will be built at Newhall and Diridon? How big will they be? During what hours will operations occur? How much noise (both peak and average) will be generated? At what times? What lights will be operational? How many? How tall? Please provide a light diagram showing the light pollution's range and brightness.

Safety: Please answer the following questions for the elevated and at-grade options. How will the train operation impact safety at San Jose Airport, given the new guidelines and safety zones that will be in effect when it is operational? How many airlines will no longer operate at San Jose International because their One Engine Inoperative guidelines will no longer be met once the train is operational?

Sincerely,  
MCraggs

## Kris Livingston

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**From:** Joanne [joanne14@earthlink.net]  
**Sent:** Friday, December 04, 2009 3:43 PM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Scoping - Homeowner Comments

Hello. My name is Joanne Curme and I am writing in response to the proposed High Speed Rail project planned to pass through San Jose.

I am a homeowner in the Newhall Neighborhood area and am strongly opposed to a raised track north of the I-880/De La Cruz interchange, next to the current CalTrain rail yard and the SJ Airport.

The current estimate is that during the 4 peak commute hours in the morning and the 4 peak commute hours in the evening, a train will be passing by on these tracks every 2 or 3 minutes. This is completely unacceptable to happen in a neighborhood.

The noise from each train that goes over these tracks would be extremely loud (estimated at 90 decibels). This would destroy the quality of life in this neighborhood. There is no way to reduce the sound enough to keep it from being disruptive. The only solution is to not have a raised track anywhere near this location.

Please consider my comments and do not approve the raised tracks in the I-880/De La Cruz area.

Thank you.

Sincerely,

Joanne Curme  
1039 O'Brien Ct.  
San Jose, CA 95126



# COMMENT FORM

**Meeting Date/ Location** – Please check one

- Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Dr. Dewar <sup>Dewar</sup> ~~Dewar~~ Organization: \_\_\_\_\_  
Address: 1541 Florida Ave Modesto, CA  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Comment(s):**

<sup>Dewar</sup>  
Dr. Dewar is a physician in town  
that strongly is in favor of  
this project –

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

## Kris Livingston

---

**From:** chimere dim [chimere\_dim@hotmail.com]  
**Sent:** Saturday, December 05, 2009 3:09 PM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Rail Project

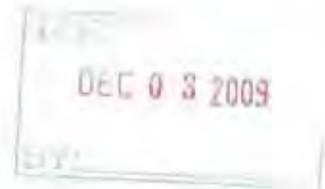
Hi All,  
Mountain House should be the main station because it's location will serve not only tracy and mountain house resident but also discovery bay and brentwood. These cities population is more than 200,000. It will cost a lot less to connect mountain house station to BART in Livermore using old southern pacific railway line.

Thanks  
Chimere

---

Windows Live Hotmail gives you a free,exclusive gift. [Click here to download.](#)

**From:** Fred Doolittle (fredrickdoolittle@yahoo.com)  
**To:** dleavitt@hsr.ca.gov  
**Date:** Sun, November 29, 2009 10:53:22 AM  
**Subject:** Sunol-Grade tunnel vs. Niles-Canyon Tunnel for Altamont project



Hi Dan,

It was good to talk with you at the public comment meeting.

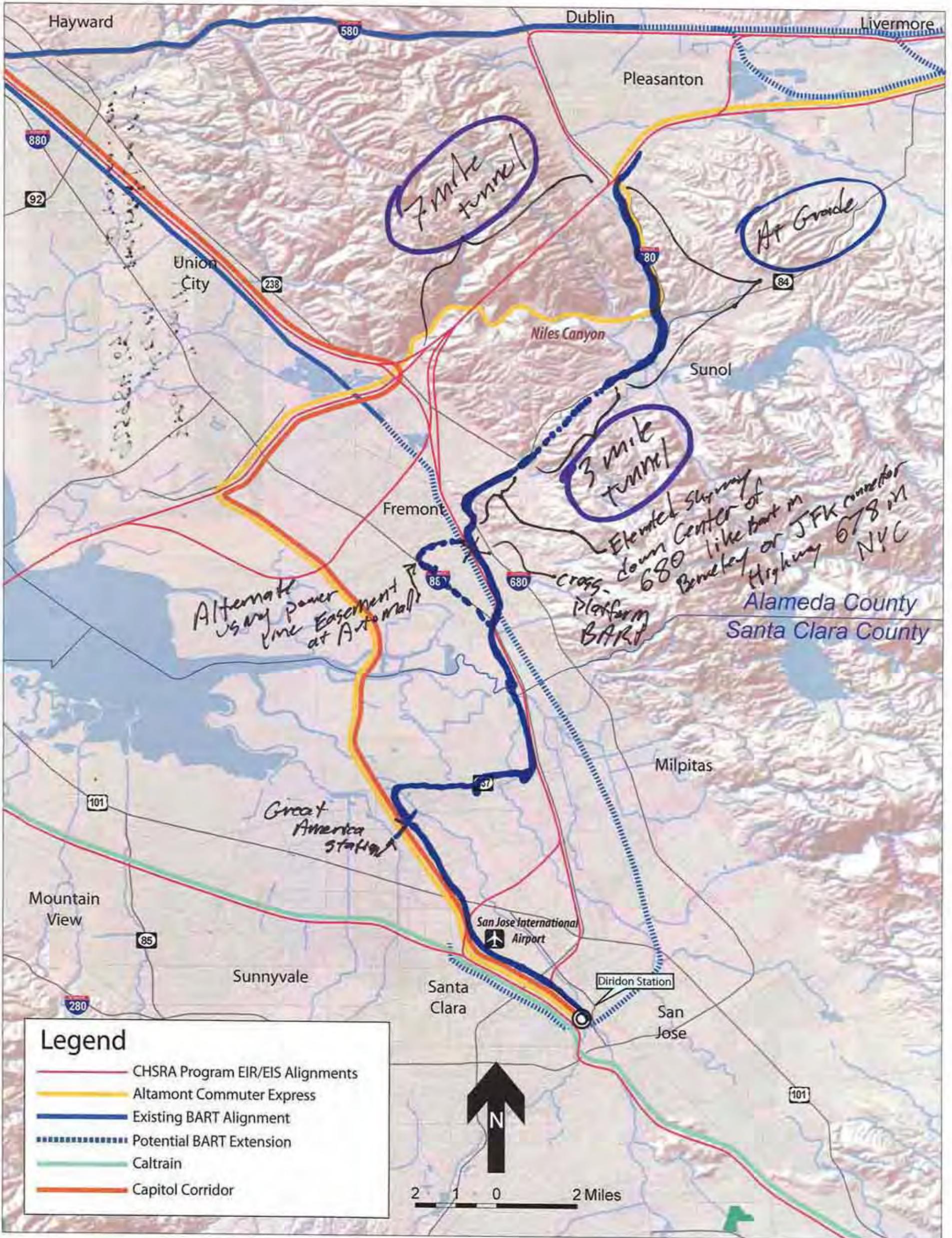
I've taken home the maps, studied them a bit, and marked them up. I'll be sending them in the mail and I thought I'd send an e-mail to accompany. The main opportunities that I see to potentially improve the EIR/EIS alignments on the map are as follows:

- 1) Put a 3 mile tunnel under the Sunol Grade, rather than a 7 mile tunnel in the vicinity of Niles Canyon. My assumption is that tunnels are very expensive and shortening the tunnel from 7 to 3 miles would save significant dollars. This alignment also allows for easy Dumbarton access, if that's desired at some point. If my cost assumption is not correct, then perhaps the idea doesn't make as much sense. Other characteristics of this alignment:
  - At grade run from Pleasanton, near the existing ACE tracks, then south along 680 to Sunol golf course, then into tunnel portal near Sunol golf course.
  - Exit tunnel near Mission blvd and 680 (the north Mission and 680, right at the base of the hill)
  - Ariel structure for a mile or two down center of 680 to Warm Springs BART station (See Google Streetview of ariel structure down center of highway 678 in new york from JFK airport. Perhaps there are many like this; this one came to mind)
  - Dumbarton Bridge access, if this option is desired can be accomplished by using the power line easement along AutoMall Parkway and/or an aerial/tunnel across NUMMI property (soon to be shut down, by the way).
  - Continue south along 880 to Silicon Valley
- A 3 mile tunnel could also go from north of Sunol Golf course to a west portal near Niles.

2) Consider a Great America station.

Having taken ACE to work in the past, I've observed huge ridership at Great America station. This is because Great America station is the heart of the Silicon Valley. Downtown San Jose is very important also, but not a substitute.

Take care,  
Fred



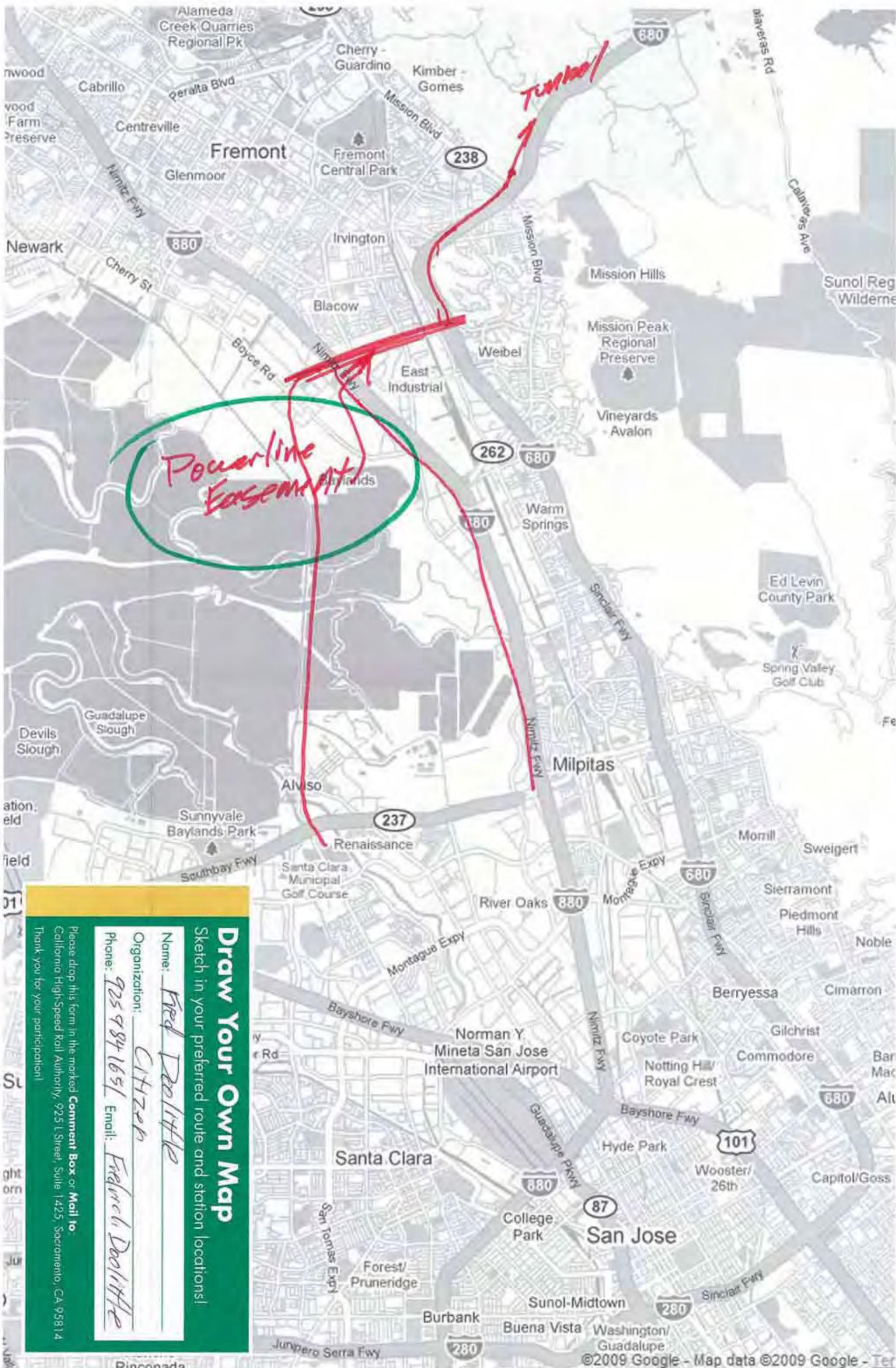
The Altamont Corridor Rail Project

# East Bay / Niles Canyon Map

Please see reverse side to "Draw Your Own Map" and sketch in your preferred route and station locations!







**Draw Your Own Map**

Sketch in your preferred route and station locations!

Name: Fred Deolittle

Organization: CITIZEN

Phone: 925 984 1651 Email: Fred@fred.deolittle.com

Please drop this form in the marked **Comment Box** or **Mail to:**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
Thank you for your participation!



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: P. Michael Dubinsky    Organization: No specific organization  
Address: 695 Posada Way, Fremont, CA 94536  
Phone: 510-494-9161    Email: foxwin9@comcast.net

**Comment(s):**

Questions / Comments / Points on the Altamont Rail Corridor Project (ARCP).

I attended the Fremont Scoping Meeting on 17 Nov 09. I appreciate the California High Speed Rail (HSR) Authority holding that meeting. While the staff answered questions and provided insight into the proposed project I wish to submit the following set of question/points/comments and would appreciate receiving responses to them.

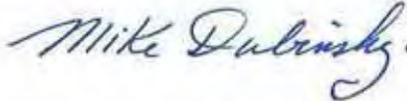
1. You state that the project has a goal of being a feeder for the HSR. Are there data/evidence available to demonstrate that passengers will want to come from Stockton to San Jose to utilize the HSR?
2. If there is data available projecting that people will be using the HSR what is the source of that data?
3. Given the state of the economy the ridership on Altamont Commuter Express train is down and service has been curtailed. Therefore what information is driving the initiative to establish an enhanced rail system to serve the same corridor?

4. It is my understanding that the Association of Bay Area Governments (ABAG) is basing current transit ridership projections on the premise that people will be finding ways to live closer to their jobs not further away. Therefore why do we need additional long distance transit service?
5. What are the disadvantages of the current ACE train service that require it be changed?
6. Once the ARCP reaches the west end of Niles Canyon it will intersect with BART at some point. Irrespective of that intersection it would appear that by continuing south to San Jose the ARCP would be competing with Capitol Corridor and BART for commuter traffic. Wouldn't that be counterproductive?
7. If there has been a Working Group working to define the goals and objectives of the ARCP are there a reports available documenting that work?[ Note: I did access the CA HSR website and searched the Library for meeting minutes but did not locate any.]
8. If the ARCP is separate and distinct from the HSR why is the HSRA shepherding it along? Is it a mini HSR?
9. What will happen to the Ace train service if this project is realized?
10. You state in the FR Notice that the trains using the ARCP would be electrified. That appears at odds with the proposals being made by other rail related initiatives such as the Capitol Corridor and DRC.
11. From the standpoint of passenger demand vs. cost, rail across the USA has not been exceedingly successful in meeting user projections or breaking even. Has ACRP evaluated and / or assessed whether taxpayers want to subsidize another rail that may be running with empty seats?
12. The Federal Register Notice says that 2 tracks will be sufficient. Are those 2 completely new tracks? Or are they an upgrading of existing rail lines in some cases e.g. the existing lines running through the Niles Canyon area?
13. From an environmental standpoint what pitfalls are immediately present in areas such as Niles Canyon?
14. Alameda Creek it is scheduled for some level of environmental impact as the City of San Francisco moves forward to replace the Calaveras Dam. Now the HSR is right behind them with another project. Recognizing that any EIR would factor in these aspects I see the Niles Canyon and Alameda Creek as posing significant environmental obstacles to the project.
15. During the Scoping Meeting I asked whether the project was going to target a bay crossing at Dumbarton. The answer was no. Please verify that is the case.
16. Will the ACRP coordinate EIR/EIS activities with other competing projects such as the Union City Intermodal Station, Capitol Corridor, Dumbarton Rail Corridor and the High Speed Rail project?

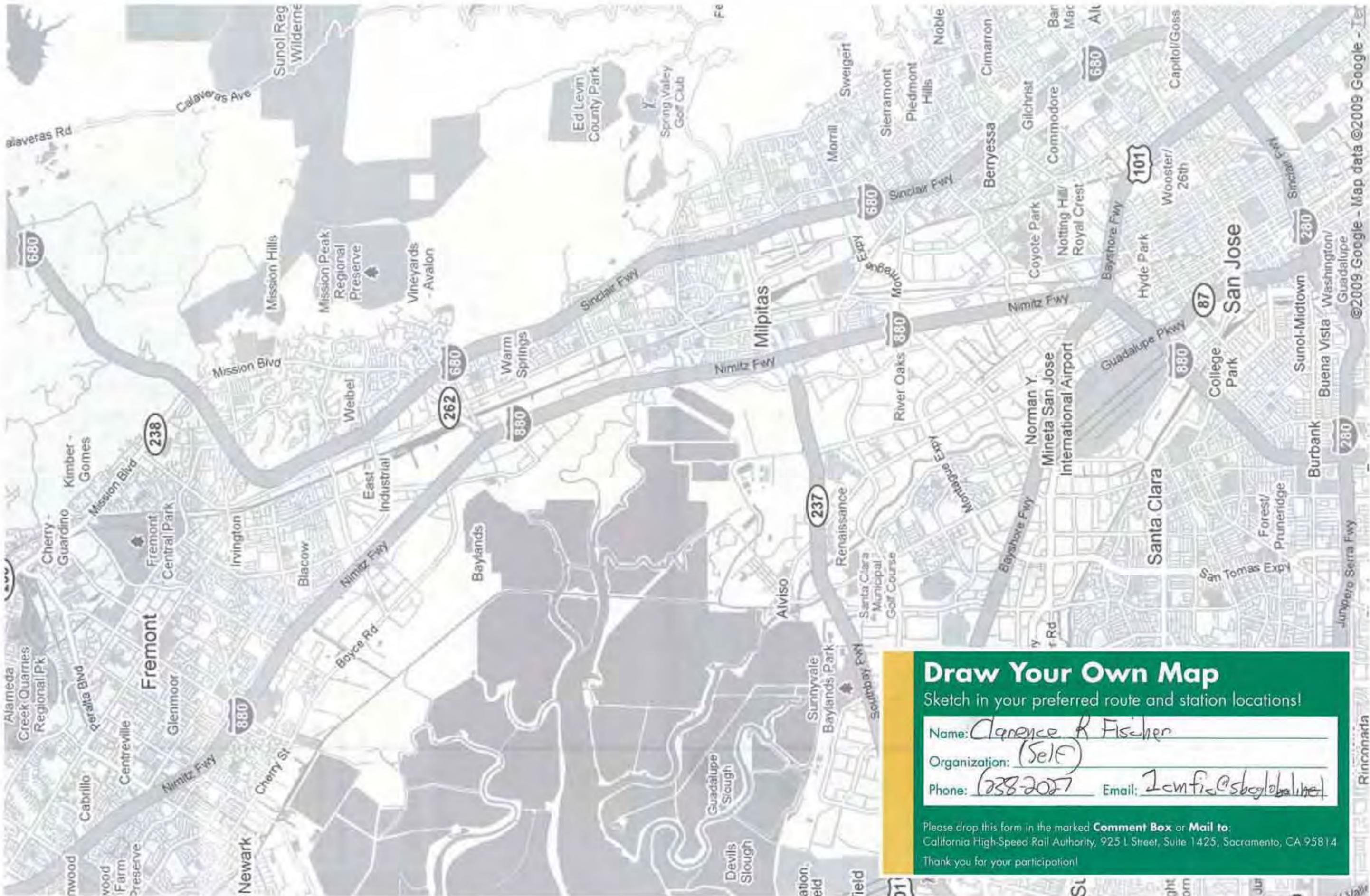
17. In examining the Maps made available at the Fremont Scoping Meeting I would recommend strongly that the path of the proposed ACRP not enter the Centerville area of Fremont as it exits Niles Canyon area on the Western border. Instead it should turn south as early as possible to parallel BART tracks. This should eliminate impacts on Fremont urban neighborhoods and as I recall was one of the primary concerns raised by the City of Fremont when it commented on the HSR alignment project.

I appreciate the opportunity to comment on the ACRP.

Prepared by Mike Dubinsky  
695 Posada Way  
Fremont (Niles), CA 94536  
510-494-9181



11/19/2009



### Draw Your Own Map

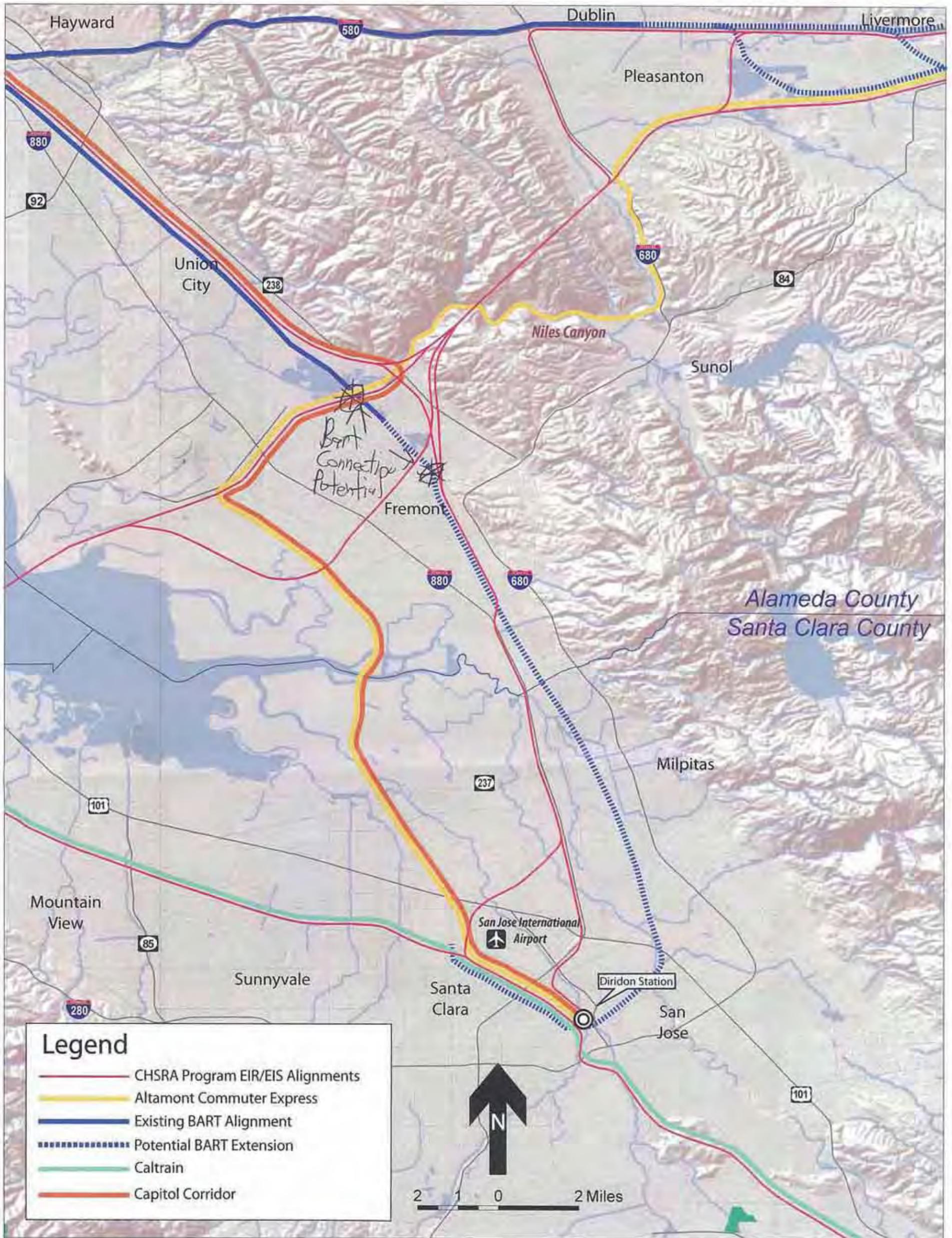
Sketch in your preferred route and station locations!

Name: Clarence R Fischer

Organization: (Self)

Phone: (238-2027) Email: lcmfisc@sbglobal.net

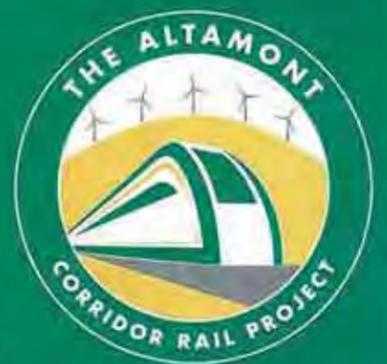
Please drop this form in the marked **Comment Box** or **Mail to:**  
 California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
 Thank you for your participation!



The Altamont Corridor Rail Project

# East Bay / Niles Canyon Map

Please see reverse side to "Draw Your Own Map" and sketch in your preferred route and station locations!



# Draw Your Own Map

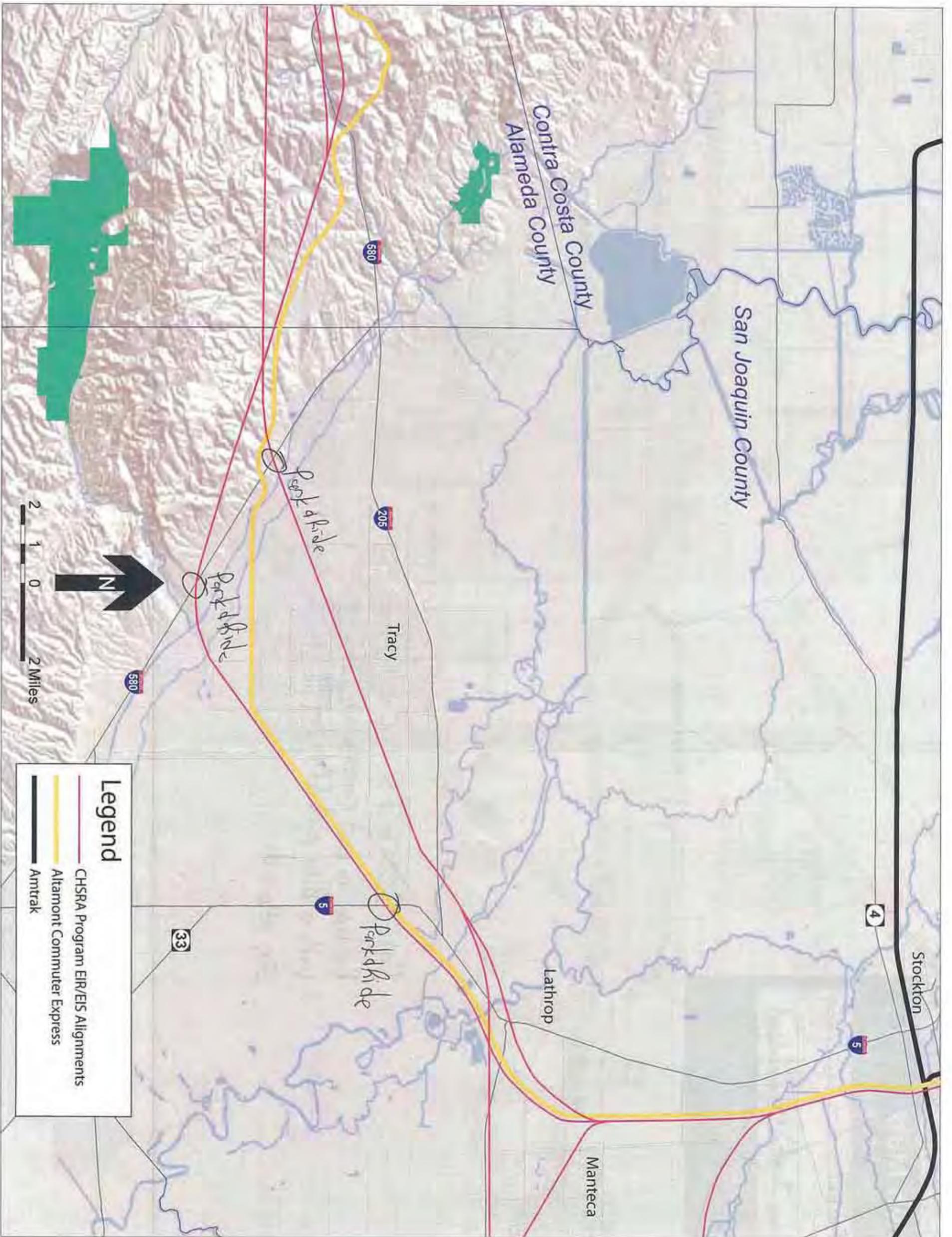
Sketch in your preferred route and station locations!

Name: Clarence R. Fischer  
Organization: (self)  
Phone: (510) 238-2027 Email: 1cmfic@sbcglobal.net

Please drop this form in the marked **Comment Box** or **Mail to:**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
Thank you for your participation!



Either I-580 or I-5  
But have an exit constructed  
with a BIG park & ride lot !!!  
see other side

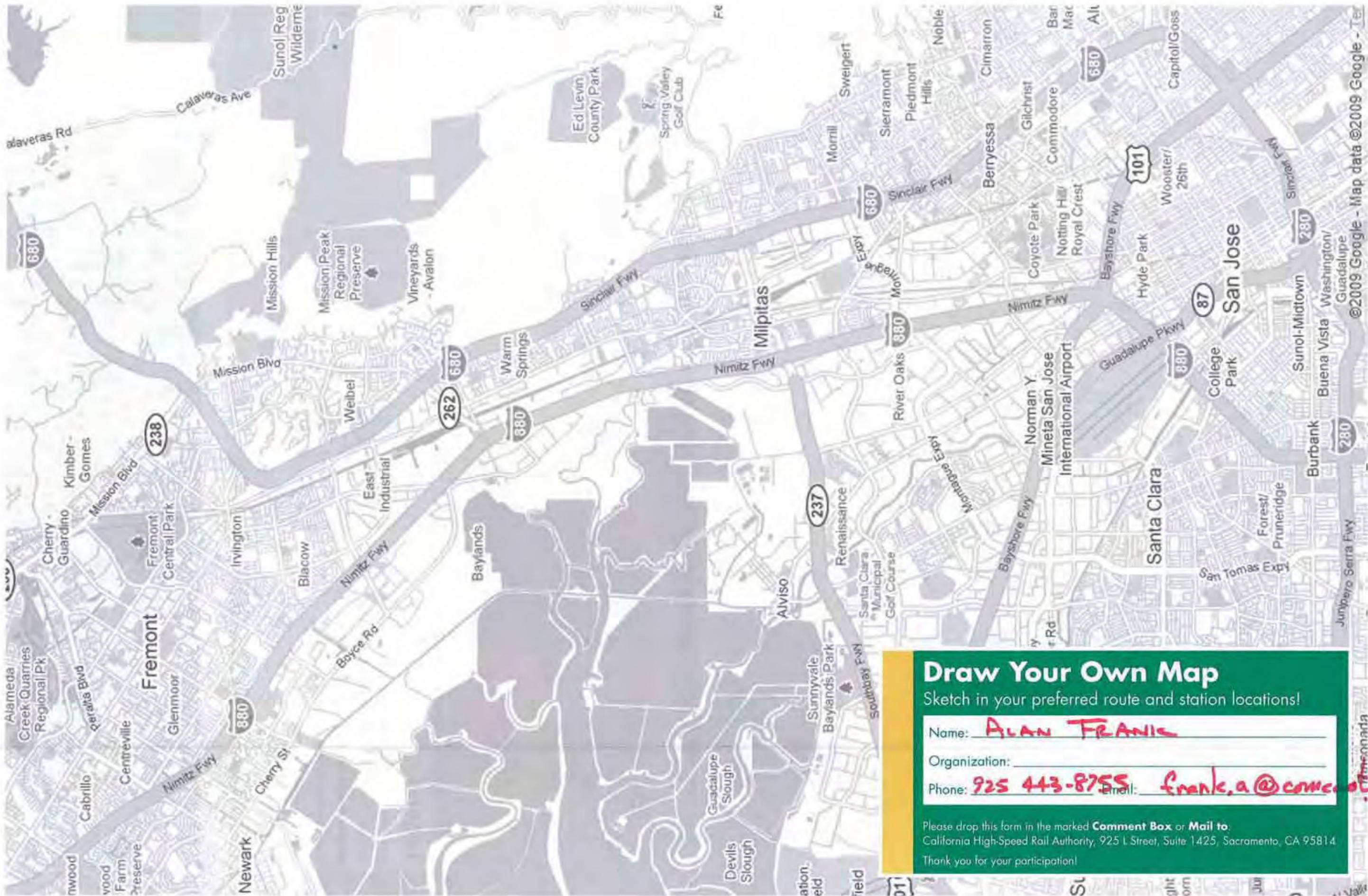


The Altamont Corridor Rail Project

# Altamont Pass / Tracy Map

Please see reverse side to "Draw Your Own Map" and sketch in your preferred route and station locations!





## Draw Your Own Map

Sketch in your preferred route and station locations!

Name: ALAN FRANK

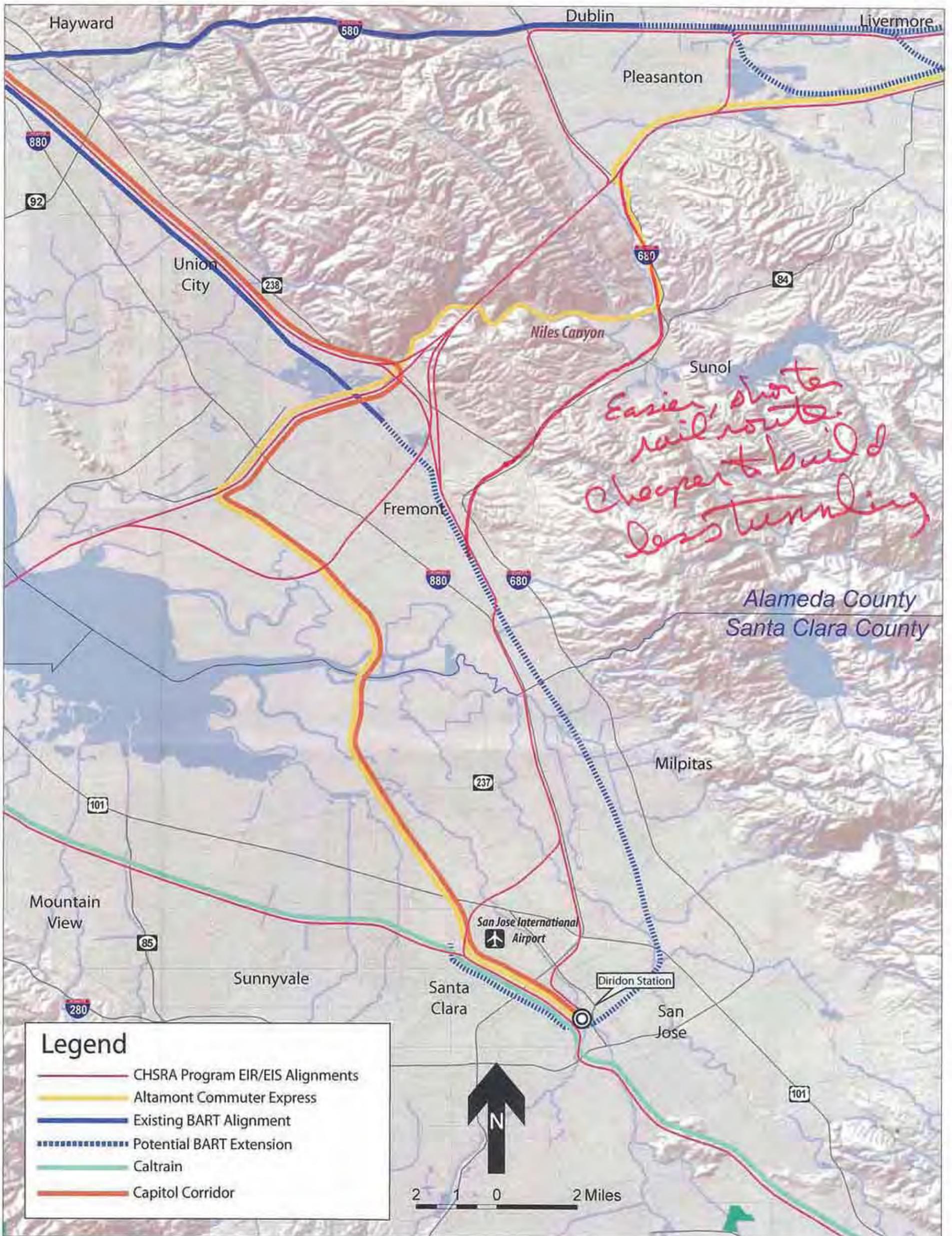
Organization: \_\_\_\_\_

Phone: 925 443-8755

Email: frank.a@concordia.net

Please drop this form in the marked **Comment Box** or **Mail to**:  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814

Thank you for your participation!

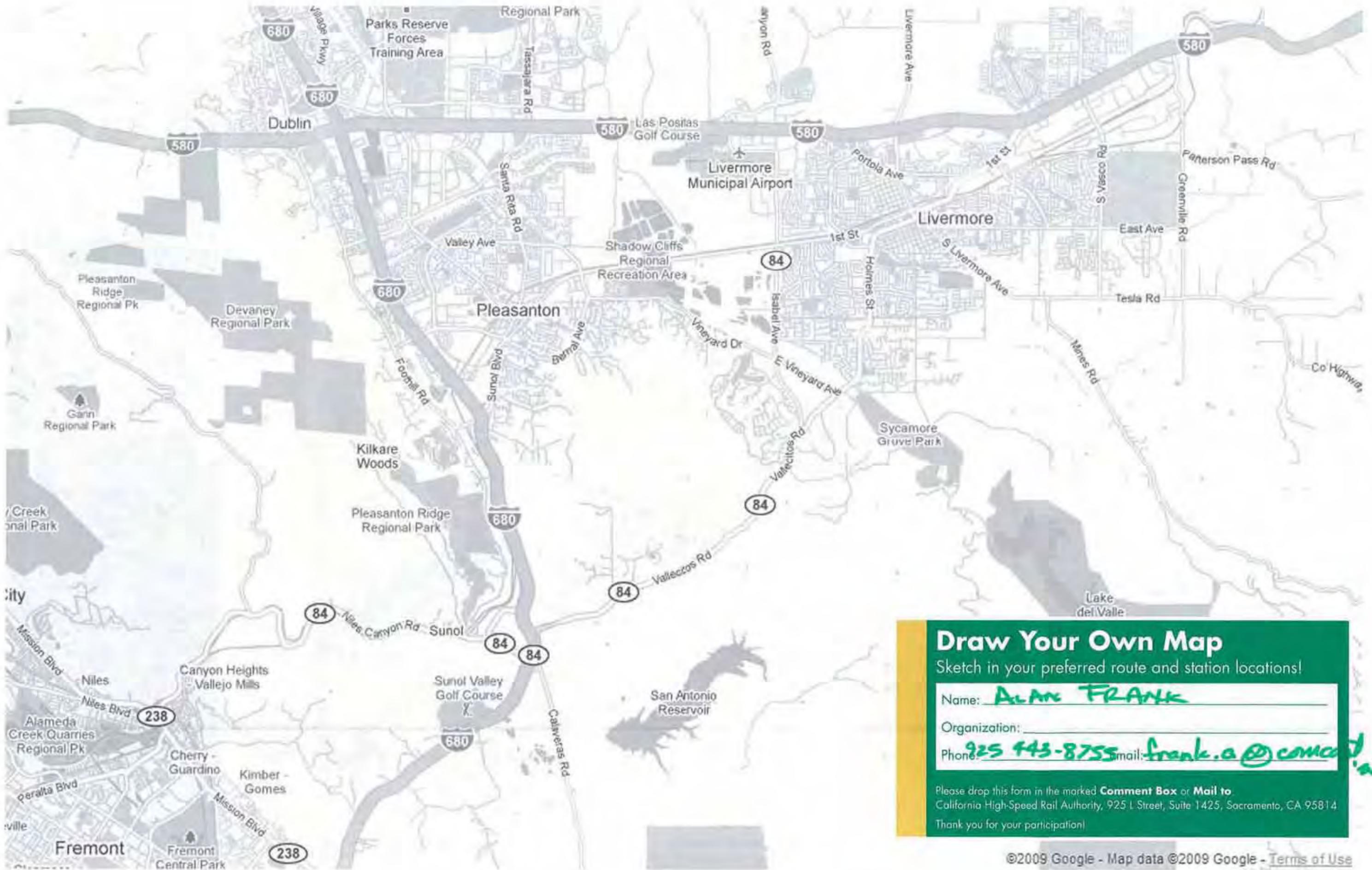


The Altamont Corridor Rail Project

# East Bay / Niles Canyon Map

Please see reverse side to "Draw Your Own Map" and sketch in your preferred route and station locations!





## Draw Your Own Map

Sketch in your preferred route and station locations!

Name: ALAN FRANK

Organization: \_\_\_\_\_

Phone: 925 443-8755 email: frank.a@comcast.net

Please drop this form in the marked **Comment Box** or **Mail to**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814

Thank you for your participation!



# COMMENT FORM

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Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: LUIS FUENTES    Organization: LIVERMORE RESIDENT  
Address: 663 CRANE AVE. LIVERMORE, CA. 94551  
Phone: 925-922-2256    Email: fuentes101@comcast.net

**Comment(s):**

I would like if possible an ACE CORRIDOR CONSTRUCTED IN THE MEDIAN OF I-580 OR ADJACENT OVER ALTAMONT AND A STATION (INTERMODAL) AT GREENVILLE WITH/IN-CONJUNCTION WITH BART, THE ALIGNMENT FOLLOWING I580 TO A SECOND STATION AT ISABEL/I-580 INTERCHANGE MOVING SOUTH AFTER THE LIVERMORE AIRPORT CONNECTING TO THE UPRR ROW WESTBOUND TO THE PLEASANTON STATION POSSIBLY AT A LARGER STATION ON THE VACANT PROPERTY ADJACENT TO THE ALAMEDA C. FAIRGROUNDS ACROSS BERNAL ST. ON UPRR ROW, WITH BUS SERVICE ONTO N-I680 TO WALNUT CREEK, SAN RAMON, DANVILLE, ETC. BART WOULD SHARE TWO STATIONS MENTIONED ABOVE, DIP INTO A TUNNEL TO DOWNTOWN LIVERMORE STATION, FOLLOWING UPRR EAST TO GREENVILLE STATION.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



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PLEASE PRINT CLEARLY.

Name: LUIS FUENTES    Organization: LIVERMORE RESIDENT  
Address: 663 CRANE AVE. LIVERMORE, CA. 94551  
Phone: 925-922-2256    Email: fuentes101@comcast.net

**Comment(s):**

One Important suggestion/comment is, AND its very important, to make all ticketing and transfers from one train to the next as easy as possible. Ticketing should be the same for all Bay AREA TRAINS, BART, ACE, VTA, CALTRAIN, HSR (STATEWIDE) with SAME TICKETING FOR ALL SYSTEMS. Touchscreen Selections from origin to destination, transfers at specific Stations and transfer destinations all on one ticket and a quick calculation of fare for all of the trip plus transfers all one one ticket.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

# Draw Your Own Map

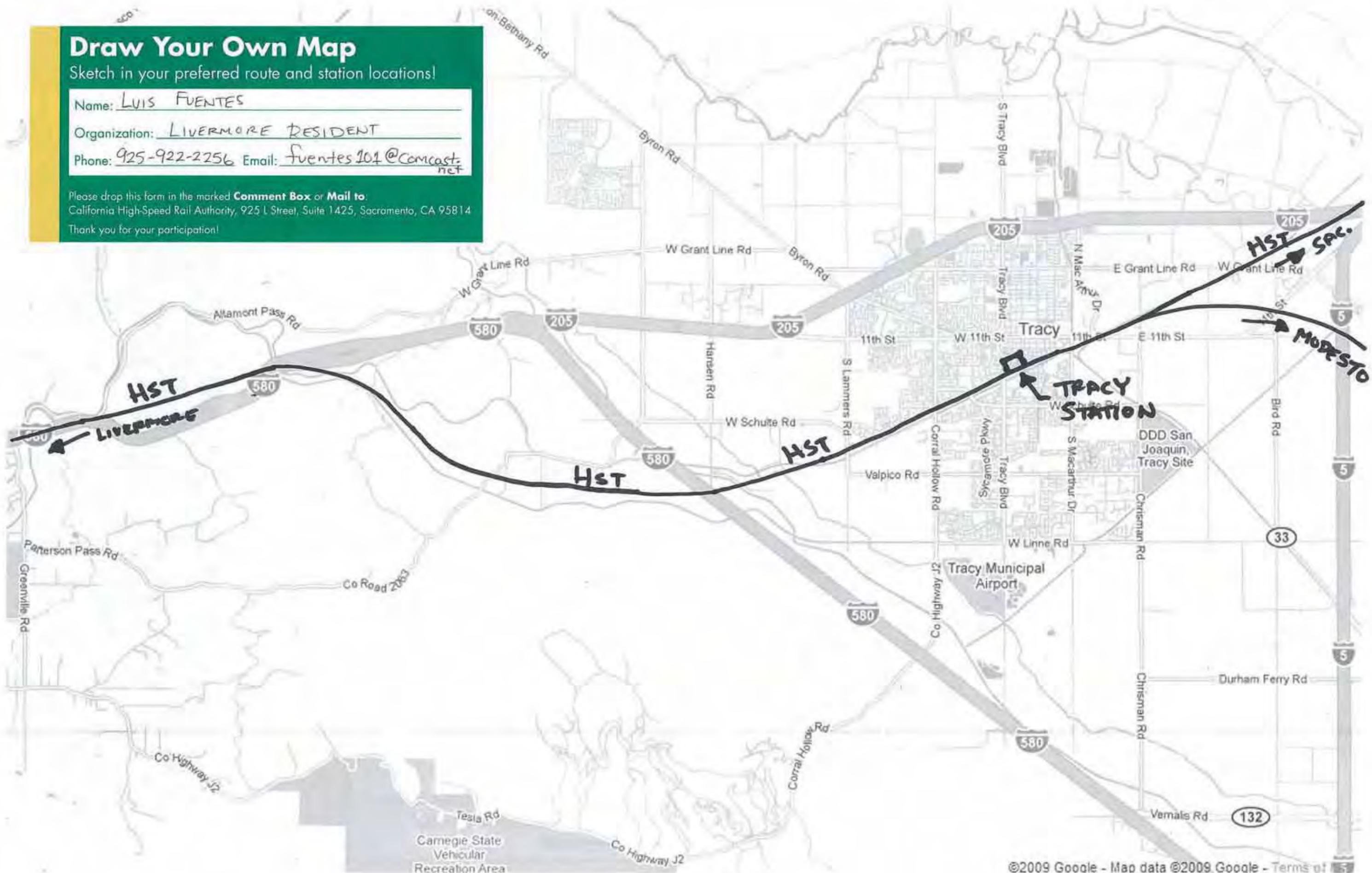
Sketch in your preferred route and station locations!

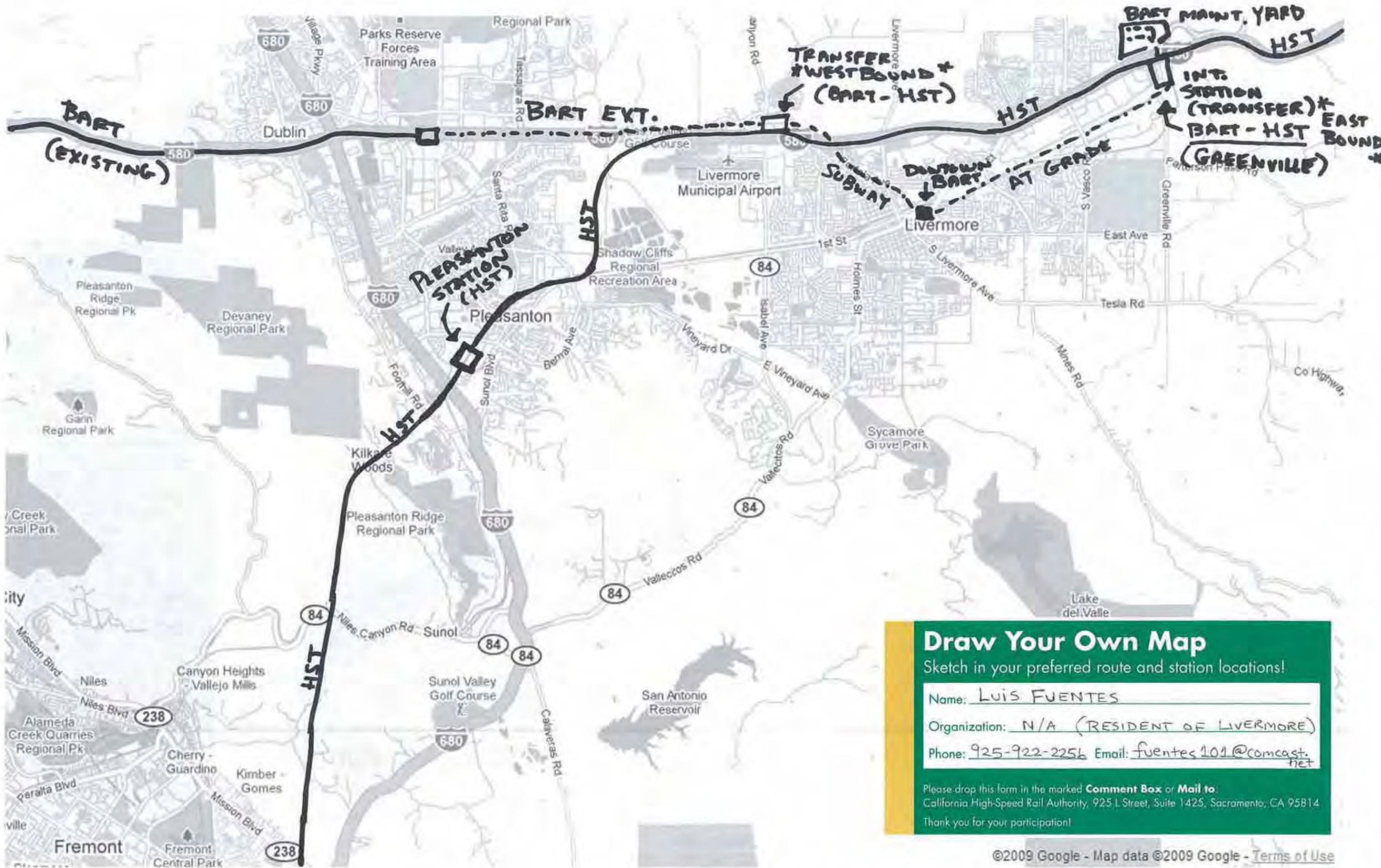
Name: LUIS FUENTES

Organization: LIVERMORE RESIDENT

Phone: 925-922-2256 Email: fuentes101@comcast.net

Please drop this form in the marked **Comment Box** or **Mail to:**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
Thank you for your participation!





## Draw Your Own Map

Sketch in your preferred route and station locations!

Name: LUIS FUENTES  
 Organization: N/A (RESIDENT OF LIVERMORE)  
 Phone: 925-922-2256 Email: fuentes101@comcast.net

Please drop this form in the marked **Comment Box** or **Mail to**  
 California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814

Thank you for your participation!

# Draw Your Own Map

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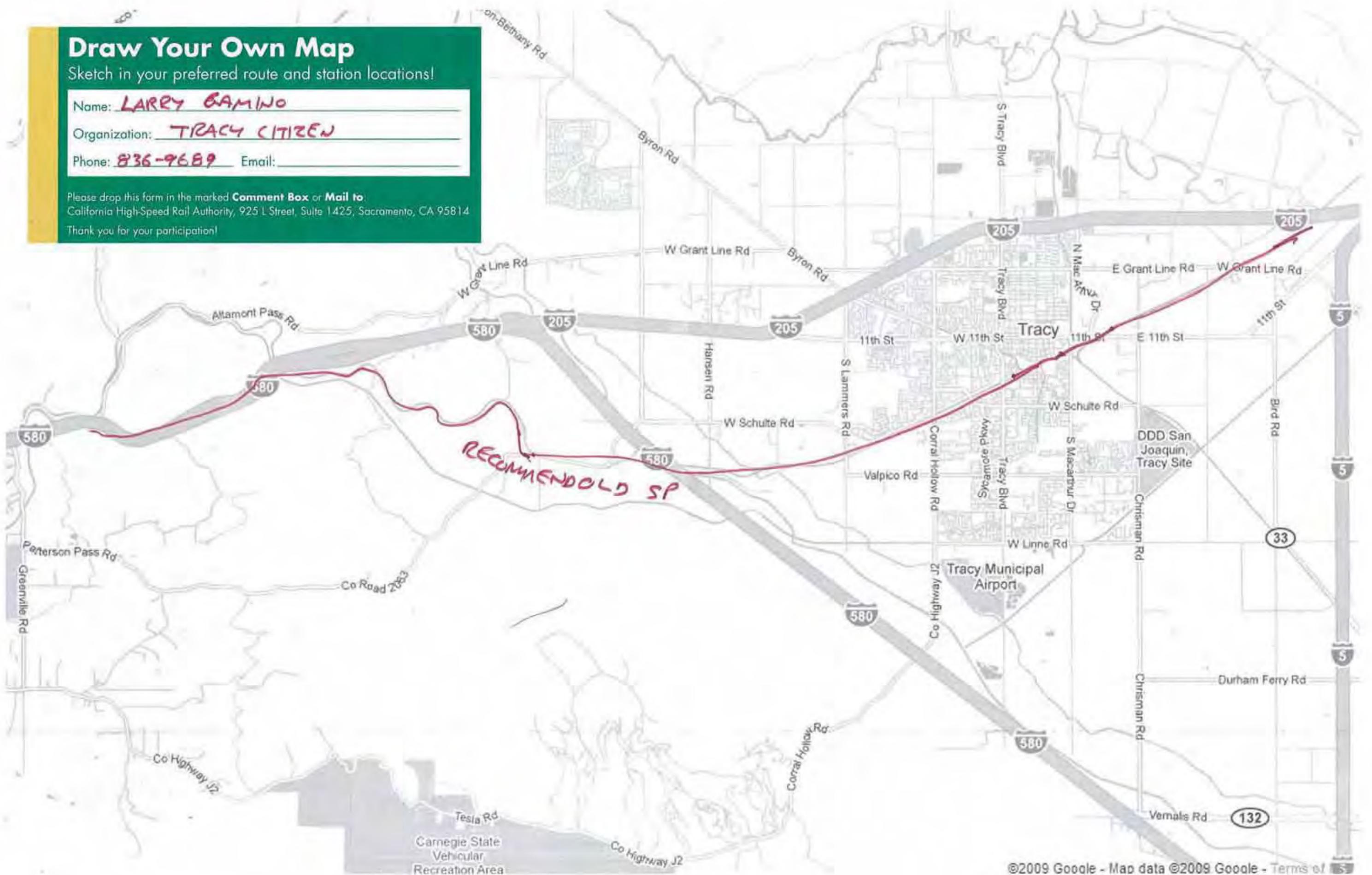
Name: LARRY GAMINO

Organization: TRACY CITIZEN

Phone: 836-9689 Email: \_\_\_\_\_

Please drop this form in the marked **Comment Box** or **Mail to:**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814

Thank you for your participation!



## Kris Livingston

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**From:** Sara Gray [sara.m.gray@gmail.com]  
**Sent:** Friday, December 04, 2009 3:48 PM  
**To:** HSR Comments  
**Cc:** pierluigi.oliverio@sanjoseca.gov; District3@sanjoseca.gov; ragan.henninger@sanjoseca.gov; Meri.Maben@mail.house.gov  
**Subject:** Altamont Corridor Scoping

To Whom it May Concern:

I am writing to oppose the plan to build the tracks for the SF SJ alignment above ground. The city should use the original plans to put the tracks underground in a tunnel, as the above ground tracks will disturb the neighborhood next to the tracks, as well as considerably reduce the appeal and value of the neighborhood.

I voted in favor of the high speed railway, but would have voted to oppose it if the original plans had included above ground tracks in my neighborhood. Please return to the original plan, or find an alternative path for the above ground railroad tracks, as it will be a great disturbance to the hundreds of families who live in the Altura and Encanto developments.

Thank you,

Sara Gray  
Homeowner  
1252 De Altura Commons  
San Jose, CA 95126



# COMMENT FORM

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Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Glenn Hage Organization: \_\_\_\_\_  
Address: Same \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Comment(s):**

*I was curious about using Budd D<sup>S</sup>MU trains mid-day on ACE route.*

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!





# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Scott Jacobson Organization: Self-ACE Rider

Address: 1010 Independence Drive, Tracy, CA 95376

Phone: 209-935-8062 Email: scottj1119@yahoo.com

**Comment(s):**

It's good to hear about improving the speed of commuting into the Bay Area from the Central Valley. I've been commuting by ACE into the Silicon Valley for over 10 years and it's the best way to commute. The clear advantages of commuting by ACE for me has not been to save time of commuting but to do it for 1) A safer commute; 2) reduced costs; 3) reduced wear and tear on my car and 4) reduced wear and tear on myself. Any plans going forward need to continue to provide a station stop in Tracy to make it reasonable for commuters to use. If a Tracy stop

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**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

<over>

~~It is~~ is not included in the plans whereby people from Tracy would have to drive to Stockton, then <sup>to catch the train</sup> I, for one, would never ride the train again.

The reason would be the time required to drive to Stockton (1/2 hr) then "train" back to Tracy (1/2 hr). Given that same hour of time, I would already be in the Bay Area if I drove.

Please keep Tracy as a station stop in any plans. Driving to Stockton would also exaggerate the clean air problems that the Central Valley is already facing.

The areas of improvement that I think could be an advantage are: 1) Reduce the time to commute by train (faster service) and 2) more available schedule times (ACE is 3 times in/out of the valley) and <sup>3) better, more frequent, connections to BART</sup> If more schedule times were available, I think that more people would consider it as a reasonable way to commute.

If the connections to BART were also more frequent and available, I think that even more people would consider commuting by train.

P.S. Also, don't run the Train through the downtown "multi-use" terminal, that's a waste of taxpayers money and will make traffic in Tracy WORSE, not better!



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Dean Johnson                      Organization: \_\_\_\_\_  
Address: 1148 Murdell Lane, Livermore  
Phone: \_\_\_\_\_                      Email: Dean.Johnson 2 @gte.net

**Comment(s):** *Route and steps look fine, be sure to pay special attention to the construction of the roadbed where it crosses the Hayward fault.*

*Thanks,  
Great Presentation!*

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Edith Johnson    Organization: Tracy Public  
Address: 1300 Duncan Dr.    Tracy, Ca. 95376  
Phone: (209) 835-5552    Email: None

**Comment(s):**

- 1) High speed thru town of Tracy concerns me alot.
- 2) Where electric power to come from - since limited in Tracy, Ca.
- 3) Affects on exciting commutes during construction process.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

## Kris Livingston

---

**From:** Karl Kailing [kjkailing@gmail.com]  
**Sent:** Friday, December 04, 2009 3:56 PM  
**To:** HSR Comments  
**Cc:** urbanjohnnewhall@yahoo.com; pierluigi.oliverio@sanjoseca.gov; District3@sanjoseca.gov; ragan.henninger@sanjoseca.gov; Meri.Maben@mail.house.gov  
**Subject:** Altamont Corridor Scoping

I have just been informed of changes to the proposed section of the HSR project between Diridon and Santa Clara, and, as a resident of the proposed construction area, I would like to express my intense opposition to the revised plans. It is my understanding that the preferred approach had been to build a tunnel for HSR and the BART extension, for which there is ample land in a development zone adjacent to the East side of the current tracks. Alternately, I understood that existing tracks could be upgraded, or new tracks laid in the vacant land in the Coleman Avenue redevelopment zone.

I am quite concerned by the fact - if true - that the commission seems intent upon building a 5-10 story elevated track, which will be rise directly adjacent to my housing development (Altura). In case the commmission is not aware, this is a residential area, with planned development of several hundred more housing units along Campbell Avenue. Such an immense structure is so patently out of character with the neighborhood that I can scarcely believe that it made its way to a drawing board, let alone to the stage that its construction has apparently become a fait accompli in the past two days.

I happen to be in favor of the HSR project, and I realize that I moved into a house adjacent to rail tracks. Moreover, I welcome the progress and benefits that the HSR will bring to California and Santa Clara county. However, I could never possibly have fathomed that such a reckless, bizarre and unnecessary construction proposal could have made its way through the commission's development process. Please reconsider this Simpsonsque boondoggle.

Regards,  
Karl Kailing  
1252 de Altura Commons  
San Jose, Ca  
95126

## Kris Livingston

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**From:** Robert Kane [robertmkane@yahoo.com]  
**Sent:** Friday, December 04, 2009 3:28 PM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Scoping

Dear California High Speed Rail Authority,

I just recently read about the new plans to build an elevated rail that will pass through the Newhall neighborhood of San Jose, including the Altura and Encanto developments that border the current train tracks. The greater Newhall neighborhood lies in between the Santa Clara train station and interstate 880.

I live in the Altura development and this is extremely disappointing news.

We already deal with the noise created by the San Jose Airport and the regular CalTrain service. To build an elevated rail (40 to 50 feet high!) next to our neighborhood would make our quality of life and property values go down significantly with the increased noise and unsightly look.

It is estimated during the peak each day, that 10-12 HSR trains will pass by northbound and 10-12 trains will pass by southbound each hour. That is once every 2-3 minutes!

Yes, we all know that HSR is coming. But the HSR rail committee should also consider the impact of residents that live by the proposed routes.

Please, go back to the original plan of putting HSR underground next to the San Jose Newhall neighborhood.

At the goal of building these new commuter friendly communities, transit authorities and communities must work together to come up with the best solution.

Best regards,  
Robert

## Kris Livingston

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**From:** Kiowa Last [decemberdreams@live.com]  
**Sent:** Friday, November 13, 2009 2:42 PM  
**To:** HSR Comments  
**Subject:** ace rail future comments

Having faster ace rail service sounds nice and I still hope in the future ace extends to sacramento from stockton since there are plans to extend sacramento light rail to the airport. Ace connecting with high speed rail and bart and other systems in the future is excellent too. I will ride both of those systems and continue to ride rail transit. The proposed link to modesto and hopefully south pass merced sounds nice. I would like to ride your ace system down there besides another competitor rail system that starts with "A".

To me yes ace service needs to be faster, more frequent especially since I travel out to tracy and have no way of going back to castro valley- dublin areas from tracy. I have to travel back to stockton to antioch and make other travel plans. You need better service going east to west (tracy- pleasanton area). I travel on the amtrak 1:10pm bus from livermore station to tracy and when the ace train at stockton leaves 9:00 am , it is a inconvenience to me and others because we always miss this train going to san jose because the amtrak early morning train comes into stockton station after it. You need to make a better time schedule (later morning train for train # on your schedule) it is the suspended train right now. The amtrak train arrives stockton at 9:13am on time so it would be nice if you had a train at 10:20am or 10:30 am leave stockton on way to san jose. I would like to enjoy going out to tracy mall and other locations if I could go back to livermore area west after traveling out to tracy on the bus from livermore.

Ace I really enjoy you purple seats!!!! The trains are perfect and I hope you extend in the future. Till we talk next time. Share comments with ace board and the high speed rail people colaberating with on the new altamont rail project ((<http://www.conductormax.com/blog/post/2009/11/Altamont-Corridor-Rail-Project.aspx> )))

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Windows 7: Unclutter your desktop. [Learn more.](#)

## Kris Livingston

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**From:** Paul Krueger [paul.robert.krueger@gmail.com]  
**Sent:** Sunday, November 22, 2009 9:08 PM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Rail Project EIR/EIS

Dear Mr. Dan Leavitt,

My name is Paul Robert Krueger and I recently received news about the Altamont Corridor Rail Project. I was a former rider of the Altamont Commuter Express (ACE) for a period of a few years to commute from my parent's home in Manteca to San Jose for school at San Jose State University. I state that I am a former rider not because of the lack of services that ACE provided me; the problem was the amount of time required of me being San Jose had reached a critical point of needing to live in San Jose. That is not to say I have not stopped by support for ACE.

My support has been more than most passengers because I have been fortunate enough to sit on the Passenger Advisory Council since February of 2006. This has gained me more knowledge of how ACE and many other government funded agencies are run. Through this time I have been able to go on ACE's behalf to go to Washington DC to talk to various key House and Senators of the region ACE serves. Recently Stacey Mortensen had told the ACE Passenger Advisory Council about this project and had requested that we try to draw up as much support as possible for this project.

You may ask yourself as a former rider; why do I still care that the service ACE provides if I no longer use the services they provide. I can tell you from personal experience that these changes will greatly improve the conditions in which people to get to work or to school. I also realize it takes time and effort to fully achieve the goals this project seeks out but I do truly believe this is a pathway we need to take. I am fully behind this project; I personally believe with the directions are headed are perhaps some of the most impressive I have seen in recent years in regards to Public Transportation.

These improvements have been better communication between county lines; which in many cases the last time an effective time I can think of that this happened was the beginning of Bay Area Rapid Transit (BART). I will concede there are issues surrounding their system but this is true about any system. Though with an increase speed of getting passengers and service will only greater improve the way the lives of Northern Californians live their lives.

In closing if you ever would like to contact me in person do not hesitate to send me an email or phone call. My personal email address is [paul.robert.krueger@gmail.com](mailto:paul.robert.krueger@gmail.com) or 209.872.0752. These are exciting times for ACE and also the surrounding agencies that will be impacted by these drastic changes. Thanks again for your time and considerations on this project.

Sincerely,

Paul R. Krueger

## Kris Livingston

---

**From:** Kuduk, Daniel J [Daniel.Kuduk@otis.com]  
**Sent:** Monday, November 16, 2009 4:56 PM  
**To:** HSR Comments  
**Subject:** Ace Rail Commuter

I am an ACE Commuter from Tracy to Great America and find it enjoyable to be off the highway and able to work while commuting. However I find it irritating when the train gets delayed due to freight traffic or freight trains stalled on the same rail lines shared by ACE. I would appreciate if the HSR moves forward and both improves both ride quality and trip duration. Please keep me posted on any updates on the HSR initiative.

*Dan Kuduk*

Otis Elevator Company  
New Equipment Senior Project Manager

 Direct: 408-328-4212

 Cell: 408-594-4327

 E-fax: 860-622-7388

 <mailto:daniel.kuduk@otis.com>

 Please consider the environment before printing this e-mail

## Kris Livingston

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**From:** Shanelle Hanohano  
**Sent:** Thursday, November 12, 2009 11:54 AM  
**To:** HSR Comments  
**Cc:** Mehdi Morshed  
**Subject:** Rec'd via info@hsr.ca.gov on 11/11/09 @ 2:55pm

Contact: Virginia LaRiviere

Company:

Phone : 650 494-1342

Email : [ginny@refuge.org](mailto:ginny@refuge.org)

Comment: Dear Authority Members, Elegant letters from the California Fish and Game and the U.S. Fish and Wildlife Service at the very beginning of this project begged that the Altamont Pass Route be chosen into the Bay Area. Connection could have been made to existing facilities such as BART. We are resentful now of our failure to receive valid information regarding costs, routing, and methods of construction through the San Francisco Peninsula. Should this configuration be upheld, nothing but underground tunneling will be acceptable to the public, as has already been expressed. Sincerely, Virginia LaRiviere

Shanelle Hanohano

California High Speed Rail Authority

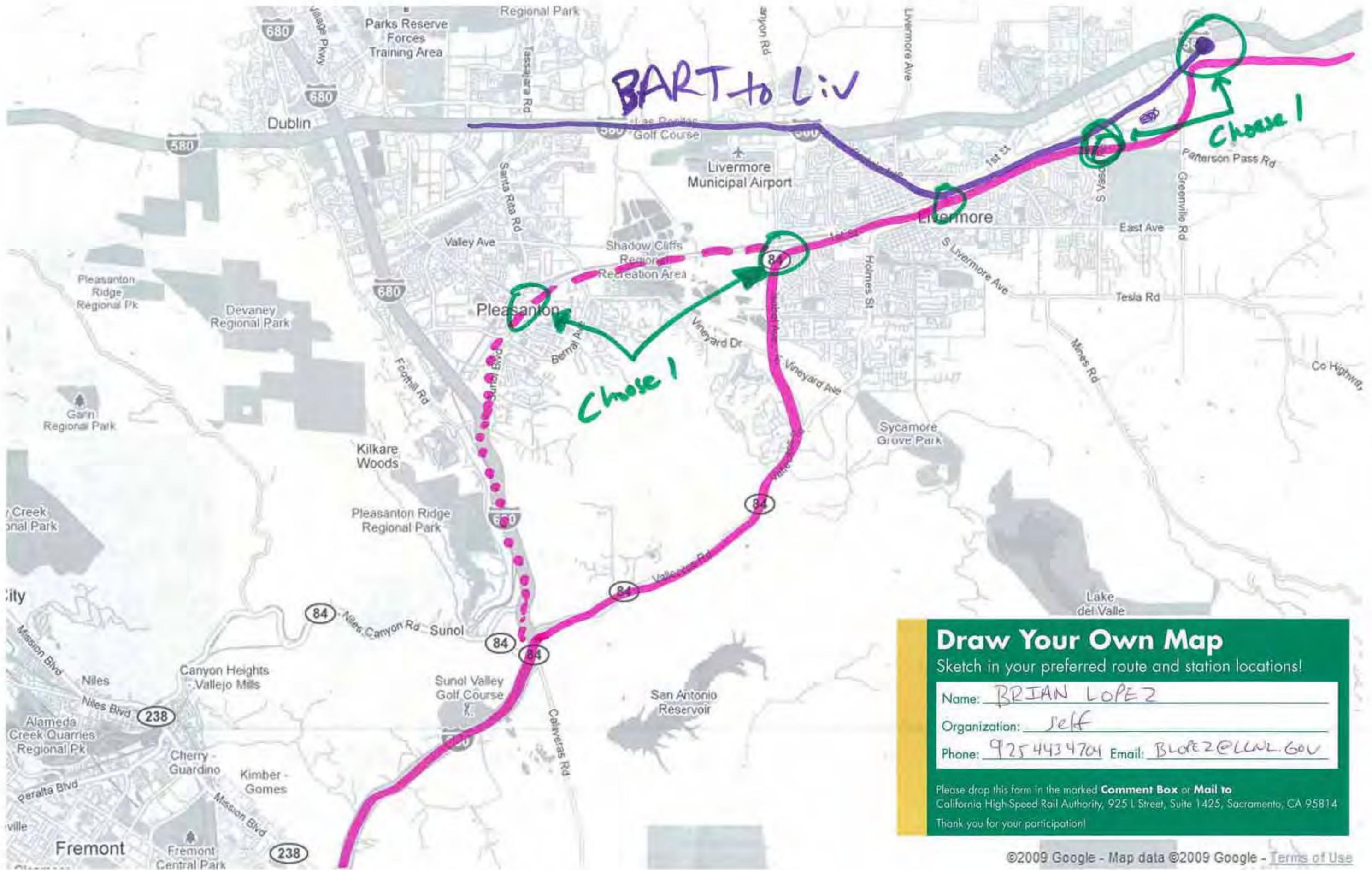
925 L Street, Suite 1425

Sacramento, CA 95814

916.324.0265 (direct)

916.322.0827 (fax)





### Draw Your Own Map

Sketch in your preferred route and station locations!

Name: BRIAN LOPEZ  
 Organization: self  
 Phone: 925 443 4704 Email: BLOPEZ@LVAL.GOV

Please drop this form in the marked **Comment Box** or **Mail to**  
 California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
 Thank you for your participation!



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: GARRAD MARSH      Organization: Modesto City Council  
Address: P.O. Box 642 Modesto, CA 95353  
Phone: \_\_\_\_\_      Email: jmarsh@modestogov.com

**Comment(s):**

- Altamont Rail Alignment NEEDS to go to downtown Modesto.
- UP ROW currently could accommodate 4 tracks
- City undergoing zoning changes to match master plan, that would fit perfectly with rail in city center.
- HSR connection should also be in city center.
- Why aren't any Modesto, Stanislaus County, or StanCoG representatives included in the planning group?

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

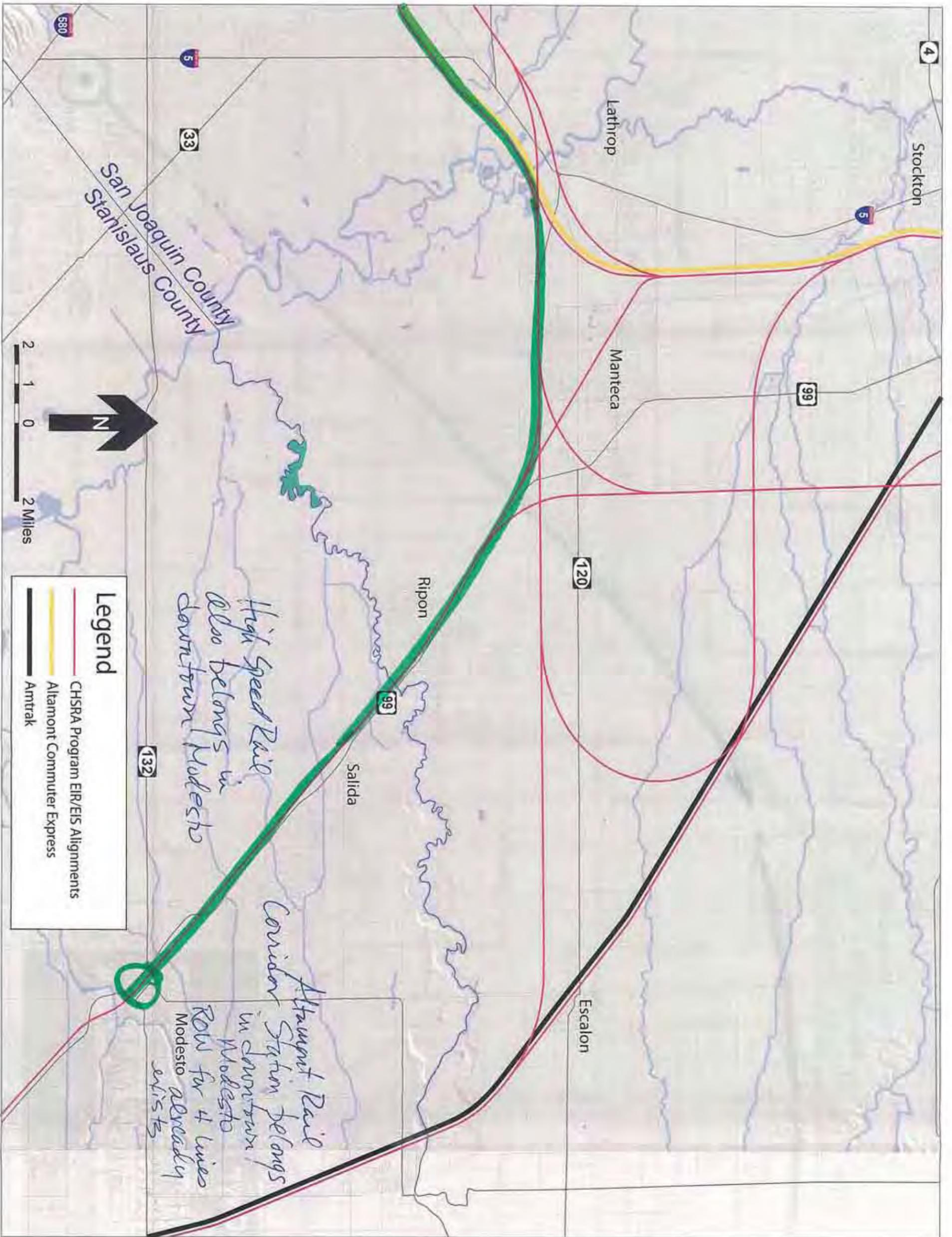


### Draw Your Own Map

Sketch in your preferred route and station locations!

Name: GARRAD MARSH  
Organization: Modesto City Council  
Phone: \_\_\_\_\_ Email: gmarsh@modestogov.com

Please drop this form in the marked **Comment Box** or **Mail to**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814.  
Thank you for your participation!



The Altamont Corridor Rail Project

# Manteca / Modesto Map

Please see reverse side to "Draw Your Own Map" and sketch in your preferred route and station locations!



# Draw Your Own Map

Sketch in your preferred route and station locations!

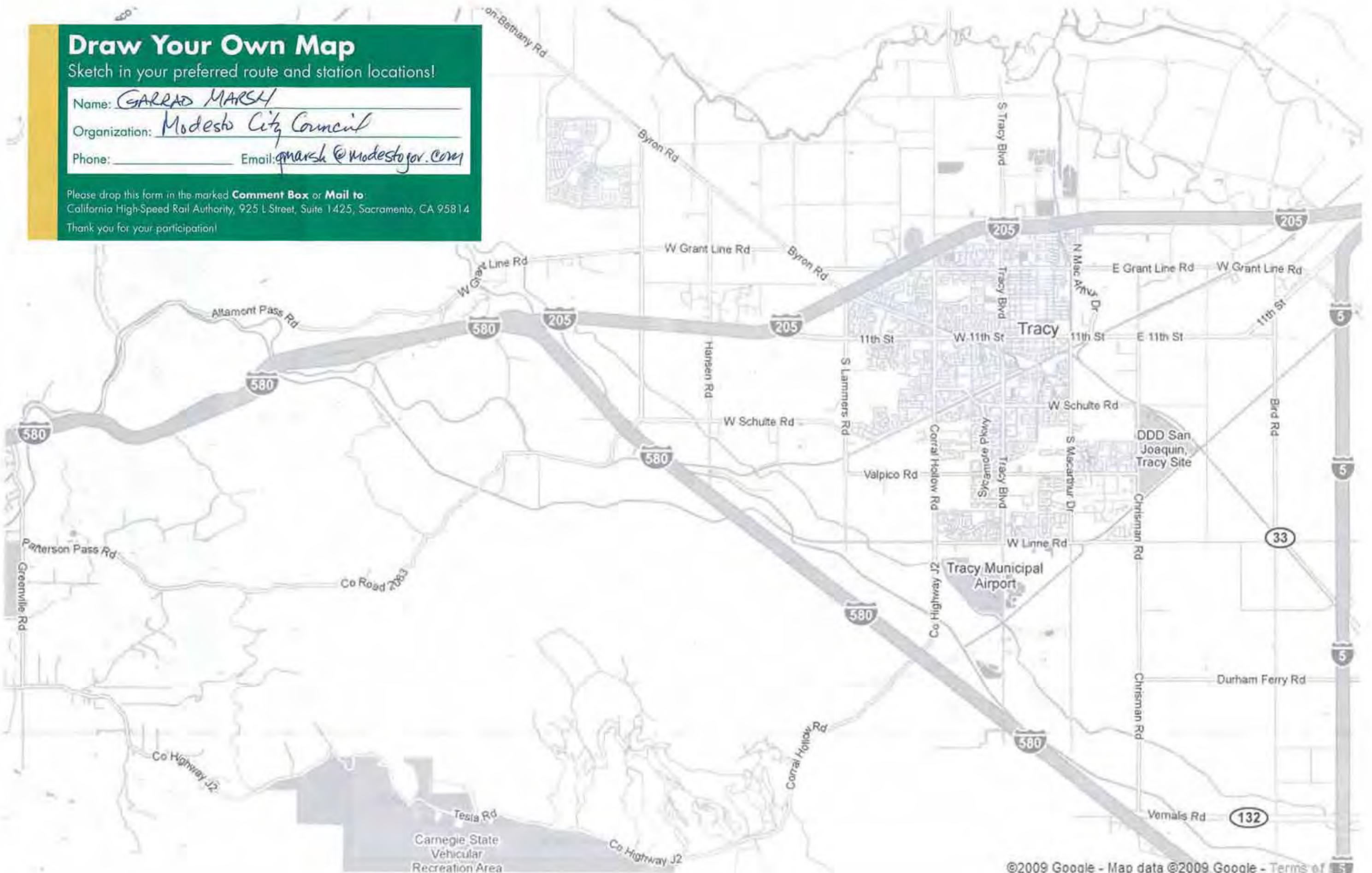
Name: GARRAD MARSH

Organization: Modesto City Council

Phone: \_\_\_\_\_ Email: gmarsh@modestogov.com

Please drop this form in the marked **Comment Box** or **Mail to:**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814

Thank you for your participation!





# COMMENT FORM

**Meeting Date/ Location** – Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Mr. Teodoro Martinez    Organization: \_\_\_\_\_

Address: 2078 Rexford Way    San Jose CA 95128

Phone: 408 202 4688    Email: t.man1961@gmail.com

**Comment(s):**

While projects like high speed rail and BART to San Jose suggest exciting possibilities in the distant future, I favor an incremental approach that improves existing services in the short term. I recommend the following changes in approximate chronological order:

① Commence hourly service between the (Oakland) Coliseum station and SJC using currently dormant Caltrain and/or ACE Rolling stock. (Serves HWD, FMT, and GAC)

② Do whatever it takes to enable ACE and Capitol Corridor trains to stop in Santa Clara. Passengers hoping to transfer between these systems and Caltrain frequently see a potential connecting train traveling the opposite direction between Santa Clara and SJC. Possible solutions:

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Construct a four platform station with connecting tunnels. Thank you for your participation!  
One platform serves Caltrain, and one platform serves

ACE and the Capitol Corridor. It may also be possible to construct two pairs of platforms, roughly end to end, with the Caltrain platform north of the wye, and the ACE/Capitol platform south of the wye. This solution may require two or more tunnels.

③ Construct a platform ~~behind the~~ on the UP tracks behind the Union City BART station. ~~and~~ add this stop to the hourly service between Coliseum and SJC.

④ Construct an intermodal station in the Shinn neighborhood of Fremont (where BART tracks currently cross the UP tracks that serve the ACE and Capitol trains). In order to minimize impact to this neighborhood, this should be a strictly intermodal station with no general parking. Accessible parking and bike parking would be OK.

⑤ Electrify Caltrain

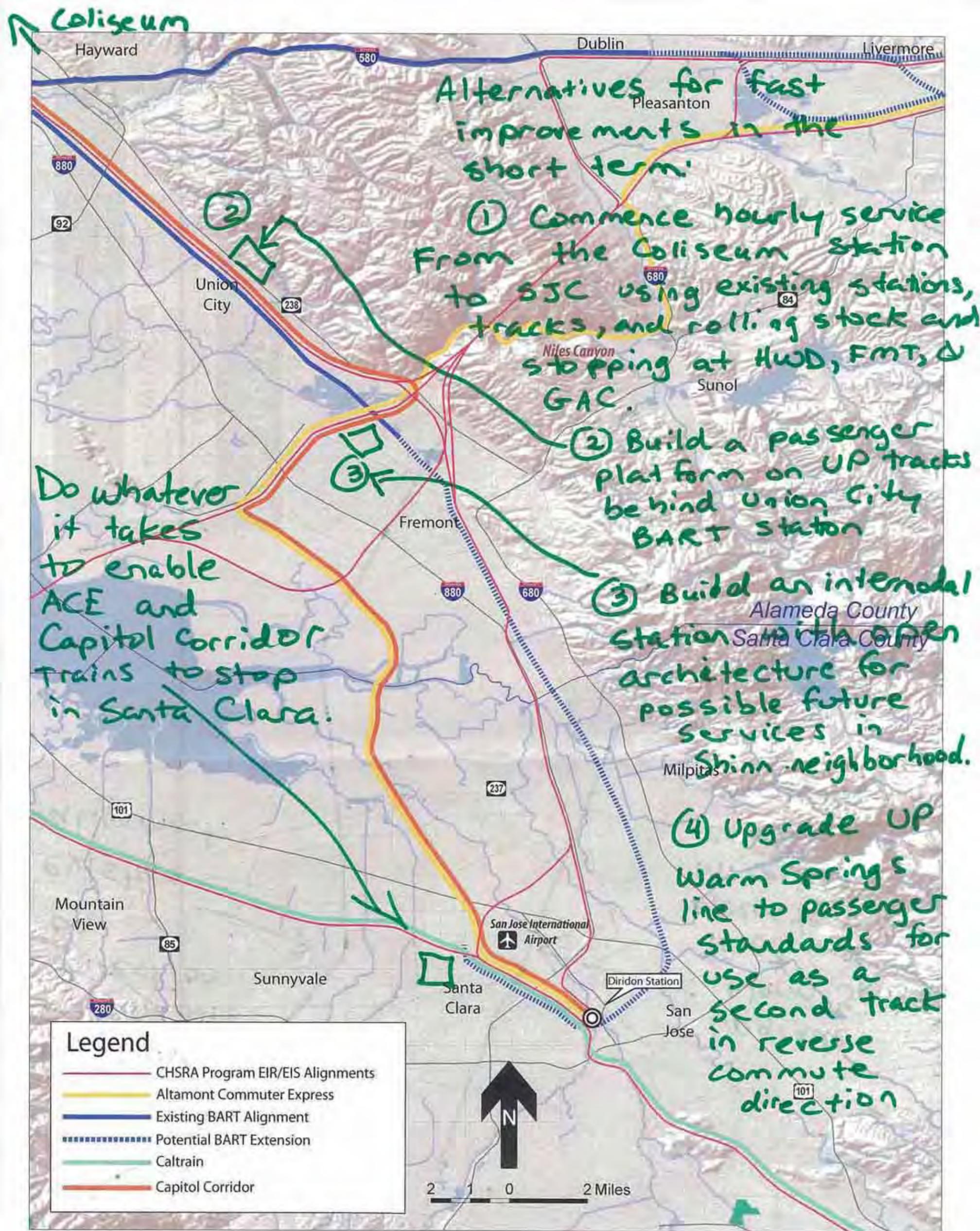
⑥ Upgrade Warm Springs line of UP to passenger standards ~~and~~ Run commute direction trains on the existing alignment, and reverse commute trains on the Warm Springs alignment.

⑥ Electrify ACE and Capitol Corridor.

⑦ Upgrade ACE, Capitol Corridor, and Caltrain tracks to enable 110-125 MPH running.

⑧ Upgrade tracks on ACE, Capitol Corridor, and Caltrain alignments to enable 150+ MPH running.





The Altamont Corridor Rail Project

# East Bay / Niles Canyon Map

Please see reverse side to "Draw Your Own Map" and sketch in your preferred route and station locations!



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore

Nov. 12, 2009: Stockton

Nov. 17, 2009: Fremont

Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Lisa McElintock Organization: Mark Thomas & Company

Address: 7300 Colson Blvd suite 203 Sacto CA 95826

Phone: 916-381-9100 Email: lmcclintock@markthomas.com

**Comment(s):**

Questions — who will lead improvements in the local jurisdictions for example grade separations or access to stations etc.?  
Will these projects run on the same schedule or will they be in advance of the rail corridor?

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

## Kris Livingston

---

**From:** Judy McDowell [judy.mcdowell@sbcglobal.net]  
**Sent:** Thursday, December 03, 2009 7:43 PM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Scoping

I reside approximately 3 blocks west of the tracks in San Jose, north of Diridon Station. I am located quite near the College Park Depot.

It is shocking and completely horrible to think of an elevated ACE rail line butting into our neighborhood. This is an historic area dating back to the mid-1800s, with a beautiful canopy of trees and a mix of wonderful homes and neighbors. The impact of an elevated rail line placed west (edging into the neighborhood) would be 100% negative, and I urge you to turn away from this idea.

I love rail travel, but ruining mature neighborhoods to expedite the engineering of high speed lines is not an acceptable plan. More time to create sophisticated, livable plans is needed, rather than imposing this bad idea.

Judy McDowell  
780 Myrtle Street  
San Jose, CA 95127

408/483-2730

# Draw Your Own Map

Sketch in your preferred route and station locations!

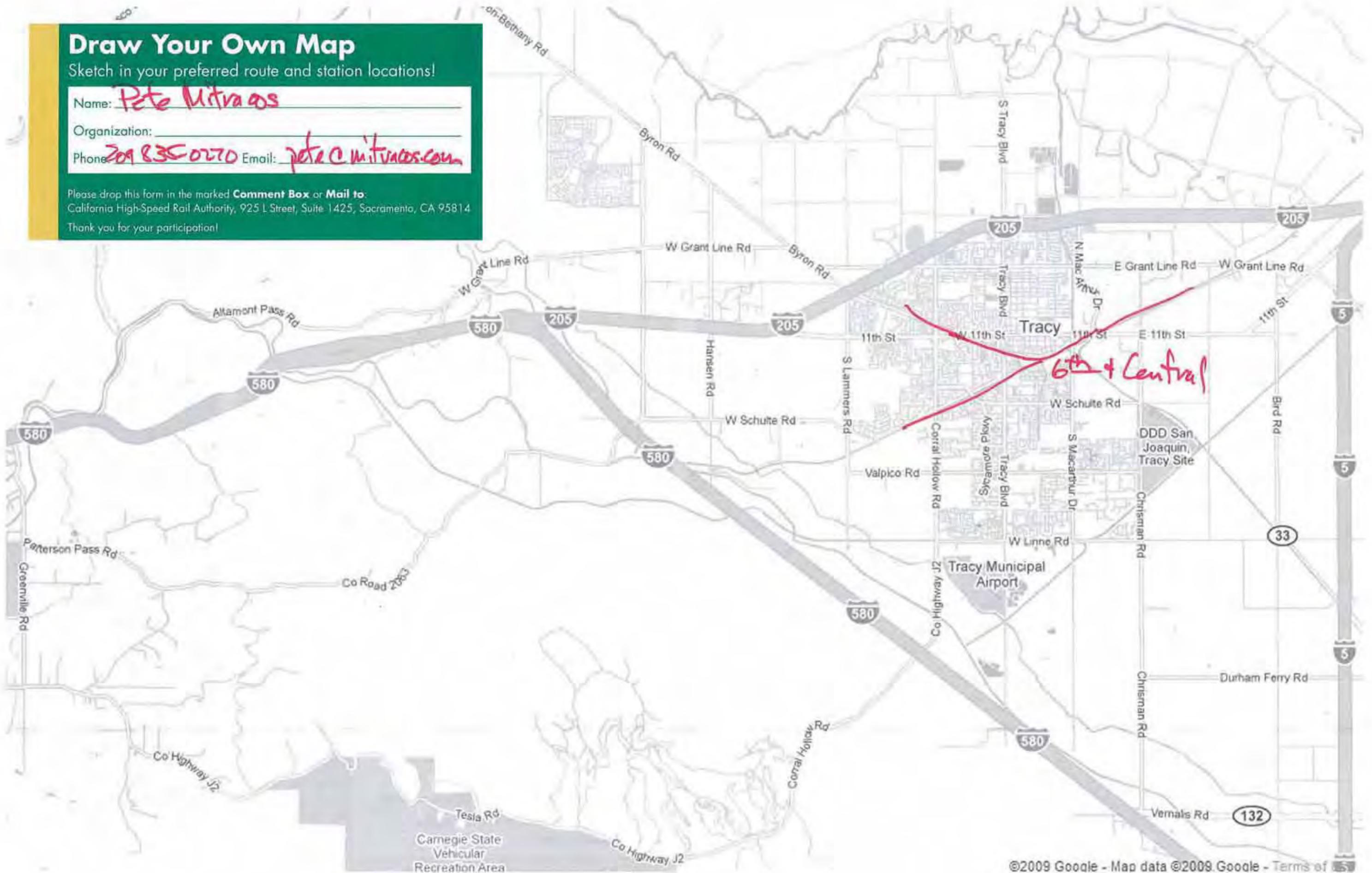
Name: Pete Mitraos

Organization: \_\_\_\_\_

Phone: 209 835 0270 Email: pete@mitraos.com

Please drop this form in the marked **Comment Box** or **Mail to:**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814

Thank you for your participation!





# COMMENT FORM

**Meeting Date/ Location** – Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Rayn & Ed Moore    Organization: \_\_\_\_\_  
Address: 849 River Rd Modesto, CA 95351  
Phone: 916 654 2630    Email: Rayn - Baird at Dot.CA.GOV

**Comment(s):** *would like to see a Modesto, CA line.  
Very much in favor of project.*

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore

Nov. 12, 2009: Stockton

Nov. 17, 2009: Fremont

Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Irene Morrison Organization: City of Tracy  
Address: 1852 W 11<sup>th</sup> St Tracy Ca 95376  
Phone: 209.830.0175 Email: N/A

**Comment(s):** High Speed Rail in Tracy  
Location needs to be south of town  
How will this be handled while  
under construction? for commuters  
How are we supplying power to  
the project.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: JARRETT MULLEN    Organization: SJSU STUDENT  
Address: 2240 LATHAM ST. #5  
Phone: 510 908 5928    Email: jarkatmu@gmail.com

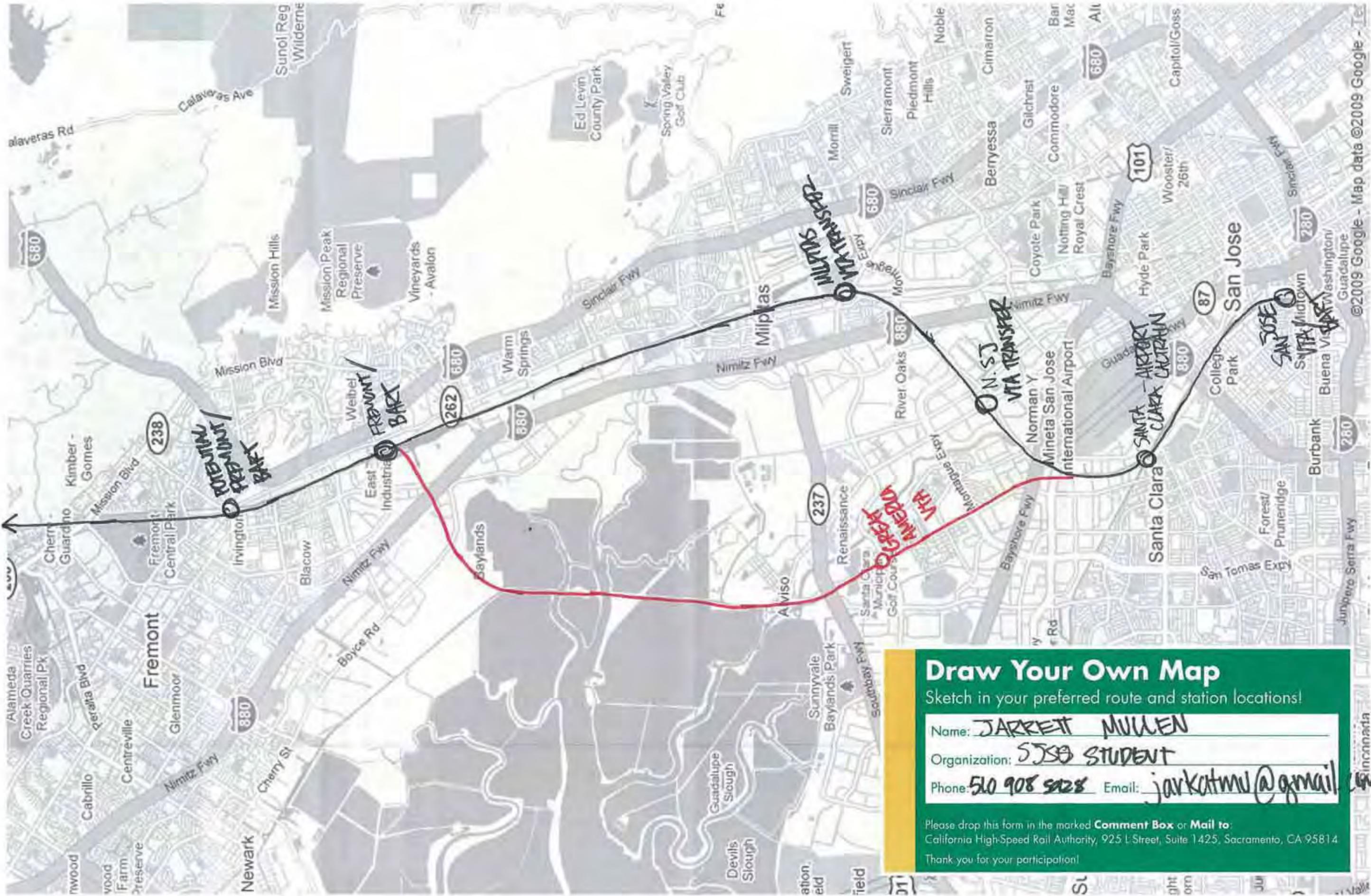
**Comment(s):**

PLEASE CONSIDER AN ALIGNMENT THAT SERVES  
NORTH SAN JOSE / GREAT AMERICA SINCE THE CITY OF SJ PLANS  
LARGE DEVELOPMENT IN THAT AREA AND IT IS FAR  
FROM BART. ADDITIONAL STATIONS IN SANTA CLARA,  
N. SAN JOSE, AND MILPITAS WOULD BE WELCOME.  
ELECTRIC EQUIPMENTS AND ALIGNMENTS WITH MINIMUM  
CURVES ARE WELCOME

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



### Draw Your Own Map

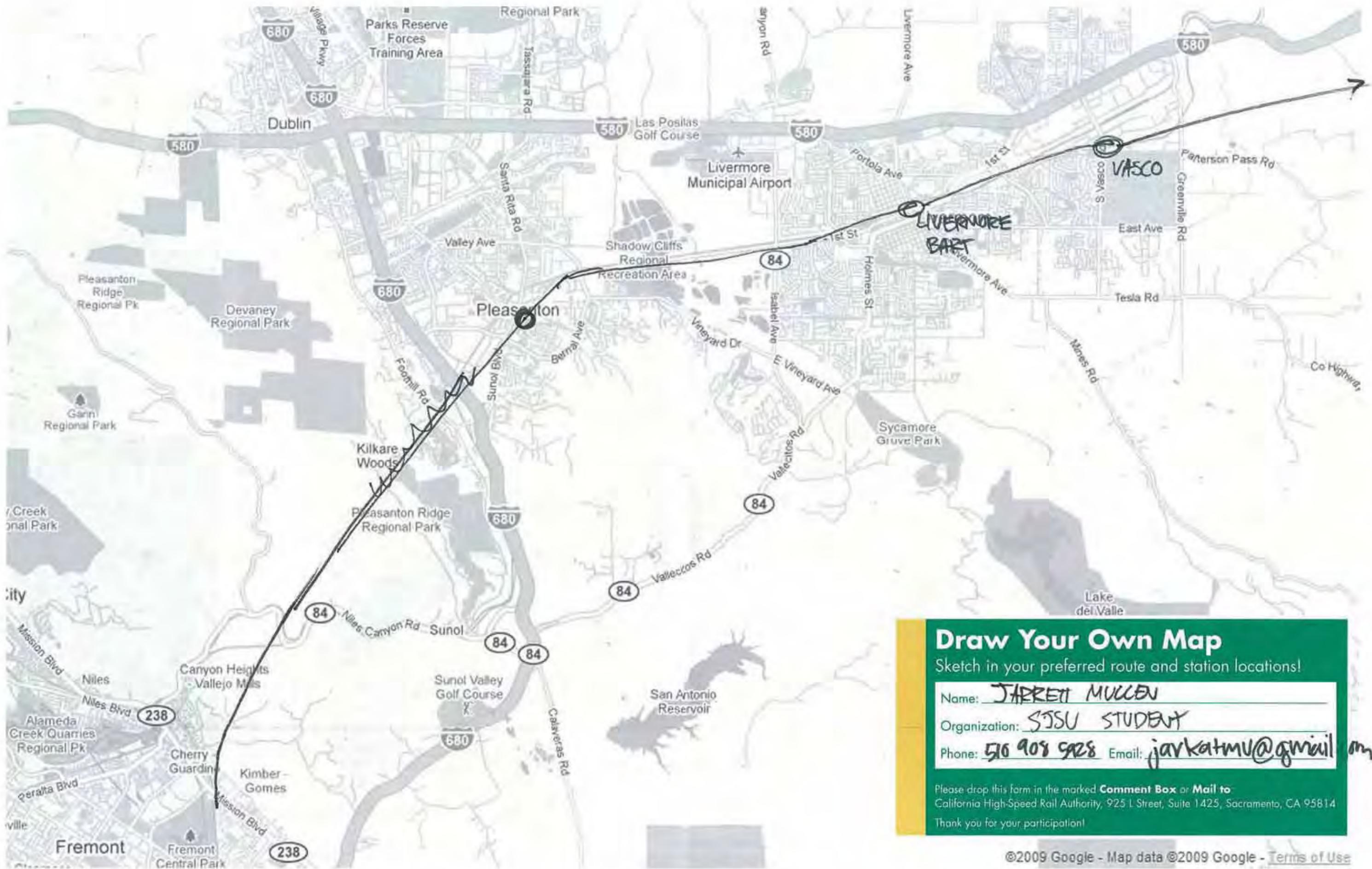
Sketch in your preferred route and station locations!

Name: JARRETT MULLEN

Organization: SJSB STUDENT

Phone: 510 908 9028 Email: jarretmu@gmail.com

Please drop this form in the marked **Comment Box** or **Mail to:**  
 California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
 Thank you for your participation!



## Draw Your Own Map

Sketch in your preferred route and station locations!

Name: JARRETT MULLEN  
 Organization: SSSU STUDENT  
 Phone: 510 908 9228 Email: jarakatmu@gmail.com

Please drop this form in the marked **Comment Box** or **Mail to**  
 California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814

Thank you for your participation!



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Carol Goehrlé                      Organization: None  
Address: 2480 Arroyo Circle                      Livermore  
Phone: 925-449-9291                      Email: goehrlé@sbcglobal.net

**Comment(s):**

From The bay area, the project seems to parallel BART plans. Granted you'll run faster than BART, and have fewer stops, is the cost justified?

Why not put funds behind BART + also extend BART to Stockton, Modesto + The High Speed rail (SF to LA). BART has the ~~infra~~ infra-structure already in place. This can be leveraged whereas you'll need to create more to serve your riders - duplication that seems to be not needed.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

## Kris Livingston

---

**From:** Mike Omodt [motorcyclemike@gmail.com]  
**Sent:** Thursday, December 03, 2009 6:50 PM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Scoping

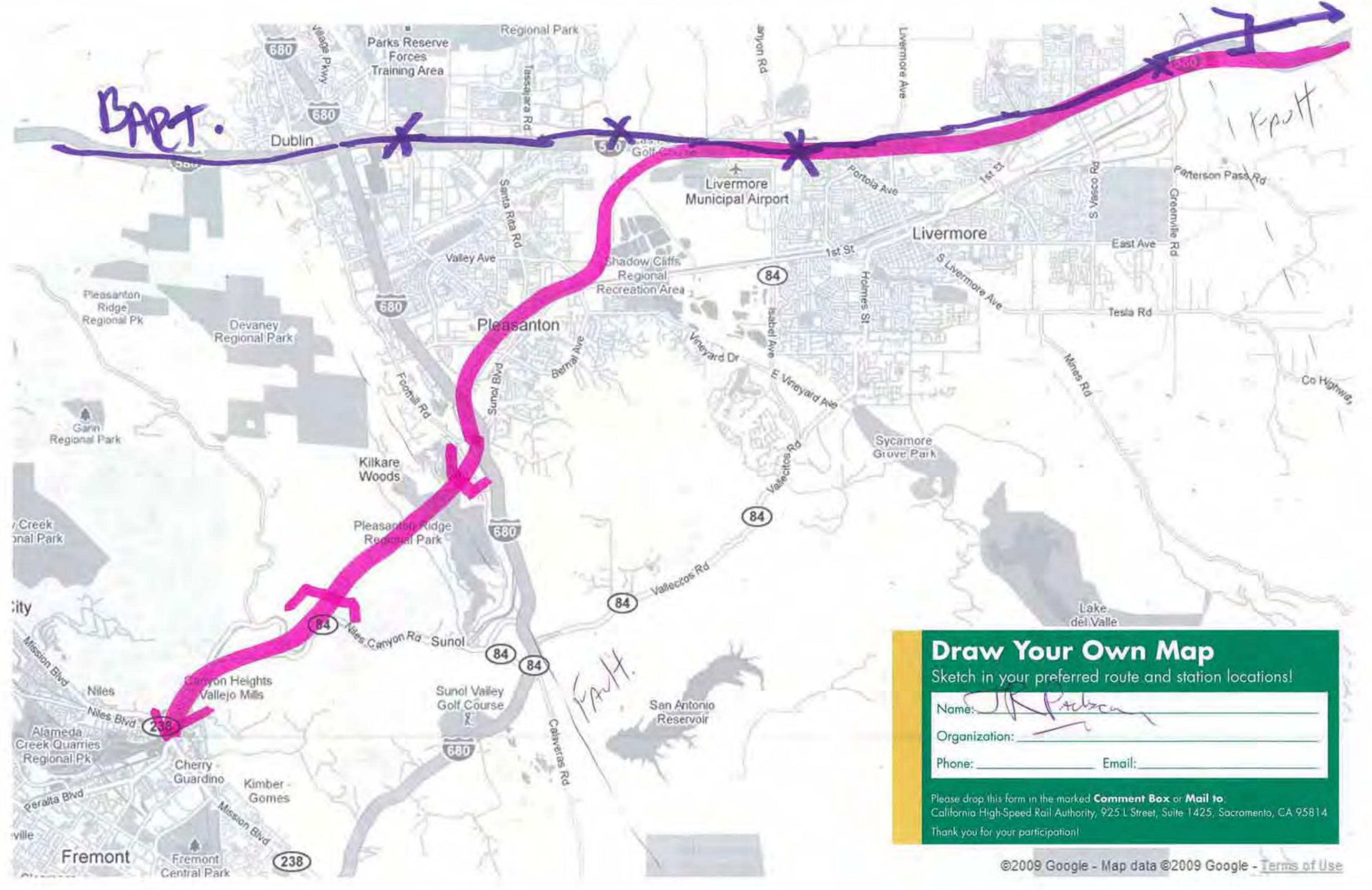
To whom it may concern,

My name is Michael Omodt and I reside at 722 Asbury Street, San Jose, just a few hundred feet from the proposed HSR project. I am writing this letter to voice my vote against this elevated rail section. Originally, this was to be an underground HSR section. A change this drastic needs new noise/vibration studies which should be part of a new EIR. Please consider how these changes will impact the quality of life for those that reside near the HSR.

Sincerely,

Michael Omodt  
722 Asbury St  
San Jose, CA 95126





### Draw Your Own Map

Sketch in your preferred route and station locations!

Name: J.R. Pichon

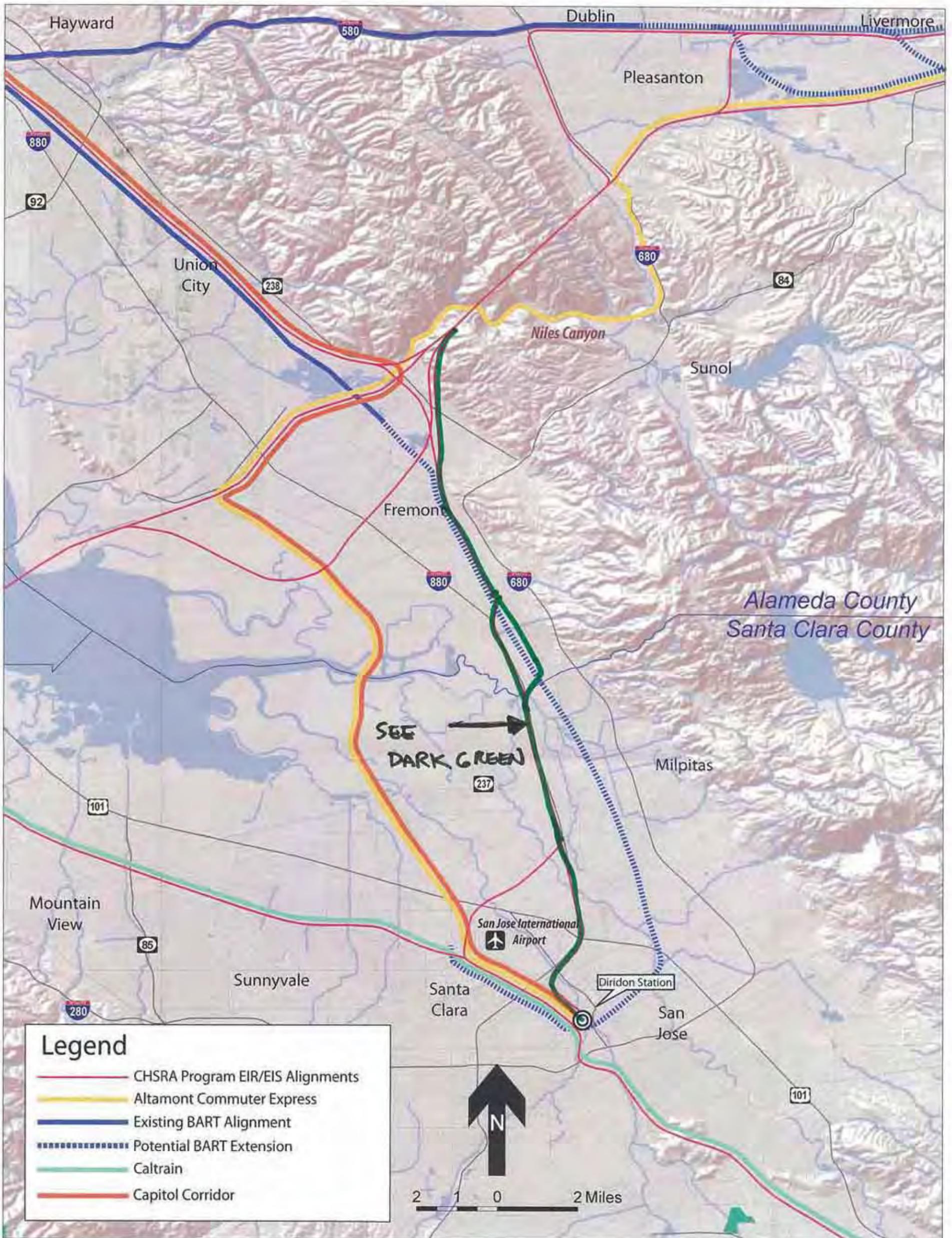
Organization:

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Please drop this form in the marked **Comment Box** or **Mail to:**  
 California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
 Thank you for your participation!







The Altamont Corridor Rail Project

# East Bay / Niles Canyon Map

Please see reverse side to "Draw Your Own Map" and sketch in your preferred route and station locations!



## Kris Livingston

---

**From:** Mahesh Ranchhod [mranchhod@comcast.net]  
**Sent:** Thursday, November 12, 2009 5:40 PM  
**To:** HSR Comments  
**Subject:** Re: High Speed Rail

This is to confirm that I support the high speed project through the Ace Station in Stockton to the Bay. This project will be of great benefit not only to Stockton but also for Re-Vitalizing the Downtown of Stockton, if it passes through Stockton Ace Station.

Mahesh Ranchhod,  
Stockton Resident.



# COMMENT FORM

**Meeting Date/ Location** – Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Pete Rasmussen Organization: Bay Rail Alliance  
Address: 181 Ada Ave #12 Mountain View CA 94043  
Phone: 650-428-1998 Email: rasmussen\_p@yahoo.com

**Comment(s):**

I feel this service should serve San Jose Mineta airport – in the terminal area – not via a people mover from Santa Clara. Not only does that permit more people to get direct to the terminals with the fewest transfers, the Metro/Airport area is also a large employment center. – ~~and Santa Clara~~ Santa Clara will already be served by Caltrain and possibly BART.

I prefer to see stations in established downtown areas, not freeway stations like Dublin/Pleasanton BART.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



## Kris Livingston

---

**From:** Ribalaygua Batalla, Cecilia [cecilia.ribalaygua@unican.es]  
**Sent:** Thursday, December 03, 2009 9:52 AM  
**To:** HSR Comments  
**Subject:** Location of stations. Experience from Europe

Dear Sir,

I would like to share a comment on the location of stations in the corridor between San Joaquin Valley and the Bay Area, considering the European experience on which we have been working on the last 12 years.

First of all let me congratulate you for central locations, which has been demonstrated in European experience that it is the most successful choice. Regarding this, some clues must be considered:

1. Intermodality in the station is the best way not only to contribute to the use of public transport, but also is the most intelligent way to make the inversion more effective (studies developed in Spain and France show that HST impact on local economies depends on the quality of the service (frequency, prices, schedule) and the wider is the potential area affected the better will be rail services.

2. The new station can play an important role for dynamic urban centres, and also can be an attractor of new activities, but this does not always happens. Our studies show that success will depend on:

- quality of rail services, as said before
- the territorial role changes that the city will experience (if HST really means a big change)
- and, specially, the development of specific strategies

3. Strategies that cities can develop are classified in three groups (some authors call them "the three P"):

- Planning strategies (concerning not only land preservation, but also infrastructures)
- Projects (what kind of uses are sensible to HST and experience a faster growth. There are several studies on this issue based on interviews, surveys and economic data. Also what kind of transport works)
- Promotion of activities in the area affected (some topics show to be more "sensible" to HST meanwhile others are not affected by the new infrastructure)

Although I know well that US planning system is different from some European legal frames ( I had an stay in Berkeley and had the chance to know well American system) I sincerely think that our research experience on European cases at University Cantabria and Castilla La Mancha, in Spain, could be useful for new developments in California.

Hoping this information can be helpful in the creation of new developments of station areas, please contact us if you need any further information on any of these topics.

Best regards,

Cecilia Ribalaygua

PHd on Urban Strategies for HST Cities. Architect Professor of Urban and Regional Studies ETS Ingenieros de Caminos, Canales y Puertos University de Cantabria

Av. Los Castros, s/n  
39005 Santander  
Spain

Telf: 00 34 696 77 59 57  
[cecilia.ribalaygua@unican.es](mailto:cecilia.ribalaygua@unican.es)



# COMMENT FORM

Meeting Date/ Location -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: JIN ROVER Organization: \_\_\_\_\_

Address: 20 LEWIS LN., ALAMO, CA. 94507

Phone: (925) 370-3000 x 107 Email: JROVER@PRIVATEISLAND HOMES.COM

Comment(s): FANTASTIC PROJECT! EXCELLENT FOR ALL OF CALIFORNIA AND ESPECIALLY THE BAY AREA.

TO FIX THE MAJOR FLAWS IN BAY AREA

TWO SPECIAL REQUESTS: TRANSPORTATION.

1. PLEASE CONSIDER/PROPOSE & STUDY, AS A PART OF THIS LARGER E.I.R./E.I.S., A LINE BETWEEN PLEASANTON A.C.E. & WALNUT CR. BART. (680 FWY. CORRIDOR)
2. ALSO, PLEASE DO THE SAME FOR A LINE BETWEEN TRACY A.C.E. AND ANTIOCH/HILCREST BART (BYRON HWY./BRENTWOOD CORRIDOR).

THEN, AT LEAST, WE WILL HAVE A START OF SOMETHING IN THOSE AREAS, AT A REASONABLE

Please drop this form in the marked **Comment Box** or COST, FOR FUTURE USE.  
Mail to: California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

THANK YOU! Thank you for your participation!

# Draw Your Own Map

Sketch in your preferred route and station locations!

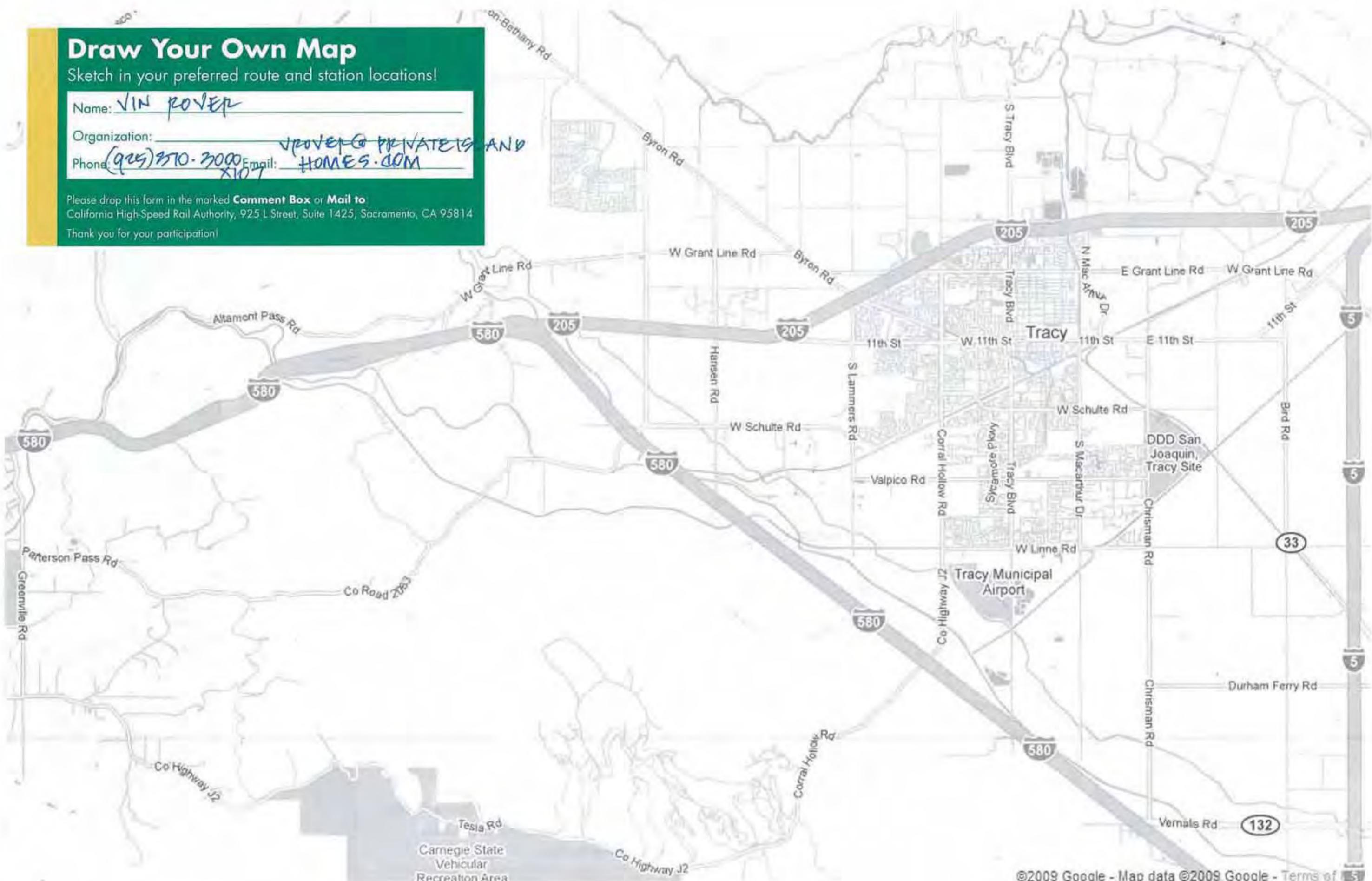
Name: VIN ROVER

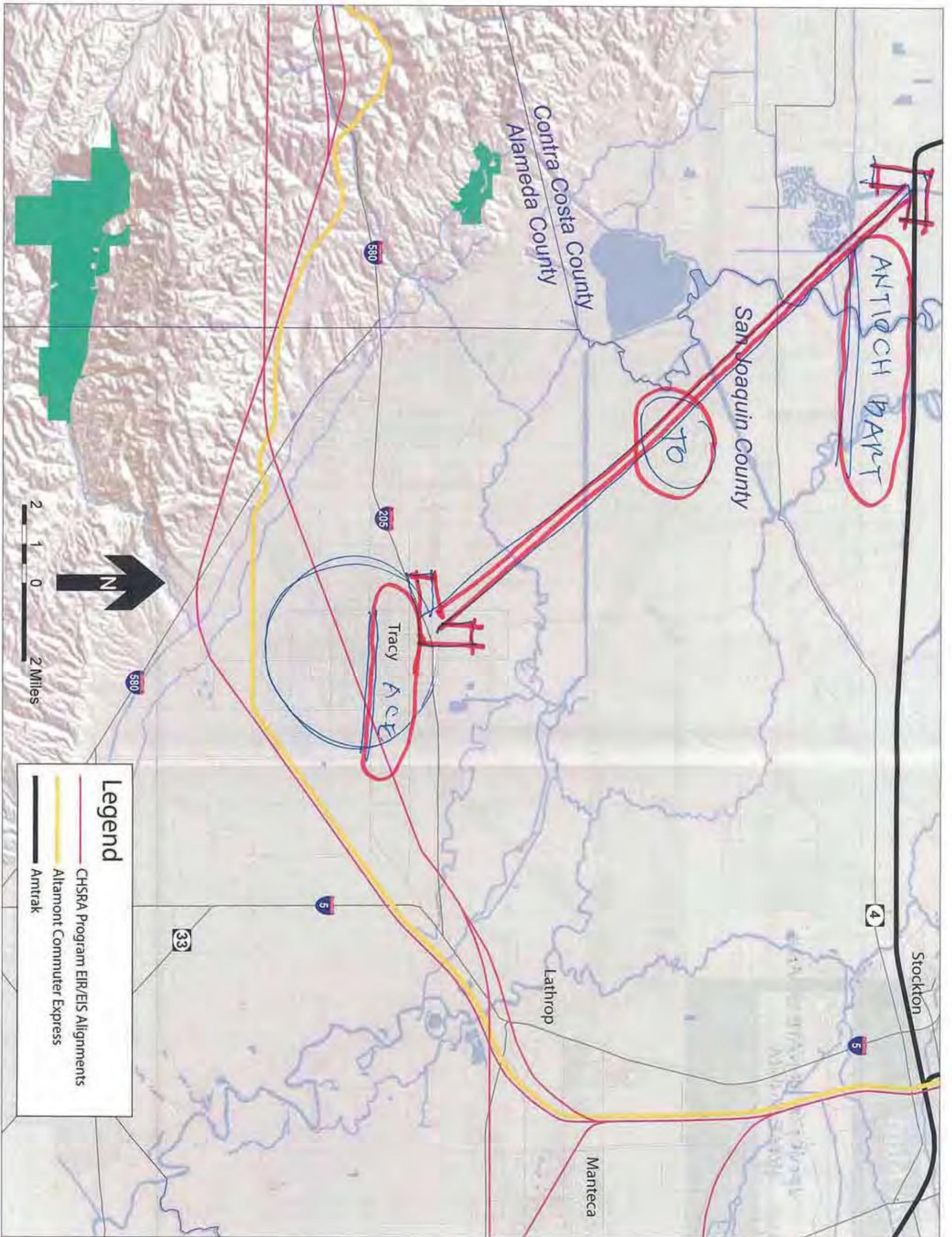
Organization: \_\_\_\_\_

Phone: (925) 970-3000 Email: VROVER@PRIVATEISLAND HOMES.COM

Please drop this form in the marked **Comment Box** or **Mail to:**  
California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814

Thank you for your participation!



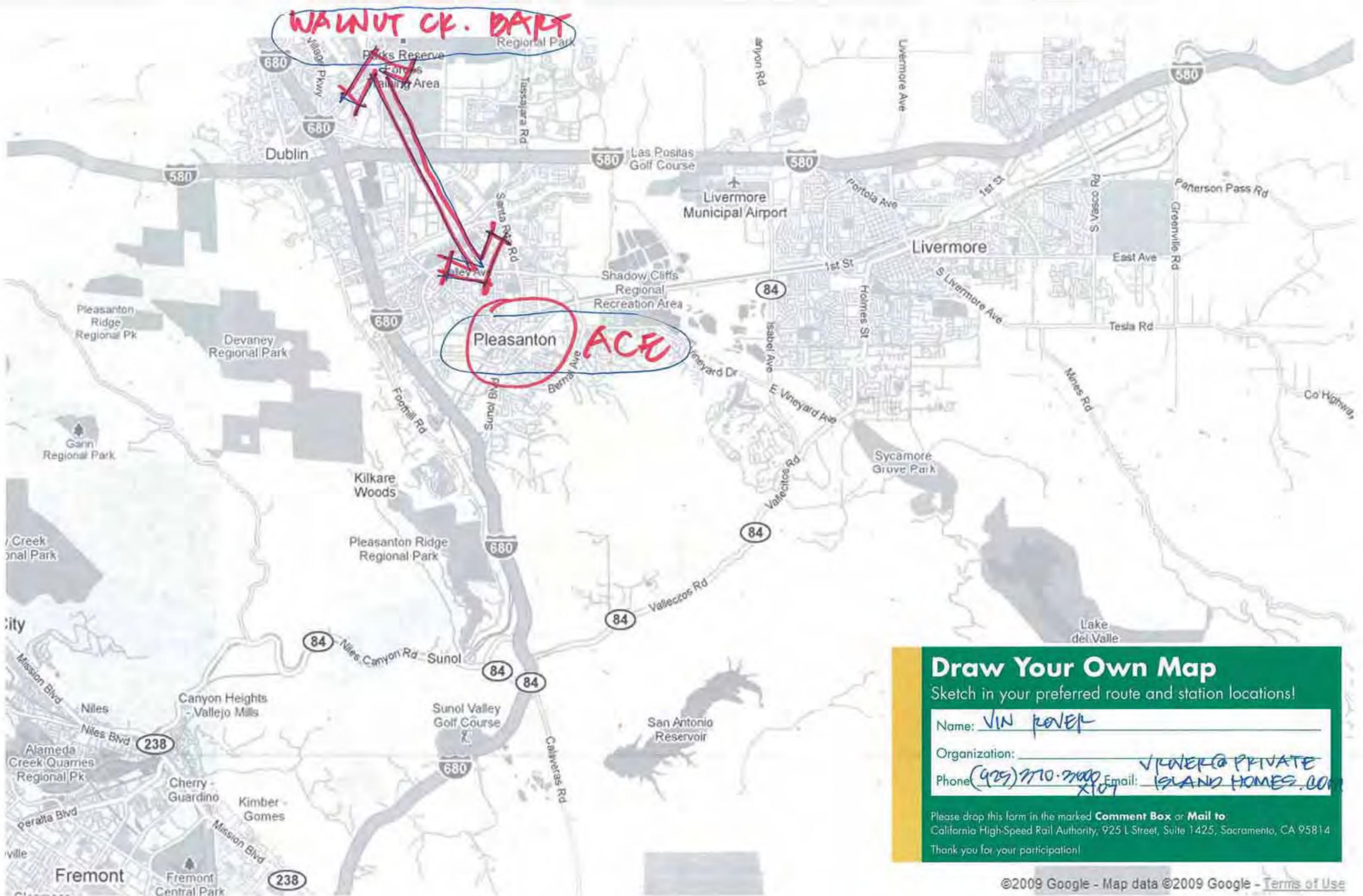


The Altamont Corridor Rail Project

# Altamont Pass / Tracy Map

Please see reverse side to "Draw Your Own Map" and sketch in your preferred route and station locations!





WALNUT CK. DAPT

Pleasanton ACE

### Draw Your Own Map

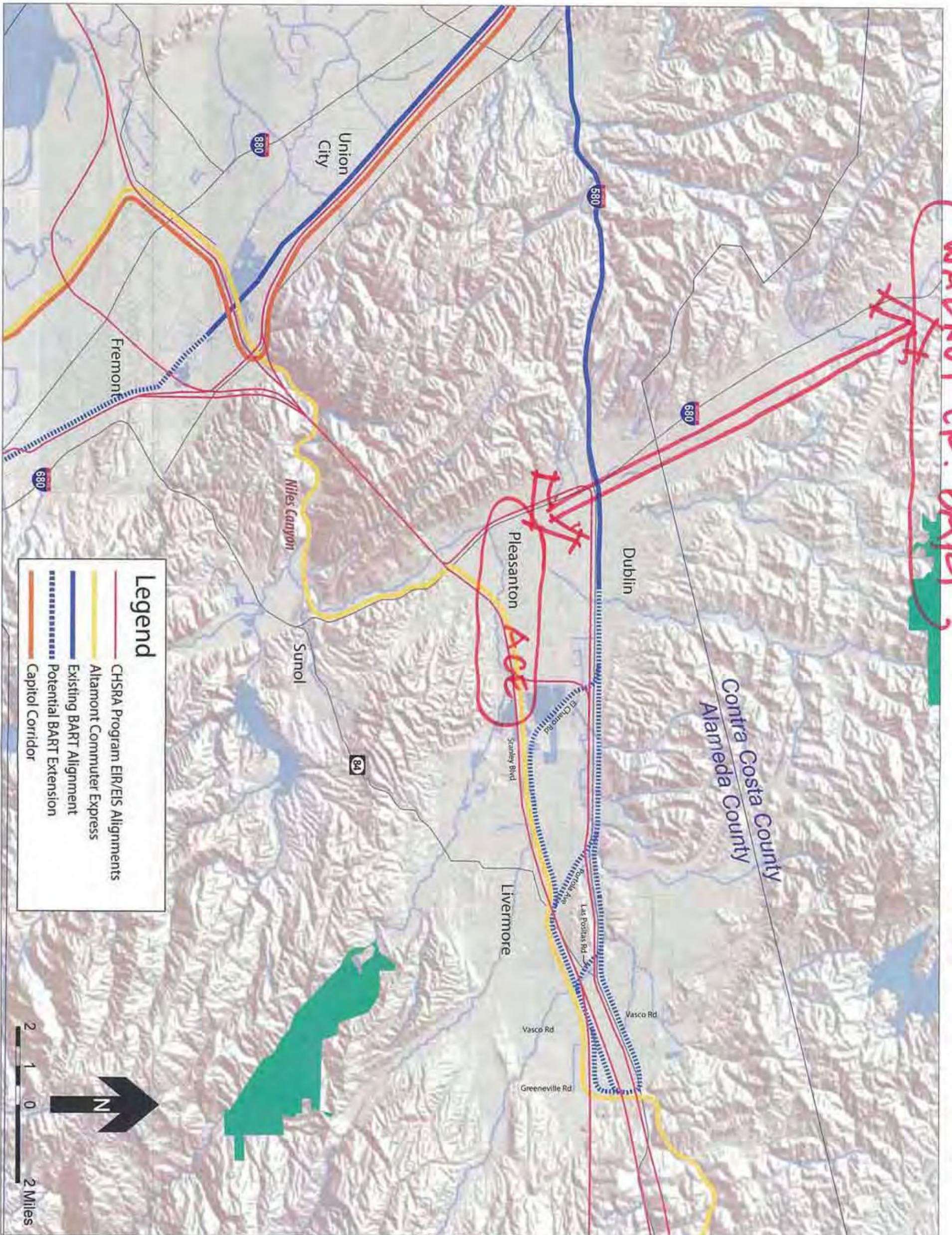
Sketch in your preferred route and station locations!

Name: VIN ROVER

Organization: \_\_\_\_\_

Phone: (425) 710-7100 Email: VROVER@PRIVATE ISLAND HOMES.COM

Please drop this form in the marked **Comment Box** or **Mail to:**  
 California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814  
 Thank you for your participation!



WALNUT CR. PART

The Altamont Corridor Rail Project

# Niles Canyon / Tri-Valley Map

Please see reverse side to "Draw Your Own Map" and sketch in your preferred route and station locations!





# COMMENT FORM

**Meeting Date/ Location** – Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Raul Sanchez    Organization: San Joaquin County Mental Health Board  
Address: 14 GOLD RUN PLACE  
Phone: 209 478-7740    Email: raul.sanchez.3558@yahoo.com

**Comment(s):**

Altamont Corridor is priority over  
HSR 152 corridor.

Direct connection with BARTD  
somewhere in Livermore Valley.

Good job!  
Raul

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Lansing Sloan      Organization: retired  
Address: 3956 East Avenue Apt. #30 Livermore CA 94550  
Phone: \_\_\_\_\_      Email: lansingsloan@att.net

**Comment(s):** I live in Livermore and have little detailed knowledge of what makes sense elsewhere. However, it seems that a big win for rail would be to provide good regional transit systems (both passenger and freight, not necessarily on the same tracks) over the Altamont pass, to alleviate congestion on I-580 over the pass.

Near Tracy it seems desirable (if possible) to put a station close enough to the 580/205 junction such that ramps to the station could be built from 205, from 580 east of the junction, and from 580 west of the junction, so that autos going to or from the station need not go through the junction nor need they waste fuel climbing high up the Altamont.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

Meeting Date/ Location -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Lansing Sloan    Organization: retired  
Address: 3956 East Avenue Apt #30    Livermore CA 94550  
Phone: \_\_\_\_\_    Email: lansingsloan@att.net

Comment(s): I have noticed that a couple segments of the BART system create substantial noise pollution in non-adjacent neighborhoods. The neighborhoods are (1) ~~the~~ high in the hills of northeast Berkeley and (2) northern Daly City and far-southern San Francisco on the north slopes of San Bruno Mountain. The sources of noise appear to be the elevated, curved tracks (1) northwest of the North Berkeley station and (2) southwest of the Balboa Park station. What these apparent sources have in common are

- elevated tracks
- curved tracks
- neighborhoods high in hills
- nearby BART tunnels (the two stations mentioned are both underground).

I would hope that the Altamont Corridor project can keep noise at decently low levels, particularly ~~at~~ in neighborhoods not close to the tracks. (The North Berkeley neighborhood where I've heard noise are more than a mile from the tracks.)

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



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PLEASE PRINT CLEARLY.

Name: Lansing Sloan    Organization: retired  
Address: 3956 East Avenue    Apt #30    Livermore CA    94550  
Phone: \_\_\_\_\_    Email: lansingsloan @ att.net

Comment(s): I heard a BART-to-Livermore presentation on Friday, Nov 6 2009. The least costly of about 9 options was projected to cost over \$1 billion. So I wonder if we should forget extending BART beyond Pleasanton, and have the Altamont Corridor Project put (at ~~least~~ least) one station in Livermore and then convert to BART in Pleasanton.

Two speculations: (1) Put the Livermore station in northeast Livermore, perhaps close to Greenville, then swing northwest, north of most of Livermore, then somehow head southwest through Dublin to one of the BART stations in Dublin-Pleasanton. I think much of the land north of Livermore is intended to remain rural, but I think train tracks are compatible with rural so long as no station is built there.

(2) The West Dublin/Pleasanton BART station is close to both I 580 and I 680, so might be a good station or terminus for Altamont Corridor service, with good freeway connections as well as a BART – highspeed intermodal node <sup>potential</sup>.

If this is low enough in cost (unfortunately it goes through parts of Livermore and Dublin), it might be better than extending BART.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

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Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: DENNIS SMALLIE    Organization: DOWNTOWN STOCKTON ALLIANCE  
Address: 343 E. MAIN ST., FIRST FLOOR  
Phone: 209 888-8624    Email: DSMALLIE@DOWNTOWNSTOCKTON.ORG

**Comment(s):**

WE DESIRE THE HIGH SPEED RAIL STATION TO BE LOCATED "DOWNTOWN" <sup>STOCKTON</sup> AT THE ACE STATION.

THE DOWNTOWN STOCKTON ALLIANCE IS A PROPERTY-BASED IMPROVEMENT DISTRICT REPRESENTING 1,000 PROPERTY AND BUSINESS OWNERS OF DOWNTOWN STOCKTON.

WE ALSO SUPPORT THE CONNECTION THROUGH THE ALTAMONT

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Dr. Timothy Smith      Organization: U. of the Pacific  
Address: Thomas J Long School of Pharmacy and Health Sciences  
Phone: (209) 946-3168      Email: tsmith@pacific.edu

**Comment(s):** The Altamont Project would be one of the most significant transportation advances in support of our University. Student and scientific support exchanges with the Bay Area will be essential for taking our University to the next level of international influence. I am willing to be involved in educational programming to the public and K-12 education. Please contact me as opportunities are available.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!

## Kris Livingston

---

**From:** Scott Soper and Teresa O'Kane [fosterkane@hotmail.com]  
**Sent:** Friday, December 04, 2009 5:00 PM  
**To:** HSR Comments  
**Subject:** Alatomont Scoping Comments Letter  
**Attachments:** Altamont EIR Ltr.doc

Please add the letter attached in ms word to your scoping hearing.

Thanks.

Scott Soper and Teresa O'Kane  
E-mail [fosterkane@hotmail.com](mailto:fosterkane@hotmail.com)

December 4, 2009

Mr. Dan Leavitt, Deputy Director  
ATN: Altamont Corridor Rail Project EIR/EIS  
California High Speed Rail Authority  
925L Street, Suite 1425  
Sacramento, CA 95814

With regard to this project I would like the EIR/EIS to address the following matters relating to the College Park Neighborhood;

### COLLEGE PARK NEIGHBORHOOD

The College Park Neighborhood occupies the historic center of the “Independent Village of College Park” created by the University of the Pacific from lands acquired in a contract of sale from San Francisco and San Jose Railroad owners Phloem’s and Newhall in 1866. Polhemus and Newhall had acquired the land, a portion of the Stockton Rancho, to obtain right of way for the railroad. The University Grounds neighborhood provided passengers for the new railroad which established a station still used today. The San Francisco and San Jose Railroad later became part of the Southern Pacific. Consideration for the ongoing responsibility of the current embodiment of the railroad as maintaining the suitability of the “University Grounds” subdivision for residential use-and with its own train stop, should be kept in mind.

### IMPACTS TO NOISE

How the project will affect cumulative noise impacts, paying particular attention to the existing FAA noise program. The maximum acceptable noise level for the area under FAA rules has required mitigation by limiting airport operating hours and aircraft types, residential home removals and an on-going abatement program. Because the neighborhood is already at or near the maximum acceptable noise levels any additional impact will be significant. Verify that the methods and standards used for noise measurement by the Authority will meet or exceed those already in used by San Jose International airport.

### ANALYSIS OF ECONOMIC IMPACTS

Bearing in mind that the airport noise mitigations including purchase and demolition of approximately half of College Park, quantify the economic costs/impacts of the project on the College Park Neighborhood and identify the source of funding for mitigations associated with each of the options; elevated, surface or underground.

## IMPACTS TO PROBABLE FUTURE PROJECTS

Include Bellarmine College Preparatory Expansion Plans, the proposed San Jose Downtown Ballpark, Coleman Ave Soccer Stadium, Relocation of The Alameda, Guadalupe Gardens, Whole Foods and any other projects which meet the standard for “probable future projects” in the cumulative impacts analysis. \*

## MITIGATIONS DURING CONSTRUCTION

Describe how existing traffic and student drop-off mitigations from previous projects in the College Park Neighborhood including the Stockton Avenue drop-off and the College Park Caltrain Station will be dealt with, also parking for workers, working hours, etc. As an existing neighborhood standard please direct your attention to the mitigations employed in the course of the Bellarmine project currently in progress.

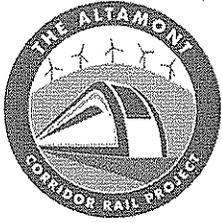
Respectfully,

Scott Soper  
College Park Zoning Chair  
977 Asbury Street  
San Jose, CA 95128

408.971.2131

\* “Any future project where the applicant has devoted significant time and financial resources to prepare for any regulatory review should be considered as probable future projects for the purposes of cumulative impact.”

Gray v. County of Madera (2008) 167 Cal.App.4th 1099



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: JERRY STEWART    Organization: SELF  
Address: 315 JILLANA AVE, LIVERMORE  
Phone: 925 447-1871    Email: \_\_\_\_\_

**Comment(s):**

I AM VERY MUCH OPPOSED TO A BART STATION AT THE ISABEL (HIWAY 84) AND STANLEY BLVD INTERSECTION! I ALSO DONT BELIEVE THAT ANY BULLET TRAIN SHOULD BE INCLUDED IN PLANS DUE TO COST, TIMING, AND DEMAND (LET ALONE EARTHQUAKES).

OVERALL PLANNING SEEMS TIMELY AND THOROUGH. GOOD WORK, BUT PLEASE CONSIDER MY ABOVE COMMENTS.

THANK YOU!

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



## Kris Livingston

---

**From:** JWILMOTH@up.com  
**Sent:** Monday, November 23, 2009 3:10 PM  
**To:** HSR Comments  
**Subject:** Altamont Corridor Rail Project EIR/EIS  
**Attachments:** pic17807.gif; 20091123145847228.pdf

Union Pacific comments attached. Hard copy being mailed today.

----- Forwarded by Jerry Wilmoth/UPC on 11/23/2009 03:08 PM -----

[IW21049@up.com](mailto:IW21049@up.com)

To "Wilmoth, Jerry" <[jwilmoth@up.com](mailto:jwilmoth@up.com)>

11/23/2009 02:58  
PM

cc

Subject

This E-mail was sent from "PR083F0D" (Aficio MP C2800).

Scan Date: 11.23.2009 14:58:47 (-0500)

Queries to: [IW21049@up.com](mailto:IW21049@up.com) (*See attached file: 20091123145847228.pdf*)

\*\*

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\*\*



Jerry Wilmoth  
General Manager Network Infrastructure

November 23, 2009

Mr. Dan Leavitt - Deputy Director  
California High-Speed Rail Authority  
Attn: Altamont Pass Rail Project EIR/EIS  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Union Pacific Railroad Scoping Comments  
For the Altamont Pass Rail Project EIR/EIS – Due December 4, 2009

Dear High-Speed Rail Authority:

Union Pacific Railroad Company submits the following comments in response to the High-Speed Rail Authority's (Authority) Notice of Preparation pursuant to CEQA dated October 22, 2009, concerning the Altamont Pass Rail Project proposed by the Authority jointly with the San Joaquin Regional Rail Commission (SJRRC) from Stockton to San Jose via the Altamont Pass. These comments also should be considered as responding to the Notice of Intent pursuant to NEPA as published by the Federal Railroad Administration (FRA) in the Federal Register. Union Pacific understands that the Authority and the FRA will jointly prepare the EIR/EIS for this project.

Union Pacific Railroad Company (Union Pacific) is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of California. Specifically, Union Pacific owns and operates rail main lines connecting the Stockton – Tracy area with San Jose and other Bay Area points. These rail lines connect with other Union Pacific lines running east and north and with lines to Los Angeles and points east and southeast. Union Pacific is the largest rail carrier in California in terms of both mileage and train operations. Union Pacific's rail network in the Stockton – San Jose – Oakland area and in the Central Valley is vital to the economic health of California and the nation as a whole. Union Pacific rail service to customers in the Bay Area, Central Valley, Stockton, Tracy, Sacramento, Modesto and other major cities is crucial to the future success and growth of those areas and customers.

Union Pacific previously submitted comments on the Bay Area to Central Valley HST Program EIR/EIS by letter dated July 7, 2008, from Mr. Scott Moore to Mr. Quentin L. Kopp of the Authority's Board (copy attached). Union Pacific reaffirms these comments and hereby incorporates them within this letter. By letter dated May 13, 2008, to Mr. Mehdi Morshed, the Authority's Executive Director (copy attached), the undersigned stated that it was not in Union Pacific's best interests to permit any proposed high-speed rail alignment on our rights of way. Union Pacific's position on this matter remains the same.

Union Pacific submits the following comments with reference to the scoping of the joint Altamont Pass Rail Project EIR/EIS for the Stockton to San Jose corridor. These comments are submitted on the assumption that the project corridor via Altamont Pass to San Jose may encroach on or otherwise impact Union Pacific's rights of way which are used as freight and passenger routes . Union Pacific has not seen detailed right of way maps for this corridor project nor has Union Pacific been advised by the Authority as to the definitive route selected for the corridor between Stockton, Tracy and San Jose. Union Pacific must therefore assume, for purposes of these scoping comments, that some or all of its right of way is proposed for use by regional rail commuter trains and ultimately by high-speed rail trains.

With respect to such use, the Authority is advised as follows:

1. Union Pacific owns the following rights of way which may be impacted by the proposed rail corridor development:
  - a) the Oakland Subdivision main line from Fremont (Niles Jct.) to Stockton, comprising the former Western Pacific main line over Altamont Pass.
  - b) the Fresno Subdivision main line from Stockton to Lathrop, comprising the former Southern Pacific main line between these locations.
  - c) the Tracy Subdivision main line from Lathrop to Tracy, comprising a portion of the former Southern Pacific main line across Altamont Pass. The SP main line from Tracy to Fremont (Niles Jct.) over Altamont Pass has been abandoned and conveyed to third parties. The balance of the Tracy Subdivision now extends to Martinez via the line known as the Mococo Line.
  - d) the Niles Subdivision main line from Fremont (Niles Jct.) to Newark.
  - e) the Coast Subdivision main line from Newark to San Jose.
  - f) the Warm Springs Subdivision from Fremont (Niles Jct.) to San Jose.

All of these subdivisions are critically important to Union Pacific for the operation of freight service to and from the Bay Area. BNSF also has certain trackage rights on some of these subdivisions for its own freight operations.
2. SJRRC operates commuter passenger trains under agreement with Union Pacific from Stockton to San Jose over the Fresno, Oakland, Niles and Coast subdivisions. Amtrak and Capitol Corridor operate regional passenger trains over the Niles and Coast Subdivisions, and Amtrak operates the long distance Coast Starlight over the Coast Subdivision.
3. Union Pacific controls the operation and maintenance of these subdivisions. No other carrier or government agency has the right to permit other railroads or rail operators to use any part of these rights of way. These main lines are all CTC-dispatched and consist mainly of single track with small sections of double track. The majority of these rights of way are 100-feet in width, with limited wider zones in towns and cities for station grounds.

4. Major rail shippers are located along these subdivisions. In many instances, these shippers have constructed large unloading and storage facilities. These facilities are immediately adjacent to the right of way, generally on the side away from paralleling highways. Corridor alignment on or adjacent to these subdivisions potentially would terminate Union Pacific's ability to serve some or all of these shippers, or future shippers needing rail service, leading to serious economic loss to shippers, consumers, the state and the railroad

Confirming Union Pacific's prior statements, both written and oral, we will not make any segments or any parts of these subdivisions available for the proposed regional commuter rail corridor or the potential future high-speed rail alignment under any circumstances. Preparation of the Project EIR/EIS should recognize this limitation on available right of way.

As a common carrier railroad, Union Pacific is subject to federal law governing abandonment or discontinuance of freight operations. Specifically, the Interstate Commerce Commission Termination Act (49 USC §10501 et seq.) prohibits a railroad from abandoning or discontinuing freight services over main or branch lines of railroad without authority from the federal Surface Transportation Board (STB). Union Pacific's operation over these subdivisions is subject to STB jurisdiction. The Authority may not undertake any action that effectively requires or causes Union Pacific to abandon or discontinue freight service on or over any portion of these subdivisions unless prior authority from the STB has been obtained. Union Pacific will deem any attempt by HSR to interfere with Union Pacific's operation over these subdivisions, including service to shippers, or to appropriate any part of its right of way by eminent domain, as an attempt to force a de facto abandonment of freight service in violation of federal law.

5. The Authority must be aware of the following matters as it prepares the EIR/EIS:

- a) Slow speed freight trains and high-speed trains are incompatible on the same tracks at any time and at any location, including at-grade cross-overs. Union Pacific requires overhead clearance of 23 feet 6 inches. The Authority must provide grade-separated cross-overs for freight trains at necessary locations. The Authority must not contemplate operation of freight trains on any HSR trackage at any time (and vice-versa). HSR must comply with all applicable FRA regulations with regard to freight trackage.
- b) Union Pacific does not believe it is possible or practical to devise any mitigation measures which will permit shared use of any part of these subdivisions for the types of passenger service contemplated by the EIR/EIS. As previously stated, Union Pacific will not voluntarily make these rights of way available to the corridor project under any circumstances. The Authority must not assume that even a small part of Union Pacific's rights of way will be available for the Altamont Rail Project.
- c) Union Pacific is of the legal opinion that all of its operating right of way, including these subdivisions, is exempt from the state's eminent domain powers.

Union Pacific has read carefully the entire Notice of Preparation for the Altamont Rail Project and has noted many statements to the effect that freight operations and the type of passenger service envisioned by the EIR/EIS are entirely incompatible. Union Pacific concurs in the Authority's assessment in this regard and believes that the Authority actually has no current intention of attempting to take or use any part of our rights of way for passenger train service as contemplated by the EIR/EIS. Nonetheless, Union Pacific deems it prudent to reaffirm its position on joint operations as stated in this scoping letter.

As the Authority is fully aware, SJRRC operates a limited number of commuter passenger trains via the Fresno, Oakland, Niles and Coast subdivisions between Stockton and San Jose. At current freight and passenger train volumes, SJRRC's operations can be accommodated on these lines. However, Union Pacific cannot permit greater passenger train volumes over these subdivisions without extensive capacity improvements.

The Authority is also aware that Amtrak and the Capitol Corridor operate a large number of regional passenger trains between Oakland and San Jose via the Niles and Coast subdivisions. Union Pacific cannot accommodate any further passenger train operation over these subdivisions without extensive capacity improvements.

Accordingly, Union Pacific supports the Authority's intention to provide a new and completely separate rail passenger train corridor for future standard and high-speed rail passenger operation. This corridor must be reserved for rail passenger service without interference with, or use of, Union Pacific's freight main lines as identified herein.

Union Pacific applauds the Authority's recognition that freight main lines are inappropriate for both regional rail commuter service and high-speed trains.

Union Pacific is confident that its concerns listed herein will be fully addressed by the Authority and FRA during the EIR/EIS process. Union Pacific is willing to meet with the Authority and FRA to discuss its concerns about rail corridor operation and to better understand the Authority's intentions regarding potential impacts on Union Pacific rights of way. Following such meeting, Union Pacific will be glad to consider all future requests by the Authority for information concerning operations, construction standards and mapping data.

Please direct all requests and correspondence to the undersigned.

Sincerely,



Jerry S. Wilmoth  
General Manager - Network Infrastructure

Attachments (2)



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



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



# COMMENT FORM

**Meeting Date/ Location** -- Please check one

Nov. 10, 2009: Livermore

Nov. 12, 2009: Stockton

Nov. 17, 2009: Fremont

Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name:

Ren Weiss

Organization:

EXCHANGE CLUB

Address:

Phone:

Email:

FREMONTGUY @ EARTHLINK.NET

**Comment(s):**

Very Informative  
Sorry more people didn't show  
Looking forward to having a guest  
speaker in March 2010

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

**Meeting Date/ Location** – Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Cate White      Organization: League of Women Voters of SJ

Address: \_\_\_\_\_

Phone: \_\_\_\_\_      Email: \_\_\_\_\_

**Comment(s):**

*Well presented with knowledgeable explainers present. Many funding issues unresolved –*

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

Meeting Date/ Location -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: JEFF WILLIAMS    Organization: LIVERMORE CITY COUNCIL  
Address: 755 HAZEL ST, LIVERMORE  
Phone: 925-455-5575    Email: JEFFREYWILLIAMS@COMCAST.NET

Comment(s):

INCREMENTAL IMPROVEMENT TO ACE USING EXISTING  
ALIGNMENT ~~FROM~~ WITH <sup>NEW</sup> TRACK NOT SHARED WITH  
UP FREIGHT IS LIKELY LEAST PAINFUL AND LEAST,  
EXPENSIVE.

SUBSTANTIAL JUMP IN SPEEDS OVER ACE WILL REQUIRE  
NEW RIGHTS OF WAY, NOT THROUGH DOWNTOWN  
LIVERMORE AND PLEASANTON OR THROUGH NILES  
CANYON. MORE EXPENSIVE, MUCH FARTHER IN FUTURE.

PREFER LIVERMORE INTERMODAL BART/ACE (OR HSR)  
CONNECTION AT GREENVILLE/SBO SO AS TO DISCOURAGE  
SAN JOAQUIN COMMUTERS ~~FROM~~ FROM JAULBING INTO

Please drop this form in the marked **Comment Box** or :

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!



# COMMENT FORM

Meeting Date/ Location -- Please check one

Nov. 10, 2009: Livermore     Nov. 12, 2009: Stockton     Nov. 17, 2009: Fremont     Nov. 18, 2009: San Jose

PLEASE PRINT CLEARLY.

Name: Vaughn Wolfe                      Organization: RailPAC  
Address: 1798 Peru Ct                      Pleasanton                      94566  
Phone: (925) 236-6231                      Email: vaughn@sybase.com

- Comment(s):
- 1) Plan in incremental segments. All segments built to 110 mph standard regardless of if others will be built.
  - 2) Connect to BART in Fremont Shinn-Rd NOT BART Livermore.
  - 3) Include Dumbarton Rail bridge. Split trains in Redwood City one north the other south.
  - 4) Use viaduct in wetlands Fremont Alviso 3 tracks.

Please drop this form in the marked **Comment Box** or

**Mail to:** California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814 by December 4, 2009.

Thank you for your participation!