Draft

March 31, 2009

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

RE: City Of Palo Alto Scoping Comments for the California High Speed Rail Authority's San Francisco To San Jose High Speed Train (HST) Environmental Impact Report/Environmental Impact Statement (EIR/EIS)

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the California High Speed Rail Authority's San Francisco to San Jose High Speed Train (HST) EIR/EIS process. The California HST project will have a long-lasting and far-reaching impact on the City of Palo Alto. The proposed HST would be located along 3.8 miles of the Caltrain right-of-way through the middle of the City, where the Caltrain tracks already bifurcate the City from east to west. It is important that the HST project fully address all potential impacts on this developed area, and that the project include urban design and engineering solutions to minimize impacts and potentially reduce community divisions or barriers.

The following are issues and subjects that the City of Palo Alto requests be included in the scope of work for the project level EIR/EIS for the California High Speed Train Project from San Francisco to San Jose.

<u>Rail Alignment, Profile, and Right-of-Way</u>
The City of Palo Alto's Comprehensive Plan includes a number of Transportation goals and policies that support improved local, regional, and intercity transit. Transportation Goal T-2 states "a convenient, efficient, public transit system that provides a viable alternative to driving. Policy T-7 states: "support plans for a quiet, fast rails system that encircles the Bay and for intra-county and transbay transit systems that link Palo Alto to the rest of Santa Clara county and adjoining counties." Program T-17 supports the Caltrain electrification and its extension to downtown San Francisco. However, the scope and magnitude of a high speed rail project along the existing Caltrain right-of-way in Palo Alto was not envisioned at the time the Comprehensive Plan was adopted and issues related to the alignment and profile of this project raise new concerns for the City that need to be addressed in the EIR/EIS. This project must also address Comprehensive Plan Transportation Goal T-5 which reads "a transportation system with minimal impacts on residential neighborhoods." The EIR/EIS should:

1. Provide a complete analysis of all linear rail corridor elevation options including at-grade, elevated, or depressed including open trench and tunneling. All options, particularly the tunneling option, should be evaluated to the same level of detail as the elevated track proposal to provide adequate information to the public of the environmental, economic, visual, and operational impacts or benefits of each alternative.

2. Evaluate an alternative that would end HST at San Jose and rely on upgraded electrified and grade-separated Caltrain connections to/from San Francisco, including facilitating improved Caltrain access and speeds and including possible reduction in the number of tracks required in the Caltrain corridor. The Palo Alto station is the second busiest on the Caltrain line and as such serves approximately 3,700 boardings per day. Caltrain's future 2025 Plan provides for electrification and an increase in the current 96 daily trains up to 172 trains. The EIR/EIS should evaluate whether Caltrain could provide the frequency, capacity and speed for the connecting service between San Jose and San Francisco in lieu of HST service.

3. Evaluate alternatives that would eliminate or substantially minimize the need to acquire additional right-of-way. The railroad right-of-way abuts single family residences, Palo Alto High School, a shopping center, businesses and city parks, which form the fabric of the community. Any and all alternatives that would not involve acquisition of right-of-way should be fully evaluated in the EIR/EIS.

4. Evaluate alternatives that would reduce the number of required tracks in the right-of-way to less than four tracks. The evaluation should also include how many shoofly tracks would need to be built during construction and their impacts on right-of-way requirements for the project.

5. Include an alternative that does not retain freight service on the Caltrain right-of-way between San Jose and San Francisco and the requisite freight service design requirements to accommodate diesel-powered freight trains that could preclude other HST alternatives that would be most appropriate and environmentally sensitive for the Peninsula.

<u>Traffic Circulation and Safety</u>

The Palo Alto Comprehensive Plan includes numerous Comprehensive Plan policies to improve multi-modal connectivity. Policy T-17 reads "increase cooperation with surrounding communities and other agencies to establish and maintain off-road bicycle and pedestrian paths and trails utilizing creek, utility, and railroad rights-of-way." The project has the potential to impact traffic circulation and safety within Palo Alto. The Caltrain right-of-way runs the length of Palo Alto and currently creates a linear barrier to east-west travel. The City has only four at-grade vehicular crossings, three grade-separated vehicular crossings that may require modification, and two grade-separated bicycle and pedestrian tunnels. The EIR/EIS should:

6. Evaluate service options that include HST operating at the same speeds as Baby Bullet trains from San Jose to San Francisco and the safety benefits that could derive by running slower speed trains in an urban and residential environment such as Palo Alto and the Peninsula.

7. Analyze the full traffic circulation, traffic safety, and emergency response impacts of any proposed closures of the four existing at-grade crossings.

8. Analyze traffic impacts to City streets affected during construction, and specifically identify any streets that would be detoured or closed during construction or permanently as part of the project.

9. Assess the traffic impacts associated with a HST station in Palo Alto independent of the traffic impacts of the HST project alone. This would include increased traffic on local Palo Alto streets associated with access to and parking demand at the Palo Alto HST station. The primary access streets include at minimum: University Avenue, the gateway to the downtown, Stanford University, and the transit center; Alma Street and El Camino Real (State Rte 82) which parallel the Caltrain corridor.

10. Evaluate incorporating new and upgraded pedestrian/bicycle grade separations of the railroad, as recommended in the 2003 Palo Alto Bicycle Transportation Plan. The plan calls for reconstruction and upgrading of the pedestrian/bicycle undercrossing at California Avenue and new pedestrian/bicycle grade separation of the Caltrain tracks in South Palo Alto and north of the Palo Alto station to provide safe alternatives to at grade crossings of the tracks with motor vehicle traffic. The Churchill, Meadow, and Charleston crossings also are school commute corridors. Exclusive pedestrian/bike grade separations would provide safer alternatives to these vehicular crossings.

11. Evaluate how the project will impact or could implement the planned long-range improvements identified in the 2002 Palo Alto Intermodal Transit Center Plan. The Palo Alto Intermodal Transit Center (PAITC) conceptual plan consists of both transportation elements and community amenities. Transportation elements include expanded rail and bus passenger service capacity, an at-grade intersection of Alma Street and University Avenue, the re-design of University Avenue between Alma and Palm Drive, and provision of a bicycle and pedestrian under-crossing of Caltrain near Alma and Everett. Community amenities include an urban park and civic space, public art, and urban design features.

12. The EIR/EIS should analyze how the project when built and during construction would impact access to the VTA transit center at the Palo Alto station and impact on Samtrans, VTA, Stanford Marguerite, Dumbarton Express and other local bus and shuttle services within Palo Alto. The bus transit center accommodates over 15 local and regional bus and shuttle lines which provide a high level of service to the Palo Alto community and neighboring jurisdictions. The EIR/EIS should evaluate impact

on access to and operation of these routes, and the potential impacts resulting from shifts traffic on surface streets.

13. The EIR/EIS should evaluate all potential safety impacts from construction and operation of the HST. Palo Alto is highly urbanized along the railroad tracks, and accidents or explosions from trains traveling at 125 mph could have severe impacts on nearby residences, businesses, roadways, schools and other facilities. Hundreds of residences, three public parks, Palo Alto High School, and the Palo Alto Medical Foundation all immediately abut the railroad tracks or Alma Street. The impacts to be studied should include, but should not be limited to:

    a. The potential for derailment from elevated or at-grade tracks through Palo Alto, and measures (crash walls, etc.) to assure that adjacent residences and businesses would not be affected.
    b. The potential for pedestrians to cross into the rail right-of-way, and measures (fencing, other barriers) proposed to eliminate potential conflicts.
    c. The potential for explosion or hazardous releases from passenger or freight train crashes or derailments in an elevated, at-grade, tunnel or trench configuration, and considerations relative to earthquake or terrorism events.
    d. The potential for conflicts between heavy freight trains and lighter passenger trains, whether in an elevated, at-grade, tunnel or trench configuration.
    e. Hazards from construction, including from equipment and machinery, traffic to and from the site, and construction vibrations. Impacts should be assessed on adjacent residents and businesses, as well as potential damage to streets and other public facilities.

<u>Environmental Impacts</u>
The EIR/EIS process requires that a substantial number of environmental issues be addressed. Key issues identified by the City of Palo Alto City Council are outlined below, generally accompanied by relevant Comprehensive Plan policies.

Visual
The City of Palo Alto Comprehensive Plan contains many policies directed towards maintaining and enhancing design of private and public facilities to be attractive and compatible with nearby residences, commercial development, and public spaces, including streets. While the Comprehensive Plan focus is on building and roadway construction, the EIR/EIS should address similar goals for the proposed High Speed Train. The EIR/EIS should:

14. Analyze how visual impacts would vary with different vertical track alignments and should identify measures to reduce visual impacts to the community. In particular, the visual impacts of the “catenary” electrified system and associated retaining walls are potentially extensive, adding potentially unattractive clutter and unsightly structures to an alignment that may be 20 feet above grade. These lines would occur immediately

adjacent to hundreds of homes, as well as businesses, parks, schools, and other facilities and would be visible from all of Alma Street and from many points some distance away from the actual tracks. The document should evaluate alternative technologies that would avoid the catenaries, including third rail technology, along with the tunnel or trench designs.

15. Address the impacts of the widened right-of-way, grade separations, and construction scenarios on existing trees and other vegetation, and should outline substantial mitigation to minimize the visual impacts of the project, including providing for extensive landscaping to screen the facilities as much as possible.

16. Address the visual impacts of components of the project other than the rail lines, trains, and catenaries, including any proposed safety fencing or walls. Techniques and treatments should be proposed to minimize the intrusiveness and unsightliness of those facilities, and to provide for as much openness and green space as possible.

17. Outline the visual impacts of all of the potential roadway overpasses and underpasses, with the attendant visual impacts from all proximate areas, and the impacts on loss of existing landscape and open space. Again, techniques and treatments of the overpasses and underpasses should be provided to minimize the visual impacts.

18. Use state-of-the-art Visualization technology, including photorealistic models and animation, to demonstrate each of the alternatives, as well as adjacent and connecting pedestrian, bicycle, and transit facilities along the actual rail route through Palo Alto. This should also include simulations of potential development above and near the alignment with tunnel or cut-and-cover options.

Noise

The City of Palo Alto Comprehensive Plan includes Goal N-8, which reads “An Environment That Minimizes the Adverse Impacts of Noise.” Policy N-39 indicates that the maximum outdoor noise level in residential areas is suggested to not exceed an Ldn of 60 dB. Policy N-40 reads: “Evaluate the potential for noise pollution and ways to reduce noise impacts when reviewing development and activities in Palo Alto and surrounding communities.” Policy N-41 indicates that “When a proposed project is subject to CEQA, the noise impact on existing residential land uses should be evaluated in terms of the increase in existing noise levels…, regardless of existing background noise levels” and specifies that a significant impact is found if the increase in the 24-hour noise level (Ldn) increases by 5.0 dB or more in an existing residential area if the Ldn remains below 60 dB, or 3.0 dB if the resultant Ldn exceeds 60 dB. Policy N-42 notes that measures to reduce noise impacts should be required, and outlines a number of possible, though not exclusive, means to do so. The EIR/EIS should:

19. Use the City of Palo Alto's significance criteria to define whether noise impacts are significant with respect to adjacent residential, commercial, park, school, or other uses.

20. Evaluate how noise levels would vary with the different vertical track alignments (i.e. tunnel, trench, track at grade, elevated track), including all three operators (HST, Caltrain and Union Pacific) and then outline methods to reduce those impacts to "less than significant" levels. The impacts of such methods, particularly noise walls, should also be evaluated for their visual impacts.

21. Identify the noise from horns from all trains, based on the increased frequency of train operations. The City understands that most cities on the Peninsula will create quiet zones under the new Federal Railroad Administration (FRA) regulations to eliminate the sounding of train horns at all crossings. The HST analysis should be based on the assumption that all train horns have already been eliminated and that Caltrain has been electrified. These circumstances should be considered existing in the No Project alternative.

22. Evaluate noise during the construction period, and document measures and phasing approaches to minimize those impacts. The project is clearly extensive in scope and in timeframe, and substantial potential exists for excessive noise impacts in proximity to the rail right-of-way.

23. Evaluate the impact on adjacent properties caused by vibration associated with each construction method, as well as the permanent vibration increase from the rail operations, and mitigations to reduce those impacts to "less than significant" levels.

Air Quality

The project has the potential to significantly impact air quality in the City and region. The Comprehensive Plan includes Goal N-5 to provide clean, healthful air in Palo Alto and the San Francisco Bay Area. Policies dealing with air quality **r**elevant to the HST project include Policy N-27 that discusses reducing emissions from construction activities and Policy N-29 that calls for potential sources of odor and/or toxic air contaminants to be adequately buffered or mitigated in order to avoid odor and toxic impacts. In addition, the Comprehensive Plan includes numerous policies intended to reduce air quality impacts by reducing traffic impacts that are addressed in this letter in the traffic and circulation section. The analysis in the EIR/EIS needs to address how the HST could impact the City's air quality. It should:

24. Evaluate air quality impacts resulting from the increase in trains along the corridor as well as any increase in pollutants resulting from the high speed of the trains. The potential for increased air quality impacts from elevated tracks should also be analyzed. Any additional air quality impacts resulting from locating a station within

Palo Alto should also be evaluated, e.g., any increase in pollution from train idling or acceleration in leaving the station.

25. Evaluate construction activity impacts from construction dust and construction equipment emissions for the various corridor options including at-grade, elevated or depressed including open trench and tunneling.

Trees and Vegetation

The HST project has the potential to adversely impact trees and vegetation located adjacent to the Caltrain right-of-way. The Comprehensive Plan includes Goal N-3 that calls for a thriving "urban forest' providing ecological, economic, and aesthetic benefits for Palo Alto. Policies that support this goal include Policy N-14 that calls for protection of the City's urban forest and Policy N-17 that addresses the protection and preservation of heritage trees on public and private property, as well as the City's tree protection ordinance contained in Palo Alto Municipal Code Chapter 8.10. In furtherance of these policies, the City has developed a Tree Technical Manual that establishes specific technical regulations, standards and specifications necessary to implement the City's Tree Preservation and Management Regulations adopted in 1997. The analysis in the EIR/EIS should:

26. Evaluate alternatives that would preserve the 1,100 year old El Palo Alto coast redwood tree and/or minimize impacts on this historic tree and historic site on the DeAnza National Historic Registry (?). This tree has the distinction of being the first and oldest living California Historic Landmark and has a life expectancy of 300 more years. Independent agency designations of this tree are as follows: 'State of California Historical Landmark No. 2-The El Palo Alto' Redwood; Santa Clara County, 'El Palo Alto—a Point of Historical Interest'; City of Palo Alto 'Heritage Tree #1'.

27. Analyze and identify mitigation to offset the impacts of loss (removal or trimming) of protected trees and vegetation screening along the Caltrain right-of-way consistent with the City's Tree Technical Manual Tree Value Replacement Standard.

Creeks

The proposed project has the potential to impact several creeks in Palo Alto that cross the Caltrain right-of-way. The City's Comprehensive Plan Goal N-2 that calls for conservation of creeks and riparian areas as open space amenities, natural habitat areas and elements of community design. Implementing Comprehensive Plan policies N-11, N-12 and N-13 call for preserving the integrity of riparian corridors, preserving the habitat value of creek corridors and discouraging creek bank instability by minimizing site disturbance and vegetation removal on or near creeks. The EIR/EIS should:

28. Evaluate construction impacts on San Francisquito Creek, Adobe Creek, Barron Creek and Matadero Creek channels with regard to riparian habitat and creek flows and stability.

Historic Resources

The HST has the potential to adversely impact historic properties and disturb archaeological resources located adjacent to the Cal Train Corridor. Goal L-7 of the City's Comprehensive Plan calls for the conservation and preservation of Palo Alto's historic building, sites and districts. Policy L-51 encourages upkeep and preservation of resources, Policy L-54 supports the goals and objectives of the Statewide Comprehensive Historic Preservation Plan for California and Policy L-60 calls for the protection of Palo Alto's archaeological resources. The EIR/EIS should:

29. Evaluate the impact on historic structures listed or eligible for listing on the National Register of Historic Places and/or the California Register of Historical Resources, structures listed on the City of Palo Alto's Historic Inventory, and areas identified as potential National Register historic districts in the "Palo Alto Historical Survey Update: Final Survey Report" by Dames & Moore, dated February 2001.

30. Identify alternatives that would avoid or minimize project impacts on identified historic structures or areas.

31. Evaluate the change in context for the historic Caltrain depot even if the building is not moved or directly impacted. The addition of widened tracks, retaining walls and catenary poles immediately adjacent to the historic train station could have an impact on the depot.

32. Evaluate impacts and provide mitigation to offset disturbance of any Native American archaeological sites located adjacent to the Caltrain right-of-way.

Parks and Recreational Opportunities

The HST has the potential to impact four neighborhood parks that provide recreational areas for residents. Comprehensive Plan Goal C-4 calls for attractive, well-maintained community facilities that serve Palo Alto residents. Comprehensive Plan Policy C-26 calls for maintaining and enhancing existing park facilities and implements that goal. The EIR/EIS should:

33. Evaluate the impact on City dedicated parks and recreational opportunities, including El Camino Park, Peers Park, Bowden Park, and El Palo Alto Park. This would include impacts on the loss of playing fields and potential mitigations.

Climate Change

The HRT project will result in greenhouse gas emissions particularly during construction. The City's Climate Protection Plan identifies City and community goals to reduce carbon dioxide emissions by 15% from 2005 levels by 2020. The Comprehensive Plan Amendment now being prepared will provide a sustainability component to help implement these goals. The HST project is represented, however, as reducing greenhouse

gases by providing a transportation option to automobiles and airplanes. The EIR/EIS should:

34. Provide an extensive and comprehensive analysis of climate change impacts associated with the implementation of the various options and alternatives through the mid-Peninsula area and identify measures to limit greenhouse gas emissions during construction and long-term for each alignment and configuration.

35. Document in detail how the project and this alignment in particular will reduce greenhouse gases, as compared to other rail or transit options.

Land Use and Urban Design Issues

The City of Palo Alto's Comprehensive Plan includes an extensive number of goals and policies that direct new construction and development to promote maintenance and enhancement of neighborhood compatibility, connections and services, and facilitation of pedestrian, bicycle and transit access. Goal L-2 states: "An Enhanced Sense of "Community" with Development Designed to Foster Public Life and Meet Citywide Needs." Goal L-3 states: "Safe, Attractive Residential Neighborhoods, Each With Its Own Distinct Character and Within Walking Distance of Shopping, Services, Schools, and/or Other Public Gathering Places." The Comprehensive Plan also encourages development of transit and pedestrian-oriented development around transit stations (Program L-14) and suggests (Policy L-27) that the City "Pursue redevelopment of the University Avenue Multi-modal Transit Station area to establish a link between University Avenue/Downtown and the Stanford Shopping Center" and "Encourage residential and mixed use residential development in the California Avenue area" (Policy L-29). The proposed project, therefore, has serious potential land use and design impacts on existing residential and commercial areas, but also significant potential for appropriate transit-oriented development opportunities. The EIR/EIS should:

36. Identify how each of the different vertical track alignments (i.e. tunnel, trench, track at grade, elevated track) could potentially divide (or connect) the community, in comparison to the City's Comprehensive Plan policies. The at-grade and (particularly) elevated options appear to have substantial likelihood of division of the community. The document should, for those options, outline measures to demonstrate how such a project can enhance the community by providing attractive connections and interactions between neighborhoods, commercial areas, schools, and open spaces/parks.

37. Evaluate the potential land use and design impacts of associated land development and/or parking resulting from the construction of the HST facilities. This should include working with the City of Palo Alto staff, Planning and Transportation Commission, and City Council to define a range of land use scenarios that might be generated around the transit stations.

38. Evaluate the potential to sell development rights for a variety of residential, commercial, community, and/or parkland use above a below ground rail option, and identify the likely impacts of that development.

39. Evaluate how a potential HST station in Palo Alto would affect right-of-way needs, and potential impacts of high intensity land use development around such a station. Impacts to be considered should include, but are not limited to, traffic and parking, visual resources, noise, open space, and cultural/historic resources.

40. Propose innovative urban design solutions for at-grade and/or elevated structures that provide for open passage and connections, attractive fences and walls (where such fences and walls are absolutely necessary), extensive landscaping, street furniture, and pedestrian and bicycle amenities, etc.

Economic and Property Value Impacts

The Caltrain alignment through Palo Alto covers approximately 3.8 miles, adjacent to hundreds of residences, as well as commercial development, a school (Palo Alto High School), and three parks (El Camino, Peers, and Bowden). The project development could not only have environmental impacts on many of those properties, but could directly affect property values, business viability, and, in some cases, may even involve eminent domain to purchase all or portions of some of the properties. This appears to particularly be the case for the at-grade and elevated track options, which may require additional right-of-way. While economic impacts are not generally required to be addressed in an EIR, the City of Palo Alto believes such impacts appropriately should be addressed for this project. The EIR/EIS should:

41. Evaluate the potential impacts of loss of real property values of adjacent and nearby properties due to the project. The analysis should consider the economic impacts of noise, vibration, increased daily train operations, visual impacts of elevated structures, and changes to circulation and access associated with the project.

42. Analyze construction and engineering techniques that would reduce construction noise and excavation impacts on adjacent properties, and to preserve existing vegetation and/or provide extensive new mitigation screening.

43. Evaluate economic impacts to Palo Alto business districts that are in close proximity to the rail line and construction, including Downtown Palo Alto, California Avenue Business District, Town and Country Village and Stanford Shopping Center. Impacts to be assessed should include both construction period impacts due to reduced access or traffic detours and longer term impacts of noise and visual alterations near these businesses.

44. Estimate the costs of construction and of mitigation measures and identify who would be responsible for bearing the costs.

The Review Process

It is critical to the City of Palo Alto that the process of preparing the EIR/EIS and reviewing the alignment and construction options for the project be a collaborative process between the California High Speed Rail Authority (CHSRA), Caltrain, and the City (and other affected cities). Toward this end, the CHSRA should:

45. Provide a draft Scoping Report for review by the City and the public following the scoping period and prior to developing any detailed designs. The draft report should indicate what alignments and alternatives will be considered, and should list mitigation measures suggested by the scoping comments. The report should also identify which comments will not be addressed in the EIR/EIS, and why. A period of 45 days should be provided for the City (and others) to work with the CHSRA to finalize the outline of the document.

46. Develop a CHSRA Interim Status Report subsequent to outlining the basic alignment, right-of-way, station location, and other alternatives, but prior to developing a Draft EIR/EIS. This Interim Report should include updated information regarding:

    a. Ridership forecasts and operational (schedule) estimates for the HST and Caltrain
    b. Preliminary feasibility of potential HST station locations
    c. The number of tracks and right-of-way widths for each segment of the line through Palo Alto
    d. Likely eminent domain required for each configuration
    e. Expected construction period details and phasing

    A period of 45 days should be provided for City and public input on the report, to identify the focus of the remaining EIR/EIS analysis and preliminary engineering.

47. The CHSRA and Caltrain should work with the Peninsula Cities Consortium on a regular basis, to identify key issues and attempt to work collaboratively towards acceptable approaches. A core group of each organization should meet on at least a monthly basis, and more frequently as necessary, to assure consistent and reliable information exchange, and to identify opportunities for the rail agencies to provide outreach to the larger community.

The City of Palo Alto appreciates the opportunity to provide these comments on the scope of work for the Environmental Impact Report and Environmental Impact Statement for the San Francisco to San Jose HST Project. The City looks forward to working with CAHSR staff on an ongoing basis to review alternatives, impacts and mitigation measures for this important project.

Please contact James Keene, City Manager, at 650-329-2563 for further information and coordination.

Sincerely,

Peter Drekmeier, Mayor

cc: City Council
James Keene, City Manager
Dominic Spaethling, CAHSR
Chamber of Commerce