Item No.
Town of Atherton

CITY COUNTY STAFF REPORT – REGULAR AGENDA

TO: **THE HONORABLE MAYOR AND CITY COUNCIL**

FROM: **LISA COSTA SANDERS, TOWN PLANNER**
MICHAEL KASHIWAGI, COMMUNITY SERVICES DIRECTOR

DATE: **JANUARY 21, 2015**

SUBJECT: **RECEIVE REPORT ON THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PENINSULA CORRIDOR ELECTRIFICATION PROJECT AND AUTHORIZE THE MAYOR TO TRANSMIT A COMMENT LETTER**

RECOMMENDATION

Receive the report on the Final Environmental Impact Report for the Peninsula Corridor Electrification Project and Authorize the Mayor to transmit a comment letter on behalf of the Town.

BACKGROUND:

Caltrain released the Draft Environmental Impact Report (DEIR) for the Peninsula Corridor Electrification Project on February 28, 2014. On behalf of the City Council and the Rail Committee, the Mayor transmitted a comment letter to Caltrain on the DEIR (attachment 2). On December 4, 2014, Caltrain issued the Final EIR and Response to the Town's comments as well as many other comments. On January 8, 2015, the Peninsula Corridor Joint Powers Board certified the Final Environmental Impact Report (FEIR) and approved the planned electrification of the Caltrain corridor between San Jose and San Francisco.

FINDINGS/ANALYSIS

The Town's comment letter to Caltrain addressed questions or concerns relating to the analysis contained within the DEIR on the following topic areas: the project description; aesthetics; biological resources; greenhouse gas emissions and climate change; noise; traffic; as well as several other questions and concerns. Caltrain, in its FEIR, provided formal Response to Comments as summarized below:

Town Concern	Caltrain Response

Project Description - the Town expressed concern that the electrification project is linked to the High Speed rail project and the electrification project cannot be considered without fully analyzing high speed rail. The Town also noted that other alternatives exist to modernize the system that were not evaluated in the EIR.	Caltrain indicates that the electrification project and the high speed rail project have different proponents, different purposes and alternatives were analyzed in the DEIR.
Aesthetics – the Town expressed concern with the visual impact associated with the new poles and wires and requested more analysis and alternatives to overhead wires.	Caltrain indicates that the new poles and wires are consistent with the visual character of a railroad corridor.
Biological Resources – the Town expressed concern with the removal of approximately 142 trees in Atherton and requested analysis of a center support structure.	Caltrain further evaluated the center pole design to reduce tree removal. Implementation of a center pole configuration with Mitigation Measure BIO-5, will reduce the number of trees removed and or pruned. The JPB also commits to plant three new trees for each heritage tree removed outside of the Caltrain right-of-way and one new tree for each non-heritage size tree removed and each tree removed within the Caltrain right-of-way.
Greenhouse Gas Emission and Climate Change – the Town noted that the EIR did not address greenhouse gas impacts associated with production of electricity for new system.	The greenhouse gas emission analysis was revised in response to comments and did not change the conclusions of the DEIR. The DEIR concludes that the proposed project would have lower emissions that the options considered.
Noise – the Town expressed concern with the noise generated by additional trains and the new overhead wires.	Caltrain indicates that it followed the guidelines established by the Federal Transit Administration.
Traffic – the Town expressed concern with potential local traffic impacts associated with the additional ridership.	Caltrain responses that total system-wide ridership is expected to substantially increase due to the project with traffic reduction on major arterial roadways and freeways. The response indicates that there would be reduced traffic on El Camino Real in Atherton.
Other Questions – the Town raised other questions relating to the increased electrical demand, potential electromagnetic interference with the Union Pacific system, and ability to use Prop 1A funds.	Caltrain responded that it conducted an assessment of the potential impact on the PG&E electrical system and will update he study as part of the final design.

Staff and the Rail Committee continue to disagree with Caltrain's response that its electrification

project is separate from the high speed rail project. The electrification project is dependent on the high speed rail project for funding and one of the primary goals of the electrification project is to "provide an electrical infrastructure that is compatible with high speed rail". Further, the EIR analysis disregarded alternatives that are not compatible with the high speed rail project. Staff will continue to track the high speed rail project and advise the Council on opportunities for input.

There are some remaining concerns with the topics outlined above. Staff recommends the City Council authorize the Mayor transmit a letter to Caltrain requesting implementation of the center pole alignment in Atherton to minimize tree pruning and tree removal and further request Caltrain staff meet with Town staff to address concerns relating to construction, noise and tree removal.

POLICY ISSUES

The certification of the EIR is a big step in Caltrain's electrification project. Staff believes that Caltrain's electrification project puts high-speed rail one step closer to reality in Atherton. Some, but not all of the impacts have been mitigated in the EIR. We will be working with Caltrain during the implementation phase of the project to mitigate remaining concerns. These include issues such as construction noise, timing, tree removal and pruning, location of wires and poles, and the Atherton station and gate mechanisms.

With respect to high-speed rail, our position remains immutable. The impacts in Atherton are significant and we will stand in front of that train until our concerns are addressed. As a result, this issue will continue be on the forefront of Council policy concerns over the coming years as the Electrification Project and the High Speed Rail project gain momentum. The Town's Rail Committee continues to provide input, raise concerns, and suggest involvement in an effort to address the issues related to both projects. In the future, there is likely to be capital infrastructure needs, some associated with the Civic Center Project, to mitigate aesthetics and noise associated with the rail line. All significant capital infrastructure improvements will be a part of the Council-approved 5-Year Capital Improvement Program. The existing 5-Year Capital Improvement Program includes $100,000 toward the review and potential installation of quad-gates at Watkins. This is a precursor to pursuit of a quiet zone for the Town.

FISCAL IMPACT

None at this time.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. In addition, the Town has a Rail webpage for issues related to the project at the following web addresses:

http://www.ci.atherton.ca.us/index.aspx?nid=144

http://www.ci.atherton.ca.us/index.aspx?nid=374#

These project and committee pages information about the projects, allowing interested parties to stay informed of its progress. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service provides (water, power, and sewer), and regional elected officials.

Attachments:

1. Town of Atherton Comment Letter on Final Environmental Impact Report
2. Comments on JPB's Final Environmental Impact Report prepared by Paul Jones, dated January 4, 2015
3. Letter on CEQA Compliance Issues prepared by Gary Patton, Attorney for CC-HSR, dated January 7, 2015
4. Memo from Mike Brady to the Atherton Town Council and Atherton Rail Committee
5. Caltrain Press Release dated January 8, 2015
6. Town of Atherton Comment Letter on the Peninsula Corridor Electrification Project – Comment on Draft Environmental Impact dated April 22, 2014
7. Caltrain Response to Comments

January 21, 2015

Caltrain
Attn: Stacy Cocke
1250 San Carlos Avenue
San Carlos, CA 94070

Subject: Peninsula Corridor Electrification Project – Response to Comment on Draft Environmental Impact Report

Dear Ms. Cocke:

The Town of Atherton reviewed the Response to Comments on the Draft Environmental Impact Report for the Peninsula Corridor Electrification Project. The Town continues to have concerns related to noise, project timing, tree removal and pruning, locations of wires and poles and the Atherton station and gate mechanisms.

Electrification to High Speed Rail

The Town strongly disagrees that the electrification project is separate from the High Speed Rail project and remains concerned with the legality of moving forward with the electrification project without fully evaluating the environmental impacts associated with the high speed rail project. The Town recognizes that certification of the EIR is a big step in Caltrain's electrification project but believes that it puts high speed rail one step closer to reality in Atherton. The impacts of high speed rail in Atherton will be significant and the Town will continue to oppose the project.

Wires and Trees

The Town continues to have concerns with the aesthetic impact of the catenary wires and the OCS poles as a part of the electrification project. As discussed in Caltrain's Master Response 6 – Visual Aesthetics (Including Tree Removal), OCS center pole alignment would minimize tree pruning and removal. The EIR identified Mitigation Measure BIO-5; to complete an evaluation of alignment and pole design options. *The Town requests Caltrain commit to implement the center pole alignment along the corridor within the Atherton town limits to reduce the significant impact of tree removal and tree pruning and relating aesthetic impact. The Town requests that Caltrain meet formally with staff to address these concerns moving forward.*

Quad Gates at Watkins

The Town requests Caltrain formally commit to being a fiscal partner to the installation of quad gates at the Watkins Avenue intersection. The Town believes that in the absence of a grade separation along the entirety of the Atherton corridor, quad gates represents the best safety mitigation measure for the continuing increase in rail traffic along the corridor.

Atherton Station

The Town requests Caltrain's careful consideration of the Atherton Station. In an effort to facilitate that careful consideration, the Town requests that Caltrain work closely with the Town during the Civic Center Project design to ensure that the anticipated needs of the Station are feasible in the design. If the anticipated needs are not achievable, the Town requests that Caltrain work closely with the Town to evaluate the pros and cons of reopening the Atherton Station before such action is taken.

In summary, the Town continues to have concerns with the electrification project and its impact on Atherton residents relating to construction, noise, tree removal and aesthetics. The City Council requests close coordination and continuous dialog between Caltrain staff and Town staff during project design and construction to address potential issues and reduce impacts to the maximum extent feasible.

Thank you for your consideration of our comments.

Sincerely,

Rick DeGolia
Mayor, Town of Atherton

Comments on JPB's Final Environmental Impact Report

Paul S. Jones

January 4, 2015

Despite its length, the Caltrain Electrification FEIR is deficient in several important respects:

1. The FEIR claims independent utility from California High Speed Rail for the Caltrain Electrification Project despite the fact that one of the primary goals of the Electrification Project is to "Provide an electrical infrastructure that is compatible with High Speed Rail. The FEIR offers the excuse that 6 or 7 years of operation before High Speed Rail is expected gives the electrification project enough temporal separation to qualify as independent. This claim completely overlooks the physical, technical and operational features that require modification to suit High Speed Rail. The Electrification project is dependent on High Speed rail for $600 million of its funding. By serving High Speed Rail, all non-electrified alternatives were brushed aside with minimal analysis
2. The environmental analysis is incomplete. There is no compilation of mitigation measures proposed beyond simple enumeration in the text, without listing mitigation steps. As a result, the environmental consequences of the Proposed Project are listed as "Less than Significant", with no supporting documentation. Other short comings include:
    a. Tunnels in San Francisco will need to be modified to provide the necessary vertical clearance beneath the overhead wires, but the scope of these changes is not defined.
    b. Quad gates, necessary to permit quiet zones, are dismissed as being local government problems as well as too expensive. This dismisses horn noise, the largest contributor to the overall train noise in the system.
    c. Level boarding was not analyzed even though it can contribute as much or more to reducing travel times than increased train accelerations.
    d. There is an inadequate analysis of automobile crossing traffic at grade crossings. When completed CBOSS will reduce crossing gate down time through better knowledge of train positions. However, as the number of trains per peak hour is increased to six and then ten, the number of gate closings will increase by 20 and 80 percent. The increased number of closings will cause congestion at busy crossings during peak hours.
    e. The availability of adequate electric power is based on a 2009 discussion with Pacific Gas and Electric Company. At this stage of the project, Caltrain should be negotiating the full terms of a contract with Pacific Gas and Electric.
    f. Potential electronic interference with freight operations is brushed aside with examples of compatibility in Europe. Caltrain does not have an operating agreement with the Union Pacific Railroad for post electrification operation. In fact, the Union Pacific has not agreed to allow the electrification to proceed as is its right under its trackage rights agreement.
3. By considering Tier 4 locomotives as replacements for Caltrain's aging diesel locomotives, the No Project alternative looks very attractive. If Tier 4 locomotives were coupled to light weight passenger cars, it is likely that one Tier 4 locomotive could provide the acceleration rate of the EMUs. The environmental differences between Tier 4 locomotives and EMUs are modest.

ATTACHMENT 2

4. The issuance of the FEIR is premature. Before electrifying is initiated, all of the expected changes to the track structure should be completed or planned in detail. These include:
    a. Eliminate hold out restrictions at Atherton and Broadway stations. Eliminating center platforms will allow the tracks to be brought closer together. This will reduce the width of the overhead structure and reduce the number of trees removed and trimmed.
    b. Perform curve straightening required to accommodate High Speed Rail. This will avoid future changes to the overhead structure.
    c. Make a detailed plan of the passing tracks to be installed to suit High Speed Rail and plan the overhead structure to accommodate them.
5. When all diesel service is eliminated to take full advantage of electrification, all Morgan Hill, San Martin, and Gilroy passengers will need to change trains in San Jose, causing delay and inconvenience. The Union Pacific will not allow its line to be electrified. With the increasing growth south of San Jose, this poses a serious future problem.
6. The Caltrain route has insufficient capacity to accommodate future demand. Peak hour trains are overloaded today. Future forecasts will more than fill the available space on increased numbers of trains that can be accommodated by a two track system. What looked like an attractive marriage with High Speed Rail in 2006 is a very tight fit today and should be examined in great detail. The only relief will come if High Speed Rail captures a major share of Caltrain's long distance trips.

January 7, 2015

Chairperson and Members
Peninsula Corridor Joint Powers Board
1250 San Carlos Avenue
San Carlos, CA 94070

RE: January 8, 2015 Agenda - CEQA Compliance Issues

Dear Board Members:

I represent the Community Coalition on High-Speed Rail (CC-HSR), a Peninsula-based community nonprofit corporation that has been closely following the proposed Caltrain electrification and modernization project. CC HSR submitted extensive comments on the Draft Environmental Impact Report (EIR) on the proposed project, and has now had an opportunity to review the Final EIR document being presented to you for certification, including responses made to the CC-HSR comments. Your staff is recommending that the Board certify this Final EIR and then approve the project as currently proposed.

CC-HSR continues to believe that the EIR that is now before you is legally inadequate, and we urge you not to certify it at this time. We, and others, have highlighted a number of the inadequacies in our comments, all of which are part of the record, and we do not believe that the responses made to these comments resolve or eliminate the inadequacies.

Most notably, the Final EIR before you continues to assert that the Caltrain electrification and modernization project is a project that stands alone, and that may be analyzed alone. In fact, the proposed project is part of the state's High-Speed Rail Project, and potential impacts from the high-speed rail aspects of what is called a "blended" project must be evaluated at this time.

The electrification and modernization project you are considering at your January 8, 2015 meeting is funded as part of that High Speed Rail Project; future high speed rail service is "blended" right into the electrification project, and the entirety of the proposed High Speed Rail project on the Caltrain right of way must be considered in the EIR. The fact is, the possible impacts associated with the High Speed Rail portion of the "blended" project continue to be ignored in the EIR, and despite what your staff is telling you, this is a fundamental flaw in the document you are being asked to certify.

Since the Final EIR was released, the CC-HSR Board of Directors has become aware of evidence that bears on this issue. This is evidence that we did not previously know about - and that your Board may not know about.

In a presentation made to the U.S. High Speed Rail Association, during a conference held in San Francisco, California on June 2, 2014, Ben Tripousis, Northern Regional Director for the

ATTACHMENT 3

proposed electrification and modernization project is significantly funded by monies that can only be spent for high-speed rail), you will require that a proper environmental review be conducted of the whole project, as the California Environmental Quality Act demands.

Thank you for your attention to this matter.

Very truly yours,

Gary A. Patton
Attorney for CC-HSR

cc: CC-HSR Board of Directors
Other Interested Persons

Gary A. Patton
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Santa Cruz, CA 95061
Email - gapatton@stanfordalumni.org
Website - www.gapatton.net

MEMO TO ATHERTON TOWN COUNCIL AND ATHERTON RAIL COMMITTEE--NEW EVIDENCE HAS SURFACED STRENHENING A CHALLGENCE TO THE CAL TRAIN ELECTRIFICATION EIR.

It is my understanding that around December 17, the Athterton Town Council, meeting in closed session, declined to proceed with a lawsuit challenging the final EIR for the Cal Train electrification project.

This Thursday, Jan 8, Cal Train will be meeting in San Carlos to decide whether to certify the EIR. Any legal challenge (a lawsuit) would have to be filed by February 7, 30 days after any such certification.

Previous memos to you have shown that THE MOST IMPORTANT CHALLENGE to the validity/legality of the EIR is the failure of Cal Train to consider that the electrification project is an integral part of the overall statewide hsr project, indeed an integral part of it. Cal Train rejects that argument, saying that the electrification roject is a stand alone project and there is no necessity to analyze it as part of the overall hsr system and the planned "blended" system approach adopted by hsra.

But startling new evidence has surfaced that hsr's own highi officials ADMIT that Cal Train electrification and the overall statewide hsr project are intimately related and that the peninsula project is an integral part of the hsr project . therefore, the position of Cal Train and its partner, the chsra, are directly contrary. See the detailed analysis of environmental expert attorney Gary Patton below.

This is a very significant new development; I hope that it will cause Atherton to reconsider its position. Any lawsuit COULD BE LIMITED to this claim alone, which wojld reduce the complexity of the lawsuit considerably together with the expenses involved. This issue should be able to be determined by our cours as a matter of law, without a trial. Mr. Patton and others will be at the meeting on Jan 8 to urge these oints.

Mike Brady
650 780 1724

ATTACHMENT 4

January 8, 2015

The Peninsula Corridor Joint Powers Board today certified the Final Environmental Impact Report (FEIR) and approved the planned electrification of the Caltrain corridor between San Jose and San Francisco, a major milestone in the railroad's efforts to improve its commuter service.

The FEIR and responses to comments made on the draft EIR document were presented to the board and made available to the public last month. Caltrain made the document available to the public for more than 30 days prior to certification, which goes well beyond the 10 day public agency only minimum notification period required by CEQA.

The Peninsula Corridor Electrification Project (PCEP) is part of the Caltrain Modernization Program, which will electrify the corridor between San Francisco and San Jose and purchase new high-performance electric rail vehicles known as electric multiple units (EMUs), upgrade the railroad's signal system and implement the advanced safety technology known as Positive Train Control.

By 2040, an electrified Caltrain system will reduce Caltrain criteria pollutant emissions by up to 97 percent, more than double current weekday ridership with increased service and the downtown San Francisco extension and take more than 600,000 daily vehicle miles off the region's roadways.

The increased ridership and improved performance from electrification are critical for Caltrain to sustain its services, to meet future demand and restore and improve service at current stations. Weekday service will be restored at Atherton and Broadway (Burlingame) stations.

The project has significant local and regional environmental benefits but would also have certain localized environmental impacts. An EIR is required to evaluate the potential impacts a project will have on the environment including on the surrounding community. Local issues examined in the FEIR include potential impacts related to noise, tree removal, traffic, visual aesthetics, construction disruption and other issues as required by the California Environmental Quality Act (CEQA).

One of the issues evaluated in the EIR is tree removal. Potential tree removal was analyzed in the Draft EIR based on a worst-case Overhead Contact System (OCS) alignment of poles on the outside of the tracks, which would have the greatest impact to trees on or adjacent to the right of way. Based on additional study, the FEIR shows a potential reduction by more than half in the number of trees that will require removal from an original projection of 2,200 to 1,000 based on a likely pole position instead of a worst-case assumption. There are approximately 19,000 trees and other vegetation in the immediate Caltrain corridor area from San Francisco to Gilroy. Mitigation adopted through the CEQA process requires the project design to employ alternative pole configurations, such as a center pole, where feasible that would help reduce

ATTACHMENT 5

the number even further while also reducing property acquisition needs outside of the rail right-of-way.

The report also reflects public feedback taken through the Draft EIR review period by including additional options requested by cities for the locations of key wayside facilities required for the electrification of the rail corridor. These include additional option locations for traction power facilities (TPF) in South San Francisco, Burlingame, San Mateo, Redwood City and Palo Alto as well as several additional options for mitigation that can be made to reduce the impact of TPFs in other locations along the rail corridor.

In November, Caltrain announced that the cost for electrification now is projected to be between $1.47 billion and $1.53 billion. The previous projection, originally calculated in 2008, was $1.22 billion. The agency also updated its projected service date for electrification. Caltrain now expects to be operating electrified service between winter 2020 and spring 2021. The updated information is included in the FEIR.

The FEIR can be viewed HERE. It also is available in hard copy at libraries in each of the 17 cities along the Caltrain corridor between San Jose and San Francisco. The FEIR can be printed at certain Copymat locations in each of the counties. The library locations and Copymat locations are listed HERE.

To view a video detailing the Caltrain Modernization Program click HERE.

Town of Atherton

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www.ci.atherton.ca.us

April 22, 2014

Caltrain
Attn: Stacy Cocke, Senior Planner
1250 San Carlos Avenue
San Carlos, CA 94070

Re: Peninsula Corridor Electrification Project – Comment on Draft Environmental Impact Report

Dear Ms. Cocke:

The Town of Atherton has reviewed the Draft Environmental Impact Report (DEIR) for the Caltrain Electrification Project. Staff, the Rail Committee and the City Council have the following comments:

Project Description

- The project description makes compatibility with high-speed rail one of the objectives of the electrification project. The electrification project cannot be linked to the high-speed rail project without fully analyzing the environmental impacts of the anticipated high-speed rail project. It is noted on page ES-1 of the Executive Summary that the 2009 EIR was not certified because of the need for resolution of issues regarding joint planning for shared use of the Caltrain corridor for Caltrain service and for future high-speed rail (HSR) service. Although some issues were resolved, the current DEIR does not analyze all of the issues related to anticipated HSR service; the environmental impacts associated with HSR down the peninsula have not been fully analyzed in the DEIR and no EIR for the proposed project can be properly certified, consistent with the requirements of the California Environmental Quality Act (CEQA), unless a full analysis of all impacts anticipated for the entire project has been carried out. That specifically includes an analysis of the impacts that might be associated with the "blended system," in which the Caltrain right of way is used for HSR. L1-2

- It is also stated on page ES-5 that an electrified Caltrain system would set the stage for an expanded modern regional electric train service and a statewide HSR service. The Purpose of the Project on page ES-6 is to "provide electrical infrastructure compatible with high speed rail". These references reinforce the point just made; the proposed project cannot proceed without a certified EIR that fully analyzes HSR. The current draft must be augmented, and then recirculated for additional review and comment. L1-3

ATTACHMENT 6

- Since the purpose of the electrification project is to support high-speed rail, other alternatives were ruled out. Any alternative that is not compatible with high-speed rail was not considered in the DEIR. This is a major omission. The project objectives: to improve train performance, increase ridership, service and revenue, while reducing environmental impacts, improving regional air quality and reducing green-house gas emissions and noise can be achieved by other means, and a failure to examine and analyze feasible alternatives that might reduce environmental impacts is a fatal deficiency. CEQA Section 21002 states that agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would lessen the significant environmental effects of such projects. L1-4

- Alternatives that do not involve electrification have not been analyzed, and alternatives exist that would meet the objectives of modernizing rail service without the significant and unavoidable impacts identified with the electrification project. Such alternatives would be considered environmentally superior, and CEQA requires that you provide a complete analysis of such alternatives. The failure to review such alternatives makes the current DEIR inadequate under CEQA; it must be augmented with additional analysis of alternatives and the DEIR must then be recirculated for further public review and comment. L1-5

Aesthetics

- The Town disagrees with the conclusion stated on page 3.1-25 that the catenary wires and the OCS poles proposed as part of the electrification project would be largely obscured by the dense landscaping and vegetation, thereby minimizing visual effects. Each OCS pole is 16-24" wide and approximately 30'-50' tall. The removal of 142 heritage trees along this corridor and the pruning of approximately 206 will reduce the dense landscaping and will increase the visibility of the poles and wires. The poles and wires will be highly visible around the Atherton train station and Town hall as well as at the grade crossings. Many of the trees that will be impacted are outside of the rail corridor and are located on private properties. A more complete and rigorous aesthetic analysis must be included in the EIR. L1-6

- The overhead catenary wires and large poles are not compatible with Atherton's residential environment. The Town requires new home construction to underground electrical service. The DEIR should consider alternatives to the overhead wires to reduce the visual impact of the overhead wires and poles. Power supply and dynamic braking using induction coils between the rails has been introduced and will soon be available. The use of such techniques must be analyzed in detail in the EIR. Once such an analysis has been provided; the Draft EIR must then be recirculated for additional review and comment. L1-7

- The OCS poles are proposed at a height of 30'-50' with wires above. Structures in Atherton are limited to a maximum height of 34'. The new structures are incompatible in Atherton. L1-8

- The OCS poles and catenary wires are not compatible with the residential nature and visual setting in Atherton and should be considered a significant impact. Alternatives to the overhead wires should be considered as the proposed mitigation measures do not reduce the significant L1-9

visual impact in Atherton. In addition, the feasibility of a center pole should be analyzed in Atherton, as it would reduce the visual impact.

Biological Resources

- The DEIR states that the project will require the removal of 2,220 trees and specifically in Atherton, the removal of 142 trees. L1-10

- The DEIR should analyze the feasibility of Mitigation Measure BIO-5 to implement a tree avoidance, minimization and replacement plan. The mitigation measure requires the planting on a 1:1 basis of 15-gallon trees for each tree removed. This mitigation measure is not feasible in Atherton as there would be inadequate room for replacement planting with the new electrification clearance requirements. Workable mitigation measures must be developed and described. L1-11

- The DEIR should analyze an alternative to place one electrification support structure in the middle of the track as opposed to two support structures on the outside of the tracks, as suggested in the Hort Science report in appendix F to the DEIR. This would reduce the significant impact to heritage tree removal in Atherton. L1-12

- The DEIR should also analyze the impact of tree removal on the fine particle contaminants that the existing trees are helping to eliminate. Residential properties near the Caltrain right-of-way already experience more dust than properties located further away. The significant tree removal proposed will certainly make this problem worse, and PM-10 and PM-2.5 fine particle pollution is a known health danger. The public health impacts of the tree removal proposed must be analyzed in the Air Quality section of the document. Once the required analysis has been included in the DEIR, the DEIR must be recirculated for additional public review and comment. L1-13

- The Town considers the removal of 142 heritage sized trees in Atherton to be a significant and unacceptable impact and in conflict with the Town's General Plan which states that trees shall be preserved to the maximum extent feasible. Please find the attached memo from Town Arborist Kevin Kielty with additional analysis of the tree impact. L1-14

Greenhouse Gas Emissions and Climate Change

- The DEIR discusses the benefits to air quality by switching from diesel powered locomotives to an electrified system. The DEIR has not considered the potential air quality benefits from using Tier 4 diesel locomotives. These locomotives discharge 75% to 85% less greenhouse gases than Caltrain's present diesel locomotives. A greenhouse gas comparison should be made between the proposed EMUs plus power generation and the Tier 4 diesel locomotives. L1-15

- The DEIR does not address the greenhouse gas impacts associated with the productions of electricity for this new system. California in general and the San Francisco Peninsula in particular is in a drought and experiences shortages in electricity supply. The California building code requires new construction to implement energy conserving methods to conserve resources. While the project will reduce dependency on diesel fuel, it will require a significant amount of electricity to power the current and increased train service. The DEIR should L1-16

analyze the impact that the generation of this electricity will have on the environment. The DEIR should also analyze alternatives that would be more consistent with California's policy of sustainability and reduction of energy consumption.

- The DEIR has not considered greenhouse gas produced by construction equipment during the construction of the electrical infrastructure. L1-17

Noise

- The DEIR states that the new trains will be quieter, but does not analyze the noise impact associated with the additional 22 trains per day planned for the future. Horn noise associated with the additional trains proposed must be specifically analyzed. L1-18
- The DEIR does not consider the added noise of the EMU electric contacts rubbing overhead OCS wires. L1-19
- If the project remains linked to the future HSR project and the project is being completed to accommodate HSR, the DEIR must analyze the noise impacts associated with HSR. L1-20

Traffic

- The DEIR assumes increased ridership. Despite CBOSS, the additional trains needed to carry the future increased riders, will increase the interference to street automotive traffic, particularly near the 46 existing grade crossing. Page 3.14-40 states that while certain locations near the stations or on the Caltrain corridor may experience increases in traffic due to more automobiles driving to and from stations, numerous roadways along the Caltrain corridor would see reduced traffic volumes as a result of the Proposed Project. And, page 3.14.41 states that the increased train service and added train capacity would change traffic patterns resulting in potential increases in traffic near stations coupled with reduced traffic on parallel roads. L1-21
- The Town of Atherton disagrees with the statement on page 3.14.40 that the proposed project would have a beneficial impact on regional and city-level traffic overall by reducing vehicle miles traveled. There may be a beneficial regional impact, but the city-level traffic has not been analyzed and there may be a negative impact with increased traffic to train stations. The increase in local traffic must be fully analyzed in the DEIR, and once such analysis has been included in the DEIR, the DEIR must re recirculated for additional review and comment. L1-22

Other Questions and Concerns

- How will Caltrain ensure the overhead electrical lines are protected from vandals and animals (birds and squirrels)? L1-23
- Caltrain currently experiences suicides along the tracks, how will the high powered overhead electrical wires be protected from potential suicide attempts? L1-24
- Section S.4.2.3 notes energy savings from switching from diesel fuel to electricity but does not document the cost of electricity. Will this project be required to contribute to the construction of additional facilities to support the increased electrical demand? Does Caltrain have a contract in place with PG&E for this additional service or at least a letter from PG&E stating it can serve the new system's electrical needs? The DEIR is deficient in that it does not, actually, justify its conclusion that the proposed project will lead to energy savings. L1-25

- What impact will this project have on electrical shortages and rolling blackouts? L1-26

- Does Caltrain have an Agreement with Union Pacific for the new electrical system and resolution on the electromagnetic system's interference with the Union Pacific system? Union Pacific Railroad has raised a number of objections to the proposed project. Have these objections been fully resolved, since 2010? The DEIR should reference the Union Pacific Objections, and document any environmental implications of carrying out a project that meets such objections. L1-27

- Has Caltrain considered the cost implications of revising these improvements shortly after construction, if the blended high-speed rail project moves forward as the DEIR contemplates? L1-28

- As you are aware, there is a significant legal question whether or not Proposition 1A funds could be legally and properly used for the proposed project. This issue, in a different context, is currently in litigation. If Proposition 1A funds are not available for this project, how will the project move forward? L1-29

Thank you for your attention to our comments, questions, and concerns. Please consider the above comments in your deliberations on the proper way to move forward with the environmental review required by CEQA. The Town of Atherton strongly believes that Caltrain must further analyze alternatives to electrification, and must rewrite the DEIR to respond to the questions and concerns that we have outlined in this letter. Then, Caltrain must recirculate an augmented and amended DEIR for further review and public comment. L1-30

Sincerely,

Cary Wiest
Mayor, Town of Atherton

Attachment: Memo from Kevin Kielty, Town Arborist

Memo

To: The Atherton Rail Committee

From: Kevin R. Kielty, Town Arborist

CC: Lisa Costa Sanders, Deputy Planner

Date: 4/11/14

Re: Review of EIR for Train Electrification in the Town of Atherton, CA

I have briefly reviewed the report submitted by Hort Science and offer the following observations for your review:

- Plans are being reviewed for the electrification of the railcars using the train tracks that run through the center of the town of Atherton. The latest plan is to use two sets of power poles and overhead electric lines that are located on each side of the tracks near the property lines. A large number of trees will be trimmed or removed to facilitate the construction. A very comprehensive report on the trees both public and private that may be affected by the project was created.

- According to the report provided by Hort Science 348 trees will be impacted by the proposed construction. Of those 348 trees 142 of the tree will be removed and 206 trees will be trimmed. Trees that will require 25 percent of foliage removed for the required 10 foot line clearance will be cut down. Trees that require less than 25 percent of the trees canopy removed will be retained and maintained using standard line clearing practices.

- The diameters were estimated and grouped into trunk diameter groups so an accurate list of heritage trees is not provided. The exact distance of the trees trunk from the center of the tracks was not provided, tree distances were estimated and grouped.

LI-31

Recommendations:

- A report should be provided with more accurate trunk diameters to establish an accurate heritage tree list. Each tree should be individually analyzed for required trimming and the species ability to survive the trimming. Redwoods can be trimmed by up to 35-40 percent of foliar canopy removed whereas the Monterey pines can only survive less than 15 percent of foliar canopy removed. Also the sun exposure of the areas to be trimmed should be discussed, oaks are susceptible to sun scald and trees on the west side of the tracks can be trimmed heavier than the oaks on the east side of the tracks. An arborist will vast trimming experience should be consulted on the tree trimming required.

LI-32

- Having an arborist experienced in trimming of large trees should reduce the number of trees to be removed. Standard utility line clearing practices will allow for the construction to be continued as planned but will also retain some of the valuable screening that has been developed over the years by homeowners who border the train corridor. An example is the large row of redwoods that line the tracks east of the town center. The trees are quite healthy and provide screening for the property owners. The trees have been trimmed to the edge of the corridor and have become hedge like on the tracks side. According to the latest plan the trees could be retained with the limbs on tracks side removed to near the trunks and the property side being retained for screening. Removal of these trees would be a very high

LI-33

impact to the property owner. Removal of any of the trees on the edge of the corridor should be on a tree by tree basis as is standard practice for heritage tree removal.

Summary:

The current plan will require the removal of a large number of heritage trees. Even if a tree by tree review is carried out the number of removed trees will be significant. If this plan is carried out the impacts to the neighbors along the tracks will be very significant. Replacement trees will take several years to screen the properties and may never be able to fully replace the removed tree. LI-34

A plan to use a single pole system that runs between the tracks and has power wires cantilevered to each side track would have very minor impacts on the trees with no heritage trees being removed. Trees that line the corridor would be maintained as is normal practice. Construction would have to be carried during non-peak hours and would be a onetime impact on the homeowners. LI-35

As the town arborist I have to support an alternative plan using a center line pole system. Impacts to the trees would be minor with no wholesale removals. LI-36

The information included in this memo is believed to be true and based on sound arboricultural principles and practices. LI-37

Sincerely,

Kevin R. Kielty, Town Arborist, Certified Arborist WE#0476A

The JPB is considering level boarding and platform height issues separately from the PCEP. The PCEP neither provides for nor precludes level boarding or potential common platform heights with HSR.

R4-12

The necessary editorial changes have been made to Section 2.4.2.1 of Appendix D to the Final EIR. Section 2.4.2.1 now reflects the most recent progress. "Phase 2 is in planning stages" has been revised to "Phase 2 has completed preliminary engineering and the Transbay Joint Powers Authority (TJPA) is carrying out a supplemental environmental review."

R4-13

The necessary editorial change has been made to Appendix D, Section 3.4.2.1

R4-14

Section 3.14.1.1 has been revised to include the San Francisco Downtown Extension (DTX) as a major project in *Plan Bay Area*. This change is shown in Section 3.14, *Transportation and Traffic*, in Volume I of this Final EIR. Addition of this information does not change the conclusions in the section.

R4-15

The necessary editorial changes have been made to Appendix D to the Final EIR. The legends for figures 2-26, 2-27, 2-28, and 2-29 in Section 2.6.4 of Appendix D have been updated to show both AM and PM.

3.2.9 Responses to Comment Letter R5

R5-1

Capitol Corridor service to San Jose would not be affected by the PCEP because Capitol Corridor diesel trains will be able to run under the OCS wires. Potential extension of Capitol Corridor service to Salinas is also not precluded by the PCEP for the same reason. The JPB holds the commuter passenger rail rights along the Caltrain-owned corridor and thus expansion of commuter rail is subject to JPB review and approval, but this is not affected by the PCEP. Union Pacific holds the intercity rail rights along the Caltrain Corridor and all rail rights on the UPRR Corridor south of Tamien to Gilroy and any expansion of intercity rail use is subject to UPRR approval as appropriate.

3.2.10 Responses to Comment Letter L1 ATHERTON

L1-1

CEQA requires that the public review period for draft EIRs that are submitted to the State Clearinghouse be no fewer than 45 days (Section 15105). The public review period for the Project's draft EIR was 60 days, thereby exceeding the 45-day requirement. The CEQA Guidelines state that the public review period for a draft EIR should not be longer than 60 days except under unusual

ATTACHMENT 7

circumstances. The Project's draft EIR was not released to the public under any unusual circumstances. Therefore, the JPB considers the 60-day public review period to be appropriate.

L1-2

See Master Response 1 (Segmentation and Independent Utility).

L1-3

See Master Response 1 (Segmentation and Independent Utility).

L1-4

See Master Response 2 (Alternatives). As explained therein, the comment is incorrect that non-electrification alternatives were not considered.

L1-5

The comment is incorrect that non-electrification alternatives are not analyzed in the Draft EIR. Chapter 5 includes the Draft EIR alternative analysis. Two non-electrification alternatives (the DMU alternative and the Dual-Mode MU alternative) were analyzed in the Draft EIR and a third non-electrification alternative (the Tier 4 Diesel Locomotive Alternative) has been added for the Final EIR. The commenter asserts that CEQA requires a "complete" analysis of such alternatives, by which the commenter appears to mean that CEQA requires that alternatives have to be considered at the same level of detail as the Proposed Project.

The commenter is mistaken. CEQA does not require alternatives to a project to be analyzed in the same detail as the Proposed Project. CEQA Guidelines Section 15126.6 require only that an EIR include "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project" and the guidelines also allow that "a matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison." The EIR provides much more than a simple matrix comparison (although a table of comparisons is also provided) including quantitative analysis of operational air quality, GHG emissions, and noise as these are critical areas of comparison subject to quantitative analysis based on the available information on alternatives. The level of detail is sufficient for the public and decision-makers to understand the environmental impact tradeoffs between the project and the non-electrification alternatives, which is fundamentally what CEQA requires.

L1-6

The City's opinion regarding aesthetic impacts of the OCS is noted.

The Town of Atherton has been developed around the railroad right of way, and thus, the railroad infrastructure and related facilities have been a part of the Town's aesthetic character since its beginning. The OCS will be part of the railroad right of way and facilities, which have a specific transportation character that will not be fundamentally changed with the addition of the OCS for electrified rail operations.

In addition to dense landscaping and vegetation, OCS poles would also be obscured from view from many public streets and areas by existing development along the project corridor. Overhead utility poles are currently located within and just outside of the project corridor and are not an

unprecedented or uncharacteristic visual component in the adjacent communities. Within Atherton, utility poles can be seen in Figure 3.1-8 along Fair Oaks Lane.

Please see Master Response 6 (Visual Aesthetics including Tree Removal) which further discusses the rationale for the EIR's conclusions regarding the significance of aesthetic impacts of the OCS.

The EIR does disclose that tree removal, where not feasible to replace on-site, would result in significant visual aesthetic impacts in sensitive locations along the right of way. The EIR aesthetics analysis has been revised to make the reasons for the significance conclusion clearer and to also assess the impact on views toward the Caltrain ROW from adjacent areas including additional visual simulations which further clarify, but do not alter, the EIR's aesthetic impact conclusions.

Also, as discussed in Master Response 6, the JPB expects that the worst-case impacts of tree removal on aesthetics described in the Draft EIR will be lessened overall with the implementation of Mitigation Measure BIO-5 as shown by the feasibility assessment for test cases including within Atherton where tree removal impacts were lowered through the use of alternative pole designs.

L1-7

The town's comment on aesthetics is noted. However, as described in the prior response and in Master Response 6, the catenary wires and wires are proposed within an existing rail corridor and are consistent with the visual character of a railroad corridor.

Regarding alternatives, as described in Chapter 5, *Alternatives*, the JPB conducted a comprehensive three-step screening analysis to determine if alternatives presented during the scoping period were feasible, whether they would avoid or substantially lower one or more significant impact of the Project, and whether they would meet most of the Project's purpose and need. The Draft EIR considered several alternatives which would not require the use of overhead wires. As discussed in Master Response 2 (Alternatives), induction power is not yet a proven technology for heavy commuter rail. Therefore, the analysis in the Draft EIR is considered sufficient and does not need to be revised in response to this comment. Please see Master Responses 2 (Alternatives), 6 (Visual Aesthetics including Tree Removal) and 12 (Recirculation).

L1-8

As described in Section 3.10, *Land Use and Recreation*, JPB activities within the Caltrain ROW are exempt from local building and zoning codes. There would be no OCS poles located outside of the ROW in the City of Atherton.

Furthermore, the OCS poles within Atherton should be on the order of 30 to 40 feet. The description of 30 to 50 feet within the Draft EIR includes the potential height for headspans, which are only proposed for use in certain areas (CEMOF, San Jose Diridon Station) and are not proposed in Atherton.

See also Master Response 6 (Visual Aesthetics including Tree Removal).

L1-9

Please see the prior responses to Comment L1-6 through L1-8 and Master Response 6 (Visual Aesthetics including Tree Removal).

L1-10

Comment noted. This comment does not concern the adequacy of the EIR. No revisions to the Draft EIR are necessary.

L1-11

As described in Master Response 6 (Visual Aesthetics including Tree Removal), the use of alternative pole designs should be able to reduce, but not fully avoid, tree removal and pruning effects along the ROW including in Atherton. A feasibility assessment was done for the ROW in Atherton to identify the potential to reduce impacts. Mitigation Measure BIO-5 includes both avoidance and minimization (through pole design options) and replacement (where removal is unavoidable).

As prescribed in Mitigation Measure BIO-5, for trees removed outside of the Caltrain ROW in the Town of Atherton, the JPB will replace protected trees using the local requirements described in Appendix F, Attachment 1. In Atherton, the JPB will replace trees at a 3:1 ratio for protected trees and at a 1:1 ratio for non-protected trees. In accordance with Atherton's Tree Removal Procedures, protected trees will be replaced with three 15-gallon, two 24-inch box, or one 15-gallon and one 36-inch box. Non-protected trees will be replaced with a 15-gallon tree. Protected trees within Caltrain's ROW will be replaced at a 1:1 ratio using 15-gallon trees, where feasible. As prescribed in Mitigation Measure BIO-5, if there is insufficient space for tree replacement within Caltrain's ROW (outside of the ESZ), then tree replacement may occur on other part of the affected property. Alternatively, JPB may pay into a local urban forestry fund to support local tree planting programs. Please also see Master Response 6 (Visual Aesthetics including Tree Removal).

L1-12

As described on pages 3.3-42 and 3.3-43 of the Draft EIR, the two-track arrangement with side pole construction is considered the worst-case scenario for tree removal, which is an appropriate approach for disclosure of potential impacts under CEQA. Pursuant to Mitigation Measure BIO-5, JPB will avoid and/or minimize impacts on trees along the ROW by locating OCS poles and alignment to minimize tree removal and pruning where consistent with safety, operations, and maintenance requirements. Potential feasible options include using alternative pole designs where adequate separation existing between rail lines and where consistent with operational and safety requirements. This would reduce the number of trees removed and/or pruned along the ROW corridor. Please also see Master Response 6 (Visual Aesthetics including Tree Removal).

L1-13

Text has been added to Impact AQ-4b in Chapter 3.2, *Air Quality*, to discuss the potential effect of removing existing vegetation on health risk reductions achieved by the project. This change is shown in Chapter 3.2 in Volume I of this Final EIR. See also Master Response 7 (Air Quality and Greenhouse Gas Emissions) on tree removal effects on particulate emissions.

L1-14

Loss of trees as a result of the project is considered significant and unavoidable in the EIR. As described on page 3.3-43 of the Draft EIR (lines 20-27), the JPB is not required to comply with local land use regulations within its ROW or in areas where Caltrain acquires electrical safety easements outside its current ROW. Regardless, where local tree ordinances provide specific replacement

ratios and trees are removed outside of the JPB ROW, then the replacement protocol will be to use the local tree ordinance specifics. For removal of trees inside the JPB ROW, Caltrain will be replacing trees on a 1:1 basis.

The inconsistency with the Town's General Plan is noted.

Comments from the Town Arborist are responded to under responses to comments L1-31 through L1-37. Please also see Master Response 6 (Visual Aesthetics including Tree Removal).

L1-15

See Master Response 7 (Air Quality and Greenhouse Gas Emissions). The USEPA's Tier 4 emissions standards for diesel equipment are focused on reducing criteria pollutant emissions, not GHG emissions and thus the assertion that these locomotives would reduce GHG emissions by 75 to 85 percent is not supported by evidence.

The analysis in the Draft EIR included an assumption of change-out of equipment under the No Project scenario. As explained in Master Response 7 (Air Quality and Greenhouse Gas Emissions), the analysis of air quality and GHG emissions has been updated to assume a specific equipment replacement scenario. While the numbers have changed, the conclusion of the Draft EIR that the PCEP would have substantially lower GHG emissions than No Project conditions and all of the analyzed non-electrification alternatives has not changed.

L1-16

The Draft EIR evaluates both criteria pollutant and GHG emissions associated with increased electricity required to power the electric locomotives. Please refer to Table 3.7-3 in Chapter 3.7, *Greenhouse Gas Emissions and Climate Change*, and Table 3.2-7 in Chapter 3.2, *Air Quality*. See also responses to comments L1-26, O5-50, and I68-17.

The Air Quality and GHG emissions analysis accounted for both the reduction of emissions from replacement of diesel equipment with electrical equipment and the increase in emissions from the increase in electricity. The net effects is a substantial reduction in both criteria pollutant emissions and GHG emissions overall. Thus, this project is more consistent with California's policies promoting sustainability, improved air quality, and energy consumption because it changes the energy use from an energy source with greater impacts (diesel) to an energy source with lesser impacts (electricity).

Regarding non-air quality or GHG effects of increased generation of electricity, the Draft EIR discusses this impact in Section 3.13 (see Impact PSU-9).

L1-17

Construction-generated GHG emissions are evaluated in Impact GHG-1 in the Draft EIR. The analysis considers mobile and stationary construction equipment exhaust, employee haul truck vehicle exhaust, and loss of carbon stock tree removal. Estimated construction emissions associated with the Proposed Project are summarized in Table 3.7-2. Total emissions over the five-year construction period are expected to be 5,216 metric tons (MT) of carbon dioxide equivalents (CO_2e). The majority of these emissions would primarily be the result of carbon stock loss due to tree removal. As discussed on page 3.7-10 of the Draft EIR, GHG benefits achieved through operation of the Proposed Project would offset the short-term construction emissions in far less than one year.

L1-18

See Master Response 8 (Train Noise). The EIR analyzed the net effects of more trains with different (EMU) equipment. Increased horn noise and wheel noise are taken into account in the overall analysis.

L1-19

See Master Response 8 (Train Noise). The wire noise is not a substantial source of train noise.

L1-20

See Master Response 1 (Segmentation and Independent Utility). Cumulative noise analysis of blended service is provided in Chapter 4.

L1-21

System-wide ridership forecasts were developed using the Santa Clara Valley Transportation Authority (VTA) travel demand model and refined through development of a Caltrain-specific Direct Ridership Model (DRM). Fehr & Peers developed a calibration process that adjusted the system-wide model inputs using factors found to be correlated with Caltrain station-level ridership. Attachment C to Appendix D includes detailed information on the development of the DRM used for the PCEP EIR. Detailed results from the DRM are available in Attachment D of Appendix D as well as Section 3.7.1 of Appendix D.

The proposed project is expected to increase Caltrain ridership, and as a result, there would be more individuals driving to and from certain stations. However, at other stations the primary mode of access is forecasted to shift from driving to transit and non-motorized modes, and as a result there would be reduced traffic volumes access routes to those station.

Furthermore, because total system-wide ridership is expected to substantially increase due to the Project, there would be traffic reductions on major arterial roadways and freeways along the Caltrain corridor, such as El Camino Real, SR 84, SR 92, I-280, and US 101. For example, a comparison of 2020 No Project and 2020 Project roadway volumes showed that the AM peak hour traffic on northbound El Camino Real would decrease by as much as three percent near the Atherton and Menlo Park stations. Similarly, a comparison of the roadway volumes showed that the PM peak hour traffic on southbound El Camino Real would decrease by as much as 2.5 percent. In addition to reduced volumes on El Camino Real, local roadways surrounding the Atherton station would also see a reduction in vehicle volumes during the AM and PM peak hours.

For more information on forecast traffic volumes at designated study intersections, as well as the mode of access and mode of egress models developed for the PCEP EIR, see Attachments C and D to Appendix D of the EIR.

L1-22

Table 3.14-15 of the Final EIR presents the Weekday Daily Regional Vehicle Miles Traveled within Each City, 2020 Scenario. This table provides the vehicle miles traveled (VMT) at the city-level. Under 2020 No Project conditions, daily city-level VMT reductions would range from 0.5 to eight percent, and the reduction for all cities combined would be about one percent. In particular,

Atherton is expected to see a daily VMT reduction of one percent (104,000 miles under 2020 No Project conditions and 103,000 miles under 2020 Project conditions), which is slightly greater than the average reduction for all cities combined.

L1-23

The overhead electrical lines are not readily accessible from the ground as they will be a minimum of 16 feet overhead and usually 23 feet from the ground. The OCS poles will not have ladders or other means to facilitate climbing. Furthermore, the project design documents will require the provision of "Danger Live Wire" signs at the following locations: every OCS Pole; every grade crossing; every overhead bridge protection location; at all passenger stations and at all traction power facilities (substations, switching station and paralleling stations). As described in the EIR, no overhanging vegetation will be allowed above the wires or within 10 feet of the energized elements. Vegetation could not be used to access the wires either as the ESZ would preclude any vegetation near the wires. Also as explained in the EIR, structures would not be allowed within 6 feet of the wires or to overhang the wires and thus there would not be a simple route of access to the wires themselves.

Thus if vandals want to harm the OCS wires in any way, they would have to not only have to find a way to reach the elevated wires from the ground (or get around the overbridge protection from above), they would have to ignore the serious risk of injury or possible death from contact with the high voltage live wires. These system features and protections are sufficient to protect the system from vandalism.

Regarding birds, there is nothing to prevent birds from alighting on the OCS wires themselves. The OCS poles will not provide sufficient space for nesting, but birds cannot be prevented from landing on the wires. Birds on a single live wire would not be harmed because they would not complete a circuit that would otherwise allow current to flow through their body. The only potential for harm to the OCS system would be in the unlikely event a bird were to contact two wires of different voltage or a live wire and grounded element, in which case the bird could be electrocuted and start a fire on the ground. However, the OCS is not flammable and the ground would be cleared of vegetation under the OCS, so this is not likely to start a fire under the OCS.

Regarding squirrels, the OCS poles are metal with no protuberances and thus unclimbable. With trees removed in proximity to the OCS poles and structures segregated from the OCS system, it will be difficult for a squirrel to actually access the OCS wires. It may be possible for squirrels to climb other infrastructure (such as signal bridges) or to drop from overpasses or bridges onto the wires. If this occurs, given the metal construction of the OCS, squirrels would not expect to affect the system by chewing. Similar to birds, in the unlikely event that a squirrel were to touch a live wire and either a grounded element or another live wire, it could be electrocuted and possibly be set on fire but given the metal construction of the OCS and the lack of vegetation below, this would not be expected to result in a fire that could harm the OCS.

L1-24

As noted in the response to L1-23, the live wires of the OCS will be very difficult for people to easily reach and signage of the live wire dangers will be ubiquitous throughout the system. The overhead bridge protection will help to prevent access from above the OCS at overpasses. The poles are not readily climbable and vegetation and structures will be set back from the OCS. Thus, in order to

reach the live wires, one would need to get on top of a train, use a ladder, or scale around the overbridge protection, which is very involved and thus a deterrent to potential suicide attempts.

The suicides that occur along the Caltrain system involve individuals purposefully walking (and in some cases driving) in the path of an oncoming train. The ability to do so at train stations and grade crossings will not be changed with or without electrification. Electrification would be a much more involved method of suicide than walking into an oncoming train and is a much more remote possibility and thus is not expected to increase the potential for suicide along the Caltrain corridor.

Since the EMU equipment is lighter than today's diesel locomotives, it can brake much faster. While braking faster might be able to help in theory, as long as an individual attempting suicide enters the rail tracks immediately before passage of an oncoming train at speed, the potential for suicide will not be avoided.

Caltrain has an ongoing commitment with the local communities to support efforts to prevent suicides along the Caltrain ROW. Caltrain has installed suicide prevention signs along the ROW with a hotline number to a local crisis intervention agency. Caltrain recently launched a special page on its website dedicated to suicide prevention information and outreach. The page, under the rail safety menu, includes a crisis hotline number and links to local, regional and national suicide prevention resources. A list of guidelines developed by mental health professionals that outline the most effective way media to cover suicide also will be available on the website. Caltrain transit police are trained in crisis intervention and provide referrals to treatment with people in danger of harming themselves on Caltrain's ROW. Caltrain will continue to work at providing information and partnering with the community to continue these efforts.

In summary, the PCEP is not expected to increase the potential for suicide along the Caltrain corridor.

L1-25

As stated in Section 3.13, *Public Services and Utilities*, in the Draft EIR (see page 3.13-28, lines 28-32), if new power plants or distribution facilities are required for the cumulative electricity demand, these would be planned by the power production and distribution companies, not by JPB.

Caltrain conducted a prior assessment of the potential impact on the PG&E electrical supply system in 2008 (LTK 2008). The results of the study show that the PG&E transmission and generation system stands up well to the traction electrification system loads under normal operating conditions and under various system contingencies, including transmission line, generator, and traction power system outages. It was concluded, that, the PG&E system would accommodate the planned traction power system loads.

This study will be updated to current conditions as part of final design, but as shown in Table 3.13-4, electricity demand in 2012 in Santa Clara/San Mateo counties is actually 5 percent less than in 2008 and thus there is no reason to think that the 2008 report conclusions on reliability will change with the updated study.

As stated on page 3.13-28 (lines 8-11), there are on-going meetings with the PG&E to continue coordinating on the Proposed Project. JPB will submit a formal PG&E application to put the necessary electricity provider agreement in place.

Regarding energy savings, the Draft EIR identified the changes in diesel fuel and electricity consumption and overall savings in terms of BTUs in Table 4-20 compared to existing energy use. The Final EIR updated this analysis and compared Proposed Project energy use to both existing and No Project energy use in Table 4-24 in the Final EIR.

Regarding energy savings in terms of costs, Chapter 5, *Alternatives*, Table 5-4 shows estimates for the change in fuel costs for Caltrain comparing 2020 No Project conditions to 2020 Proposed Project conditions.

L1-26

It is not anticipated that the Project would result in an increase in electrical shortages or rolling blackouts. As described in the Draft EIR (page 3.13-27, lines 20-26), the PG&E transmission and generation system would support the traction electrification system loads under normal operating conditions and under various system contingencies, including transmission line, generator, and traction power system outages. No remedial measures to the PG&E system are proposed.

L1-27

Regarding the potential effect of the OCS on the freight signal systems, please see Master Response 11. Caltrain and Union Pacific are in dialogue about the PCEP. Mitigation Measure EMF-2 requires coordination with Union Pacific to ensure that PCEP OCS operation does not result in significant impacts to the Union Pacific signal systems.

L1-28

This comment appears to be referencing potential changes in project improvements if blended service is approved and constructed. The OCS system is being designed to be compatible with HSR use, so the poles and wires do not need to be replaced to serve HSR. Where the segment of passing tracks is to be located, there may or may not need to be relocation of PCEP poles and wires depending on the configuration of the passing tracks. For example, if passing tracks were to be designated where there are already 4 electrified tracks, such as south of the Bayshore Station, new trackage and new (or relocated) OCS poles and wires would likely not be needed. However, if two new tracks were added to an existing two-track system, there may need to be modification of the PCEP OCS poles and wires (such as converting side poles into portals, for example). Similarly, there may need to be OCS changes if separate HSR platforms are built at HSR stations like Millbrae. TPF facilities are set back from the current operating portion of the ROW. If additional passing tracks fit within the operating ROW, there may be no effect to PCEP TPFs located more toward the edge of the ROW, but if new passing track alignments come outside the operating portion of the ROW, any subject TPF facility may require modifications. Because the TPFs have been set at the edge of the ROW, it is less likely that they will require modification, but it remains a possibility. During the blended service design, the JPB will work with CHSRA to minimize effects to the PCEP OCS where feasible.

Blended service has not been designed and the passing track location is not known and other design features are not yet resolved, thus it is speculative to determine specifically what the potential changes to the OCS system or the TPFs might be at this time. This issue would have to be addressed during subsequent design and environmental review for the blended system. If changes are needed,

then the environmental impacts of constructing those changes would need to be addressed in the separate environmental review.

L1-29

See Master Response 3 (Use of Proposition 1A Funding).

L1-30

See Master Responses 2 and 12.

L1-31

Comment noted. This comment does not concern the adequacy of the EIR. No revisions to the Draft EIR are necessary. Please see responses to comments L1-32 through L1-37 for responses to specific comments raised.

L1-32

Recording individual diameters instead of size classes could make the tree survey more accurate in some ways, but identifying a tree as "protected" was a specific parameter collected during field surveys, and was not determined by diameter class. HortScience uses the word "protected", instead of "heritage" throughout the Tree Survey report to include the range in terms used by different jurisdictions to identify trees with special protection. HortScience identified "protected" trees according to the specific trunk diameter specified in each jurisdiction. For instance, in Atherton, Heritage (protected) trees are defined as live oaks, blue oaks, and valley oaks 15.3 inches and greater at 48 inches above grade. Trunk diameter was estimated visually and not measured. All trees were assessed in the field in Atherton (no model predictions); HortScience estimated that 173 heritage trees would be affected by the worst case scenario.

Prior to and during tree work, arborists will be on-site to determine how much pruning each tree can withstand and which trees will require removal. This arborist will have extensive knowledge of species tolerance to such pruning and to assess the potential for sun scald.

L1-33

Prior to and during tree work, arborists will be on-site to determine how much pruning each tree can withstand and which trees will require removal. The pruning standards for PCEP are different from those of utility pruning standards in that Caltrain does not allow any vegetation overhang within the ESZ. PG&E allows branch overhang of utility distribution lines with 10 to 14 feet of clearance.

L1-34

Loss of trees as a result of the project is considered significant after mitigation under CEQA in this EIR. Please see Master Response 6 (Visual Aesthetics including Tree Removal).

L1-35

Refer to page 2-14 for a description of construction hours for pole foundation construction and pole installation. Please also see response to comment L1-12 and Master Response 6 (Visual Aesthetics including Tree Removal) regarding the potential for pole design options to reduce tree impacts.

L1-36

Comment in support of center pole placement is noted. Please see response to comment L1-12 and Master Response 6 (Visual Aesthetics including Tree Removal).

L1-37

Comment noted. This comment does not concern the adequacy of the EIR. No revisions to the Draft EIR are necessary.

3.2.11 Responses to Comment Letter L2

L2-1

Comment noted. This comment does not concern the adequacy of the EIR. No revisions to the Draft EIR are necessary.

L2-2

Mitigation Measure AES-4a has been revised to include construction outreach and a point of contact for residents. This change is shown in Section 3.1.2.3 in Volume I of this Final EIR.

L2-3

The Proposed Project should not affect the operation or maintenance of Belmont Creek at any time during Project construction. Further, any construction activities within Belmont will be coordinated with the City of Belmont.

L2-4

This comment concerns an existing drainage issue along Old County Road that is not related to this project. As described in the Draft EIR (see pages 3.9-24 to 3.9-25), overall drainage patterns in the project area would not be largely altered as part of the Proposed Project. The additional impervious surface areas from the new OCS pole pads would not significantly increase the rate or volume of surface runoff. There would be no traction power facilities in the City of Belmont and no other new impervious areas along the alignment. The Proposed Project would not create any new or exacerbate any existing flooding problems.

L2-5

As described in Master Response 11, freight trains will no longer be required to maintain temporal separation from passenger trains; the existing freight operations will be unchanged. See *Consideration of Mitigation* in Master Response 8 (Train Noise) for response to quiet zones.