



TOWN OF ATHERTON

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VIA EMAIL – ORIGINAL BY U.S. MAIL

California High Speed Rail Authority
Attn: Draft San Francisco to San Jose Project Section EIR/EIS
100 Paseo de San Antonio, Suite 300
San Jose, CA 95113

September 3, 2020

Ref: 2020 HSRA Draft EIR/EIS – San Francisco to San Jose Project Segment

The following constitute comments from the Town of Atherton on the California High Speed Rail Authority's (HSRA) Draft EIR/EIS for the San Francisco/San Jose segment of the project. The Town is concerned that the extent of impacts is underestimated and proposed mitigation measures are insufficient to reduce the impacts to a less than significant level. The primary areas of affected environment of interest and concern to the Town of Atherton as delineated in the EIR are:

- Transportation
- Safety and Security
- Noise and Vibration
- Parks, Recreation and Open Space and
- Air Quality and Greenhouse Gases.

In each of these areas, environmental effects are identified as important in the report but then are either inappropriately categorized as “not significant” and not mitigated or acknowledged to be significant but then inadequately mitigated. Specific detailed comments follow.

A significant factor in estimating system benefits are the ridership projections. It is noted in the report that there have been changes in the ridership projections from the base data used in the EIR/EIS analysis. The change in ridership projections, 2020 (current) vs 2016 (used in analysis), is not insignificant. The high-ridership projections used in the analysis have been reduced from 56.8 million (2016) to 50 million (2020), and the medium-ridership projections have been reduced from 42.8 million (2016) to 38.6 million (2020), a reduction in excess of 10%. Though the difference is mentioned in the document (excerpt below), the use of the higher ridership projections results in supposed benefits that allow the project to avoid mitigating project impacts.

“to the extent that the lower ridership levels projected in the 2018 Business Plan or the 2020 Business Plan would result in fewer trains operating in 2040, the impacts associated with the train operations in 2040 would be somewhat less than the impacts presented in this Draft EIR/EIS and the benefits accruing to the project (e.g., reduced vehicle miles traveled, reduced greenhouse gas [GHG] emissions, reduced

energy consumption) also would be less than the benefits presented in this Draft EIR/EIS. “ (emphasis added)

Though we believe that the 2020 ridership projections are overly optimistic and will not be achieved, updating the analysis to current projections is necessary to understand project impacts and develop appropriate mitigation measures.

Our comments to the specific analysis and impact sections are as follows:

Transportation

The project’s primary impacts on transportation are associated with increased gate downtimes. These impacts include traffic congestion on local streets and highways, resulting vehicle delays, access restrictions, public safety access and access to public facilities and parks.

The project design includes the installation of four-quadrant gates at the Watkins Avenue rail crossing, which are necessary and important for safety at the crossing. Unfortunately, the design option proposed at the crossing may not be feasible and would cause significant impacts to public safety access and access to public facilities and parks. Specifically, the design calls for a 50-foot long raised median island on each approach to the crossing (east and west). The median proposed on the west approach to the crossing would restrict left turns to and from Dinkelspiel Station Lane, which is a primary access route for Atherton Town Center (including the Atherton Police Station), Atherton Library, Civic Court/Reading Park and Holbrook Palmer Park. Such a restriction is unacceptable, and the median in this location should not be installed. Additionally, the proposed median on the east approach may not fit within the travel way footprint and its need, as a supplement to the four-quadrant gates, should be carefully considered.

It is also noted that a number of factual errors and omissions were made in the discussion of the effects on transportation in the San Mateo to Palo Alto segment; specifically,

- i. In Section 3.2.3, “Consistency with Plans and Laws”: Failed to recognize inconsistencies with the Town of Atherton General Plan and LOS standards
- ii. In Section 3.2.3, “Consistency with Plans and Laws”: Failed to recognize inconsistencies with the C/CAG Congestion Management Plan
- iii. Traffic impact analysis does not include impacts to traffic along Middlefield Road, including its intersections with Fair Oaks Lane, Marsh Road and Fair Oaks Lane, which would all be adversely impacted by the project
- iv. The “Existing and Planned Future Train Levels of Service” were inconsistent with Caltrain Service Planning documents which envision up to 12 trains per hour per direction in 2040 rather than the 6 trains per hour per direction stated in Table 3.2.7 of the EIR
- v. The discussion of commercial air travel (Table 3.2-11) omits the San Carlos airport which does have commercial service.

Consistency with Plans and Laws: As stated in the Atherton General Plan Circulation Element, “A project is considered to have a potentially “significant” traffic impact if the addition of project traffic causes:

- Threshold “I” – An intersection on minor arterial streets or local approaches to State-controlled signalized intersections operating at LOS A through D to operate at an unacceptable level (LOS E or F) or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first.
- Threshold “II” - An increase of more than 4 seconds to average delay to vehicles on all critical movements for intersections on minor arterial streets operating at LOS E or F.
- Threshold “III” - An increase of more than 4 seconds to average delay to vehicles on the most critical movements for intersections on local approaches to State-controlled intersections operating at LOS E or F.
- Threshold “IV” - An intersection on collector streets operating at LOS A through C to operate at an unacceptable level (LOS D, E or F) or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first.
- Threshold “V” - An increase of more than 4 seconds to average delay to vehicles on all critical movements for intersections on collector streets operating at LOS D, E or F.”

Section 3.2.5.2 of the EIR erroneously states that two intersections in the Town currently operate at a Level of Service (LOS) “worse than D”:

- El Camino Real/Fair Oaks Lane/Atherton Avenue (Atherton, during AM peak hour)
- El Camino Real/Watkins Avenue (Atherton)

However, a recent study by C/CAG 2019 Congestion Management Plan lists the El Camino Real (ECR) segment between Route 84 and Glenwood Avenue as LOS A/B and a 2018 ECR study by the Town found the ECR/Fair Oaks/Atherton intersection at LOS C. Levels A to C are characterized a “little or no” (Level A) to “average” (Level C) traffic delays. The Congestion Management Plan sets the LOS standard for El Camino Real at E. The DEIR/EIS anticipates that these Levels of Service will be reduced to LOS F by 2040 under either alternative, with excessive delays.

No analysis appears to have been done with regards to intersection impacts along Middlefield Road in Atherton, Unincorporated San Mateo County, and Menlo Park. Of specific concern are Watkins Avenue, Fair Oaks Lane and Marsh Road.

This impact to traffic is acknowledged to be a significant impact:

“The increases in traffic around the stations and the Brisbane LMF, as well as the increased gate-down time at at-grade crossings from the operation of HSR trains, would result in a degradation to LOS E or F and an increase in delay over the baseline condition for both project alternatives.”

However, it is then stated that *“Automobile delay is not a significant impact under CEQA”*.

The assertion that the extent of traffic congestion is not considered “significant“ under CEQA is based on CEQA language that states

“Section 15064.3 further provides that transportation projects that reduce VMT should be presumed to cause a less-than-significant impact. A lead agency can elect to be governed by Section 15064.3 immediately, as the Authority has done, and is required to shift to a VMT metric by July 1, 2020.” (emphasis added)

and is based on a VMT analysis which uses on out-of-date and speculative ridership assumptions.

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The EIR contains a lengthy analysis and presents calculations which allege that the Project results in reduced VMT in both 2029 and 2040 as compared to the No Project alternative. However, closer examination of these results shows that they contain a high degree of uncertainty and cannot reasonably be considered to support the assertion that no mitigation is required.

The VMT estimates for the counties of San Francisco, San Mateo and Santa Clara as presented in this EIR/EIS are shown in the table below excerpted from Chapter 3, Section 3.2 of the report.

Table 3.2-14 2029 and 2040 No Project and Plus Project Vehicle Miles Traveled

County	2029 Conditions		2040 Conditions	
	No Project	Plus Project	No Project	Plus Project
San Francisco County	2,530,115,205	2,512,386,260	2,720,965,133	2,696,558,412
San Mateo County	4,735,476,352	4,669,242,422	4,963,026,084	4,872,739,813
Santa Clara County	12,185,576,908	12,026,726,990	13,201,830,628	12,971,953,362

Source: Authority 2017b

The estimated reduction in VMT attributable to the presence of HSR is less than 2% in all cases. The change in VMT from No Project to Plus Project must clearly be a function of HSR ridership. In fact, It is stated in the same section that

“to the extent that the lower ridership levels projected in the 2018 Business Plan or the 2020 Business Plan would result in fewer trains operating in 2040, the impacts associated with the train operations in 2040 would be somewhat less than the impacts presented in this Draft EIR/EIS and the benefits accruing to the project (e.g., reduced vehicle miles traveled, reduced greenhouse gas [GHG] emissions, reduced energy consumption) also would be less than the benefits presented in this Draft EIR/EIS.” (emphasis added)

The uncertainties in the 2040 ridership estimates are tabulated in the next table using values stated in the report.

Variation in 2040 Ridership Estimates, Millions/year			
Level	Year of Estimate		
	2016	2018	2020
Medium	42.8	40	38.6
% Difference	Base	6.5%	9.8%
High	56.8	51.6	50
% Difference	Base	9.2%	12.0%

Source: Chapter 3.1; Section 3.1.5.7; p. 3.1-11

Additionally, material presented in Volume 2, Appendix 3.2-B, Table 2.4 states that 85% of HSR ridership is diverted from auto traffic. Therefore, a 6.5% to 12% reduction in ridership would result in a 5.5% to 10.2% increase in the estimated VMT which would dwarf the very small reductions shown in the table above and, in fact, result in an increase in VMT.

HSR must revise the presentation of the estimates of VMT, show clearly the high degree of uncertainty and acknowledge that the available information and data cannot be used to avoid the need to mitigate the expected effects on traffic congestion.

No specific mitigation measures are presented to address local vehicle and traffic delays in the Town of Atherton. Section 3.2.81 states:

“Operation of the project would result in 95 permanent adverse effects on intersection operations under alternative A and 100 permanent adverse effects on intersection operations under Alternative B. Under both project alternatives, increased traffic and increased gate-down events at at-grade crossings from added HSR trains would affect intersections because of congestion. Mitigation measures are available to address permanent effects on intersection operations from permanent road closures and relocations and other intersection delay causes, as described in TR-MM#1. Project operations would change regional and statewide travel patterns and result in a reduction of VMT in the RSA, region, and state. Though there would be localized congestion resulting from the project, VMT would be reduced regionally in the project area through decreases in long-range vehicle trips and increases in HSR ridership, resulting in less overall congestion.”

As outlined above, the VMT reductions (approximately 1%) are based on ridership forecasts that are out of date. As such, relying on the VMT reductions to avoid mitigating the traffic and congestion impacts should not be permitted. The project should be required to mitigate all local traffic impacts.

Safety and Security

As noted in the previous section, the LOS at relevant intersections is anticipated to be at Level F in 2040. In fact, Table 6 in Appendix 3.2-A indicates delays at three intersections in Atherton as shown below, as excerpted from Table 6. The Town disagrees that the intersections will reach LOS F, as listed in the table, under the No Project condition.

Intersection	Peak Hour	2040 No Project		Alternative A			Alternative B		
		Delay (seconds)	LOS	Delay (seconds)	LOS	Impact?	Delay (seconds)	LOS	Impact?
GX67 El Camino Real/Fair Oaks Lane/Atherton Avenue	AM	>180.0*	F*	>180.0*	F*	No	>180.0*	F*	No
	PM	>180.0*	F*	178.9*	F*	No	178.9*	F*	No
GX68 Lloyd Drive/Fair Oaks Lane	AM	115.2 (WB)*	F*	147.8 (WB)*	F*	Yes*	147.8 (WB)*	F*	Yes*
	PM	12.2 (SB)	B	18.9 (SB)	C	No	18.9 (SB)	C	No
GX69 El Camino Real/Watkins Avenue	AM	95.1*	F*	97.2*	F*	No	97.2*	F*	No
	PM	41.0	D	40.7	D	No	40.7	D	No

Delays greater than 1 ½ to 3 minutes are clearly significant impacts particularly when they delay the response of emergency vehicles. In fact, this is specifically exempted from the blanket allegation (which we disputed above) that traffic congestion need not be mitigated. In explicity, Table 6 indicates “No impact” for these conditions. The Atherton Police Department, currently located on Ashfield Road, near Dinkelspiel Station Lane, will be housed in new facilities (currently under construction) with its primary exit near the Fair Oaks Lane crossing. Gate downtimes and vehicle delays at this crossing as well as the Watkins Avenue crossing will have significant impacts on Police response times. Fair Oaks Lane and Watkins Avenue are the only crossings located within the Town of Atherton and are primary response routes for our Police Department to access the East side of the Town. Ambulance services regularly stage vehicles at Holbrook-

Palmer Park for quick response to residents of Atherton and Menlo Park. Gate down-times at the Watkins Avenue crossing will significantly impact ambulance response times. These delays to emergency response should be mitigated.

To reduce the impacts to emergency services and emergency response, the project should include an alternate unimpeded means of crossing the tracks for emergency response vehicles, particularly where the crossings are near the primary responding facility, along emergency response routes and where an alternate unimpeded crossing is not present within one-half mile (measured along driving routes).

While the EIR includes a substantial discussion of mitigation measures based on data to be obtained at affected intersections, the list of intersections to be included, shown below, does not include those in Atherton.

Travel time data would be collected at the following at-grade crossing locations:

1. Oak Grove Avenue (Burlingame)
2. North Lane (Burlingame)
3. Howard Avenue (Burlingame)
4. Whipple Avenue (Redwood City)
5. Brewster Avenue (Redwood City)
6. Broadway (Redwood City)
7. Ravenswood Avenue (Menlo Park)
8. Rengstorff Avenue (Mountain View)

It is further noted that data collection would begin one year prior to the initiation of HSR service and continue for three years after the initiation of service. This would result in three years of imperiled emergency response before even a decision to proceed with mitigation could be taken. This is clearly unacceptable and must be modified. Mitigation should be in effect prior to initiation of service with regular monitoring with regard to the effectiveness of the mitigation measures.

An additional security measure that should be included in all alternatives is security fencing. Security fencing should be installed along the entire length of the corridor, where noise barriers are not installed, to prevent trespass and to limit access to the right-of-way by individuals that might do harm to themselves or otherwise pose a safety risk along the corridor. Reliance on vegetation to limit access is not appropriate given the speeds at which trains are expected to travel.

Noise and Vibration

The EIR acknowledges that there will be significant noise impacts along the corridor but limits the extent of mitigation.

“Even with the project features and mitigation measures, there would be locations where it is not technically feasible to meet the noise limits and permitted construction hours established by these local jurisdictions.”

Section 3.4.3 references several General Plans for which operational noises would exceed acceptable levels. The reference to the Atherton General Plan is to an out-of-date General Plan. The current Town of Atherton 2019 General Plan was adopted in January 2020. The anticipated noise levels will exceed the allowable levels in the General Plan and should be fully mitigated.

Noise mitigation efforts (NV-MM#3) are limited. Rather than mitigating noise levels to all impacted areas and receptors, mitigation is capped at a dollar amount per receptor regardless of the level of impact. Further, there is a threshold set for a minimum number of receptors to benefit from the installation of noise barriers regardless of zoning and property size. These restrictions on where sound barrier mitigation will be implemented leave a majority of those that are moderately impacted without mitigation. Even if Quiet Zones are implemented along the corridor, nearly 50% of those moderately impacted are still left without mitigation.

Noise Mitigation effectiveness as listed in Table 3.4-23 Noise Mitigation Effectiveness—Alternative A and Table 3.4-24 Noise Mitigation Effectiveness—Alternative B are insufficient.

- The proposed noise barriers only address 44.3% and 47% of moderately impacted receptors respectively.
- Though the addition of quiet zones can reduce impacted receptors, addressing 51.3% and 54% respectively is sorely insufficient.

Noise Mitigation on the one side alone, in certain areas along the corridor, will certainly increase the noise effects on the properties adjacent to the other side of the tracks through simple reflection of the sound back in their direction, as noise barriers are intended to do. Mitigation measures created for the protection of some cannot reasonably be allowed to make the situation worse for others.

The project should mitigate all noise and vibration impacts to all receptors along the entire corridor to a less than moderate level.

Specific to the Town of Atherton,

- Some mitigation walls in Atherton are listed as in Menlo Park
- Noise barriers in the Town of Atherton are limited. The small segment along the southbound tracks (Lloyd Park Neighborhood: Sta 1551+95 – 1573+50) will likely have a compounding effect on the other side of the tracks. Additional barriers should be installed along the north side as well.
- Mitigation should be provided for all civic spaces such as the Atherton Town Center and Library as well as the entire length of Holbrook Palmer Park as users of these areas exceed the minimum receptor level.
- Noise barriers should extend along both sides of the tracks for the full length of tracks traversing through the Town (approximately Sta 1554+50 to Sta 1597+50).
- To address visual impacts of the noise barriers, project mitigation should include screening of the noise barriers that are visible from the public right-of-way and other public spaces.
- Mitigation should also include window replacement, to reduce interior noise levels to acceptable levels, for impacted properties along the corridor for which noise barriers are not installed or insufficient to mitigate the noise.

To mitigate horn noise, discussed in Section NV-MM#4, which is a major source of annoyance and disturbance to the citizens within the RSA and well beyond, a Quiet Zone should be extended along the entire length of the Atherton corridor.

The proposed mitigation measures are apparently limited though a cap on allowable expenditures per receptor regardless of the level of impact. The use of cost to limit necessary mitigation is an arbitrary choice and is unacceptable. The project should be required to mitigate all its impacts to the properties along the corridor.

Parks, Recreation and Open Space

As stated in Section 3.14.4.5: “Method of Determining Significance under CEQA”

- *“For the CEQA analysis, the project would result in a significant impact on parks, recreation, open space, and school district play areas if it would: ...*
 - *Prevent the use of an established or planned park, recreation facility, or open space...*
 - *Create a physical barrier (or a perceived barrier) to the access to or established use of any park, recreational facility, or open-space area...”*

On the basis of that definition, the project will impact access and use of Holbrook Palmer Park by a majority of Atherton residents for several reasons related to both the construction and operational elements of the project.

1. The construction of four-quadrant gates at the Watkins Avenue rail crossing, which are necessary for safety, will take place directly adjacent to the Park. The associated noise, dirt, disruption and the required road closure will have a significant impact on the access to and use of the park for an extended period. The estimate of 2 to 4 weeks given in Table 3.14-6 for the duration of the construction of the quadrant gates is completely unrealistic. The installation of the quadrant gates at Fair Oaks Lane took nearly eight months to complete.
2. The discussion of impact PK#1, “Temporary Changes from Noise, Vibration, and Construction Emissions on Use and User Experience of Parks, Recreational Facilities, and Open-Space Resources” acknowledges that the use of the Park is “Noise Sensitive” but classifies the area as “Urban/Commercial”. It is neither. The area surrounding the park is a low density, residential neighborhood with limited noise. Mature trees will not mitigate the anticipated noise and emissions associated with construction and operation of the project.

The permanent impacts related to operation are many.

3. The additional trains and the associated gate downtimes will be both a physical and perceived barrier to park access, specifically Holbrook-Palmer Park at the Watkins Avenue grade crossing and Civic Plaza/Reading Park at the Fair Oaks Lane Crossing. In addition to the trains and gates, the expected vehicle backups at the at-grade crossings will hinder access to the park.
4. Civic Plaza, Reading Park, Library – As indicated above, the Overall use is considered noise sensitive and the setting is not urban/commercial as suggested by the EIR, but a pastoral setting with limited ambient noise. The setting is civic with low-density residential surrounds and limited noise. The quiet nature of the park will be significantly impacted by the noise and vibrations from the train horns, gate bells, and traffic backups associated with train operations.
5. It is stated in Impacts PK#4 and PK#5 that noise mitigation measures may be necessary. The noise barriers, necessary to mitigate some of the noise impacts from the trains, will detract from the natural setting of Holbrook-Palmer Park. Furthermore, in addition to the effects on Holbrook-Palmer Park, all the above impacts will affect the new Civic Center, the Atherton Library and the Reading Park which are not listed or acknowledged in the EIR

Air Quality and Greenhouse Gases.

The discussion of Greenhouse Gas emissions is presented in Section 3.3.6 of the EIR and concludes that

“...the HSR project is discussed in the CARB’s AB 32 Scoping Plan and 2017 Scoping Plan and would help the state attain its GHG reductions goals as identified in AB 32, SB 32, and EO B-55-18. Consequently, the project would not impede the state from meeting the statewide GHG emissions reductions targets. Therefore, CEQA does not require any mitigation.”

Table 3.3-28 lists the estimated reductions in GHG emissions compared to the No Project emissions for Medium and High ridership estimates for 2029 and 2040. The reductions range from 0.42 million metric tons for High ridership in 2029 to 1.62 million metric tons for High ridership in 2040. The reductions are associated with reductions in automobile travel replaced by HSR ridership. However, these estimates are subject to the same uncertainty discussed above in the context of Vehicle Miles Traveled.

A report by the California Air Resources Board entitled “California Greenhouse Gas Emissions for 2000 to 2017: Trends of Emissions and Other Indicators” indicates that the total GHG emissions for California in 2017 were approximately 424 million metric tons which is consistent with that stated in the EIR. The CARB report further estimates that the fraction of emissions due to Passenger Vehicles is 28% or approximately 119 million metric tons. Therefore, the largest reduction of GHG emissions claimed in the EIR of 1.62 million metric tons accounts for just under 1.4% of the vehicle emissions of the state.

These reductions are directly related to the reduction in VMT and are, in fact, essentially identical to the 1.2% reduction in VMT discussed above. However, as also indicated above, the uncertainty in ridership of 6.5% to 12% is far greater than the estimated reduction in GHG emissions and a reduction in ridership of only 2%, easily within the range of uncertainty, would result in an increase in the estimated change in GHG emissions due to the project.

As noted above, HSR must revise the presentation of the estimates of GHG, show clearly the high degree of uncertainty and acknowledge that the available information and data cannot be used to claim that “Therefore, CEQA does not require any mitigation.”

Summary

The Town of Atherton City Council contends that several of the allegations in the California High Speed Rail Draft EIR/EIS that environmental effects in the areas of transportation, safety and security, noise and vibration, parks, recreation and open space and air quality and greenhouse gases are either “not significant” or, if significant, “do not require mitigation”. These contentions are based on analyses of high uncertainty and are not credibly supported by available information and data. We request that the Authority review and revise the analyses, acknowledge that they do not justify the allegations and revise the conclusions and fully mitigate the impacts to traffic, safety, noise, and public spaces. In the Town of Atherton, the Authority should be required to:

- Mitigate all traffic impacts to LOS C for local streets and LOS E for El Camino Real.
- Mitigate impacts to emergency response related to gate downtimes and associated traffic delays, specifically to the Atherton Police Department located near the Fair Oaks Lane crossing, Ambulance

services located at Holbrook-Palmer Park, Menlo Atherton Fire District by providing an unimpeded access route for emergency response vehicles to cross the tracks near Fair Oaks Lane.

- Revise the four-quadrat gate application selected at the Watkins Avenue crossing such that it does not include the proposed median on the west approach to the crossing.
- Mitigate noise impacts to residential, Civic and recreational areas by installing noise barriers on both sides of the tracks along the full length of tracks traversing through the Town (approximately Sta 1554+50 to Sta 1597+50).
- Mitigate the visual impacts of the noise barriers with sufficient landscaping to screen the barriers.
- Install security fencing in all areas where Noise Barriers are not installed along the corridor to reduce the likelihood of unauthorized access and injury.
- Adequately describe the duration of construction and associated impacts so they can adequately be mitigated.

Sincerely,

A handwritten signature in blue ink that reads "Rick DeGolia".

Rick DeGolia
MAYOR
Town of Atherton