

June 23, 2020

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Dave Shpak, Deputy Project Manager of San Jose to Merced
ATTN: San Jose to Merced Project Section: Draft EIR/EIS,
California High Speed Rail Authority
100 Paseo De San Antonio, Suite 300
San Jose, CA 95113

SUBJECT: City of San José Comments on the San José to Merced Project Section Draft EIR/EIS

On behalf of the City of San José (City), thank you for the opportunity to review and comment on the project-level Draft Environmental Impact Statement/Environmental Impact Report (DEIR) for the San José to Merced segment of the California High Speed Rail (HSR) program. The preparation of any joint National Environmental Policy Act/California Environmental Quality Act (NEPA/CEQA) document is a daunting task made even more so given the complexity of a more than 150-mile project boring through Pacheco Pass and crossing a variety of rural, suburban, and urban communities, including over 20 miles within the San José city limits. The level of effort and thoughtful analysis is apparent.

The development of High Speed Rail (HSR) across the State, and through Silicon Valley, is essential for our regional and local efforts to improve and connect the passenger rail network in the Bay Area with the rest of the State. The City continues to support the development of California's High Speed Rail system as an integral backbone of the Statewide rail network linking the capitol of Silicon Valley with the Central Valley and Southern California. At the same time the City of San José recognizes the importance of making the most of this project while minimizing its impacts, as articulated more fully throughout this letter.

The City looks forward to continued opportunities to partner with California High Speed Rail Authority (HSR Authority) to address the identified areas of concern, resolve the remaining issues, and collaborate in multi-agency initiatives to fully build out the stations, facilities, and infrastructure to deliver high-quality service and improved quality of life for residents along the corridor.

General Comments

The following discussion provides some general comments as a summary of the City's specific comments on the DEIR that are presented in Appendix A. There is no dispute about the purpose or need for the project. In general, the City believes the DEIR is lacking in the following respects:

- The descriptions of existing conditions and adopted plans is incomplete.
- The DEIR does not identify all significant impacts and cumulative impacts.
 - The most important of these are safety impacts associated with additional trains, higher speeds, and additional tracks in at-grade crossings.
- Mitigation measures identified by the DEIR are insufficient to address significant impacts.

- Impacts that HSR could feasibly and practicably fully mitigate, but does not, include emergency response, noise, safety, and circulation.
- Disproportionate impacts to disadvantaged communities are not addressed fully in the proposed project design or mitigation measures.

The DEIR assesses a standalone HSR project that was scoped and developed by the HSR Authority. At the same time, multiple agencies in the San José to Gilroy South Bay rail corridor are developing long-range multi-agency strategic plans for transforming services and mobility across the corridor and beyond. These include the Diridon Integrated Station Concept (DISC) Plan and associated program of projects, Caltrain Business Plan, and Caltrain Grade Separation Policy. The HSR project is essential to many of these plans, especially the extension of tracks and electrification along Union Pacific Railroad (UPRR) right-of-way (ROW). The selection of the preferred alternative explicitly references how Alternative 4 advances expanded Caltrain service. When examining impacts, however, the DEIR does not disclose and analyze the reasonably foreseeable consequences and impacts of these adopted or on-going planning efforts that are either tied to the HSR project, or in conflict with it. This disconnect plays out at Diridon Station and its approaches, at-grade crossings, Caltrain stations, and other areas of the DEIR, as discussed in detail below and in Attachment A.

HSR and the Diridon Integrated Station Concept Plan

The City appreciates the HSR Authority's continued engagement in the DISC planning process. The City, Santa Clara Valley Transportation Authority (VTA), Caltrain, and the HSR Authority are partners in realizing a vision for Diridon Station as a grand destination for community and commerce where people seamlessly connect via all transportation modes.

At the same time, the design of San José Diridon Station and its approaches in Alternative 4 is incompatible with that in the adopted DISC Concept Layout. Construction of Alternative 4 followed by a subsequent construction of the Concept layout would involve hundreds of millions of dollars in wasted costs and years of additional construction disruption, including in the Gregory, Gardner, and other Diridon Area neighborhoods.

The City asks the HSR Authority to add a design variant to their Final EIR that minimizes the construction of project elements by HSR that would be removed to rebuild Diridon Station between Taylor Street and Bird Avenue. Further, between Bird Avenue and Tamien Caltrain Station and between Taylor Street and Control Point Coast in Santa Clara, the design variant should harmonize the preliminary design and footprint as much as possible with that of the DISC Concept Layout and associated engineering being undertaken in the coming months. The rationale for the new variant is to actualize a low build introduction of HSR into the corridor that minimizes the construction disruption and costs from any early HSR service before Diridon Station is reconstructed, per the Concept Plan.

The DEIR distinguishes the HSR project from the DISC Plan, stating that "DISC is a separate planning process and decisions about future changes to Diridon station and the surrounding, Caltrain-owned rail infrastructure and corridor are the subject of multiple planning and agreement processes that are proceeding independently from this environmental process." The City requests that HSR Authority leverage the work of DISC to resolve significant and unavoidable impacts of the HSR project. The City asks the HSR Authority, within the Final EIR or as part of its adoption, to commit that the HSR Authority will pursue funding for their proportionate contribution to the reconstruction of the Diridon Station, and

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its related program of projects, concurrent with the construction of the San José to Merced segment of the HSR project. These commitments could be used as alternative mitigations to Diridon approach impacts from at-grade crossings, as detailed in this letter and Attachment A.

Please refer to the memoranda by staff and City Councilmembers and action taken at the February 4, 2020 and August 20, 2019 San Jose City Council meetings for detailed descriptions and expectations of aesthetics, noise, and vibration treatments, partnership, and funding, including expectations of the HSR Authority during the environmental process.¹

Environmental impacts of At-Grade Crossings and suggested mitigations

As further detailed in Attachment A, the decision of the HSR Authority to not include grade separation of the rail line in Alternative 4 leads to significant impacts in emergency response, noise, and circulation. Further, HSR and increased Caltrain operations through these crossings would pose an increased safety risk of collisions between trains and people walking, biking, and driving across these crossings. Grade separation between tracks and crossings at Auzerais Avenue, West Virginia Street, Skyway Drive, Branham Road, and Chynoweth Avenue, combined with the Caltrain stations design changes discussed in Attachment A, would eliminate noise impacts resulting from train horns that must be sounded at at-grade crossings and certain Caltrain stations. The same grade separations would also eliminate emergency response, vehicle/bike/pedestrian collision risks, and circulation impacts associated with at-grade crossings, as the streets would be separated.

While adding grade separations along Monterey Road could increase costs and result in some additional visual and/or construction impacts, these grade separations have been shown to be feasible, practicable, and would result in overall lower environmental impacts. The City has prepared and delivered to the HSR Authority in October 2019 grade separation concepts that include conceptual designs, cost estimates and construction phasing (Attachment B). These show three grade separation configurations:

- A) retained embankment
- B) hybrid
- C) trench

These grade separations could be constructed across Skyway, Branham, and Chynoweth. The very preliminary engineering cost estimates included in the conceptual designs are in the range of \$400 million (year of expenditure) for configurations A or B and \$1.4 billion for configuration C. Adding any of the configurations to Alternative 4 would still result in a cost billions of dollars below Alternatives 1, 2, or 3. Configurations A or B would introduce some level of visual impacts, but significantly less than those of Alternative 1 or 3. The impacts would be mitigated by AVQ-MM#4 and additional landscaping along the west side of Monterey Road. The emergency response, safety, noise, and circulation mitigations from grade separations would far outweigh any remaining visual impacts after mitigation.

The City asks the Authority to:

¹ The February 4, 2020 meeting materials can be found at <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4311820&GUID=A390E029-8BCF-42D4-B5C8-161C43FB4ACE&Options=&Search=> and the August 20, 2019 meeting materials can be found at <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4079644&GUID=28D0FE9B-F7FA-4B6E-B4CF-47D3E90FE229&Options=&Search=>

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1. Include grade separations in the project or as mitigation measures at Skyway Drive, Branham Road, and Chynoweth Avenue in the Final EIR
2. Begin inter-agency negotiations on an agreement on the proportionate share contributions of funding for construction of those grade separations with the City and other relevant state, regional and local agencies
3. Include a commitment to fund the grade separations at Auzerais Avenue and West Virginia Street, as part of DISC implementation, as alternative mitigations to the significant impacts at those crossings

As with the Diridon Station issue, building a HSR project without grade separations, and asking other agencies to add grade separations after trains are running, would waste hundreds of millions of dollars and add new staging and construction costs and additional construction disruption.

Cumulative environmental impacts from adopted plans of other rail operators

The DEIR does not include the Caltrain Service Vision, nor the related work around the Caltrain Business Plan, that has been developed over the last two years. By failing to mention the Caltrain Service Vision adopted in October 2019, or to examine the consequence of added train traffic, the DEIR does not disclose the reasonably foreseeable cumulative impacts of the additional Caltrain service that Alternative 4 was explicitly designed to enable. These foreseeable additional impacts, including noise, emergency response times, vibration, circulation, and safety, which are not disclosed in the DEIR would fall disproportionately on the low-income and minority populations in southern San José and minority populations in the Gregory and Gardner neighborhoods. Those areas would see the highest increase in Caltrain service under the adopted Caltrain Service Vision.

Over the last two years the DISC Partner Agencies, through the work under the Caltrain Business Plan, and DISC, have expended considerable efforts to come to an agreement on defining the future facilities needed to enable all service providers through Central San José. Since the DEIR does not base the project description and footprint on that body of work, it raises multiple questions about the adequacy of the proposed project footprint and/or impacts on other rail operators. The DEIR is unclear on the future operations and availability of the Union Pacific Railroad tracks through the CP Coast to Gilroy Corridor. This could have impacts to other passenger rail operators and require additional rail infrastructure or the curtailment of planned passenger rail service increases.

Please clarify how East Bay passenger rail operators would be accommodated under Alternative 4. If the UPRR track is dedicated to freight, explain whether the Altamont Corridor Express (ACE) and Amtrak Capitol Corridor will utilize Caltrain/HSR blended tracks or a separate track. If ACE and Capitol Corridor used blended tracks, detail the implications for all four operators and specifically, whether all rail operators' planned frequency increases can be achieved, or whether they will be curtailed. If an additional track is needed from CP Coast to Michael Yard to accommodate ACE and Capitol Corridor, this is not shown in the plans, nor are the additional impacts disclosed.

Environmental Justice

The DEIR identifies disproportionate impacts to low-income and minority communities in San José. Page 5-83 states that the “population within the Monterey Corridor Subsection has a higher percentage of minority populations (73.7 percent) compared to the reference community (66.3 percent) and a higher percentage of low-income populations (28.8 percent) than the reference community (23.3 percent). The San José Diridon Station RSA has a higher percentage of low-income populations (32.7 percent) than the reference community.” The DEIR on page 5-3 further states in regard to USDOT Order 5610.2(a), “USDOT will not carry out any programs, policies, or activities that will have a disproportionately high and adverse effects on minority populations or low-income populations unless ‘further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable.’” This leads to the finding that “Mitigation with noise barriers would not fully address the concerns raised during the environmental justice engagement process regarding noise and vibration, and noise and vibration impacts would predominately be borne by communities with minority populations and low-income populations higher than those of the reference community. As a result, operational noise impacts would result in disproportionately high and adverse effects on minority populations and low-income populations under Alternatives 2 and 4.” The City and the affected communities have asked the HSR Authority to include grade separations as mitigations for these impacts and have provided conceptual designs to the HSR Authority (Attachments B, C, and D). The DEIR, however, does not examine grade separations as potential alternatives or mitigations for the disproportionate noise, safety, and other impacts.

Both the design of grade separations under Alternative 2 and the City’s preliminary designs (Attachment B) show that grade separations are feasible. Adding any of the grade separation configurations the City examined to Alternative 4 results in a capital cost which is still several billion dollars lower than Alternative 1, 2, or 3; thus, adding grade separations to Alternative 4 appears to be practicable. Therefore, the City requests the HSR Authority add a modified version of Alternative 4 that includes grade separations and/or a proportionate share contribution to grade separations at Skyway Drive, Branham Road, and Chynoweth Avenue as mitigation for noise, emergency response times, circulation, and safety impacts that disproportionately affect the minority and low-income populations along Monterey Road. The unmitigated significant impacts that disproportionately impact environmental justice and minority populations and low-income populations is unacceptable and contrary to State and Federal policies and guidance.

Station design and access at Capitol Station and Blossom Hill Station

The HSR project proposes to fully rebuild the Caltrain stations from Capitol Station through Gilroy. This includes relocating platforms and moving or adding new station entrances. The design of station access and egress should be considered with the planning and design of walking and bicycling routes, the local street network, pick-up/drop-off, parking, and future development on the adjacent properties. Therefore, joint design process between HSR, Caltrain, VTA, and the City of San José are needed to resolve station access design issues at San José Caltrain stations. The HSR Authority has not yet begun such joint planning processes.

Two situations that should be addressed through joint station-specific planning and station access coordination are at Capitol Station. First, in Alternative 4, the western entrance of the relocated Capitol Station is proposed to be located in middle of an existing drive-in theater with no public access. A

publicly-accessible western station entrance should be provided, with a local access and circulation plan developed and funded to ensure easy walking, bicycling, transit, and drop-off access. Second, the adopted Communications Hill Area Development Policy requires the construction of a pedestrian pathway from the Communications Hill development to the Caltrain station. The Transportation Section of the Communications Hill EIR (now being implemented) requires a trail and bridge connection to the existing Capitol Caltrain Station. The DEIR does not show that related site, nor identify if a conflict might arise. Relocation of the station further south complicates design of the walkway and pedestrian over-crossing. In the absence of station-specific access planning, HSR is clearing footprints for multiples stations that may not be adequate for the eventual stations and related access facilities.

For directness of travel, customer experience, and visual reasons, the City asks the HSR Authority to analyze and clear designs for Capitol and Blossom Hill stations with passenger access to the platforms via undercrossings, consistent with the "City Preferred Options" attached to the City of Morgan Hill's comment letter on the DEIR.²

Additional Comments

Please see Attachment A for additional comments organized by Chapter and Section.

Conclusion

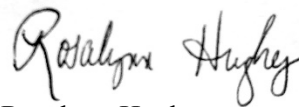
In closing, we thank the HSR Authority for the opportunity to comment on the DEIR. The City is committed to the HSR program and our joint work through DISC as a full partner. We will make our staff available to work through the issues raised in this comment letter with HSR.

Connecting San José to the Central Valley and Southern California and transforming Caltrain service in southern San José are tremendous investments in our future. The project represents an unparalleled opportunity for people in the South Bay to connect to the rest of the California, reach new opportunities with greater mobility and less environmental impact, and live, work and play in great, transit-oriented communities. For the City of San José, the completion of High-Speed Rail, the Caltrain Service Vision, and the Diridon Integrated Station Concept Plan, together will advance the City's vision of having connected and robust transportation options, embracing growth in the right places, and enjoying a thriving urban core. The City appreciates the partnership HSR has forged to date across these interrelated projects with the City and community, and looks forward to working together to make the most of this extraordinary opportunity.

Sincerely,



John Ristow
Director
Department of Transportation
City of San José



Rosalynn Hughey
Director
Department of Planning Building and Code
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City of San José

² "Caltrain Station Access" Perkins & Will, page 10
<http://morganhillca.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=6791>

Attachments

- A. Additional Comments by Chapter
- B. Conceptual Designs, Cost Estimates, and Construction Phasing Plans for Grade Separations
- C. City Correspondence to HSR Authority April 14, 2016, May 7, 2018, August 22, 2019, and June 1, 2020
- D. Neighborhood letter to HSR Authority September 19, 2018
- E. Prior City Comments on Alternatives 1, 2, and 3 engineering drawings and potential impacts
- F. Information Memo on High Speed Rail Draft Environmental Impact Statement June 22, 2020

Attachment A: Additional Comments by Chapter

Specific Document Comments

Chapter 1 Project Purpose, Need, and Objectives

The Grade Separations in Santa Clara County mentioned in Subsection 1.4.3 are VTA projects, not Caltrain projects. The crossings are UPRR-owned, not Caltrain owned. While these grade separations were in the 2000 Measure A sales tax, they have no local funding allocated by VTA for construction. The grade separations are unfunded and should be identified as such.

In subsection 1.3 & 1.4 Relationship to Other Transportation Projects please include a sub-section on Diridon Integrated Station Concept Plan (DISC) in section 1.3 or 1.4. the HSR Authority is a multi-agency partner in this effort, along with Caltrain, VTA, and the City of San José.

Chapter 2 Alternatives

As described above, the at-grade crossings in the HSR blended corridor north of Coyote Valley are unacceptable to the City because of collision risks, circulation impacts, noise impacts, and environmental justice concerns. Alternative 4 needs to add the grade separation of the crossing at Auzerais Avenue, as either a project feature or mitigation. This crossing serves over 6,000 vehicles (average daily traffic or ADT) today and is projected to serve significantly more traffic with future station area development. It is only one of three streets to cross the train corridor between Diridon Station and I-280. The HSR 2018 Business Plan Phase I service plan indicates 160 HSR trains per day running south of Diridon Station. This would have major negative impacts to traffic, safety, noise, and emergency response. Adding a 3rd track exacerbates these concerns as it widens the crossing distance across the tracks and increases risk of exposure to train collision per FRA.³

As grade separation of Auzerais Avenue and West Virginia Street may not be possible with an at-grade Diridon Station, an alternate mitigation would be for the HSR Authority to commit its proportionate share contribution toward the grade separation of Auzerais Avenue and West Virginia Street, as part of the DISC Diridon Station reconstruction.

Sections 3.2 Transportation

Per City's letter to the HSR Authority on October 17, 2018, regarding Alternative 4, at-grade crossings on the High Speed Rail corridor are unacceptable. Currently, there are ten at-grade vehicular crossings on the proposed HSR corridor in the City of San José. These crossings have one to two tracks and serve 16 to 52 trains per day, up to a maximum train speed of 79 mph. In contrast, Alternative 4 proposes adding a third track, running high speed trains up to 110 mph, and serving up to 160 high speed trains per day. These

³ "In-Depth Data Analysis of Grade Crossing Accidents Resulting in Injuries and Fatalities" Final Report, May 2017. DOT/FRA/ORD-17/04. US Department of Transportation, Federal Railroad Administration. Pg. 12 – 16, 33 – 39 <https://railroads.dot.gov/elibrary/depth-data-analysis-grade-crossing-accidents-resulting-injuries-and-fatalities>

Attachment A

conditions entirely contradict our City principles and policies for safety, in addition to state and national guidance⁴ and data⁵, and even the HSR Authority's own Sustainability Vision/Commitment Policy.

Caltrain Bridges

The Alternative 4 alignment from Taylor Street to Almaden Road proposes running primarily on existing railroad bridges many of which are around ninety years old. Please provide analysis of existing bridges that assesses any historic merit and demonstrates they do not need retrofits or reconstruction to meet the standard for Type 1 structures.

Rather than building new railroad bridges next to the existing ones, full replacement of existing bridges with single bridge structures would reduce the project footprint and property impacts near the bridges at: Taylor, I-280, Prevost, SR 87, Guadalupe River, Willow, Alma, and Almaden Rd.

3.2.6.3 Parking

Impact TR#9 Permanent Effects Related to Parking

The City is considering a Parking and Transportation Management District as part of its ongoing update to the adopted Diridon Station Area Plan. The DEIR finds that HSR will add to overall parking demand in the area of the proposed district. In order to minimize the direct and indirect impacts, the City requests that the HSR Authority commit to joining the Diridon Area Parking and Transportation Management District and thus participate in the holistic solution to parking alongside other partners in the DISC.

The reference to the San Jose Diridon Station Facilities Master Plan is outdated and should be replaced with references to the on-going update to the adopted Diridon Station Area Plan and the Diridon Integrated Station Concept Plan, of which the HSR Authority is one of four lead agencies.

Impact TR#16: Continuous Permanent Impacts on Passenger Rail System Capacity

At Diridon Station, the Capitol Corridor trains use multiple tracks and platforms and is not limited to MT-1. Further Capitol Corridor currently stores and turns its trains in Diridon Station. The DEIR is unclear on if this activity would continue or be displaced under Alternative 4 changes to Diridon Station. If displaced the EIR needs to disclose where they would be relocated, as both the Caltrain Central Maintenance and Operations Facility and Michael Yard are fully occupied by Caltrain and ACE respectively and would not be available for Capitol Corridor trains.

Impact TR#18: Permanent Impacts on Pedestrian and Bicycle Access

Impact TR#19: Continuous Permanent Impacts on Pedestrian and Bicycle Access

TR-MM#1 ... Address Traffic Delays

The appropriate and acceptable mitigation measures for traffic delay to the City of San José are:

- (1) grade-separate key locations (Skyway Drive, Branham Road, Chynoweth Avenue, Auzerais Avenue, and West Virginia Street), and
- (2) reconstruct the west side of Monterey Road with pedestrian/bike facilities specified by the San José Complete Streets Design Standards and Guidelines.

⁴ FHWA

⁵ "In-Depth Data Analysis of Grade Crossing Accidents Resulting in Injuries and Fatalities" Final Report, May 2017. DOT/FRA/ORD-17/04. US Department of Transportation, Federal Railroad Administration. Pg. 12 – 16, 33 – 39 <https://railroads.dot.gov/elibrary/depth-data-analysis-grade-crossing-accidents-resulting-injuries-and-fatalities>

Attachment A

Alternative 4 should construct pedestrian and bike facilities on Monterey Rd as laid out in the San José Complete Streets Design Standards and Guidelines. There is no existing pedestrian facility on the west side of Monterey Rd south of Southside Dr. The construction staging for HSR will disrupt the west side of Monterey Rd, potentially including the curb and gutters. When restoring the area, the HSR project should install in a sidewalk and/or multi-use path pedestrian/bike facilities consistent with the San José Complete Streets Design Standards and Guidelines designs for Monterey Rd and HSR.

Permanent impacts should not affect road right-of-way for the planned and existing bikeways identified in San Jose Better Bike Plan 2025 (https://tooledesign.github.io/San_Jose_Bike_Plan/new/#map). Please review the referenced map and incorporate in the HSR area.

Impact TR#17: Temporary Impacts on Pedestrian and Bicycle Access (Construction Impacts)

There will be significant impacts to pedestrian and bike access for years during construction. Add language requiring that any temporarily closed bike facility must include temporary signed detour route to accommodate bikes. The route must minimize detour length and bicycle traffic stress by providing a temporary route at least as "high a quality" as temporarily closed route. Class III equals lowest quality, Class II higher, Class I highest.

Sections 3.4 Noise and Vibration

NV-MM#4: Support Potential Implementation of Quiet Zones by Local Jurisdictions

City staff does not support implementing quiet zones on the HSR corridor in San José, due to the safety impacts of train speeds up to 110 mph combined with train volumes over 200 per day and multi-track crossings which lengthen the distance of the crossing and increase the risk of collisions with second trains after a first train has passed. FRA in-depth data analysis shows that these features contribute to incidents at at-grade crossings. Additionally, FRA's analysis showed that having a highway intersection near a grade crossing nearly doubles the risk for incidents; Skyway, Branham, and Chynoweth crossings are all located adjacent to intersections with Monterey Rd. Removing the train horn is removing the extra warning that a train provides to users that the train is approaching the at-grade crossing. The HSR DEIR references the 30 fatalities and injuries that have occurred at at-grade crossings in Santa Clara County from 2011 to 2016, these being on railroad corridors with much lower train speeds and lower train volumes. City staff have read some of these crash reports and understand that most of these incidents were not ruled suicides; many of the incidents were a result of imperfect human decisions, for example pedestrians and bicyclists opening pedestrian gates and proceeding through the crossing in order to chase after a dog, or assuming that all trains had already passed, etc. Thus, even though HSR proposes to install safety measures such as 4-quadrant vehicle gates and pedestrian gates at at-grade crossings, we understand that these measures will not prevent all collisions with trains. Given the significant safety concerns with at-grade crossings on the HSR corridor, the solution is not a quiet zone; the solution is the elimination of at-grade crossings.

3.4.7.1 Noise Mitigation Analysis – Horn Noise

Quiet zones should not be assumed as part of noise mitigations analysis. Per Code of Federal Regulations 49 Section 222. 51(c), the FRA can terminate any quiet zone even after it has been established, for example due to safety concerns at the at-grade crossings. Therefore, quiet zones cannot be relied upon to mitigate horn noise impacts as quiet zones are not permanent features.

Attachment A

To eliminate the noise impacts caused by train horns expressing through Caltrain stations, the HSR Authority should come to an agreement with Caltrain and other relevant public agencies to implement station design features at rebuilt or modified Caltrain stations that would allow HSR trains to express past the station platforms without blowing their horns. Such an agreement and station features would eliminate the noise impacts from blowing train horns at Caltrain stations in San José including College Park, Tamien, Capitol, and Blossom Hill stations.

Impact NV#2: Intermittent Permanent Exposure of Sensitive Receptors to Noise from Train Operations
Grade separation of Skyway Drive, Branham Road, and Chynoweth Avenue streets, combined with the agreement between the HSR Authority and Caltrain over train horns, would eliminate noise impacts from train horns during normal operations. The same grade separations would also eliminate all emergency response, vehicle/bike/pedestrian collision risk, and circulation impacts associated with at-grade crossings.

Inclusion of grade separations in the project could be coupled with inter-agency agreement on the proportionate share contributions of funding for construction of the grade separations by relevant state, regional and local agencies.

Section 3.6 Public Utilities & Energy

Public Water Utilities and Energy, San Jose Municipal Water System

In the first paragraph, revise the last two sentences to read as:

“In the neighborhoods of Edenvale, and Coyote Valley, groundwater from the Santa Clara Sub-basin provides for most of the potable water use. The Evergreen service area receives both treated surface water and groundwater supply from SCVWD.”

Public Utilities

Under "No Project" alternative, it was concluded that development trends will be increased, and impact to aboveground and underground utilities will create pressure on public utilities. Please provide analysis to support this statement.

Impact PUE#9: Continuous Permanent Impacts from Wastewater Generation - CEQA conclusion

CEQA conclusion for wastewater impact for Diridon station is "less than significant". This seems to be underestimated. The report projects Diridon Station will generate 24,200 gpd of wastewater and will assume an increase of 0.01% at the Treatment Plant. The 24,200 gpd amount is a 4 times increase in wastewater generation at Diridon Station. While the ultimate impact to the wastewater facility may be "less than significant," the impact on the existing localized wastewater infrastructure near the Station is significant. The project should include capital improvement funding to upsize the collection system infrastructure downstream of the Station.

Impact HYD#2: Permanent Impacts on Drainage Patterns and Stormwater Runoff during Construction - Stormwater management

HYD-IAMF#1 and #2 both state that contractor shall prepare stormwater management plan and flood protection plan for review prior to construction and during design phase, stormwater capacity will be evaluated. Please add information to the FEIR that enables the City to know the impacts to City streets

Attachment A

and infrastructure.

Please identify stormwater treatment facilities required within City public right-of-way. The project needs to provide treatment for any new or replaced travel lane area exceeding 10,000 square feet of impervious surface.

Section 3.8 Hydrology Water Resources

Hydrogeology and Water Resources

Revise the first paragraph by adding the statement written in bold below:

All four alternatives would require the protection of public drinking water supply wells during construction, as described in Impact HYD#8, and potentially the relocation of public drinking water supply wells. Existing wells in the HSR track alignment, such as below a viaduct or embankment, and other permanent impact areas, such as below realigned Monterey Road, would likely be abandoned and relocated nearby. **As in the case of San Jose Municipal Water System, there are three domestic groundwater well production facilities of approximate 300 feet depth designed to pump approximately 2,000 GPM each of potable water to provide water supply to San José Municipal Water System customers. Replacing these wells would likely require land acquisition, environmental review, permitting and approval from State Department of Drinking Water, specialized construction to drill at least 600 feet depth, and installation of pumps, motors, and protective enclosures.** Table 3.8-24 shows the existing public drinking water supply wells in the footprint of each alternative and subsection and the project's requirements to protect or relocate these wells in coordination with the owner.....

Sections 3.11 Safety and Security

CA HSR Program Safety and Security Management Plan

This section states that the HSR alignment would be fully access-controlled, meaning that the public would be able to access the system only at the station platforms, and that access-control barriers and railway/roadway vehicle barriers along the right-of-way would prevent intrusion into the right-of-way. This is not true for Alternative 4 which includes at-grade crossings through which people, animal, vehicles, etc. can enter and cross the rail right of way. For safety reasons, at-grade crossings on the HSR corridor are unacceptable to the City of San Jose.

Impacts to San José Fire Department Services

The San José Fire Department is an "All Risk" fire department providing services that include structure fire, wildland fire, first responder paramedics, technical rescue, aircraft rescue, and hazardous material response services.

The HSR Authority's DEIR outlines four safety and security impacts that will affect emergency vehicle response times and one will result in a permanent increased risk to all crossing users (vehicles, pedestrians, bicyclists, trains, etc.).

- Impact S&S#1: Temporary Impacts on Emergency Access and Response Times from Temporary Roadway and Highway Closures, Relocations, and Modifications.
- Impact S&S#2: Temporary Impacts on Emergency Access and Response Times from Construction Vehicles.

Attachment A

- Impact S&S#3: Permanent Impacts on Emergency Access and Response Times from Permanent Roadway and Highway Closures, Relocations, and Modifications.
- Impact S&S#4: Continuous Permanent Impacts on Emergency Access and Response.
- Impact S&S#12: Permanent Exposure to Rail-Related Hazards

Each of the proposed alternatives will result in emergency vehicle response time delays that may impact the Departments overall system performance. The narrowing of Monterey Rd from six to four lanes in alternatives 1, 2, and 3 will lead to increased traffic congestion during commute hours, impacting the effectiveness of the Departments Emergency Vehicle Preemption (EVP) system, which improves the right of way for fire apparatus. Furthermore, trains have priority over emergency vehicles at crossings; this means that railroad crossing gates stay down when trains are approaching regardless of EVP, resulting in increased emergency response times.

Impact S&S#3: Permanent Impacts on Emergency Access

This section glosses over the impact that Alternative 4 will have on travel time between the east and west sides of Monterey Rd due to increased gate down time at Skyway, Branham, and Chynoweth crossings. This is a significant impact that can be avoided or mitigated through grade separations.

Impact S&S#4: Continuous Permanent Impacts on Emergency Access and Response Times

Alternative 4 could increase response times in areas west of the rail corridor by 180 seconds, impacting Fire Station 18 and the Department’s contractual agreement with the Santa Clara County EMS Agency⁶. This agreement requires arrival within eight minutes 90 percent of the time for all EMS calls in urban areas excluding Medical Priority Dispatch System (MPDS) triage levels Omega⁷ and Alpha⁸, and arrival within 13 minutes 90 percent of the time for Alpha calls in urban areas. In addition to performing to these standards, liquidated damages are assessed when response time is exceeded (see Table 1). Furthermore, delayed response times have been associated with poor patient outcomes. A study conducted by the American Heart Association resulted in “lower odds of favorable functional outcomes...[for] each elapsed minute of resuscitation” of a patient in cardiac arrest⁹. In 2018, Fire Station 18 experienced 1,547 responses that resulted in a greater than 4-minute response time¹⁰.

Table 1: Liquidated Damages for Response Time Non-Performance

Response Time Performance Liquidated Damages Per Response			
<i>Amount that Response Time is Exceeded</i>			Fine per response
Urban	Suburban	Rural Wilderness	
Up to 2:59	Up to 2:59	Up to 2:59	\$50
3 to 4:59	3 to 4:59	3 to 4:59	\$100
5 – 9:59	5 – 9:59	5 – 9:59	\$250
10 – 14:59	10 – 14:59	10 – 14:59	\$500

⁶ 911 Emergency Medical Services Provider Agreement

<https://www.sccgov.org/sites/ems/Documents/agreements/CityofSanJoseEMSAgreementAmendments20181231.pdf>

⁷ Omega MPDS triage determinant calls do not require an EMS response.

⁸ Alpha MPDS triage determinant calls require Basic Life Support (BLS) or Advanced Life Support (ALS) first responder resource within 13 minutes.

⁹ American Heart Association *Circulation*.

<https://www.ahajournals.org/doi/pdf/10.1161/CIRCULATIONAHA.116.023309>

¹⁰ Measure T - New Fire Station Placement Prioritization

<https://sanjose.legistar.com/LegislationDetail.aspx?ID=4145191&GUID=609965EF-0851-485C-A633-4681EAFB67E6>

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15 – 19:59	15 – 19:59	15 – 19:59	\$1,000
20 – 24:59	20 – 24:59	20 – 24:59	\$2,500
25 – 34:59	25 – 34:59	25 – 34:59	\$5,000
35+	35+	35+	\$7,500

Source: Table 6 of the 911 Emergency Medical Services Provider Agreement

Impact S&S#8: Permanent Exposure to Traffic Hazards

This section does not sufficiently cover hazards to users at at-grade crossings which is a significant impact. This section states only that at-grade crossings would be controlled by quad gates and roadway channelization. At-grade crossings are not foolproof even with gates and channelization. The HSR DEIR references the 30 fatalities and injuries that have occurred at at-grade crossings in Santa Clara County from 2011 to 2016, these being on railroad corridors with much lower train speeds and lower train volumes. City staff have read some of these crash reports and understand that most of these incidents were not ruled suicides; many of the incidents were a result of imperfect human decisions, for example pedestrians and bicyclists opening pedestrian gates and proceeding through the crossing in order to chase after a dog, or assuming that all trains had already passed, etc. Thus, even though HSR proposes to install safety measures such as 4-quadrant vehicle gates and pedestrian gates at at-grade crossings, we understand that these measures will not prevent all collisions with trains. Monterey Rd is a Vision Zero corridor because it already has the highest fatality rate for a City street in San Jose. The City is seeking to eliminate all fatalities and injuries, especially on this corridor, and the overwhelming evidence from FRA¹¹ is that the addition of tracks, addition of train volumes, and increase in train speeds, all at at-grade crossings which are adjacent to intersections that Alternative 4 will introduce, increase risk of fatalities and injuries.

Impact S&S#12: Permanent Exposure to Rail-Related Hazards

Analysis of the proposed project's impacts on Motor Vehicle, Pedestrian, and Bicycle Accidents Associated with High-Speed Rail Operations is incomplete. The EIR should separate the analysis of increased likelihood of train collisions and train - vehicle/pedestrian collisions, like the Burbank - Los Angeles document, which treats Impact S&S #5: "Train Accidents" and Impact S&S #6: "Motor Vehicle, Pedestrian, and Bicycle Accidents Associated with High-Speed Rail Operations" separately.

The discussion of grade crossing does not discuss several aspects of the project related to HSR operations and accidents including:

1. Higher frequency of trains, both HSR and Caltrain, allowed by the HSR project
2. Train speeds up to 110 mph
3. Adding a third track to crossings, which results in a physically longer crossing
4. Operating over at-grade crossings which are adjacent to highway intersections

These features increase the risk and severity of collisions, per FRA.¹²

¹¹ "In-Depth Data Analysis of Grade Crossing Accidents Resulting in Injuries and Fatalities" Final Report, May 2017. DOT/FRA/ORD-17/04. US Department of Transportation, Federal Railroad Administration. Pg. 12 – 16, 33 – 39 <https://railroads.dot.gov/elibrary/depth-data-analysis-grade-crossing-accidents-resulting-injuries-and-fatalities>

¹² "In-Depth Data Analysis of Grade Crossing Accidents Resulting in Injuries and Fatalities" Final Report, May 2017. DOT/FRA/ORD-17/04. US Department of Transportation, Federal Railroad Administration. Pg. 12 – 16, 33 – 39 <https://railroads.dot.gov/elibrary/depth-data-analysis-grade-crossing-accidents-resulting-injuries-and-fatalities>

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The discussion in the document is limited to a static analysis of the crossing protections that does not disclose the safety impacts of the items above during operations. Of the five crossings that the City of San José identified for grade separation, all five meet one or more of the conditions where the Federal Highway Administration's Technical Working Group finds that grade separation should be considered.¹³ It is inconsistent for the HSR Authority to tout the safety benefits offered by grade separation in Alternatives 1, 2, and 3, and ignore the safety impacts of at-grade crossings in Alternative 4.

The CEQA conclusion of less than significant impact is not consistent with the aforementioned FRA research and FHWA Working Group recommendations.

While S&S#12 does not impact Fire Department response times, it does expose firefighters to increased risk when working on or near active railways. At-grade crossings have a higher propensity for collisions and accidental fires caused by debris on tracks which will require a fire department response. Alternative 4 increases the number and frequency of trains which increase the risk of collision or accidental fires.

SS-MM#3: Install Emergency Vehicle Detection

The City of San José introduced Centralized Emergency Vehicle Pre-emption (CEVP) in 2018 through collaboration with the Fire Department, Information Technology Department, and the Department of Transportation¹⁴. The system, also referred to as EVP (Emergency Vehicle Preemption) covers more than 900 intersections within city limits, including Monterey between Capitol Expressway and Bernal Road. Although SS-MM#3 would provide emergency vehicle detection equipment to improve response times, this technology is already in use and would not provide an additional mitigation to narrowing of Monterey Highway or gate down time. Therefore, SS-MM#3 is not a mitigation, it already exists. Also, emergency vehicle preemption does not do anything for emergency vehicles waiting to cross an at-grade crossing when trains are approaching because train preemption supersedes emergency vehicle preemption. Again, the City requests that the HSR Authority enter into an agreement to fund its proportionate share of grade separation of key intersections along Monterey Road as the mitigation measure for SS-MM#3 in San José.

Mitigations for Fire Station 18

Alternative 2 - Mitigation Measure #1 to "construct permanent access roads and driveways for alternative 2 Skyway Drive" (Variant B) will result in delayed access to southbound Monterey Highway, increasing overall response times. Should Monterey Highway and Skyway Drive be depressed as discussed in Variant B, a new fire facility may be required to maintain emergency vehicle access to the facility and to maintain effective deployment of resources at Station 18. A new facility on the eastern portion of the property would provide direct access to Skyway Drive and Monterey Highway as designed in Variant B.

Section 3.13 Station Planning Land Use

Station Planning, Land Use, and Development – Appendix 2-E, Project Impact Avoidance and Minimization Features

¹³ "Highway-Rail Crossing Handbook, Third Edition" July 2019. FHWA-SA-18-040/FRA-RRS-18-001. US Department of Transportation, Federal Railroad Administration. Pg. 119 - 122

https://safety.fhwa.dot.gov/hsip/xings/com_roaduser/fhwasa18040/fhwasa18040v2.pdf

¹⁴ City of San Jose Fire Department CEVP Data Story <https://www.sanjoseca.gov/home/showdocument?id=50299>

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Impact Avoidance and Minimization Features (IAMFs) are incorporated into the Project Section *design and construction* to avoid or minimize environmental or community impacts. However, those features seem unable to resolve structural design issues of concern such as impacts from at-grade crossings. This mismatch is seen throughout the DEIR. Operations manual and after-construction agreements cannot resolve project design features, yet the DEIR points to IAMFs as if they are mitigating project design issues.

LU-IAMF#1: HSR Station Area Development:

General Principles and Guidelines refer to Operation and Maintenance only. They also refer to previous documents that may not be adequate to address current concerns, such as the HSR Station Area Development General Principles and Guidelines, February 3, 2011.

Figure 3.13-7 Planned Land Uses (Current Zoning)—San Jose Diridon Station RSA / Planned Development - San Jose Diridon Station Approach Subsection

Information shown on map may need to be changed to reflect pending land use changes due to the updated Diridon Station Area Plan and proposed Downtown West development, if those changes are completed prior to the FEIR. Downtown West development should be included in discussion for planned developments around the Diridon Station Area as it may impact past and future analyses of the area. Industrial uses will be changed and will be substituted mostly by residential and office/commercial uses.

Expand the reference that says: "In addition, the Authority, Caltrain, the City of San Jose, and the VTA have formed a partnership to initiate a concept plan to transform San Jose Diridon Station" to include future inter-agency collaboration under LU-IAMF#2 Station Area Planning and Local Agency coordination.

Impact LU#4: Permanent Alteration of Land Use Patterns from Land Use Conversion and Introduction of Incompatible Uses **San Jose Diridon Station Approach Subsection**

The document states that: "LU-IAMF#1 would avoid incompatibility of HSR infrastructure and the San Jose Diridon Station with adjacent land uses." It does not. Under "Appendix 2-E, Project Impact Avoidance and Minimization Features," the "LU-IAMF#1: HSR Station Area Development: General Principles and Guidelines", clearly states that: "Prior to Operation and Maintenance, the Authority shall prepare a memorandum for each station describing how the Authority's station area development principles and guidelines are applied to achieve the anticipated benefits of station area development. Refer to HSR Station Area Development General Principles and Guidelines, February 3, 2011." Again, LU-IAMF#1 does not resolve the City's concerns with Alternative 4. LU-IAMF#1 is an "after-the-fact" operations and maintenance manual. It is unlikely that such a manual can resolve structural design concerns with noise and vibration along the Gardner neighborhood, safety and circulation impacts from the at-grade crossing at Auzerais in the Gregory neighborhood. In addition, NV-IAMF#1 does not resolve the issues either. "NV-IAMF#1: Noise and Vibration" states that: "Prior to Construction, the Contractor shall prepare and submit to the Authority a noise and vibration technical memorandum documenting how the FTA and FRA guidelines for minimizing construction noise and vibration impacts would be employed when work is being conducted within 1,000 feet of sensitive receptors. Typical construction practices contained...". This measure is about construction only. NV-IAMF#1 cannot resolve structural design issues with associated operational impacts. Again, as an alternative mitigation for LU#4, enter into an agreement to fund HSR's proportionate share of grade separations at West Virginia Street and Auzerais Avenue.

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San Jose Diridon Station Approach Subsection **San Jose Visual Design Guidelines**

This section states that the Jan 2012 San José Visual Design Guidelines were incorporated into a Cooperative Agreement that was approved by the City Council and the Authority Board of Directors and that "implementation of these Guidelines would reduce potential incompatibility of HSR infrastructure with adjacent land uses, thereby minimizing changes to existing or planned uses". This is not the case. First, the San Jose Visual Design Guidelines were never approved by City Council. Second, the San Jose Visual Design Guidelines only address a subset of alternatives: HSR viaduct from the northern limit, over the 280/87 interchange, to an at-grade alignment through Communications Hill and on a berm on the east side of the UPRR ROW in the Monterey corridor to the southern city limit. This does not cover Alternative 4 (blended at-grade through the whole corridor, including through the Gardner/N Willow Glen neighborhood) or Alternatives 1 and 3 (viaduct in the median of Monterey Rd). Therefore, the San José Visual Design Guidelines document is not an appropriate guideline to mitigate "potential incompatibility of HSR infrastructure with adjacent land uses." Specifically to mitigate the visual impact of the blended corridor, the City requests that the HSR Authority enter into an agreement to fund a share of full screening, aesthetic, and associated (noise, vibration) advanced through the DISC process as an alternative to the Visual Design Guidelines. Refer to the memoranda by staff and City Councilmembers and action taken at the [February 4, 2020](#) and [August 20, 2019](#) San Jose City Council meetings for detailed descriptions and expectations of aesthetics, noise, and vibration treatments, partnership, and funding, including expectations of the HSR Authority during the environmental process.

Impact LU#5: Permanent Indirect Impacts on Land Use Patterns from Increased Noise...

The City disagrees with the CEQA conclusion that impacts from noise on existing land use patterns would be less than significant under CEQA for all alternatives because existing transportation corridors are already exposed to increased levels of noise from train and vehicular traffic. Alternative 4 would have significant noise impacts on existing land uses, especially residential. Existing train volumes are only 52 trains per day at Auzerais Avenue and West Virginia Street grade crossings and 16 trains per day at the Skyway Drive, Branham Road, and Chynoweth Avenue crossings. HSR phase 1 would add up to 176 HSR trains per day, according to Appendix 2-C. All of these crossings are surrounded by residences. To say that the people who live there would not be impacted because they are already used to train and road noise is incorrect. Train noise would exceed the performance standards in San José ordinance 20.50.300. Frequent train horn noise throughout the day would disturb residents' quality of life and make it a less amenable place to live. A quiet zone is not an acceptable option for the City of San Jose to mitigate train horn noise impacts as explained elsewhere in our comment letter. Grade separation at these locations is the only appropriate mitigation to the numerous impacts caused by having at-grade crossings, and the City asks that the HSR Authority enter into an agreement to fund its proportionate share of grade separations as an alternative mitigation for LU#5.

Impact LU#5: Permanent Indirect Impacts on Land Use Patterns from Increased Noise, Light, and Glare

Alternative 4 would have significant noise impacts on existing land uses, especially residential. Existing train volumes are only 52 trains per day at Auzerais Avenue and West Virginia Street grade crossings and 16 trains per day at the Skyway, Branham, and Chynoweth crossings. HSR phase 1 would add up to 176 HSR trains per day. Further the adopted Caltrain Service Vision would add 268 Caltrains a day at Auzerais and Virginia and 152 Caltrains a day at Skyway, Branham, and Chynoweth crossings. All these crossings are surrounded by residences. To say that the people who live there would not be impacted because they're already used to train and road noise is incorrect. Train noise would exceed the performance standards in San José ordinance 20.50.300. Frequent train horn noise throughout the day would disturb residents' quality of life and make it a less amenable place to live. This leads us to disagree

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with the CEQA conclusion that impacts from noise on existing land use patterns would be less than significant under CEQA for all alternatives because existing transportation corridors are already exposed to increased levels of noise from train and vehicular traffic.

A quiet zone is not an acceptable option for the City of San Jose to mitigate train horn noise impacts as explained elsewhere in our comment letter. Grade separation at these locations is the only appropriate mitigation to the numerous impacts caused by having at-grade crossings.

The DEIR states on pg. 13-51 that: "For those portions on embankment, noise would diminish to less than 100 decibels 75 feet from the source." The current rail ROW in the Gardner neighborhood would not allow for this noise reduction because it is not possible to provide 75 feet distance from the tracks and the residential properties, even less as HSR adds additional tracks within the existing ROW. Furthermore, the DEIR states that: "Introduction of a new source of noise into portions of the project constructed within existing transportation corridors **would not be as noticeable as train noise in the rural portions of the alignment.**" It is the opposite: new/additional noise into existing corridors (particularly those that are residential), just exacerbate a problem that is already there. The fact that the residents have been able to cope with noise over the years is not a rationale to justify additional noise. This is traditional nuisance law in city planning validated by the US Supreme Court. If you come to the nuisance, it is your problem. But if you create or add a nuisance, the problem is for the one adding the nuisance, not the residents who live currently there.

Mitigation Measure LU-MM#1: HSR Station Area Development: General Principles and Guidelines

Mitigation Measure LU-MM#1 does not address the City's concerns with land use compatibility and will not be able to resolve concerns dealing structural design issues. The principles and guidelines need to be incorporated into the project design process to mitigate impacts and add benefits, rather than after the fact.

Section 3.15 Parks Recreation Open Space

Table 3.15-2 Parks, Recreational Facilities, and Open Space Resources by Subsection

The agency with jurisdiction for Highway 87 Bikeway is Caltrans. The HSR Authority will need to consult and seek approval from Caltrans on the traction control infrastructure and design plans. The City is permitted to use the facility for pedestrian/bicycle usage through a Joint Use Agreement and share maintenance responsibilities with Caltrans, as outlined in the Freeway Maintenance Agreement. The HSR Authority will need to coordinate an amended or new agreement to accommodate the joint use and additional functions along the bikeway if needed.

Three Creeks Trail is recognized in the table as undeveloped. The trail is open from Lonus Street to the Falcon Court cul-de-sac. The Guadalupe River Trail Master Plan documents a future bridge span over the Guadalupe River to enable interconnectivity of these trail systems.

Table inaccurately defines San Jose Trails per the "Features" column as "Urban, hiking and bicycle trail". This should be more clearly stated as "Class I Bikeway Trails meeting recreational and active transportation functions (for pedestrians, bicyclists, equestrian and other users)."

Impact PK#2: Temporary Changes to Access or Use of Parks

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Please provide more clarity regarding loss of the Fisher Creek Trail alignment due to the HSR embankment. The project speaks of “decreased access,” but “Permanent Loss of Access” would be a more clear statement. This is a significant impact to the City’s goal for developing an interconnected Trail Network, per the General Plan and ActivateSJ (Department of Parks Recreation & Neighborhood Services, 20-year Strategic Plan).

Impact PK#4: Permanent Changes Affecting Access to or Circulation in Parks, Recreational Facilities, and Open Space Resources

Impact PK#6: Permanent Acquisition of Parks, Recreation, and Open Space Resources

Loss of the Highway 87 Bikeway North (between Almaden Expressway and Willow Street) may not be permissible. The bikeway was developed as a mitigation for loss of pedestrian and bicyclist access when Highway 87 replaced surface streets. Please determine if a temporary loss is permissible per CEQA and if not, coordinate with San Jose on a suitable Class I Bikeway Trail alternative route.

The Highway 87 Bikeway Trail leads to the Tamien Light Rail / Caltrain Station. Loss of access from Willow Street will impact a Community of Concern (Washington Area Neighborhood).

Table 3.15-14 CEQA Significant Conclusions

Impact PK#4 seems to create a conflict between the HSR EIR and Highway 87 EIR, which required development of the Highway 87 Bikeway Trail as a mitigation for lost pedestrian and bicycle access (formerly provided by surface streets). Again, please determine if this loss is permissible per CEQA. If this needs further mitigation, the parallel Guadalupe River Trail system has been master planned from Virginia Street to Chynoweth Avenue. The statement on Page 3.15.125 about the loss of Highway 87 Bikeway North is very concerning; please clarify and coordinate with the City about a proper process moving forward.

Section 3.16 Aesthetics

Impact AVQ#6: Permanent Direct Impacts on Visual Quality- Monterey Highway San Jose Landscape Unit

As part of AVQ-MM#3 Public Art must be integrated into CHSTP structures within City limits. This complies with the City of San Jose ordinance for Public Art, and the City of San Jose adopted Public Art Masterplan. It is also in accordance with CHSTP Aesthetic guidelines for non-station structures. Similar to the City’s percent for art ordinance, it is recommended CHSTP set aside 1% of their overall construction budget, including any land acquisition costs, for public art, and contract with the City’s Public Art program to help manage the Public Art component.

Please clarify how AVQ-MM#4 (provide vegetation screening) would work in the Monterey corridor for Alternatives 1, 2, 3, and 4. Alternatives 1 and 3 (viaduct in the Monterey Rd median) stay out of UPRR ROW, and the City therefore does not understand where trees and vegetation will be planted. Moreover, considering that the viaduct is up to 80 feet tall, please articulate how trees would screen residential views of the HSR viaduct. Any visible components of the structure that are left exposed after the vegetation screening should implement public art to help enhance the visual quality. Please show a schematic demonstrating where trees will be planted and how they will obstruct residential sight lines to the HSR viaduct from adjacent residential neighborhoods. For Alternatives 2 and 4, similarly clarify where will you plant the trees/vegetation. The City is concerned that there is insufficient space in the Monterey

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corridor, especially on the west side of the rail corridor, for tree planting with these alternatives. Please produce a schematic showing otherwise.

Tree plantings to the east of the HSR alignment can be accomplished under Alternative 4 by building the missing bicycle and pedestrian facilities, including tree wells and streets trees, south of Southside Dr per the adopted San José Complete Streets Design Standards and Guidelines. Two of the grade separation configurations for Monterey Rd design by the City (Attachment B) would provide a 10 foot offset on the western side of the alignment that could be used for vegetative screening plantings. The third is a trench that would not have visual impacts.

Section 3.17 Cultural Resources

Impacts to the Southern Pacific Depot (i.e., the/ Diridon Station): This is a Designated City Landmark and as such any work within the legal description boundary of the Landmark requires a Historic Preservation Permit to be reviewed by the City of San Jose's Historic Landmarks Commission as the Quasi-Judicial Body with a final approval by the Director or City Council. This review is required under the City's Historic Preservation Ordinance MC13.48. Depending on the work within the legal boundary of the Landmark, the required finding is that the work is not a "detriment" to the Landmark. A Significant and Unavoidable impact may be seen as a "detriment" but more specific project details are needed to analyze.

Impacts to the Sunlite Bakery Company: This is a Candidate City Landmark. Although because not locally designated it is not subject to the Historic Preservation Ordinance. However, the work may not be consistent with the General Plan policies for Historic Preservation. This property needs a treatment plan to determine if a change of status would result on the Historic Resources Inventory, with a classification from Candidate City Landmark to Structure of Merit because of loss of integrity due to the project.

Table 3.17-9 CEQA Significance Conclusions for Impact CUL#4: Permanent Demolition, Destruction, Relocation, or Alteration of Built Resources or Setting

Because of the Significant and Unavoidable impacts to Southern Pacific Depot and Sunlite Bakery, the project is inconsistent with several policies under the City's General Plan for Historic Preservation. Also any work (both public and private) to the above properties requires "Early Referral" consultation with the Historic Landmarks Commission under the City Council policy. This should be scheduled as soon as possible.

Link to Historic Landmarks Commission: <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/historic-landmarks-commission>
Link to Historic Landmarks Commission:
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/historic-landmarks-commission>

Section 7.0 Other NEPA CEQA Considerations

7.1.1 Adverse Effects that Cannot be Avoided under NEPA

The DEIR pg. 7-1 states: "The changes to the geometry and capacity of intersections under Alternatives 1, 2, and 3 would result in automobile delay. These delays would not occur under Alternative 4." Alternative 4 however, significantly increases gate down time at at-grade crossings, causing delay for all users (vehicles, pedestrians, bikes) crossing the railroad corridor, which are impacts under NEPA.

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Chapter 8 Preferred Alternative

8.2.1 Local Communities

The subsection "**City of San Jose, downtown area to Tamien**" in the DEIR does not mention the input from both the City of San José, and other stakeholders about the needs to align HSR plans with on-going Diridon Integrated Station Concept Plan work. Please refer to City letters dated: April 14, 2016, May 7, 2018, August 22, 2019, and June 1, 2020 (Attachment C) and memoranda by staff and City Councilmembers and action taken at the [February 4, 2020](#) and [August 20, 2019](#) San Jose City Council meetings.

The subsection "**The City of San Jose, Monterey Corridor**" does not mention the repeated input from both the City of San José, neighborhood groups, and residents that grade separations need to be included for safety, noise, and traffic reasons. Please refer to City letters dated: April 14, 2016, May 7, 2018, August 22, 2019, and June 1, 2020 (Attachment C) and memoranda by staff and City Councilmembers and action taken at the [February 4, 2020](#) and [August 20, 2019](#) San Jose City Council meetings, and neighborhood letter dated March 20, 2019 (Attachment D).

8.4.1.2 Monterey Corridor Subsection

Train horn noise can be mitigated by grade separations along Monterey Rd and adding design features to Blossom Hill and Capitol Caltrain stations that would allow HSR trains to pass trains without blowing horns. Similarly, emergency vehicle access and response time impacts can be mitigated by grade separations along Monterey Rd. Again, the City requests that the HSR Authority enter into an agreement to fund its proportionate share of grade separation of key intersections along Monterey Road as alternative mitigation for safety and security, noise, traffic and other impacts, as detailed above.

8.4.3 Additional Considerations

The DEIR correctly points out that Alternative 4 would enable the Caltrain Service Vision. The Service Vision was adopted in October 2019 by Resolution 2019-38, six months before the DEIR was published. Discussion or analysis of the implications and impacts from the Service Vision is missing from rest of the DEIR document. It is not addressed in the Cumulative impacts or specific impact analysis chapters.

Since Alternative 4 "would provide for an extension of electrification and other infrastructure to support increased regional passenger rail service to Gilroy," disclosure of the reasonably foreseeable impacts due to increased Caltrain service south of Tamien station should be provided when comparing alternatives.

8.4.4 Alternative Comparison

When combining both severe and moderate impacts, Alternative 4 has the most noise impacts after mitigation, not Alternative 1. Alternative 4 has the most moderate and severe noise impacts even after sound wall mitigations and if cities adopted quiet zones, see table 3.4-28 through 3.4-31.

As the HSR Authority cannot unilaterally adopt quiet zones, and per Code of Federal Regulations 49 Section 222. 51(c) the FRA can remove a quiet zone, quiet zones cannot be relied upon as mitigation. Alternative 4 would have the highest number of severe impacts after sound wall mitigation. Alternative 3 has the lowest number of severe noise impacts with both levels of mitigations. See Table 3.4-28, Table 3.4-31, and Table 3.4-34 "Noise Mitigation Effectiveness" of Chapter 3.4.

Section 3.19 Cumulative Impacts

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Noise

Caltrain Service Vision is missed from the planned rail and transit projects discussion. The increased Caltrain service enabled by extension of blended service would add significant cumulative noise impacts. According to Caltrain's "City of San José Booklet"¹⁵ under the adopted Service Vision the number of Caltrains crossing Auzerais and Virginia would increase from 34 per day today to 268 in 2040. At Skyway, Branham, and Chynoweth, Caltrain would increase from 6 (today) to 58 trains per day. These numbers are far higher than those in the Caltrain electrification EIR, and would have substantial effects on grade down time, noise, and vibration. Discussion and quantification of these cumulative impacts is warranted, especially in the areas of noise, vibration, and emergency response where significant impacts exist before the additional Caltrain impacts are considered.

APPENDIX 2-D: APPLICABLE DESIGN STANDARDS

Roadway Work (Grade Separation) Design Checklist

1. Vehicle Classification: Refer to San José Complete Streets Design Standards and Guidelines for design vehicle and control vehicle selection, page 59.

CSJ General Plan Land Uses map:

<https://www.arcgis.com/apps/webappviewer/index.html?id=5c1421e8dc7f4839a70781c3924d7440&extent=-13575059.1668%2C4481254.8279%2C-13560536.1314%2C4490389.0528%2C102100>

2. Design Speed: Refer to San José Complete Streets Design Standards and Guidelines Target Speed information (p. 21). Refer to City General Plans 2040 for street typology and functional classification.

3. Roadway Grades: Refer to San Jose Muni Code 19.36.040 and Maximum Street Gradient Design Standards (<https://records.sanjoseca.gov/Ordinances/ORD17539.pdf>).

4. Roadway X-slopes: 2% max for San Jose Streets.

5. Grade Differential: Refer to Maximum Street Gradient Design Standards.

6. Roadway Width: Refer to San Jose Mini Code 13.05.070 for Standard Right of Way (ROW) Widths, San Jose Complete Streets Design Standards and Guidelines for Chapter V for sidewalk width and Page 15-19 for roadway widths examples.

11. Horizontal Curves: Refer to San Jose Muni Code 19.36.040.

12. Stopping Sight Distance(Vert): Follow latest HDM.

15. Lane Width: Refer to San Jose Complete Streets Design Standards and Guidelines Page 14. The rest design elements should follow latest Caltrans Standard Plans, HDM, AASHTO and NACTO design guide, whichever is more stringent.

16. Cul De Sac: Refer to Muni Code 19.36.080 and San Jose Geometric Design Guidelines

17. Street Knuckle: Refer to San Jose Geometric Design Guidelines

18. Stopping Sight Distance (Hori): Follow latest HDM.

Design speed should follow the San Jose Complete Streets Design Standards and Guidelines Target Speed associated with Street Typology and add Street Typology into the design elements where applicable.

¹⁵ https://caltrain2040.org/wp-content/uploads/CBP_CIA_R2_Booklet_SJ-2.pdf

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APPENDIX 2-E: PROJECT IMPACT AVOIDANCE AND MINIMIZATION FEATURES ANALYSIS

LU-IAMF#2 Station Area Planning and Local Agency Coordination

The City called for better interagency coordination to resolve the concerns with Alternative 4 and also continue to work together with The HSR Authority to better integrate the Diridon Integrated Station Concept Plan (DISC) into the HSR project design. It appears that such coordination should be better described and identified under LU-IAMF#2. However, LU-IAMF#2 refers to Operations and Maintenance, not structural design issues that could potentially resolve the City's concerns. Addressing the City's concerns via a collaboration between the City and HSR Authority should be via design first, and then operations and maintenance. For example, the EIR/EIS can include an alternative mitigation measure for the HSR Authority to contribute to DISC grade separations at Auzerais and West Virginia, addressing both noise and at-grade crossing safety concerns. It is very unlikely that an operations manual under LU-IAMF#2 would fully resolve at-grade crossing impacts at Auzerais and West Virginia.

APPENDIX 2-K: POLICY CONSISTENCY ANALYSES

Table 3 Policy Inconsistency, Reconciliation, and Rationale for Noise and Vibration - Land Use Compatibility Guidelines for Community Noise in San Jose, Table 4

APPENDIX 2-K: POLICY CONSISTENCY ANALYSES does not resolve or reconcile the project's impacts. Page 2-K-7 states that: "Project implementation would result in noise environments that exceed 70 Ldn which requires acoustical analysis for residential land use/FRA Category 2 and schools and churches, etc./FRA Category 3. At institutional and commercial land use/FRA Category 3, project implementation would result in noise environments that exceed 77 Ldn which requires acoustical analysis." The document provides as a solution a circular reference, referring to LU-IAMF#1 HSR Station Area Development Principles and Guidelines, which again is a future manual to resolve operations and maintenance issues, and not structural design issues that cause the significant noise impacts after mitigation

APPENDIX 3.19-B:

Cumulative Transportation Projects Lists

Caltrain Service Vision adopted October 4, 2019 is missing from the project list. The increased Caltrain service enabled by extension of blended service would add significant cumulative benefits and impacts.

Since Alternative 4 "would provide for an extension of electrification and other infrastructure to support increased regional passenger rail service to Gilroy," disclosure of the reasonably foreseeable impacts due to increased Caltrain service south of Tamien station should be provided. These include additional train horn noise, gate down time, and vibration.

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TT-D0702 Monterey Rd - Fisher Creek Trail

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The aerial structure is developed upon columns. This is contrary to text suggesting that a berm would prevent continuity of Fisher Creek Trail and link to Coyote Creek Trail. Please refer to discussion on Page 3.15.54. Confirm that an existing signalized crossing of at-grade rails will remain in place, and public passage may occur beneath the aerial HSR structure. The City recommends alteration of HSR alignment in this area if this public passage can be sustained.

TT-D4002 College Park Caltrain Station

The proposed rebuild of the College Park Caltrain Station will have a single side platform requiring northbound trains to cross the south bound mainline to reach the station. Please confirm that this design is compatible with level of blended service proposed in the DEIR and the Caltrain Service Vision. If not, please clarify whether service to the station will be impacted. If any additional island platforms are needed, grade separated passenger access across the tracks is necessary.

TT-D4004 and D4005 – Hwy 87 Bikeway Trail and Caltrain service road

The proposed flood wall at the perimeter to Unified School District site appears to impact the entry to the Highway 87 Bikeway Trail. There may also be an impact near Almaden Expressway, and it is unclear how the trail is sustained beneath the Expressway. The City cannot support a tunnel within the trail network, particularly at a site with no potential for observation by police or rangers. The City asks for the trail passage to occur within an unconfined space.

The City has reached out to Caltrain in order to support dual use of its service road planned between the elevated Highway 87 and the active railway by Sta B3198+00. Alternative 4 appears to narrow that space and may jeopardize our efforts to build a trail connection from the Three Creeks Trail to Alma Avenue along the west side of the highway. Caltrain has been supportive of a joint-use trail access. City provided the HSR Authority a copy of the 2015 Three Creeks Trail Vision Study in 2016. We seek a clear statement that a wide passage will support a Class I Bikeway connection from the Highway 87 Bikeway Trail to both sides of Alma Avenue. This improvement would be the north and south of Alma Avenue, and not resolved by use of Willow Street.

Construction Impact Mitigation Measures

The Construction Impact Mitigation Measures are an area of significant concern where the DEIR needs to be expanded in detail and clarified in order to allow the City to provide meaningful and comprehensive review. The construction impact outreach and mitigation plan measures lack specificity and does not commit HSR to a specific course of action that will reduce significant impacts. Please further articulate the scope, timing, and commitments of HSR to mitigate construction impacts and how the proposed mitigations will fully and adequately address each impact. Without some level of detail with respect to anticipated impacts and corresponding mitigation measures it is not possible to determine if the mitigation itself triggers other environmental considerations. At a minimum, the mitigation measures should specify how they will comply with the intent of the City's Construction Impact Ordinance as set forth in Title 13, Section 13.36 of the San Jose Municipal Code.

The City expects the HSR Authority to enter into a mutually-beneficial master cooperative agreement with the City that includes very specific and proactive construction impact outreach and mitigation plan measures. For example, the specific measures should include:

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- a traffic/transportation management plan that outlines the timing of street, trail and transit service closures and alternative routes for all travelers;
- a detailed outreach and impact mitigation approach that proactively addresses the needs of businesses, residents, employees, and other visitors, with clear, culturally competent and multilingual communication channels, processes and points of contacts;
- advance information about the processes for construction easements and/or damages, including for landlords and businesses that are concerned about leasing their properties in anticipation of the project; and
- truck haul routes that avoid further exacerbating construction impacts.

The City expects the construction outreach and impact mitigation elements to be well-planned and coordinated far in advance of the start of construction, such that negative impacts, anticipated or not, can be responsibly, quickly, and thoroughly addressed. This will provide assurance and certainty for the City, community, and particularly the businesses, institutions, and residents most impacted by construction of this extensive project.

Agency Jurisdiction, Environmental Compliance and Implications for City

The DEIR does not clearly identify and explain the roles and responsibilities of various other public agencies, including the City, who will be required to issue or approve various discretionary agreements, permits or licenses as part of the project. The City seeks certainty about which agency is intended to have jurisdiction for various aspects of the project, i.e. roles, responsibilities, and resource commitments. For example, HSR has established an Environmental Management System to ensure systematic accountability of mitigation measures. As part of this, HSR has developed an Environmental Impact Compliance and Reporting (EICR) matrix for the project to enable a complete tracking of all the mitigation measures. This matrix documents the environmental issue, mitigation measure, implementation timeframe, and responsibility and oversight. This compliance system includes the following key elements:

- Federal and state environmental mitigation measures, referred to as the Mitigation Monitoring and Reporting Program (MMRP);
- Design Requirements and Best Management Practices to avoid environmental impacts;
- Property Specific Requirements developed prior to right-of-way acquisition to minimize effects on property owners;
- Archaeological Sensitive Area (ASA) tracking; and
- Permit Compliance Monitoring, as jurisdictional agencies' permits are obtained.

Unfortunately, the above-referenced documents do not clearly articulate the role and obligation of the City of San José as a responsible agency for the HSR project. The City expects the HSR Authority to work with the City to clarify the City's obligations and responsibilities for the HSR project. The City will be required to take discretionary actions for encroachment permits, temporary street closures, utility realignments, pavement repairs, and other related work within the City. Mitigation measure monitoring may be tracked by the City through its permit compliance system, through the HSR system discussed above, and/or through other agencies (i.e., the Santa Clara Valley Water District).

A formal agreement articulating the responsibilities of the City and the HSR Authority regarding mitigation monitoring and compliance with the environmental document will be required. The DEIR should clarify the Master Cooperative Agreement between the City and the HSR Authority will be the mechanism for specifying roles and responsibilities.

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No.	Section	Report Page	Subject	CSJ COMMENTS
1			General Comment	Per City Council 5-1 Intersection Adverse Affects have to be addressed. Refer to the City's Transportation Analysis Handbook on how to address adverse affects. Link to City Council 5-1: https://www.sanjoseca.gov/your-government/departments-offices/transportation/planning-policies/vehicle-miles-traveled-metric
2			General Comment	Include vehicular queuing analysis at all left turn pockets at study intersections and lengthening of pockets where feasible.
3			General Comment	Include analysis to changes of access and circulation to properties affected by the alignment.
4			General Comment	Provide analysis of pedestrian and bike safety at at-grade intersection crossings.
5			General Comment	Provide parking numbers required by the project. Where will employees park?
6			General Comment	Include sight distance analysis at study intersections with train crossings and any required improvements to improve sight distance
7			General Comments	This EIR proposes environmental clearance of an HSR project for construction when the corridors from Transbay to Santa Clara and Santa Clara to Gilroy are in the midst of multiple on-going multi-agency planning processes to define the futures of those corridors.
8			General Comment: Proposed baseball stadium	Remove all reference to the ballpark stadium EIR and project. The project is not moving forward, therefore mentioning it is irrelevant, even it was approved. The Diridon Station Area Plan is currently being amended to remove the ballpark land use entirely.
9			General Comment: Google Development	Update all reference to Google development to state the following: <ul style="list-style-type: none"> - Google development is 85 acre - Diridon Station Area is 250 acre - As of October 2019, Google's office development ranges from 6.5-7.3 MSF of office - At the time of HSR construction, depending on schedule overlaps with other future developments (i.e. Google), parking conditions may vary and HSR may need to conform to different parking conditions.
10			General Comment: Planned Passenger Rail Projects	Update dates throughout EIR documents: <ul style="list-style-type: none"> - BART Ph1 Berryessa BART Station began passenger service on June 13, 2020 (not 2019) - BART Ph 2 plans to open in 2029/2030 (not 2026) - Capitol Expressway Light Rail Project plans to open in 2026

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11			Public Art/Muni Code 22.08 Art Program	Any visible HSR infrastructure, especially that which is above grade in San Jose, should set aside at least one percent of the construction budget for public art - this would comply with the City's percent for art ordinance. This can be used to hire an artist or artist(s) to help integrate a thoughtful design approach to any infrastructure that is significantly visible.
12			Public Art Master Plan	Any structures that go into the city environment, sound walls, above grade work, or new construction, will need to have an aesthetic component per San Jose Public Art Master Plan, approved by City Council in March 2007. The Masterplan established priorities for the Public Art Program and recommends public art elements will be incorporated into high-traffic transportation corridors and pedestrian areas. Attached is a list of recommendations regarding public art, aesthetics and design for HSRA to consider when we update the draft Visual Design Guidelines. Link to the Public Art Master Plan: https://www.sanjoseca.gov/home/showdocument?id=2008 Page 18 of the plan describe Transit Corridors and High Transportation Hubs
13	Ch 2 Alternatives	2-17	Figure 2-16 Four-Track Viaduct	Provide dimensions for distance from outer tracts to central superstructure viaduct
14	Ch 2 Alternatives	2-36	Planned Land Use	Revise following sentence in 2nd paragraph as shown below: "North of San Jose Diridon Station, a seven-story mixed-use development is under construction and nearly completed on Stockton Avenue."
15	Ch 2 Alternatives	2-36	Planned Land Use	"A phased single-family residential project is moving forward on Communications Hill..." I believe this is multifamily.
16	Ch 2 Alternatives	2-38	Table 2-5 Planned Transportation Improvements	1. Remove Park Ave and St John Multimodal projects, completed in 2018. 2. Remove Autumn St widening. Segment from UPRR to Julian St was completed in 2018 and Google development will complete the project to San Carlos St
17	Ch 2 Alternatives	2-57	Irrigation & Drainage	For facilities mentioned that may need to be modified or replaces, will it be HSR that will construct these improvements?
18	Ch 2 Alternatives	2-117	Alternative 4 - Diridon Design Variant	Depending on construction scheduling in comparison to other future developments, alteration of curvature of rail alignment may affect parcels and feasibility of modifications along area approaching Diridon Station. Variant needs further coordination with future developments north of Diridon Station.

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19	Ch 2 Alternatives	2-135	Construction Plan	Depending on actual construction schedule may need to take into consideration impacts and overlap effects of other major projects within the Diridon Station such as BART phase II and Google development. Construction Impact Mitigation Plan will need to be provided
20	Ch 2 Alternatives	2-140	Table 2-17 Construction Staging San Jose Diridon Station Subsection	1st row - this area (north of Julian, between Caltrain and Montgomery St) is proposed for development and may not be available for staging area 2nd row - "east of Lafayette St" is not San Jose jurisdiction; it is City of Santa Clara jurisdiction
21	Ch 2 Alternatives	2-140	Table 2-17 Construction Staging Monterey Corridor	PEPD plans shows construction staging area at Monterey Rd and Blossom Hill Rd in Alternative 1-3, add to table.
22	Ch 2 Alternatives	2-157	Local Permits	Local permits may include, but not limited to major encroachment permits, grading and drainage permits, major improvement permits
23	Ch 3.2 Transportation	3.2-4	Regional and Local	Include City's Council 5-1 VMT Policy as a relevant City policy and plan for transportation. Link to City's policy: https://www.sanjoseca.gov/your-government/departments-offices/transportation/planning-policies/vehicle-miles-traveled-metric
24	Ch 3.2 Transportation	3.2-6	Definition of Resource Study Area	Include driveway access and circulation changes to affected parcels as an indirect impact and provide narrative as how those impacts will be addressed by the project for each alternative.
25	Ch 3.2 Transportation	3.2-9	Methods for Impact Analysis	Provide more information and figures as to where resources are available for passenger loading/unloading and how shuttles will be provided by the project. Where are the anticipated areas?
26	Ch 3.2 Transportation	3.2-12	Baseline Operations Analysis	City requires analysis of Background Plus Project scenario to analyze LOS adverse affects at study intersections. The Background scenario includes approved and pending projects.
27	Ch 3.2 Transportation	3.2-19	San Jose Diridon Station Approach Subsection	Note: The City does not require LOS study of signalized intersections within the Downtown boundary.
28	Ch 3.2 Transportation	3.2-34	Diridon Station Approach Subsection Bicycle Facilities	There are 24 electronic bike lockers registered to BikeLink users located on Crandall St (16 spaces), and Laurel Grove Ln (8 spaces). Revise the following paragraph by adding the statement written in bold below: The station provides 16 bicycle parking spaces at outdoor bicycle racks, 24 bike parking spaces in electronic bike lockers and 48 bicycle parking spaces in reserved lockers, for a total of 88 bicycle parking spaces. A 27-space Bay Area Bike Share station is located on the south side of Crandall Street.

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29	Ch 3.2 Transportation	3.2-35	Figure 3.2-7 San Jose Diridon Station Existing Bicycle Facilities	General Comment: At the time of construction, circulation and bike lane provisions may differ from its current condition from information provided. Depending which development takes precedence within Diridon Station Area, there may be an varying facility conditions from information shown in Figure 3.2-7
30	Ch 3.2 Transportation	3.2-35	Figure 3.2-7 San Jose Diridon Station Existing Bicycle Facilities	Refer to the 2025 City's Bike Plan for existing and proposed bicycle improvements. Link to 2025 Bike Plan: https://tooledesign.github.io/San_Jose_Bike_Plan/new/#map Missing existing Class II bike facility, add on: - Autumn (St John to Park), Montgomery (Park to San Carlos), and Bird (San Carlos to SR280) - Almaden BL/Vine (from Balbach/Woz continuing south) - W San Fernando (Diridon to Race st) - Race (Alameda to Park, and south of San Carlos) - Lincoln (south of San Carlos) Missing existing Class III bike facility, add on Virginia (east of Hwy 87) Revise text descriptions on Page 3.2-34 to reflect above.
31	Ch 3.2 Transportation	3.2-50	Impact TR#3: Permanent Delay/Congestion Consequences on Freeways and Roadways from Permanent Road Closures and Relocations	Permanent roadway closures and changes require separate individual VMT analyses and clearance under CEQA. Under operations, analysis needs to be provided for volume shifts to adjacent streets, impacts to bike and pedestrian access, impacts to access/circulation of adjacent properties and any resulting LOS adverse affects. Note: General Plan Street Closures require approval by the City's Planning Commission
32	Ch 3.2 Transportation	3.2-64 to 3.2-73	Impact TR#8: Temporary Construction-Related Effects on Parking Impact TR#9 Permanent Effects Related to Parking	Include discussion of any parking impacts to residential streets resulting from roadway changes or closures.
33	Ch 3.2 Transportation	3.2-75	Impact TR#10: Temporary Impacts on Bus Transit	Coordinate with VTA regarding impacts to public transit and possible improvements/changes in service to alleviate impacts.

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34	Ch 3.2 Transportation	3.2-84	North Railroad Trail	<p>Reference to North Railroad Trail only appears in this table, and not elsewhere in the Transportation or Parks & Open Space sections. Recommend clarity on site location, consistency with Class I Bikeway Trail design standards and explanation of any potential impacts. This trail system is not identified per the City's Trail Database.</p> <p>If understanding the "No Project Conditions" definition, we are supportive of the project assuming role of delivering the Los Gatos Creek Trail under-crossing.</p>
35	Ch 3.2 Transportation	3.2-95	TR-MM#2: Install Transit Signal Priority	In the San Jose Diridon Station Area, TSP on Cahill, Montgomery, and Autumn streets will be competing with TSP on Santa Clara Street, so this measure seems ineffective.
36	Ch 3.2 Transportation	3.12-105	Parking in Diridon Area	Minimum amount of parking is required needs to be maintained throughout the phasing of HSR project within the Diridon area. Permanent displacement of parking should not affect the minimum amount of parking provided for events at SAP. Preferred alternative 4 would have the least impact on displacing parking
37	3.4 Noise and Vibration	3.4-91	Horn Noise	Due to the safety impacts of adding or enabling over two hundred HSR and Caltrain trips a day, increases in train speeds, and increased grade crossings distances, at grade crossings, city staff would not support implementing quiet zones along Monterey Road in San José. Even if San Jose implemented quiet zones, they could be terminated in the future per train horn regulations in CFR Part 222.51, due to increased level of risk to the motoring public at public highway-rail grade crossings. Therefore, horn noise impacts and mitigation should be evaluated as if quiet zones are not implemented in San José.
38	Ch 3.6 Public Utilities & Energy		General Comment	At what design stage will minor utilities be shown in plan drawings? 30% or 60%?
39	Ch 3.6 Public Utilities & Energy	3.6-2	Key Definitions/Public Utilities Wastewater Lines	The report defines wastewater lines of outside diameter of ≥ 20 inches as major public utilities. However, HSR's response to City's comments from 2018 stated that "For SS, major utility is defined as $\text{Ø} \geq 24$." Please clarify which definition is correct. The 15% Plan & Profile is missing at least one 21" SS line, which should be added if the definition in EIR is correct.
40	Ch 3.6 Public Utilities & Energy	3.6-2	Key Definitions/Public Utilities Stormwater Lines	Impact evaluation of Public Utilities includes storm mains ≥ 42 -inch. Contractor is responsible for identifying all impacted storm assets, including smaller diameter, and protecting in place to ensure functionable and operational, with no reduction of capacity during relocation and construction of HSR project.

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41	Ch 3.6 Public Utilities & Energy	3.6-19	Table 3.6-3 Major Utility Lines within the Public Utility Resource Study Area	Table 3.6-3: What data was used and how was the number of Storm and Sanitary Sewer utilities within the Study determined? (e.g. spatial selection in GIS, as-built records, etc.)
42	Ch 3.6 Public Utilities & Energy	3.6-28	Public Water Utilities and Energy, San Jose Municipal Water System	In the first paragraph, revise the last two sentences to read as: In the neighborhoods of Edenvale, and Coyote Valley, groundwater from the Santa Clara Subbasin provides for most of the potable water use. The Evergreen service area receives both treated surface water and groundwater supply from SCVWD.
43	Ch 3.6 Public Utilities & Energy	3.6-35	Public Utilities	3rd Paragraph - The City of San Jose has 17 active sanitary pump stations; not 16.
44	Ch 3.6 Public Utilities & Energy	3.6-37	Public Utilities	Correct number for storm drain line is more than 1100 miles; Correct number for catch basins is 35,500; Correct number for storm pump stations is 31.
45	Ch 3.6 Public Utilities & Energy	3.6-51	Impact PUE#1: Planned and Accidental Temporary Interruption of Utility Service	2nd paragraph - There is a misspelled of the word "Bult"; Please correct.
46	Ch 3.6 Public Utilities & Energy	3.6-51	Impact PUE#1: Planned and Accidental Temporary Interruption of Utility Service	3rd Paragraph - List of critical facilities to be interrupted by the construction should be listed,
47	Ch 3.6 Public Utilities & Energy	3.6-52-53	Impact PUE#2: Temporary Impacts from Water Use	The report declares the impact to portable usage would be "less than significant", with average increase of 10% of the normal water usage. How will the water from the construction be mitigated? Will it be collected and trucked off site? Disposed of in sanitary sewer? If sanitary sewer, need to coordinate with DOT Sewer Division to ensure capacity. Is the amount of water to be used expected to be "less than significant" as well?
48	Ch 3.6 Public Utilities & Energy	3.6-55	Impact PUE#3: Reduced Access to Existing Utilities in the HSR Right-of-Way - Construction access	Report indicates right-of-way to be permanently fenced and secured. Any closure/construction impacts to City of San Jose right-of-way will be subject to review and issuance of encroachment permit.

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49	Ch 3.6 Public Utilities & Energy	3.6-55	Table 3.6-13 Major Utility Conflicts and New Utility Installations	<p>Provide relocation plans for ALL City storm and sanitary sewer lines that the project is proposing to relocate, including pump stations. Project must coordinate with the City of San Jose and obtain approval prior to construction.</p> <p>For sanitary and storm relocations, include language on easements and maintenance access to City utilities post-construction of project.</p> <p>Will relocation of the storm pump stations (Taylor, Delmas, Willow, Alma, and Almaden) require land acquisition and coordination with City Real Estate?</p>
50	Ch 3.6 Public Utilities & Energy	3.6-56	Impact PUE#4: Existing Major Utilities Requiring Relocation or Removal	<p>Revise paragraph by adding statement/words written in bold below. Construction of any of the project alternatives would require excavation to support construction of various HSR facilities including elevated structures, railbeds, below-ground tracks, or tunnels. During excavation activities, buried utility lines (including water supply pipelines, natural gas, fuel, communication, and sanitary sewer lines, storm drains, and electrical lines) may be uncovered, which could result in conflicts with existing major utilities during construction because major utilities may need to be permanently relocated as a result of construction. In addition, conflicts could result from existing surface structures, including electrical substations and water conveyance facilities, groundwater well and pump stations, aboveground or overhead electric lines, transmission towers, communication lines, and other major utilities that are in conflict with construction of HSR facilities because the utilities may need to be permanently relocated or permanently removed as a result of construction. <u>Relocation of the three existing pump station facilities for San Jose Municipal Water System may include land requisition, permitting process and approval from State Department of Drinking Water, specialized construction of installing new wells, installation of new pumps, motors, installation of new storm drain, protective enclosures and new conveyance piping system.</u></p>
51	Ch 3.6 Public Utilities & Energy	3.6-56	Impact PUE#4: Existing Major Utilities Requiring Relocation or Removal	<p>For existing utilities (including pipelines and pump stations) to be relocated outside the HSR's right-of-way, clarify if there are acquisitions of private properties, and how they would affect the CEQA. Clarify if any existing land use would be changed to accommodate the installation and operation of relocated utilities.</p>

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52	Ch 3.6 Public Utilities & Energy	3.6-57	Impact PUE#4: Existing Major Utilities Requiring Relocation or Removal Pump Stations	City of San Jose prefers gravity solutions over pumping due to operation and maintenance concerns related to pump stations. Project applicant should identify alternative ways to convey wastewater via gravity lines.
53	Ch 3.6 Public Utilities & Energy	3.6-58	Impact PUE#5: Temporary Impacts from Construction of New Utility Infrastructure	Last Paragraph - The City requests that temporary impact to City's essential facilities (such as sanitary pump stations) to be discussed in detail.
54	Ch 3.6 Public Utilities & Energy	3.6-65	Impact PUE#6: Temporary Impacts from Stormwater and Wastewater Generation during Construction	4th paragraph - Discharging wastewater directly into City's sanitary line needs to be closely coordinated with City's staff for capacity and maintenance activities.
55	Ch 3.6 Public Utilities & Energy	3.6-66	Impact PUE#6: Temporary Impacts from Stormwater and Wastewater Generation during Construction	2nd paragraph - SWPPP should be prepared by qualified Developer and Practitioner.
56	Ch 3.6 Public Utilities & Energy	3.6-71/72	Impact PUE#8: Continuous Permanent Impacts from Water Use - CEQA conclusion	Permanent impact to water use; Diridon Station's existing water usage is 5,400 gallons per day (gpd). The proposed project will use 24,200 gpd. This is a fourfold increase in water usage, yet the report declares "Less than significant impact". Was a Water Supply Assessment prepared or used to determine the threshold for "significant impact" in term of water use? Please document the evidence used to determine the level of significance.
57	Ch 3.6 Public Utilities & Energy	3.6-73	Impact PUE#9: Continuous Permanent Impacts from Wastewater Generation - CEQA conclusion	CEQA conclusion for wastewater impact for Diridon station is "less than significant". This seems to be underestimated. The report projects Diridon Station will generate 24,200 gpd of wastewater and will assume an increase of 0.01% at the Treatment Plant. The 24,200 gpd amount is a 4 times increase in wastewater generation at Diridon Station. While the ultimate impact to the wastewater facility may be "less than significant," the impact on the existing localized wastewater infrastructure near the Station is significant. The project should include capital improvement funding to upsize the collection system infrastructure downstream of the Station.
58	Ch 3.6 Public Utilities & Energy	3.6-73	Impact PUE#9: Continuous Permanent Impacts from Wastewater Generation - CEQA conclusion	With the increase in wastewater generation, the capacity of sanitary pumps stations between the Station and the Regional Wastewater Facility should be evaluated for impacts to sanitary sewer capacity as well. There is no mention of this analysis in the report.

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59	Ch 3.8 Hydrology Water Resources	3.8-46	Impact Impact HYD#2: Permanent Impacts on Drainage Patterns and Stormwater Runoff during Construction - Stormwater management	HYD-IAMF#1 and #2 both state that contractor shall prepare stormwater management plan and flood protection plan for review prior to construction and during design phase, stormwater capacity will be evaluated. How do we know the impacts to City streets and infrastructure with the EIR? Identify stormwater treatment facilities required within CSJ public right-of-way. Project needs to provide treatment for any new or replaced travel lane area exceeding 10,000 s.f. of impervious surface
60	Ch 3.8 Hydrology Water Resources	3.8-54	Hydrology	Provide drainage report and sizing calcs for additional impervious area and new drainage area runoff conveyed to City of San Jose storm system.
61	Ch 3.8Hydrology Water Resources	3.8-78	Hydrogeology and Water Resources	Revise 1 st paragraph by adding the statement written in bold below:All four alternatives would require the protection of public drinking water supply wells during construction, as described in Impact HYD#8, and potentially the relocation of public drinking water supply wells. Existing wells in the HSR track alignment, such as below a viaduct or embankment, and other permanent impact areas, such as below realigned Monterey Road, would likely be abandoned and relocated nearby. <u>As in the case of San Jose Municipal Water System, there are three domestic groundwater well production facilities of approximate 300 feet depth designed to pump approximately 2,000 GPM each of potable water to provide water supply to San José Municipal Water System customers. Replacing these wells would likely require land acquisition, environmental review, permitting and approval from State Department of Drinking Water, specialized construction to drill at least 600 feet depth, and installation of pumps, motors, and protective enclosures.</u> Table 3.8-24 shows the existing public drinking water supply wells in the footprint of each alternative and subsection and the project’s requirements to protect or relocate these wells in coordination with the owner.....
62	Ch 3.11 Safety & Security	3.11-10	CA HSR Program Safety and Security Management Plan	This section states that the HSR alignment would be fully access-controlled, meaning that the public would be able to access the system only at the station platforms, and that access-control barriers and railway/roadway vehicle barriers along the right-of-way would prevent intrusion into the right-of-way. This is not true for Alternative 4 which includes at-grade crossings through which people, animal, vehicles, etc. can enter and cross the rail right of way. For safety reasons, at-grade crossings on the HSR corridor are unacceptable to the City of San Jose.

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63	Ch 3.11 Safety & Security	3.11-68	Impact S&S#12: Permanent Exposure to Rail-Related Hazards	In the San Jose Diridon Station Approach, two at-grade crossings are listed. However, there is a third at-grade crossing (pedestrian-only) at College Park Caltrain Station. Please include this and address.
64	Ch 3.13 Station Planning Land Use	3.13-1	Station Planning, Land Use, and Development - Appendix 2-J, Regional and Local Plans and Policies	Explain how EIR/EIR reconcile project design with the following policies of the City of San Jose General Plan: Goal EC-2 – Vibration. Minimize vibration impacts on people, residences, and business operations. Policy EC-2.1: Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. And, Policy EC-2.2: Require new sources of ground-borne vibration, such as transit along fixed rail systems or the operation of impulsive equipment, to minimize vibration impacts on existing sensitive land uses to levels at or below the guidelines of the Federal Transit Administration. Add City Policy EC-2 to Appendix 2-K for analysis.
65	Ch 3.13 Station Planning Land Use	3.13-3	Consistency with Plans and Laws	Add under the bullet point list those areas plans for San Jose: the Envision San Jose 2040 General Plan, and the Diridon Station Area Plan (2014), at minimum. In the same page the document states that: "Appendix 2-K further details the project's inconsistency with these local and regional land use policies. It also includes a discussion of approaches the Authority has committed to take to reconcile any inconsistency as well as the rationale for carrying forth the project where it remains inconsistent with the policy despite these approaches." It does not. Appendix 2-K does not provide information that would reconcile major policy issues with noise and vibration.
66	Ch 3.13 Station Planning Land Use	3.13-7	SJ Diridon Station Area	Existing Land Use surrounding Diridon Station will be undergoing substantial changes and will most likely impact this document's current approach in analyzing the Diridon Station Area. Industrial uses will be changed and will be substituted mostly by residential and office/commercial uses.
67	Ch 3.13 Station Planning Land Use	3.13-7	Monterey Corridor Subsection	The first paragraph says that Alts 1, 2, 3 would be on the west side of UPRR, and Alt 4 would be on the east side of UPRR. Please correct this to say vice versa.
68	Ch 3.13 Station Planning Land Use	3.13-8	Figure 3.13-1 Existing Land Uses - Diridon Area	This figure should be updated to reflect high-density residential developments that are already built and occupied at 808 W San Carlos St and 333 Sunol St; park land at Del Monte Park (806 W Home St); and commercial uses rather than industrial on the east side of SR 87. Also, much of the land on the east side of the Caltrain corridor in the station footprint boundary is proposed for commercial/mixed use (Google); it is misleading to leave this shown as industrial.

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69	Ch 3.13 Station Planning Land Use	3.13-19	Figure 3.13-7 Planned Land Uses (Current Zoning)—San Jose Diridon Station RSA	Information shown on map may need to be changed to reflect pending land use changes due to the proposed Google development. Google development should be included in discussion for planned developments around the Diridon Station Area as it may impact past and future analyses of the area.
70	Ch 3.13 Station Planning Land Use	3.13-24	Planned Development - San Jose Diridon Station Approach Subsection	Expand the reference that says: "In addition, the Authority, Caltrain, the City of San Jose, and the VTA have formed a partnership to initiate a concept plan to transform San Jose Diridon Station." to Include future inter-agency collaboration under LU-IAMF#2 Station Area Planning and Local Agency coordination.
71	Ch 3.13 Station Planning Land Use	3.13-42	Table 3.13-5 Land Use Permanently Converted by the Project Alternatives	Is this table based on the existing land uses shown in Figure 3.13-1? If so, then the amount of existing commercial land uses that will be permanently converted by the project alternatives is underestimated.
72	Ch 3.13 Station Planning Land Use	3.13-46	Table 3.13-6 Summary of Permanent Land Conversion...	Is this table based on the existing land uses shown in Figure 3.13-1? If so, then the amount of existing commercial land uses that will be permanently converted by the project alternatives is underestimated.
73	Ch 3.15 Parks Recreation Open Space	3.15-1	Definition of Resources - Parks	Update definition of Parks to state that “for active and passive recreational or ornamental purposes.” Please note that not all “Park” space may be publicly open. San Jose, like may public agencies manages POPOS (Privately Owned, Public Open Space) which is governed by agreements between the agency and landowner. These spaces should be protected in a similar manner. Clarity on this point is required on page 3.15-5, as parks on that page are defined as only upon public lands.
74	Ch 3.15 Parks Recreation Open Space	3.15-1	Definition of Resources - Recreation	Update definition of “Recreation”. Recognize that pedestrian and bicycle trails are active transportation resources as noted by the City of San Jose General Plan, Bike Plan 2020 and the Caltrans Highway Design Manual Chapter 1000.
75	Ch 3.15 Parks Recreation Open Space	3.15-7	Parks, Recreation, and Open Space Resources	Include a cross-reference to confirm that “Walking/Biking Trails” are recognized as transportation facilities per the City of San Jose General Plan, Bike Plan 2020 and the Caltrans Highway Design Manual Chapter 1000 (recommend that this occur as part of Section 3.2.5.5 at a minimum).

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76	Ch 3.15 Parks Recreation Open Space	3.15-9	Figure 3.15-1 Parks, Recreation, Open Space Resources, and School District Play Areas—San Jose Diridon Station Approach Subsection (north)	<p>Map misidentifies the Guadalupe River Park (5). The park extends from Highway 280 to Highway 880. The area indicated, north of Highway 880, is the “Lower Guadalupe River Trail”. The Lower Guadalupe River Trail extends from Highway 880 to Gold Street in Alviso. The trail alignment between Airport Parkway and Green Island Bridge (south of Highway 101) occurs on both sides of the river. Recommend that map be updated to reflect these points.</p> <p>Confirm with the City of Santa Clara that “College Park” is a park site. We believe that College Park refers to the neighborhood and train station. College Park is not found on the City of Santa Clara’s Parks and Recreation Department website.</p> <p>The west bank “open space” green line from Highway 237 to Gold Street is not a public facility and is not open to the public. Neither San Jose, nor Santa Clara have processed a CEQA document for public access nor (to our knowledge) entered into a Joint Trail Agreement with the Santa Clara Valley Water District.</p> <p>The map does not identify San Jose’s Riverview Park and Santa Clara’s Rivermark Park; both directly adjacent to the river, near River Oaks Parkway.</p>
77	Ch 3.15 Parks Recreation Open Space	3.15-10	Figure 3.15-2 Parks, Recreation, Open Space Resources, and School District Play Areas — San Jose Diridon Station Approach Subsection (south)	<p>Discovery Dog Park is incorrectly marked. The park exists between Delmas Avenue and the freeway embankment, between Santa Clara Street and Park Avenue. Ensure that level of impact during construction and permanently is accurately discussed.</p> <p>Map shows but does not label the Communications Hill Trail (at lower right corner).</p> <p>Identify the Three Creeks Trail as an “Open” system, from Lonus Street to the Falcon Court cul-de-sac (immediately west of the Guadalupe River).</p> <p>The Guadalupe River Trail has been master planned from Virginia Street to Alma Avenue (and southward to Chynoweth Avenue) but is not currently developed or opened as suggested by the map.</p> <p>Map is not showing Arena Green as a Park Facility (along the Guadalupe River, on both banks, from Santa Clara Street to Julian Street)</p>

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78	Ch 3.15 Parks Recreation Open Space	3.15-11	Figure 3.15-3 Parks, Recreation, Open Space Resources, and School District Play Areas—Monterey Corridor Subsection	The Guadalupe River Park (6) is not as noted near Highway 85. The Guadalupe River Trail extends from Chynoweth Avenue to Coleman Road, along the east bank of the river and ponds. The substantial open space adjacent to the trail is under governance of the Santa Clara Valley Water District is not currently open to the public (unless the District has indicated otherwise).
79	Ch 3.15 Parks Recreation Open Space	3.15-10 to 3.15-12	Figure 3.15-2 to Figure 3.15-4 Parks, Recreation, Open Space Resources	<p>The following parks are within the resource study boundaries but are not identified in the Figures: Guadalupe Gardens, Arena Green, John P. McEnery Park, Del Monte Park, Discovery Meadows, River Glen Park, Roberto Antonio Balermio Park, Viera Park, William Lewis Manly Park, Hillsdale Fitness Park (planned), Elaine Richardson Park, Solari Park, Parkview III Park.</p> <p>Link to the City's Parks and Trail map: https://www.sanjoseca.gov/your-government/departments/parks-recreation-neighborhood-services/outdoor-activities/-selcat-102/-npage-7</p> <p>Similarly, none of the PRNS facilities outside of parks and trails within the boundary are included. I'm not sure if these fall under the recreational facilities category as defined by the EIR? If so, then Southside Community Center, Evandale Library, Seven Trees Community Center, Dairy Hill Open Space, and Tuscany Hills Open Space may need to be added?</p>
80	Ch 3.15 Parks Recreation Open Space	3.15-32 to 3.15-40	Table 3.15-4 Noise, Vibration, and Construction Emissions Impacts on Use and User Experience of Parks, Recreational Facilities, and Open Space Resources	What defines a space as urban, residential, or industrial? Several parks are labeled as "urban" but are very much within a residential setting.

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81	Ch 3.15 Parks Recreation Open Space	3.15-52	Guadalupe River Trail	<p>The project proposes acquisition of 0.70 acres and reports that a portion of the existing trail will be impacted during construction. The extent of the trail narrowing should be stated. The trail system supports between 200,000 and 350,000 users annually, so sustaining a minimum 8' wide trail (per Caltrans Highway Design Manual) is the most significant impact that could be contemplated. Recommend more detail on the short-term and long-term impact. Concern about public safety should columns or other visual barriers be proposed in close proximity to the trail system.</p> <p>The narrative introduces impacts along the 3-mile section of the park (assuming that this means the Guadalupe River Park, from 880 to 280). But the discussion identifies no impacts in Alviso, which is 6 miles to the north from the park. Recommend greater clarity on the type of work and locations.</p>
82	Ch 3.15 Parks Recreation Open Space	3.15-52	Los Gatos Creek Trail	<p>Document misreports that the Los Gatos Creek Trail commences at "Main Street in San Jose". This site is in the Town of Los Gatos. And the trail system itself begins at Lexington Dam, well above the Town of Los Gatos.</p>
83	Ch 3.15 Parks Recreation Open Space	3.15-63	Table 3.15-7 Permanent Parks, Recreation, and Open Space Acquisitions	<p>Why is Tamien Park listed here but not listed in Impact PK#4? The impacted area will block an access point into the park as well as a pedestrian pathway towards Tamien Station.</p>
84	Ch 3.15 Parks Recreation Open Space	3.15-65	Impact PK#6: Permanent Acquisition of Parks, Recreation, and Open Space Resources	<p>The EIR describes Tamien Park Phase 2 as a "planned expansion". For clarity, the word expansion is not appropriate since Phase 2 is the continuation of the original master planned and approved design, rather than an expansion to an already completed park. Perhaps "planned development" or "planned buildout" are more appropriate.</p> <p>It should be noted too that the impacts to Tamien Park would also include disruption of the internal park circulation (a portion of the main pathway around the park is within the impacted area) as well as pedestrian access between the park and Tamien Station.</p> <p>Note that Tamien Park Phase II has been bid, and construction to commence Summer 2020, with a public opening before construction of HSR.</p>
85	Ch 3.15 Parks Recreation Open Space	3.15-117	PR-MM#1: Provide Access to Trails during Construction	<p>It is understood that access to a Class I Bikeway detour is to be provided. However, narrative explains that detours leading to public streets will be required. Recommend that a prolonged detour of a Class I Bikeway be met with a viable off-street route.</p>

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86	Ch 3.16 Aesthetics	3.16-5	Envision San Jose 2040 General Plan (City of San Jose 2011)	Paragraph should include mention of AC-2, pg. 12, of the City's General Plan that states: high impact public art should be integrated throughout the community
87	Ch 3.16 Aesthetics	3.16-6	Definition of resource study area	Paragraph should include mention of Public Art. Example: Definition of Resource Study Area The RSA is the area in which all environmental investigations specific to aesthetics and visual quality are conducted to determine the resource characteristics and potential project impacts. The RSA for direct and indirect impacts encompasses a 0.5-mile distance from the project footprint in rural areas and a 0.25-mile distance from the project footprint in urbanized areas. Where elevated or more expansive views are present or where there are prominent and regionally important visual and scenic features, such as mountain ridgelines, large iconic structures, public art , or water features, middle ground views (up to 3 miles from the project footprint) and background views (beyond 3 miles from the project footprint) are discussed as contributing visual elements to the RSA.
88	Ch 3.16 Aesthetics	3.16-19	Diridon Station Landscape Unit Visual Character/Cultural Environment	Paragraph should include mention of the new largescale mural at the Modera lofts should be mentioned, example: A new colorful residential loft building, converted from the historic Del Monte Plant 51, is visible from the station and includes a visible multi-story mural .
89	Ch 3.16 Aesthetics	3.16-24	San Jose Station Approach Landscape Unit	Paragraph should include mention of public art assets along the Guadalupe River Trail. Example: Guadalupe River Park is a 3-mile ribbon of parkland that runs along the banks of the Guadalupe River in the heart of downtown San Jose from I-880 at the north, to I-280 at the south. It is a resource of regional importance to the people of Santa Clara County and the San Francisco Bay Area (Bay Area) and numerous Public Art assets are located along the park trail .
90	Ch 3.16 Aesthetics	3.16-88	Figure 3.16-19 W Hedding St	Update the first 3 images. Existing condition on Hedding St now includes lane reduction and new bike lane.
91	Ch 3.16 Aesthetics	3.16-101	Impact AVQ#4: Permanent Direct Impacts on Visual Quality- San Jose Station Approach	Disagree with the CEQA conclusion that Alternatives 1, 2, and 3 would have less than significant impact in the Diridon Approach Area. To the north and south of Diridon Station, the HSR viaduct is very tall, and contains numerous straddle bents and columns. These are extraordinary concrete structures, taller than the existing SR-87 viaduct. Even at half the height and with its aesthetic treatments, SR-87 imposes a visual and physical barrier through central San Jose by creating dark underpasses and dead space that is often overtaken by homeless encampments. The HSR viaduct will be taller, casting larger shadows through central San Jose, and creating more dead space that will be plagued by homeless encampments.

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92	Ch 3.20 Design Variants	3.20-9	3.20.3.2 Areas with Impact Differences	This section says that the "construction of the design variants would not affect any different transportation facilities than the alternatives without the DDV and TDV." However, section 3.20.2.1 explains that the DDV would require at least four tracks be shifted in the Diridon Station platform area. This would impact existing train operations and should be disclosed.
93	7.0 Other NEPA CEQA Considerations	7-1	7.1.1 Adverse Effects that Cannot be Avoided under NEPA	This statement is incorrect "The changes to the geometry and capacity of intersections under Alternatives 1, 2, and 3 would result in automobile delay. These delays would not occur under Alternative 4." Alternative 4 significantly increases gate down time at at-grade crossings, causing delay for all users (vehicles, peds, bikes) crossing the railroad corridor.
94	8.0 Preferred Alternative	8-12	Table 8-1 Community and Environmental Factors by Alternative	Under "Emergency Vehicle Access/Response Time" for "Types of mitigation needed..." please add grade separations to cell for Alternative 4.
95	8.0 Preferred Alternative	8-18	8.4.3 Additional Considerations	Would Alt 4 and perhaps portions of Alts 1-3 result in demolition/ reconstruction of part of the Caltrain electrification work in the Diridon Approach subsection due to the need to realign tracks in order to add the additional track? If so, how is this factored into the considerations in this DEIR?
96	8.0 Preferred Alternative	8-19	8.4.3 Additional Considerations	Alternatives 1, 2, and 3 do not contain "infrastructure to support increased regional passenger rail service to Gilroy" because they were conceived and designed assuming no blended service. All three alternatives could be made compatible with blended Caltrain service, through the addition of Caltrain stations and other infrastructure. Adding such elements would create more impacts and add costs to the alternatives, but lack of shared use with Caltrain is not an inherent feature of the alternatives.
97	8.0 Preferred Alternative	8-19	8.4.4 Alternative Comparison	Discussion of the predominant factors contributing to the impacts of Alternative 2 is does not mention the use of Monterey Road right-of-way for the elevated embankment. The same elevated embankment would not create most of the impacts if located within the Union Pacific ROW.
98	APPENDIX 2-E: PROJECT IMPACT AVOIDANCE AND MINIMIZATION FEATURES ANALYSIS	2-E-33 to 2-E-36	TR-IAMF #1-12	Major construction project shall be required as a condition to the permit to submit to the Director of Public Works, for approval by the City Council, a Construction Impact Mitigation Plan (CIMP) as outlined in Muni Code Chapter 13.36 - PUBLIC RIGHT-OF-WAY WORK PERMITS. The CIMP will have more detailed information for each of the areas of where the impacts will be and how they will mitigate.

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99	APPENDIX 2-J: REGIONAL AND LOCAL PLANS AND POLICIES	2-J-99	Table 11 Regional and Local Plans and Policies Relevant to Safety and Security	<p>Missing following Law Enforcement and Fire Protection Policies:</p> <p>ES-3.1 Provide rapid and timely Level of Service response time to all emergencies:</p> <ol style="list-style-type: none"> 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. <p>ES-3.24 Analyze service demands and deploy dynamic response techniques to reduce response time and maximize use of available resources.</p>
100	Appendix 2 K	2-K-2	San José General Plan	<p>Document reads, "Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas" This is outdated as General Plan now reads. "TR-5.3 Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.</p> <ul style="list-style-type: none"> • Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network." <p>https://www.sanjoseca.gov/home/showdocument?id=22359</p>
101	Appendix 3.6A Public Utilities and Energy Facilities	3.6-A-51	Table 1b Existing Major Utilities and Energy Facilities within the Public Utilities Resource Study Area under Alternative 4	<p>Two 48" SS lines identified at Stn 2996+56 and 2997+61 are not found in the City of San Jose's database. Confirm if these lines are active and verify ownership.</p>

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102	Appendix 3.6A Public Utilities and Energy Facilities	3.6-A-53	Table 1d Existing Major Utilities and Energy Facilities within the Public Utilities Resource Study Area under Alternative 4	Missing San Jose Muni Water Well and Pump Facilities that require relocation. Insert row to include Pump Station and Well under the Morgan Hill and Gilroy Subsection with the following information: Utility Type – Groundwater Pump Station Facility Provider – City of San Jose/San Joe Muni Water Stations- B765+00, B770+00, B755+00 Longitude/Traverse - Longitudinal Existing Roadway Crossing- Bailey Disposition – Relocation
103	APPENDIX 3.19-B: CUMULATIVE TRANSPORTATION PROJECTS LISTS	3.19-B-7	Table 2 City of San Jose Transportation Projects List	Update project status for US101/Blossom Hill IC: - Construction August 2020-2022
104	PEPD Alternative 1-4	Dwg # TT- D4001- D4015	Alternative 4 Utility Conflicts Storm Lines	All City of San Jose existing storm lines (including <42-inch) transverse and longitudinal in conflict with HSR alignment should be called out with diameter and note to protect in place, relocate, etc. Alternative 4 drawings have been marked-up to identify missing storm mains (see DEIRS_JM_V3-18_PEPD_Alt4_Book4A_MPCComments.pdf); please add these to Alt 4's drawings, and also label them in Alternative 1-3's drawings. The contractor is liable of identifying all existing storm lines prior to construction and protecting them in place.
105	PEPD Alternative 1-4	Dwg # TT- D4001- D4015	Alternative 4 Utility Conflicts Sanitary Lines	Many of City of San Jose's existing sanitary sewer lines are not called out in the Plan & Profile drawings. We've noted some of them in Alternative 4's drawings (see DEIRS_JM_V3-18_PEPD_Alt4_Book4A_MPCComments.pdf); please add these to Alt 4's drawings, and also label them in Alternative 1-3's drawings. Many of these were pointed out in our last round of comment in 2018 but have not been addressed. Please note that the contractor is liable of identifying all existing sanitary lines prior to construction and protecting them in place.
106	PEPD Alternative 1-3		Construction Staging Area: Monterey/Blossom Hill	Proposed Construction Staging Area will impact US101/Blossom Hill IC Project construction staging.
107	PEPD Alternative 1-3		Previous City Comments dated 1/18/18	Resubmitting City's comments on Alternatives 1-3 that were submitted to HSRA on January 18, 2018.
108	PEPD Alt 1	TT-DO153 & TT- DO301	Los Gatos Creek Trail UC Project	City is at 90% Design Package for Los Gatos Creek Trail under-crossing beneath existing rail and San Carlos Street.

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109	PEPD Alt 1			Between Sta. B265+00 and B270+00 DPW utility viewer shows 12” CVP SS line and 36” DIP SD line cross the HSR alignment.
110	PEPD Alt 1			Station B317+00 to B324+00: There is a conflict between the 48" Sanitary Sewer PVC pipe and proposed bridge columns' footings at this location. There is a note to "Relocate" the 48", but there is no limits of the relocations. Please show limits of relocations.
111	PEPD Alt 1			Sta. B324+00 and Capitol Expressway DPW utility viewer shows 24” RCP SD line crosses the HSR alignment.
112	PEPD Alt 1			Sta. B335+00 and Senter Rd DPW utility viewer shows 27” RCP SD line crosses the HSR alignment.
113	PEPD Alt 1			Station B380+00: There is a conflict between the 54" Sanitary Sewer PVC pipe and the proposed columns' footprints at this location. There is call-out for relocation, but there is not limits. Please add limits.
114	PEPD Alt 1			Sta. B569+00 and Bernal Rd DPW utility viewer shows 8” VCP SS line crosses the HSD alignment.
115	PEPD Alt 1			Sta. B584+00 and Bernal Way DPW utility viewer shows 8” VCP SS line crosses the HSD alignment.
116	PEPD Alt 3	TT-D0401	Tamien Park	Aerial data misses that Phase I of Tamien Park has been constructed and is open to the public, remove "Future".
117	PEPD Alt 4		Previous City Comments dated 10/17/18	Resubmitting City's comments on PEPD Alt 4 that were submitted to HSRA on October 17, 2018.
118	PEPD Alt4	General Comment	Title Block - CP Coast to Gilroy	Title Block shows entire rail corridor as "CP Coast to Gilroy". Revise and add subsections to match Alternatives 1-3 PEPD plans.
119	PEPD Alt 4	General Comment	Cross Sections	Show existing track center in all cross sections in San Jose ROW.
120	PEPD Alt 4	TT-D4003	Underpass by Sta B3031+00	Provide underpass general plan at Taylor St around stationing 3031+00
121	PEPD Alt 4	TT-D4003	Los Gatos Creek Trail UC Project	Widening of the railway over Los Gatos Creek will impact the City’s current 90% design for the Los Gatos Creek Trail Under-Crossing.
122	PEPD Alt 4	TT-D4004	Guadalupe River Trail	Aerial view is missing for the section of the project which seems to have significant permanent impacts to the Guadalupe River Trail.

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123	PEPD Alt 4	TT-D4007 to TT-D4011	Monterey Rd Class I shared-use path	<ol style="list-style-type: none"> 1. Provide Class I shared-use path on both sides of Monterey Rd approximately between Fehren Dr and Metcalf Rd, refer to San Jose Complete Streets Design Standard and Guidelines Page 19 for cross section. 2. Remove all pork chop islands at all intersections where Class I shared-use path is proposed, such as Fehren Dr, Capitol Expy, Senter Rd, Skyway Dr, Branham Ln, Chynoweth Av, Blossom Hill Rd and Bernal Rd, etc. 3. Provide protected intersection along shared-use path, refer to San Jose Complete Streets Design Standard and Guidelines Page 114. 4. Roadway design should conform to the existing complete streets design including lane widths and existing bike facilities.
124	PEPD Alt 4 Book 4D	CV-S4001	Emado Ave and Fox Ln (private streets) Richmond Ave	Construct standard curb, gutter, and sidewalk to meet City's standards for private street and treat the street for stormwater