



Item No. 24 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

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

DATE: APRIL 16, 2014

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

RECOMMENDATION

Authorize the Mayor to sign the attached letter and transmit to Caltrain providing the Town's comments on the Draft Environmental Impact Report for the Peninsula Corridor Electrification Project.

BACKGROUND

The Caltrain operates a commuter rail system from San Francisco to Gilroy. The train system currently consists of diesel locomotive-hauled, bi-level passenger cars. Union Pacific also operates on the same tracks with freight trains. Caltrain proposes to modernize the operation of the Caltrain rail corridor between San Francisco and San Jose. The modernization project includes installation of an advanced signal system and the electrification of the rail line. This project was previously evaluated in 2004 and 2009 with the preparation of a Draft Environmental Impact Report (DEIR). The Environmental Impact Report (EIR) was not certified because of the need to resolve issues regarding shared use of the Caltrain corridor for High Speed Rail (HSR).

Caltrain released the Peninsula corridor electrification Project Draft Environmental Impact Report (DEIR) on February 28, 2014. Comments on the DEIR are due to Caltrain by April 29, 2014. The City Manager submitted a letter to Caltrain requesting an extension to the 60-day review and comment period. Caltrain did not grant the extension request.

FINDINGS | ANALYSIS

The Atherton Rail Committee and Town Staff have reviewed the Peninsula Corridor Electrification DEIR and together prepared the attached comment letter. As noted in the

comment letter, this project will have significant impacts on the Town of Atherton and further analysis is warranted.

RECOMMENDATION

It is recommended that the City Council authorize the Mayor to sign and transmit the comment letter on the Peninsula Corridor Electrification Project Draft Environmental Impact Report.

FISCAL IMPACT

Beyond the staff and volunteer time to review and prepare comments on this project, there is no fiscal impact associated with submission of the letter.

ATTACHMENT

1. Peninsula Corridor Electrification Project Comment Letter



Town of Atherton

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Atherton, California 94027
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www.ci.atherton.ca.us

April 20, 2014

Caltrain

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

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

Dear Ms. Cocke:

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

Project Description

- The project description makes compatibility with high-speed rail one of the objectives of the electrification project. The electrification project cannot be linked to the high-speed rail project without fully analyzing the environmental impacts of the anticipated high-speed rail project. It is noted on page ES-1 of the Executive Summary that the 2009 EIR was not certified because of the need for resolution of issues regarding joint planning for shared use of the Caltrain corridor for Caltrain service and for future high-speed rail (HSR) service. Although some issues were resolved, the current DEIR does not analyze all of the issues related to anticipated HSR service; the environmental impacts associated with HSR down the peninsula have not been fully analyzed in the DEIR and no EIR for the proposed project can be properly certified, consistent with the requirements of the California Environmental Quality Act (CEQA), unless a full analysis of all impacts anticipated for the entire project has been carried out. That specifically includes an analysis of the impacts that might be associated with the “blended system,” in which the Caltrain right of way is used for HSR.
- It is also on page ES-5 that an electrified Caltrain system would set the stage for an expanded modern regional electric train service and a statewide HSR service. The Purpose of the Project on page ES-6 is to “provide electrical infrastructure compatible with high speed rail”. These references reinforce the point just made; the proposed project cannot proceed without a certified EIR that fully analyzes HSR. The current draft must be augmented, and then recirculated for additional review and comment.
- Since the purpose of the electrification project is to support high-speed rail, other alternatives were ruled out. Any alternative that is not compatible with high-speed rail was not considered in the DEIR. This is a major omission. The project objectives: to improve train performance, increase ridership, service and revenue, while reducing environmental impacts, improving regional air quality and reducing green-house gas emissions and noise can be achieved by other

means, and a failure to examine and analyze feasible alternatives that might reduce environmental impacts is a fatal deficiency. CEQA Section 21002 states that agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would lessen the significant environmental effects of such projects. Alternatives that do not involve electrification have not been analyzed, and alternatives exist that would meet the objectives of modernizing rail service without the significant and unavoidable impacts identified with the electrification project. Such alternatives would be considered environmentally superior, and CEQA requires that you provide a complete analysis of such alternatives. The failure to review such alternatives makes the current DEIR inadequate under CEQA; it must be augmented with additional analysis of alternatives and the DEIR must then be recirculated for further public review and comment.

Aesthetics

- The Town disagrees with the conclusion stated on page 3.1-25 that the catenary wires and the OCS poles proposed as part of the electrification project would be largely obscured by the dense landscaping and vegetation, thereby minimizing visual effects. Each OCS pole is 16-24" wide and approximately 30'-50' tall. The removal of 142 heritage trees along this corridor and the pruning of approximately 206 will reduce the dense landscaping and will increase the visibility of the poles and wires. The poles and wires will be highly visible around the Atherton train station and Town hall as well as at the grade crossings. Many of the trees that will be impacted are outside of the rail corridor and are located on private properties. A more complete and rigorous aesthetic analysis must be included in the EIR.
- The overhead catenary wires and large poles are not compatible with Atherton's residential environment. The Town requires new home construction to underground electrical service. The DEIR should consider alternatives to the overhead wires to reduce the visual impact of the overhead wires and poles. Power supply and dynamic braking using induction coils between the rails has been introduced and will soon be available. The use of such techniques must be analyzed in detail in the EIR. Once such an analysis has been provided; the Draft EIR must then be recirculated for additional review and comment.
- The OCS poles are proposed at a height of 30'-50' with wires above. Structures in Atherton are limited to a maximum height of 34'. The new structures are incompatible in Atherton.
- The OCS poles and catenary wires are not compatible with the residential nature and visual setting in Atherton and should be considered a significant impact. Alternatives to the overhead wires should be considered as the proposed mitigation measures do not reduce the significant visual impact in Atherton. In addition, the feasibility of a center pole should be analyzed in Atherton, as it would reduce the visual impact.

Biological Resources

- The DEIR states that the project will require the removal of 2,220 trees and specifically in Atherton, the removal of 142 trees.
- The DEIR should analyze the feasibility of Mitigation Measure BIO-5 to implement a tree avoidance, minimization and replacement plan. The mitigation measure requires the planting on a 1:1 basis of 15-gallon trees for each tree removed. This mitigation measure is not feasible in Atherton as there would be inadequate room for replacement planting with the new electrification clearance requirements. Workable mitigation measures must be developed and described.

- The DEIR should analyze an alternative to place one electrification support structure in the middle of the track as opposed to two support structures on the outside of the tracks, as suggested in the Hort Science report in appendix F to the DEIR. This would reduce the significant impact to heritage tree removal in Atherton.
- The DEIR should also analyze the impact of tree removal on the fine particle contaminants that the existing trees are helping to eliminate. Residential properties near the Caltrain right-of-way already experience more dust than properties located further away. The significant tree removal proposed will certainly make this problem worse, and PM-10 and PM-2.5 fine particle pollution is a known health danger. The public health impacts of the tree removal proposed must be analyzed in the Air Quality section of the document. Once the required analysis has been included in the DEIR, the DEIR must be recirculated for additional public review and comment.
- The Town considers the removal of 142 heritage sized trees in Atherton to be a significant and unacceptable impact and in conflict with the Town's General Plan which states that trees shall be preserved to the maximum extent feasible.

Greenhouse Gas Emissions and Climate Change

- The DEIR discusses the benefits to air quality by switching from diesel powered locomotives to an electrified system. The DEIR has not considered the potential air quality benefits from using Tier 4 diesel locomotives. These locomotives discharge 75% to 85% less greenhouse gases than Caltrain's present diesel locomotives. A greenhouse gas comparison should be made between the proposed EMUs plus power generation and the Tier 4 diesel locomotives.
- The DEIR does not address the greenhouse gas impacts associated with the productions of electricity for this new system. California in general and the San Francisco Peninsula in particular is in a drought and experiences shortages in electricity supply. The California building code requires new construction to implement energy conserving methods to conserve resources. While the project will reduce dependency on diesel fuel, it will require a significant amount of electricity to power the current and increased train service. The DEIR should analyze the impact that the generation of this electricity will have on the environment. The DEIR should also analyze alternatives that would be more consistent with California's policy of sustainability and reduction of energy consumption.
- The DEIR has not considered greenhouse gas produced by construction equipment during the construction of the electrical infrastructure.

Noise

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

Traffic

- The DEIR assumes increased ridership. Despite CBOSS, the additional trains needed to carry the future increased riders, will increase the interference to street automotive traffic, particularly near the 46 existing grade crossing. Page 3.14-40 states that while certain locations near the stations or on the Caltrain corridor may experience increases in traffic due to more automobiles driving to and from stations, numerous roadways along the Caltrain corridor would see reduced traffic volumes as a result of the Proposed Project. And, page 3.14.41 states that the increased train service and added train capacity would change traffic patterns resulting

in potential increases in traffic near stations coupled with reduced traffic on parallel roads. The Town of Atherton disagrees with the statement on page 3.14.40 that the proposed project would have a beneficial impact on regional and city-level traffic overall by reducing vehicle miles traveled. There may be a beneficial regional impact, but the city-level traffic has not been analyzed and there may be a negative impact with increased traffic to train stations. The increase in local traffic must be fully analyzed in the DEIR, and once such analysis has been included in the DEIR, the DEIR must be recirculated for additional review and comment.

Other Questions and Concerns

- How will Caltrain ensure the overhead electrical lines are protected from vandals and animals (birds and squirrels)?
- Caltrain currently experiences suicides along the tracks, how will the high powered overhead electrical wires be protected from potential suicide attempts?
- Section S.4.2.3 notes energy savings from switching from diesel fuel to electricity but does not document the cost of electricity. Will this project be required to contribute to the construction of additional facilities to support the increased electrical demand? Does Caltrain have a contract in place with PG&E for this additional service or at least a letter from PG&E stating it can serve the new system's electrical needs? The DEIR is deficient in that it does not, actually, justify its conclusion that the proposed project will lead to energy savings.
- What impact will this project have on electrical shortages and rolling blackouts?
- Does Caltrain have an Agreement with Union Pacific for the new electrical system and resolution on the electromagnetic system's interference with the Union Pacific system? Union Pacific Railroad has raised a number of objections to the proposed project. Have these objections been fully resolved, since 2010? The DEIR should reference the Union Pacific Objections, and document any environmental implications of carrying out a project that meets such objections.
- Has Caltrain considered the cost implications of revising these improvements shortly after construction, if the blended high-speed rail project moves forward as the DEIR contemplates?
- As you are aware, there is a significant legal question whether or not Proposition 1A funds could be legally and properly used for the proposed project. This issue, in a different context, is currently in litigation. If Proposition 1A funds are not available for this project, how will the project move forward?

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

Sincerely,

Cary Wiest
Mayor, Town of Atherton