

**SAN JOSE DOWNTOWN
ASSOCIATION**

28 N. FIRST STREET
SUITE 1000
SAN JOSE, CA 95113
TEL: 408-279-1775
FAX: 408-279-1904
WWW.SJDOWNTOWN.COM

September 29, 2010

Roelof van Ark
Chief Executive Officer
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Mr. Van Ark,

Neighborhood and business groups in central San Jose urge the California High Speed Rail Authority (CHSRA) to include an underground option for San Jose in the project's Environment Impact Report.

While we continue to support high-speed rail, the decision on the alignment through downtown San Jose requires further study. The San Jose City Council meeting Sept. 14 on this issue raised a new set of questions deserving timely answers:

1. We did not hear CHSRA staff nor City of San Jose Department of Transportation (CSJ DOT) staff present any "fatal flaws" for continued study of underground options. CHSRA staff stated that a San Jose tunnel was "unfeasible and impractical." The unfeasible justification centered on cost. CHSRA and CSJ DOT staff reports to the San Jose City Council nearly doubled the underground project costs from \$1.3 billion in June to \$2.5 billion, while aerial costs were announced at \$500 million. CHSRA staff's explanation on Sept. 14 assigned the tunnel's cost escalation primarily "to accommodate future development."
- a) What are the specific "accommodations" CHSRA staff estimated that added more than \$1 billion to San Jose's underground costs?
 - b) What alternative "accommodations" did CHSRA consider other than a mat foundation covering the entire site for San Jose's underground option?
 - c) Do the cost comparisons (tunnel versus aerial) include the potential value of future 'air rights' for development on top of a tunnel alignment?
 - d) Are there any corresponding potential development rights for the aerial scenario?
 - e) Is the cost of an 'iconic' above ground station included in the aerial cost estimate?

f) If San Jose insists on world-class quality station and aerial structure architecture, who would pay for the additional cost?

g) The aerial alignment will likely have significant ongoing maintenance costs associated with graffiti removal, homeless encampments, rail wear on the “S” turn and “wheel squeal” noise abatement. Have these recurring expenses been factored into a net present value “cost” when compared to the underground option?

2. The BART project has selected tunnels and a subway station in the very same vicinity that CHSRA does not want to continue study for a tunnel and station. CHSRA has used “unstable soils” as one of its reasons for stating the tunnel is unfeasible while clearly it was feasible for BART.

a) How is it possible BART finds underground feasible but not CHSRA?

b) What soil sampling did CHSRA conduct *in addition* to those samples drawn for BART?

c) Where were the CHSRA samples taken?

d) What are the differences with the nearby tunnel recommended for further study by CHSRA just north of this area near the San Jose/Santa Clara border?

3. On Sept. 14, CHSRA and CSJ DOT staff said the tunnel option would take seven years of construction and “tear up the city.” Our BART project managers explicitly demonstrated how they could shorten construction and minimize impacts for the San Jose underground route that utilizes bored tunnels and cut and cover stations.

a) How did CHSRA staff arrive at the construction period for the underground option, and likewise, its estimates for the aerial construction?

b) What analysis was done on construction strategies that could shorten the timeline and construction impacts?

4. CHSRA staff also reported on Sept. 14 that “80 property easements” are needed for the underground option.

a) Please elucidate the characteristics of these easements, such as whether they are deep underground easements and how they might impact existing or future property use.

b) Additionally, what sort of financial compensation is associated with these easements?

c) In the Sept. 14 meeting, your staff did not elaborate on the “about 10” property takings needed for the aerial option, nor did your staff indicate the number of property takings required by the aerial alignment north of Diridon, which looks like a much bigger number than 10 with some potential larger acquisitions required. How were all these property acquisitions for the aerial structure from Taylor to Tamien accounted for in your preliminary design, public outreach and cost estimates?

5. The City of San Jose requested on several occasions – both in writing and in person at CHSRA board meetings – that CHSRA study a “best” underground alignment.

a) CHSRA staff rejected both the deep tunnel and shallow tunnel options in its June report.

How and when was it determined that these two tunnel alignments were the "best" underground alignments and that no other alignment would resolve any of the concerns, such as conflict with the Native American burial site at Tamien?

b) CHSRA staff on Sept. 14 said they had completed "almost 15 percent engineering" on San Jose's tunnel options. Was this level of engineering work included for both the shallow and deep tunnel alignments in the June Alternative Analysis report?

c) Which underground alignment did CHSRA staff ultimately conclude the "best option" as requested by San Jose and why was it deemed the "best?"

6. Because the City of San Jose has been asking CHSRA since Dec. 2009 to seek and analyze a "best" underground alignment and CHSRA now recommends no further study of the "best" underground option – or any other underground options – we are concerned about the integrity of the EIR process.

a) How will the EIR not be defective and at risk of legal actions by interested parties outside of San Jose who are determined to undermine the entire project?

b) Since federal law mandates a full EIR must include all viable options, how will the project's EIR be complete if CHSRA eliminates San Jose's underground options *before* the study?

7. The CHSRA Alternative Analysis report and appendix released the same morning of the Authority's June 3 board meeting eliminated all alignment options through Central San Jose except the so-called SR87/I280 aerial route, preferred by CHSRA and CSJ DOT staff.

a) For what reasons does CHSRA choose to release recommendations and reports *after* public hearings are underway?

b) How does this benefit the public participation process and foster collaborative decision-making?

c) For what reasons does CHSRA release reports without sufficient supporting empirical data for the decision (aerial alignment) contained within the report?

d) How will the lack of specific detail in the CHSRA's released documents to date on San Jose's alignment options inform or place at risk the subsequent EIR process?

8. CHSRA staff indicated that the tunnel option would be detrimental to development in the Diridon Area. Most metropolitan areas have unitized the joint public-private development approach to preserve future development opportunities and build substantial structures on top of tunnels and underground stations.

a) Why is this development approach utilized around the world not viable in San Jose?

b) Everyone encourages transit-oriented development around stations. How did CHSRA staff reach its conclusion that such development would be enhanced by the aerial structure more than the underground option when experience tells us differently (San Francisco Transbay Terminal, etc.)?

9. As for an underground option in San Jose being "impractical," the preponderance of responses given at the Sept. 14 council meeting were about timing: potential delay to the

project in order to study the underground, plus potential delays to the funding stream. Given our understanding the San Jose to San Francisco section is in the initial project phase (not San Jose to Merced):

- a) How are the San Jose to Merced decisions impacted? For instance, how does the timing on the northern SF-SJ route drive the decisions on the southern alignment?
- b) How will the delays that are apparent from city council actions on the Peninsula for the SF-SJ section allow more time to study options in San Jose?
- c) Earlier this month, Caltrain officials suggested phasing construction to allow more time to study trenching and tunneling along the Peninsula in those communities that requested it. How would this approach allow for further comprehensive study of a tunnel alignment in San Jose?

10. Impractical can mean many things, which is why it would seem the environmental factors are critical to study at this stage of the project. Neighborhood groups throughout Central San Jose are particularly interested in these elements. While we understand the EIR has yet to be released and the analysis in the EIR may differ, the **attached chart** is an example of issues that could be vetted in the EIR, particularly as it pertains to the tunnel in comparison to the aerial. The **second attachment** is a copy of the summary from the scoping document submitted to CHSRA in April 2009 for a tunnel option that CHSRA withdrew prior to the release of your June 2010 Alternatives Analysis.

- a) For what reasons and when did CHSRA staff reject these and other underground options in San Jose, such as the deep and shallow tunnel alignments?
- b) For what reason did CHSRA not combine elements from multiple alignments to achieve a “best” underground option for San Jose?
- c) For what reason did CHSRA not evaluate other areas besides Tamien Station for a tunnel portal since it is well known the area is a sensitive archeological site?

11. The incremental cost estimates given for accommodating a shared underground BART station with high-speed rail were \$140 million in your June report. It is our understanding this estimate was for the shallow tunnel high-speed rail option (HSR running above BART tracks).


- a) How does this incremental underground cost, if at all, include the potential efficiencies from BART and high-speed rail sharing station construction and infrastructure? Please include the criteria assumptions and computations you used to make your estimate.

12. By virtue of splitting the two Bay Area high-speed rail sections at Diridon Station, it is difficult for San Jose to receive a complete picture of the project in our city.

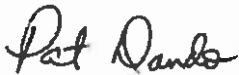
- a) How will future planning documents about the north and south of Diridon Station areas provide improved transparency, accountability and increased coordination?
- b) At what point will a comprehensive look at the Diridon Station Area – north and south – be prepared and offered for local public input prior to the completion of the EIR process?

Thank you for addressing our questions and the continued consideration of a tunnel option for San Jose.

Sincerely,



Art Bernstein
San Jose Downtown Association



Pat Dando
San Jose Silicon Valley Chamber of Commerce



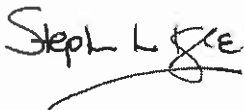
Helen Chapman
Shasta Hanchett Park Neighborhood Association



David Dearborn
Willow Glen Neighborhood Association



Pete Kolstad
Market Almaden Neighborhood Association



Steve Kline
Burbank/Del Monte Neighborhood Action Coalition



Kymberli Brady
San Jose Downtown Residents Association



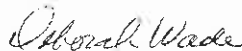
Robert Sippel
Rose Garden Preservation Neighborhood Association



Phil Hood
Delmas Park Neighborhood Association



John Urban
Newhall Neighborhood Association



Debbie Wade
Greater Gardner



Clay Reigel
College Park Neighborhood Association

- cc. CHSRA Board members
Mayor Chuck Reed and San Jose City Council Members
Honorable Zoe Lofgren, 16th District, U.S. House of Representatives
Honorable Mike Honda, 15th District, U.S. House of Representatives
California State Senator Elaine Alquist, District 13
California Assemblymember Joe Coto, Assembly District 23
Supervisor George Shirakawa, District 2, Santa Clara County
Debra Figone, San Jose City Manager
Harry Mavrogenes, San Jose Redevelopment Agency Executive Director

attachments: CEQA chart; tunnel summary report

Reasons to Keep HSR Tunnel Option in the Mix

David Dearborn, Author, 5100m Tunnel Option

Over 87-280
 |
 Modified 5100m Tunnel
 |

Socio Economics		
Neighborhoods	○	●
Environmental Justice	⊙	●
Eminent Domain	○	●
Land Takes	○	○
Traffic & Mobility	⊙	●
Biological Resources		
Riparian Corridors	⊙	●
Guadalupe River	⊙	●
Los Gatos Creek	○	○
Noise & Vibration	⊙	●
Construction Impacts	⊙	●
Sound Mitigation	⊙	●
Cumulative & Secondary Impacts	⊙	●
Parks, Recreation & Open Space	⊙	●
Transportation & Circulation	⊙	●
Local Growth & Development	⊙	●
Station Planning	⊙	⊙
Land Use & Property	⊙	●
EMI / EMF	○	●
Security & Public Safety	○	●
Blight, Land Remnants & Misuse	⊙	●
Aesthetics & Visual Quality	⊙	●
Hydrology & Water Resources	●	⊙
Geology & Seismicity	○	⊙
Conventional Design Standards	●	●
Construction Hazards / Risk	⊙	⊙
Alignment Construction Costs	○	⊙
Station Construction Costs	●	⊙
HSR – BART Transfer Ease	⊙	●
Trainset Speed	⊙	●

- Little to No Impact
- Some Impact
- ⊙ Will Impact
- ⊙ Significant Impact

5100m Overview

Transforming San Jose from “The Bedroom Community” of the South Bay to a world-class urban city requires looking forward.

50 years, 100 years from now, will the country's first HSR system have a route that represents California's commitment to the future?

The 5100m alignment gets its name from the tunnel which begins just north of Curtner Avenue, crossing at right angles under the Guadalupe River north of Willow Street, and unobtrusively beneath highly valued TOD and RDA land to Diridon Station. It will:

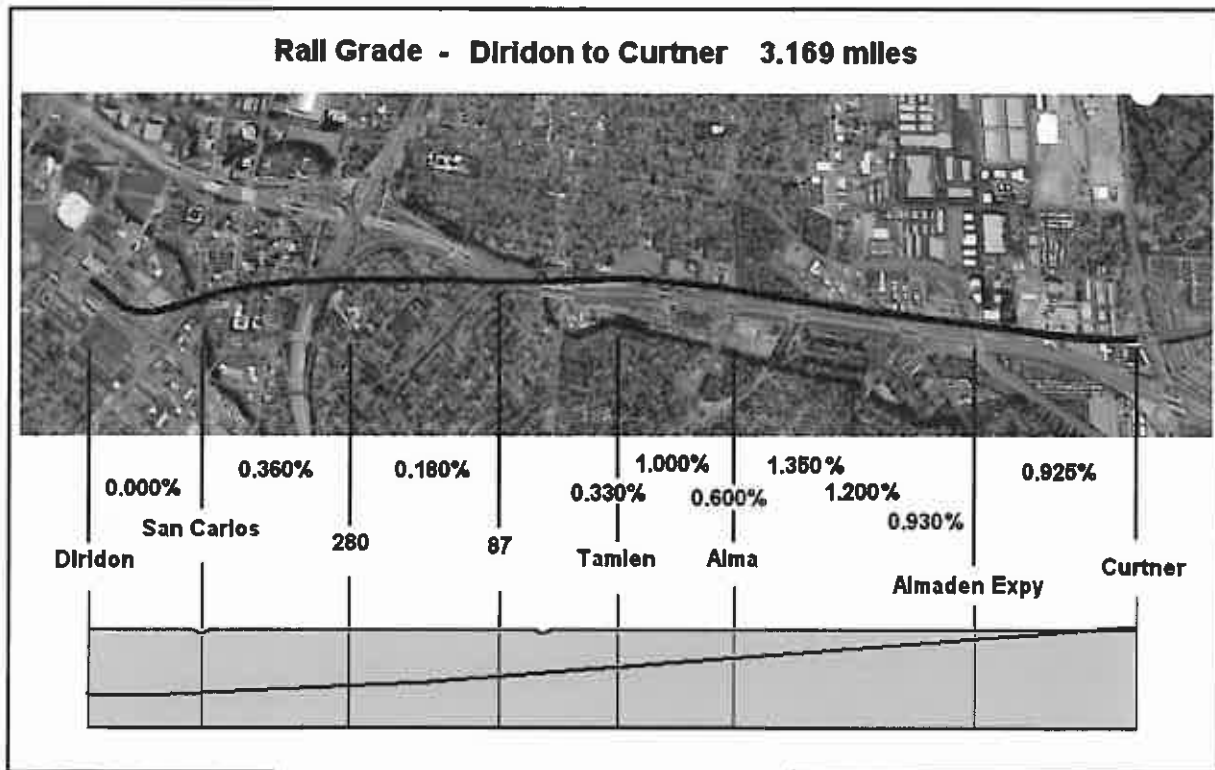
- Facilitate the faster, lighter weight and more energy efficient train sets of the future.
- Reflect appreciation for San Jose's history, livability and its sense of community for 1.5 to 2.0 million people.
- Facilitate increased degrees of freedom in land use planning as San Jose continues to grow.

There is only one opportunity to get this right.

There will be no going back.

San Jose is the 10th largest city planning for a world-class multi-modal transit hub, mall and urban center.

Figure 1,



Note: Final 5100m track grade and depth at Diridon designed as appropriate for final station design.

Chart 1.

From (1)	To	Dist From To	Grade Elev at "from" point	Cost Elemnt	drop ft	% grade	Track below Curtner at "To"	Track below Grade ft
Curtner	Curtner + 300m	984	134	A	9.1	0.920%	9.1	9.1
Curtner + 300m	Almaden Expy	1,312	133	B	12.2	0.930%	21.3	20.3
Almaden Expy	Almaden Expy + 200m	666	132	B	6.1	0.930%	27.4	25.4
Almaden Expy + 200m	Almaden Expy + 700m	1,640	127	C	19.7	1.200%	47.0	40.0
Almaden Expy + 700m	Alama	1,312	121	D E	17.7	1.350%	64.8	51.8
Alma	Tamien	984	115	D E	5.9	0.600%	70.7	51.7
Tamien	Willow	1,312	115	D E	13.1	1.000%	83.8	64.8
Willow	87S flyover to 280N	3,281	111	D E	32.8	1.000%	116.6	93.6
87S flyover to 280N	San Carlos near Josefa	3,281	99	D E	32.8	1.000%	149.4	114.4
San Carlos near Josefa	Station Rail South entry	1,640	98	D E	6.6	0.400%	156.0	120.0
Station Rail South entry	Diridon platform	328	97	D E	0.0	0.000%	156.0	119.0

A	at grade - plus or minus 3.1m (10 feet)
B	trench - 3.1m to 8m inside (10 - 26 feet)
C	covered trench -
D	tunnel - double track HSR mined soft soil
E	tunnel - twin single track <6mi mined soft soil

5100m EIR / EIS Discussion

Socio Economics, Neighborhoods & Environmental Justice:

None -- buried underground

Eminent Domain:

None/ very small -- mostly public land and underground

Land Taking:

None/ very small -- mostly public land and underground (negotiated easement rights only)

Traffic & Mobility:

None -- only at and around station; no road/street closures required; no rebuilding of overpasses or grade separations

Biological Resources & Riparian Corridors:

None -- No rail bed, structures, construction, vibration, displacement, mitigation or modifications required. ROW buried well below the Guadalupe River and Los Gatos water ways and riparian corridors. No impact on migratory fish, reptiles, birds, mammals, insects, grasses, plants, habitat, and other

Noise & Vibration:

None -- no surface structures or at grade rail beds in or through historic neighborhoods or densely populated core city areas as ROW is well under ground in areas of greatest concern

Construction Impacts:

Significantly fewer -- only south of Tamien and tunnel entrance; no pile driving; no earth moving equipment; no concrete, steel and materials trucks; no cranes and overhead equipment; no road closures; no construction mitigation issues

Sound Mitigation:

None-to-nil -- buried under ground; no sound walls required

Cumulative & Secondary Impacts:

None to nonexistent -- Combined HSR, Caltrain & other heavy rail are buried and under ground; simultaneous or cumulative noise and vibration is underground and fully mitigated

Parks Recreation & Open Space:

None taken -- Preserves, protects and enhances opportunities for parks, trails and open space -- Preserves, protects and enhances visual, aesthetic value and eliminates sound pollution for same -- Reference Scoping input letter from Dr. Laurence Lowell Ames and others

Transportation & Circulation:

Walking and Bike Trails -- No mitigation require -- HSR, Caltrain & other passenger and light freight heavy rail is underground providing increased opportunity for greater carbon free mobility within and about the city... for work related commuting, general mobility and recreation and health maintenance -- See Scoping letter from Dr. Larry Ames

Auto & Public transportation -- No mitigation required -- HSR, Caltrain, Amtrak, ACE and UPRR rail can follow this alignment underground through San Jose

Local Growth:

No Impact -- Track ROW and associated space and imposition considerations are non-existent -- buried under ground

Station Planning:

No to little impact -- 5100m is an underground option that offers greater architectural freedom in planning the new Diridon multi-modal transit mall -- Options for separate bore(s) for through passage are possible.

Land Use & Property:

Little-to-No Impact -- HSR, Caltrain and other heavy rail is buried under ground -- 5100m offers greater degrees of freedom for Land Use planning -- Little to No Impact on Property values due to above ground alignment options

EMI / EMF:

None -- Buried and under ground

Security & Public Safety:

None -- 5100m is buried and underground

Blight, Land Remnants & Misuse:

None -- 5100m alignment is buried and underground; No land remnants to provide shelter or opportunity for misuse, unauthorized use or undesired or illegal behavior

Aesthetics & Visual Quality:

No Impact -- 5100m is buried underground -- No supporting structures -- No sound or security barriers -- No visible overhead wires or suspension structures -- No cleaning or aesthetics mitigation or maintenance concerns -- No impact of such on perceived or real property values

Hydrology & Water Resources:

None to Little -- See Appendix

Geology & Seismicity:

None to Little -- Current bore designs and construction technology mitigate this issue -- The difficulty of boring 5100m has been referred to by some... “ like a hot knife through butter”
See Appendix

5100m Speed Considerations

- This high speed alignment removes 30 seconds from every HSR train stopping at San Jose, and even more for through trains
- Larger radii, gentle grade, enhanced security and reduced mitigation allow the highest possible speeds with the least challenges.
- This proposal reserves the smaller turn radius for entry to the Diridon station where slower speed is needed for station arrival.

--- April 2009 ---