

**Rancho Bernardo Community Planning Board**  
*www.RBPlanningBoard.com*  
**15721 Bernardo Heights Parkway, Suite B-230**  
**San Diego, CA 92128**

November 19, 2009

Mr. Dan Leavitt, Deputy Director  
ATTN: LA-SD HST Project EIR/EIS  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Subject: Comments Regarding the NOP/NOI for the LA-SD HST Section via the  
Inland Empire of the California High-Speed Rail

Dear Mr. Leavitt:

The Rancho Bernardo Community Planning Board is an officially recognized community planning group in the City of San Diego. Our purpose is to advise the San Diego City Council, Planning Commission, and other decision-makers on development projects, general or community plan amendments, rezonings, and public facilities. We are particularly interested in projects that could adversely affect the residents of Rancho Bernardo.

The proposal to construct, operate, and maintain a high speed rail line through the Interstate 15 (I-15) corridor within the City of San Diego is of particular interest to the Planning Board because as currently proposed, the Los Angeles to San Diego segment of the high speed train will bisect the community of Rancho Bernardo. The proximity of the proposed alignment to residential development, the potential need to condemn private properties to accommodate the new line because the existing freeway right-of-way in this area is extremely limited, the impacts to existing transportation facilities, and the adverse effects related to noise, visual quality, aesthetics, and community character are all of concern to the residents of Rancho Bernardo.

On November 3, 2009 the Rancho Bernardo Community Planning Board held a special meeting to address the concerns identified above. Specifically addressed was the concern that all these issues were brought to your attention, per our letter of August 30<sup>th</sup> 2004, and none have been either resolved or responded to in the current documents. A copy of our previous correspondence is attached. The attendance of some of the representatives of neighboring community planning groups/boards is a clear indication that all of the communities that border the I-15 corridor, including San Pasqual, Rancho Penasquitos, Carmel Mountain, Sabre Springs, Mira Mesa, and Scripps Ranch, have similar issues.

In reviewing the Notice of Intent (NOI) that was published in the Federal Register and the Notice of Preparation (NOP) that was provided on your website, we are unable to find any details regarding the proposed project that were not already provided as part of the programmatic Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) prepared in 2004. The Board previously provided comments about the lack of site specific information and the need for adequate details to facilitate a comprehensive analysis of the potential adverse effects of this proposal on the residents of Rancho Bernardo. We continue to have those same concerns today.

Both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) provide guidance on when and how scoping should be conducted prior to preparing environmental documentation. The CEQA Guidelines state that a Notice of Preparation should provide sufficient information describing the project and the potential environmental effects to allow for a meaningful response. At a minimum, the NOP should provide adequate details about the project to enable the public to understand how the project could affect the environment. Section 1501.7(a) of the Council on Environmental Quality Regulations for Implementing NEPA states that as part of the scoping process “the lead agency shall determine the scope and the significant issues to be analyzed in depth in the environmental impact statement.” Section 1501.7(b) indicates that scoping meetings are often appropriate “when the impacts of a particular action are confined to specific sites;” and Section 1501.7(c) states that “an agency shall revise the determinations made under paragraphs (a) and (b) if substantial changes are made later in the proposed action, or if significant new circumstances or information arise which bear on the proposal or its impacts.”

Until an alignment within the I-15 corridor is proposed and adequate engineering plans are available to describe how the rail line will be constructed through the Rancho Bernardo area, it is impossible for the community to identify all of the relevant issues that could impact the community. Instead, we are forced to provide a laundry list of probable impacts that may or may not be relevant to the final proposal. **We therefore request that the public be given a formal opportunity to provide additional scoping comments once the 15 percent engineering drawings are available for review and comment.** In the meantime, the Board is providing a number of general concerns that will need to be expanded upon when more specific project details are made available for review. These concerns are outlined below.

### **Project Alternatives**

The Council on Environmental Quality describes the alternatives section as the heart of the EIS. As such, the alternatives presented in an EIS should be reasonable and implementable, must be given equal treatment, and must provide clear choices for the decisionmaker. Similarly, the CEQA Guidelines in Section 15126.6 state that an EIR shall consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives is required to focus on alternatives to the project design or its location which are

capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

Alternative Alignment. We believe that the programmatic EIR/EIS did not provide an adequate evaluation of a coastal route alternative and therefore this alternative should be considered again in the current draft EIR/EIS. In addition, even if the coastal route is ultimately identified as an alternative that was considered but dismissed from further consideration, the draft EIR/EIS should include a comparison of the environmental and fiscal costs and benefits of a coastal alignment and an inland alignment that follows the I-15 corridor.

Alternative Designs. The draft EIR/EIS should evaluate a variety of construction options, including: 1) maximizing the length of rail line that is undergrounded in areas where a) sensitive noise receptors occur in proximity to the alignment and/or b) elevated lines would adversely affect the visual character of the community, such as the area between Lake Hodges and Los Penasquitos Canyon; 2) minimizing the need for condemnation of private lands by incorporating the alignment into the existing right-of-way; and 3) minimizing the length and height of elevated sections of the line where significant adverse impacts to visual quality could result, such as between Green Valley Creek and Bernardo Center Drive. Additional design options may also be apparent once specific details regarding the proposed alignment are provided for review.

### **Project Description**

Section 15124 of the CEQA Guidelines requires an EIR to describe a proposed project in a way that will be meaningful to the public and to the decisionmakers. Normally, a preliminary engineering design of 30 percent is provided before a draft EIR is developed to evaluate potential effects. The NOP/NOI indicates that only a 15 percent design level will be provided for this draft EIR/EIS. It is imperative that the project description provided in the draft EIR/EIS be of sufficient detail to allow the affected communities and the decisionmakers to grasp the magnitude of the impacts that could result from the implementation of this project. Additionally, the design details must be specific enough to ensure the preparation of a meaningful and effective Mitigation, Monitoring, and Reporting Program, as required by CEQA.

### **Existing Conditions/Project Setting**

The discussion of existing conditions in the programmatic EIR/EIS was far too generic and did not provide adequate information about the project setting and existing community character to allow for a comprehensive analysis of environmental consequences, even at the programmatic level. The proposed project-specific EIR/EIS will require an extensive review and detailed description of the existing conditions within the project's area of potential effect. The affected area will be different depending upon the topic being addressed. For instance, water quality impacts must consider the east-west watersheds, such as the San Dieguito River and Los Penasquitos Canyon watersheds, that the proposed alignment will cross. To

evaluate the impacts of the project on visual quality will require the identification of specific viewsheds. This is particularly important in Rancho Bernardo, where most of the residents in the eastern portion of the community have views of the I-15 corridor and the undeveloped hillside of 4S Ranch to the west, and the residents in the western portion of the community have views across the freeway of the mountains to the east. The transportation facilities and general traffic circulation within each community along the I-15 corridor varies depending upon the size and location of the roads that feed onto the freeway and the mix of uses within the community. This information will be important in evaluating impacts to traffic circulation during project construction, as well as the long term effects of the rail line on existing transportation features such as carpool lanes, transit stations, and park and ride facilities.

Other important information that must be included in the existing conditions discussion is the proximity of residential development and public parks to the proposed rail line, as well as the significant natural open space areas, such as the Lake Hodges/San Pasqual Valley area, Green Valley Creek, and Los Penasquitos Canyon, all of which would have to be crossed by the proposed rail line.

### **Environmental Impact Analysis**

Construction Related Impacts. The residents of Rancho Bernardo have endured years of construction on the I-15 corridor. This ongoing construction affects air quality; increases noise, particularly at night; causes traffic congestion on the freeway and surface street congestion during freeway closures; and results in the replacement of green vegetation with concrete. Construction of a new rail line within the freeway corridor will result in similar impacts, all of which should be addressed in the draft EIR/EIS. The potential for full freeway closures should be disclosed, and adequate mitigation measures should be included to reduce air quality, noise, and traffic congestion impacts to below a level of significance.

Impacts to Existing Transportation Facilities. The portion of the I-15 corridor that extends from State Route 78 in Escondido to State Route 163 in San Diego is currently being upgraded to accommodate carpool and high occupancy vehicle traffic. Special elevated access ramps are being constructed to provide buses with dedicated access to transit stations; existing bridges are being reconstructed, some for the second time, to accommodate the expanded carpool lanes, and much of the existing right-of-way within this portion of the I-15 corridor is now covered in concrete with little if any room for additional facilities.

The draft EIR/EIS should describe how these new facilities could be impacted by the rail line and which facilities would have to be removed, relocated, or retrofitted. According to SANDAG, more than \$280 million dollars of the funds being used to implement the current transportation improvements along the I-15 corridor are Transnet funds, funds that are generated by the residents of San Diego County through the collection of a one-half cent sales tax. The draft EIR/EIS should include a detailed evaluation of how the construction and

operation of the proposed rail line could impact the Transnet funded facilities. Adequate mitigation including reimbursement for any loss of facilities funded with Transnet dollars should be address in the document.

Impacts to Visual Quality, Aesthetics, and Community Character. Factors such as the height of proposed structures, design, color, visibility and placement within the viewshed, and proximity to other structures should all be considered in evaluating the impacts of the project on visual quality, aesthetics, and community character. The impacts during construction may be different than those occurring after project completion. The document should include photo simulations that illustrate the visibility of the project features from various parts of the community and depict the effects these facilities could have on existing open space areas such as Lake Hodges, Battle Mountain, and Los Penasquitos Canyon.

Requirements for night lighting should also be addressed. Rancho Bernardo has long supported the protection of dark skies to facilitate activities at the Palomar Observatory. The need for night lighting associated with the proposed rail line and the potential effects of this lighting on community character should be fully addressed.

Increases in Ambient Noise Levels. The document must describe the anticipated noise impacts to sensitive receptors along the proposed alignment, particularly in areas where the system would be elevated. A comprehensive noise analysis should be conducted that takes into consideration the existing elevations of sensitive receptors and the proximity of the line to these receptors, as well as the existing and future noise levels generated from within the I-15 corridor. Noise levels at night will have a greater impact on adjacent residents; therefore, noise impacts that are averaged over a 24 hour period will not provide an adequate evaluation of potential noise impacts to adjacent residential areas.

The cumulative effect of all the noise generated within the I-15 corridor must be considered, as should any discernable differences in the type of noise generated by high speed trains, such as differences in pitch that could impact residents differently than standard noise generated by tires on the roadway. The draft EIR/EIS will also have to provide detailed information regarding how noise impacts would be mitigated, particularly where elevated tracks would be too high to construct sound walls or other noise reducing structures.

The draft EIR/EIS, as well as the Mitigation, Monitoring, and Reporting Program, must describe how noise mitigation, including funding and implementation, will be assured. Sighting an inability to fund needed noise mitigation, as was done by Caltrans for the I-15 improvements, is not acceptable. Without adequate assurances, the project's noise impacts must be identified as significant and unmitigated.

### Vibration

Impacts to adjacent properties related to vibration during construction, as well as during project operation, should also be addressed.

### Air Quality

In addition to standard direct, indirect, and cumulative air quality analysis, the document should consider the effects that existing wind conditions within the community will have on the creation and distribution of airborne particulate matter, including dust. This analysis is particularly important for construction related activities, although the cumulative effect of dust generation as a result of project operation along with dust generated from freeway operations must also be evaluated.

Soil Related Impacts. There are a number of ancient landslides and slide prone clay formations along the I-15 corridor, particularly at the southern end of Rancho Bernardo. The draft EIR/EIS should address the potential effects of existing soil problems on the proposed alignment. An evaluation of the potential effect of increased vibration in areas with known soil problems should also be included.

Cumulative Effects Analysis. The cumulative effects of this project combined with past, current, and reasonably foreseeable projects along the I-15 corridor must also be evaluated for all of the issues outlined above, as well as any other issues that are identified during this or future scoping processes.

### **Mitigation Measures**

The draft EIR/EIS should include a draft Mitigation, Monitoring, and Reporting Program that describes the measures that will be incorporated into the project to reduce impacts to below a level of significance and establishes responsibility for each measure in order to ensure that all of the proposed mitigation will be implemented.

Provided above is our initial list of potential effects that we believe must be addressed in the draft EIR/EIS. These comments are based on the limited information available regarding the ultimate design of the rail line through our community. As stated previously, we request the opportunity to provide additional comments, prior to the release of the draft environmental document, when site specific project details are available for our area. We appreciate this opportunity to provide comments and request that we be contacted as new information about the project is made available.

Sincerely,

Ellen Willis, Chair  
Rancho Bernardo Community Planning Board

cc: Mayor Jerry Sanders, City of San Diego  
San Diego City Councilman Carl DeMaio  
San Diego County Supervisor Pam Slater-Price  
State Assemblyman Nathan Fletcher, 75th District  
State Senator Dennis Hollingsworth, 36th District  
Congressman Brian Bilbray, 50th District  
U.S. Senator Barbara Boxer  
U.S. Senator Dianne Feinstein  
SANDAG, Regional Transportation Planning  
Community Planners Committee (CPC)  
San Pasqual/Lake Hodges Planning Group  
Rancho Penasquitos Planning Board  
Carmel Mountain Ranch Planning Group  
Sabre Springs Planning Group  
Mira Mesa Planning Group  
Scripps Ranch Planning Group

Attachment: Letter Regarding the Previous Programmatic EIR/EIS for the Project from  
the Rancho Bernardo Community Planning Board, dated August 30, 2004