



S . H . P . O . A .

Shadow Hills Property Owners Association
P.O. Box 345 • Sunland, California 91040

Sent Via Email: palmdale_burbank@hsr.ca.gov

April 11, 2016

Mark A. McLoughlin, Director of
Environmental Services
ATTN: PALMDALE TO BURBANK PROJECT
SECTION
California High-Speed Rail Authority 700
North Alameda St. Room 3-532
Los Angeles, CA 90012

California High Speed Rail Authority Board
Chairman Dan Richard and Honorable Board
Members
c/o Mr. Mark McLoughlin
1770 "L" Street, Ste. 800
Sacramento, CA 95814

Federal Railroad Administration
Joseph C. Szabo, Administrator
c/o Mr. David Valenstein
MS-20, W38-303
1200 New Jersey Ave, SE
Washington, DC 20590

Surface Transportation Board
Chairman Elliot and Honorable Board
Members
395 E. Street, SW
Washington, DC 20423

Mr. Horace Greczmiel
Associate Director for NEPA Oversight
Council on Environmental Quality
Executive Office of the President
722 Jackson Place N.W.
Washington, DC 20503

Re: *California High Speed Rail*
4/16 Supplemental Alternatives Analysis

Dear Environmental Services, California High Speed Rail Authority Board, Federal
Railroad Administration, Surface Transportation Board, and Mr. Horace Greczmiel:

We are submitting this document on behalf of the Shadow Hills Property Owners

Association. Given the short amount of time since release of the SAA Report, we may provide further comments and input, as well as include additional communities' comments, input and endorsement/signature as time permits.

Our Association, along with many neighboring communities and a unanimous consensus of local elected officials in the northeast San Fernando Valley, objects to the Refined E-2 route being carried forward for detailed study in the project-level environmental document. We do not believe CHSRA is adhering to its own and NEPA/CEQA's requirement for a "reasonable range" of feasible alternatives. With the change in focus by CHSRA to a northern California IOS, the added time CHSRA has for southern California studies, and the removal of the urgency to complete the southern California IOS by 2022, **now is the ideal time for CHSRA to immediately remove damaging above ground elements such as E-2 from further consideration, to add new route alternatives for consideration and to explore a non-Burbank station alternative as the most transparent means of addressing the reasonable range criteria.**

We object to CHSRA continuing to ignore the political and public will in our communities for **complete** removal of above ground high speed trains near residential areas, that divide communities, or threaten sensitive environmental areas during both construction and operations. It is factually incorrect and disingenuous for CHSRA to refer to its public outreach work, on pages 10 and 11, in section 1.4.2 Community on page 19, in section 1.5.6 Stakeholder and Community Engagement on pages 27-39, as "intensive" or "comprehensive" when there has been exactly **zero** such outreach or meetings for ten months, since the June 2015 CHSRA board meeting in downtown Los Angeles. In addition, our oft-repeated request to be connected to a board member responsible for or familiar with our region for detailed dialogue has been met with no answers from either the Governor's Office or the Authority.

We find the tone of many sections of the SAA Report to be presumptuous by misstating the certainty of many project elements. For example, in both the Introduction and Executive Summary sections of the SAA Report, CHSRA uses the misleading and incorrect term "will" for project elements such as potential stations and a link to Las Vegas when terms like "planned" or "would" or "potential" or "hypothetical" are more truthful and accurate when discussing project elements that are in environmental review phase, unfunded or lacking in approval from any government jurisdiction. Such exaggerations and overstatements create misunderstanding, unnecessary threat and pose financial risk to property owners.

We do not believe it has been possible for the SAA Report to consider the findings of the up-front, environmental studies approved unanimously at the Board's June 2015 meeting. As we have documented extensively, first of all, the studies of water, seismic, tunneling and equine were not done independently or collaboratively. Second, two of

the studies were released in the same time period in which briefings on the SAA Report were being conducted by CHSRA – findings from the studies could NOT have been incorporated into the SAA Report. Third, there was no public review of the independent, third party studies, other than our 11-page critique of the Mineta Equine Study (which we again call upon CHSRA to withdraw from the record due to the obvious conflict of interest in selecting Mineta for the work, given the presence on the Mineta Board of Trustees of at least 5 current or former CHSRA employees, board members and contractors). Fourth, the final independent, third-party study related to seismic was never done according to Chairman Richard at the San Fernando Valley COG meeting.

The California High Speed Rail Authority's (CHSRA) April 2016 Supplemental Alternative Analysis (4/16 SAA), which proposes the Refined E-2 Alignment (Refined E-2) from Palmdale to Burbank, is fatally flawed and, Refined E-2 like route E-3, should be completely eliminated from consideration. We believe CHSRA is abusing its discretion as we continue to find issues, flaws, inadequacies and shortcomings with CHSRA's presentations. It was our grassroots group which pointed out on January 13, 2015, the water resource risks in the San Gabriel Mountains, of which CHSRA was not aware. Then, in fall 2015, we hosted CHSRA staff and consultants on a tour of the Big Tujunga Mitigation Area, and wrote exhaustively for many months, convincing CHSRA of the fatal flaws and show stoppers inherent in constructing and operating the high speed train project in or near the sensitive environmental areas such as Big Tujunga Wash Mitigation Area, Haines Canyon Creek and the Tujunga Mitigation Ponds. We find the Authority's response of moving the Refined E-2 route several hundred yards west of the "political" boundary of the Big Tujunga Mitigation Area to be inconsequential from an overall environmental and impacts standpoint. The E-2 Route remains offensive and injurious in countless environmental categories as well as its cumulative impacts.

We will provide analysis herein, which we believe CHSRA ought to be able to conduct on its own with the vast resources at its disposal, to outline very clear and compelling reasons for the elimination of route E-2, including contradictions in CHSRA's analysis whereby reasons for eliminating Revised E3 are not equally applied to Refined E-2.

1. Overburden. The 4/16 SAA states that "reducing overburden is a key factor in providing overall constructability and cost" (4/16 SAA pg 70 section 2.6.3). In attempting to refine the E-3 route CHSRA was able to reduce the E-3 overburden from 3,000 feet to 2,750 feet. As CHSRA states on page 71 section 2.6.3 "...deep tunnel construction would have posed a higher risk to feasibility." This was one of the main reasons for eliminating the E-3 route.

CHSRA makes the unsubstantiated statement that a 2,750 foot overburden is still greater than the Refined E-2 route (pg 70 section 2.6.3.). However, nowhere

in the 4/16 SAA or the 6/15 SAA is there a chart or graph showing the E-2 overburden. The only reference to overburden is located on in Table A-3 page A-28 of the 4/16 SAA, which states that the “constructability” for Refined E-2 is the same as the “constructability” for the prior iterations of E-2. In prior portions of Table A-1 and A-2, “constructability” refers to “overburden”. Thus pursuant to the 4/16 SAA, the “overburden” for Refined E-2 is the same as the overburden for prior E-2(a) and E-2(b). I was able to locate a document prepared by CAHRA and entitled Project Elements, a copy of which is attached hereto as Exhibit 1. Page 18 of such Exhibit 1 is a graph which shows the E-2 overburdened. While not giving an exact number, the graph shows two points where the overburden is equal to or greater than 2,750 feet. Thus since the overburden is a key factor which disqualifies E-3, such substantially identical overburden must also disqualify Refined E-2. This may also disqualify E-1, but those figures were not detailed in the 4/16 SAA.

2. Operational Capability and Travel Time. CHSRA states that it was concerned about the original E-3 “operational capability and travel time which were of particular concern in the Burbank Station Area ... [because of the] relatively tight curves into and out of the station platform, reducing maximum travel speeds, and thus increasing overall travel time.” (Page 70 Section 2.6.3) CHSRA stated that it had modified such entry for E-3. That detail was not shown, so it is difficult to compare to the Refined E-2 route entering Burbank, but if the more gently curved E-3 route to Burbank is not enough to keep it from being eliminated, then it should not be enough to retain the Refined E-2 route. It should also be noted that the difference in travel time between the baseline in Route E-1(a) and Refined E-2 is +17 seconds. (See Table A-3 page A-28) Thus, not only does Refined E-2 have other disqualifying factors, it has an insignificant time difference.
3. Contaminated Soils and Ground Water in Vicinity of Burbank. One of the reasons for eliminating E-3 was the “known presence of contaminated soils and ground water in the vicinity” of the Burbank Station. (Page 70 Section 2.6.3) It is well known that substantial portions of the Burbank site area are designated a superfund site due to toxic solvents deposited into the soil. This has contaminated not only the ground, but hexavalent chromium (C6) has contaminated portions of the water supply (think Erin Brockovich). This tunneling through contaminated superfund site soil/water is detailed in Table A-3 pages A-37 - A-38. Routes E-3 and Refined E-2 must both enter Burbank through the same contaminated/superfund site soil/water with the same

predictable disqualifying results. The Refined E-2 alternative should be withdrawn for the same Contaminated Soil and Ground Water issues which disqualified E-3.

4. Environmental Resources. The Refined E-2 Route's impacts on Environmental Resources compared with E-2(a) and E-2(b) routes are almost identical and in the case of Critical Habitats for the federally endangered Santa Ana Sucker and the Southern Willow Flycatcher the Refined E-2 Alignment disrupts an even greater number of critical habitat acres, (4/16 SAA Report Pages 63 - 64 Table 2.5.51) As it crosses by the Big Tujunga Wash, the Refined E-2 Route is just as environmentally disruptive as was the prior E-2 routes and more disruptive than the E-3 routes.
5. Mitigation Bank. The County of Los Angeles owns approximately 206 acres as a Mitigation Bank in the Big Tujunga Wash to off set other activities of the Department of Public Works. The former E-2 routes went through this Mitigation Bank above ground. The Refined E-2 route is moved several hundred yards to the west so that it no longer goes through the County owned Mitigation Bank, but instead goes through the ACOE property. **That property has the identical environmental characteristics as the Mitigation Bank property and will yield identically adverse environmental impacts.** The mere movement a few hundred yards west is no reason for the Authority to be touting that change as any kind of environmental improvement. It is simply a geographic or political convenience for the Authority and has no benefits to our precious Big Tujunga Wash. The Haines Canyon Creek with its endangered Santa Ana Sucker and irreplaceable habitat does not stop at the property line. It continues into the ACOE property. Moving the above ground train 200 or so yards down stream is akin to rearranging the environmental deck chairs on the Titanic. Further details on environmental issues can be found in the Hansen Dam Master Plan prepared by the ACOE which is available online and the existence of which has been provided to the CHSRA on numerous occasions.
6. Disingenuous Argument by Chairman Richard. On several occasions, including at the San Fernando Valley Council of Governments meeting and most recently on the Channel 4 news broadcast at 9:00am on 4/10/16, Chairman Richard has attempted to justify the Refined E-2 Alignment above ground through the Big Tujunga Wash by pointing to and attempting to equate the electrical transmission lines which cross the Big Tujunga Wash with the proposed CHSRA viaduct. In fact, Mr. Richard referred to a solitary power line structure as

evidence of “stuff” (that was his word) that would somehow justify this pristine eco-system as a proper location for the massive high speed train impacts.

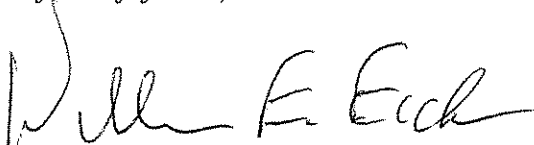
These two cannot be equated. The high tension power lines have one tower in the middle of the 2 mile wide Big Tujunga Wash, which tower is in an area that does not contain wetlands. On the other hand, the CHSRA viaduct appears to require structures every twenty five to one hundred yards as depicted on the photograph from the April 6, 2016 Los Angeles Times attached hereto as Exhibit 2. These CHSRA structures will destroy the wetlands which they encounter. The 5+ year construction phase alone, given the intrusion of boring equipment, trucks, materials, supplies, road closures, trail closures and displacements, would cause irreparable damage. To equate the one electrical transmission line tower with the multiple structures needed to support the two trains is disingenuous and makes even the casual observer question the efficacy of all other CHSRA statements. It should be noted that the City of Los Angeles is spending millions to restore the Los Angeles River at the same time as the CHSRA is spending billions to destroy it. The Big Tujunga Wash is the Los Angeles River before cement. The Los Angeles Department of Water and Power “owns” the water rights for Haines Canyon Creek and it is a contributor to the City’s water supply in these dire drought conditions.

7. Non-Burbank Route. Jeff Morales, Rail Authority Chief Executive, stated on Monday April 4, 2016 that higher costs were driven by the assumption that a rail station would be built in Burbank rather than Sylmar. Also, apparently the Parsons Brinckerhoff cost estimate and the state’s previous business plans never said that a future San Fernando Valley station would be in Burbank or Sylmar. (Los Angeles Times article dated 4/6/16 California Section) In fact, the ballot initiative did not even mention Burbank as a station. A non-Burbank station alternative should not only be considered as one of the feasible environment alternatives, such a route would reduce project costs by millions if not billions of dollars. CHSRA’s claim that Burbank is needed for connectivity purposes is pandering to a political audience and is redundant to present and project rail options at the Burbank Airport. Further, at an Assembly Budget Sub-Committee oversight meeting on Wednesday, April 6th, Mr. Richard touted the “enormous development” opportunities in station communities. Neither the residents of Burbank, the City of Burbank, or we, as neighboring residents, would favor such “enormous development” and the stress that would put on existing infrastructure and communities.

Inserting Burbank as a station not only increases the costs, but also requires some of the most troublesome route alternatives. CHSRA should take the time to study alternatives which do not have a Burbank station. In analyzing cost estimates, CHSRA does not include a Burbank station because the non-inclusion of Burbank makes the cost estimate look cheaper. Now would be the time to create a non-Burbank alternate so that the cost estimate presented to the public isn't just a fiction.

8. Conclusion. We have only had about 4 days to read and analyze the 4/16 SAA. It deserves an even greater in-depth analysis, but it is clear that Refined E-2, like E-3, must be withdrawn from consideration. The failure to do so constitutes an abuse of discretion.

Very truly yours,



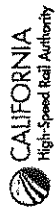
William E. Eick,
Attorney at law
Chairman, Land Use Committee
Shadow Hills Property Owners Assn.



David J. DePinto
President, Shadow Hills Property Owners Assn.

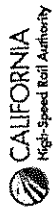
c.c.	Members of the California State Assembly	Burbank City Council Members
	Members of the California State Senate	San Fernando City Council Members
	Los Angeles County Supervisors and Staff	Santa Clarita City Council Members
	Los Angeles City Council Members and Staff	Governor Jerry Brown
	Mayor of the City of Los Angeles	Lieutenant Governor Gavin Newsom
	SAFE Coalition	

EXHIBIT 1



PROJECT ELEMENTS

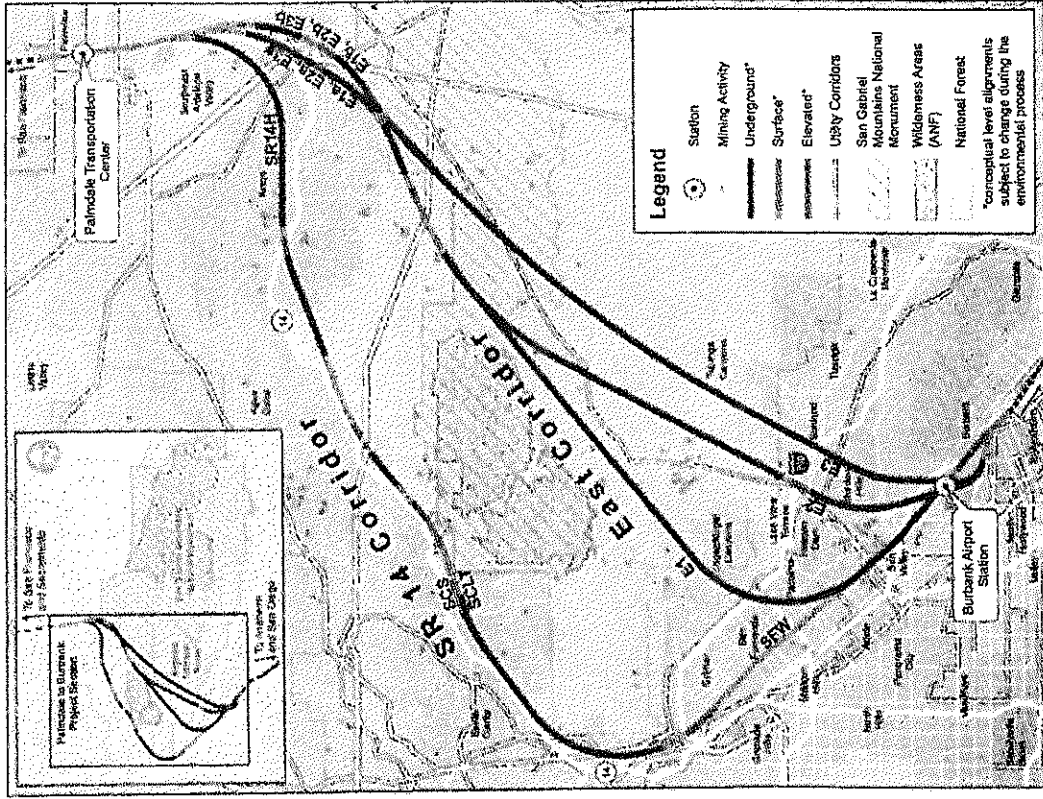




Palmdale to Burbank Route Concepts

- Two Corridors:
 - SR 14 Corridor
 - East Corridor
- Two Stations:
 - Palmdale (Antelope Valley)
 - Burbank (San Fernando Valley)
- Multiple Alignment Options

Refinement Process Ongoing

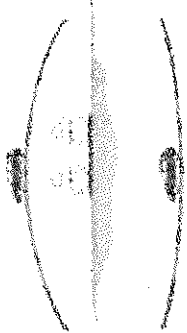


EXAMPLES: VERTICAL PROFILES

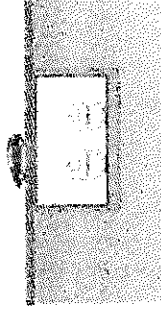
ELEVATED



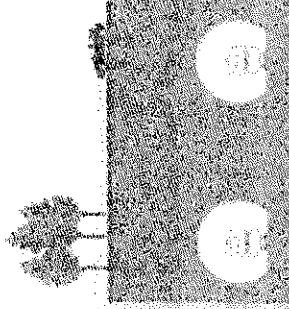
SURFACE



FRENCH/CUT & COVER



HSR DEEP TUNNEL



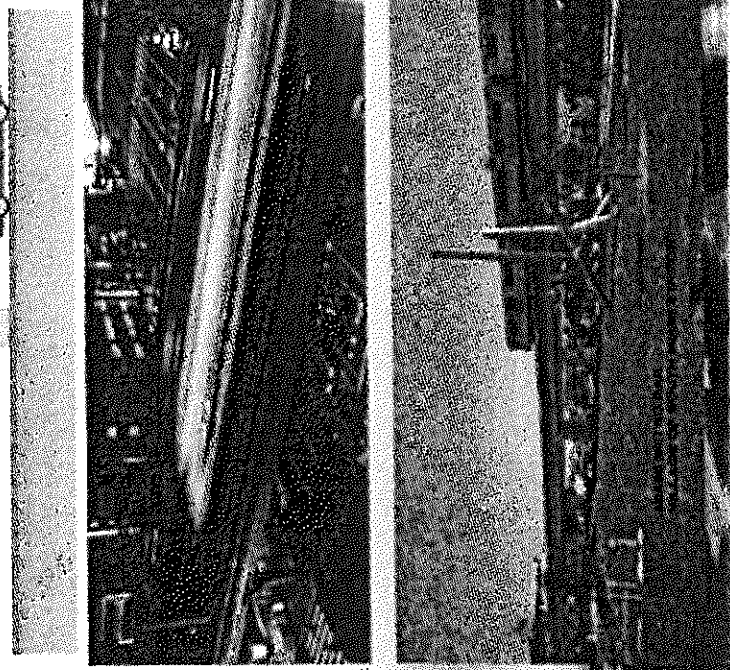
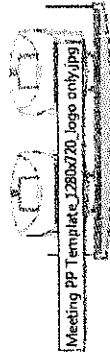
EXAMPLE: ELEVATED

- **PROS:**

- Narrower Width
- Usable Space Below Structure
- Rider Views
- Constructability

- **CONS:**

- Visual Impact
- Noise Impact



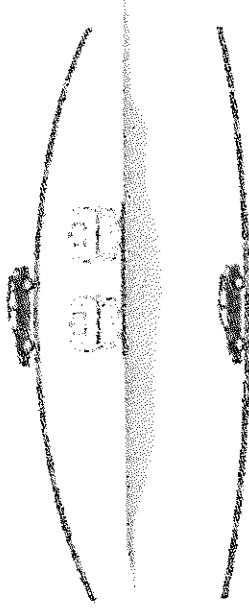
EXAMPLE: SURFACE

- **PROS:**

- Less Visual Impacts (Vs. Aerial)
- Rider Views
- Constructability
- Construction Costs
- Aesthetics (Noise Barriers)

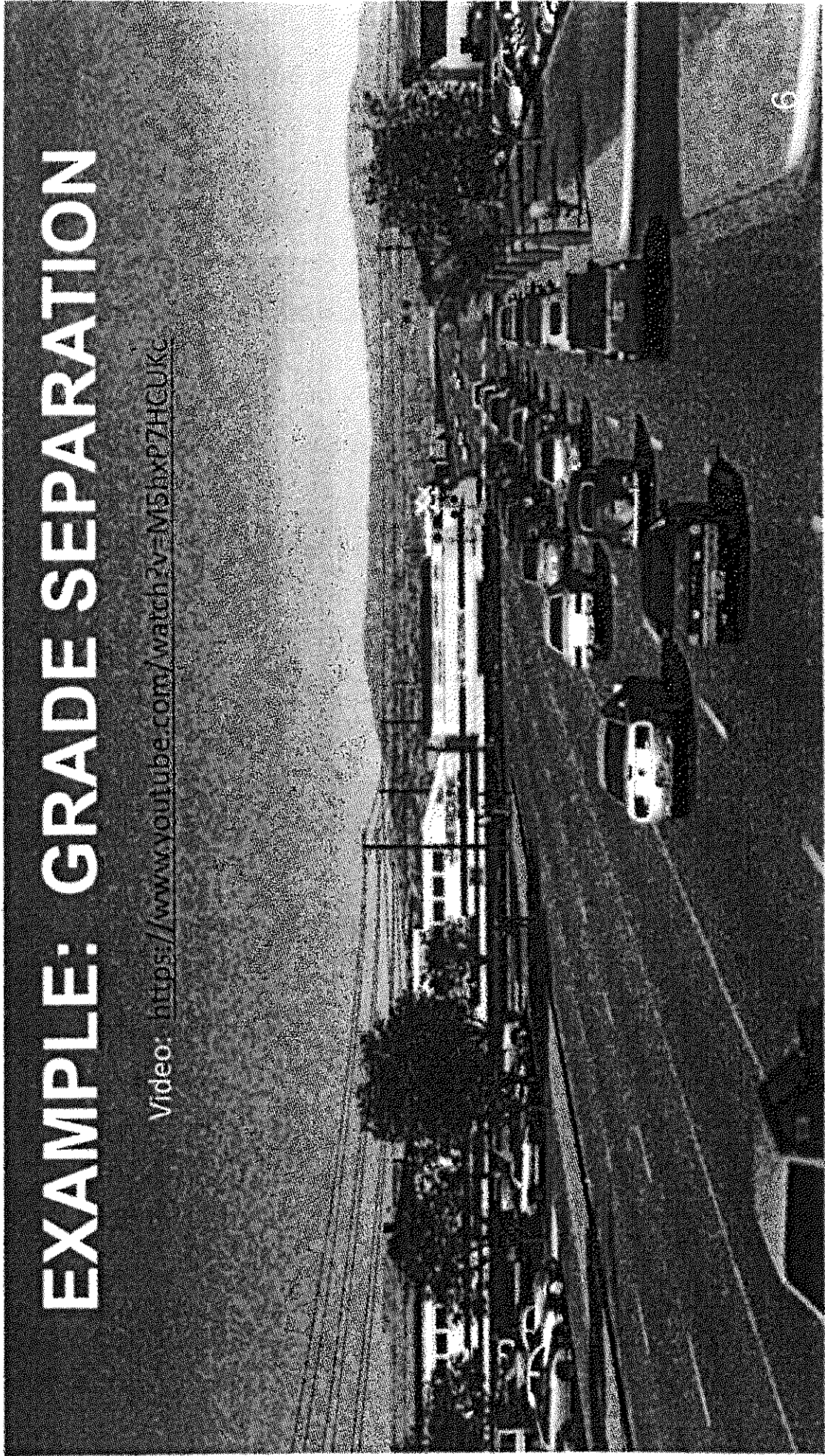
- **CONS:**

- Property Impacts
- Aesthetics (Noise Barriers)



EXAMPLE: GRADE SEPARATION

Video: <https://www.youtube.com/watch?v=M5hxp7HCUKc>



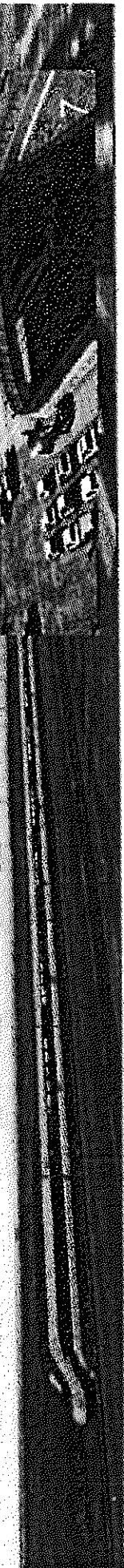
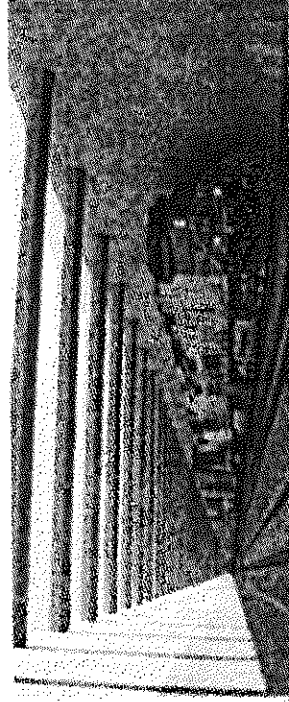
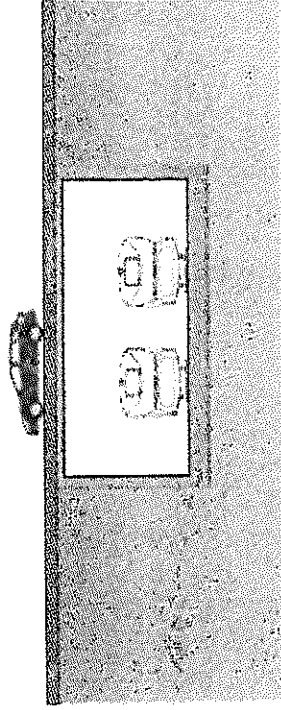
EXAMPLE: TRENCH / CUT & COVER

• PROS:

- Limited Visual Impact
- Options for Connectivity across Trench

• CONS:

- Potential Impacts to Waterways and Utilities
- Right of Way for Construction
- Limited Rider Views
- Cost



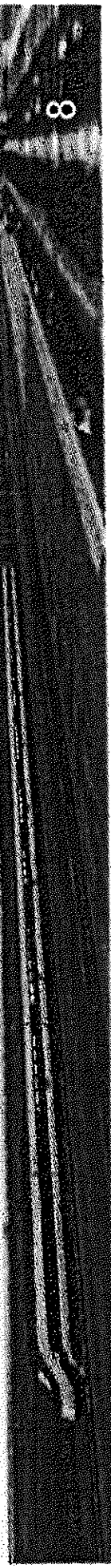
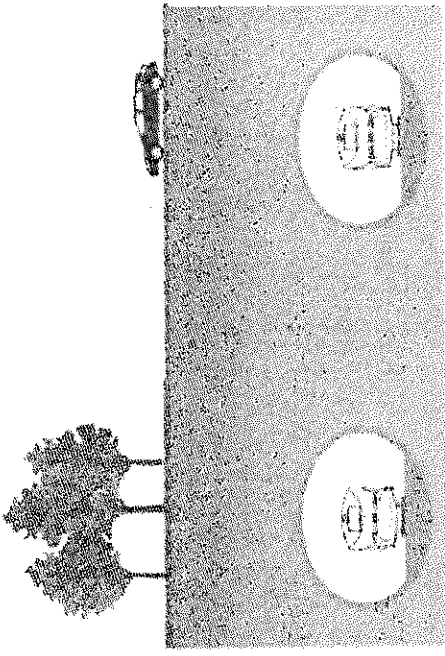
EXAMPLE: HSR DEEP TUNNEL

- **PROS:**

- Least Visual and Noise Impacts
- Reduced Surface Disruption

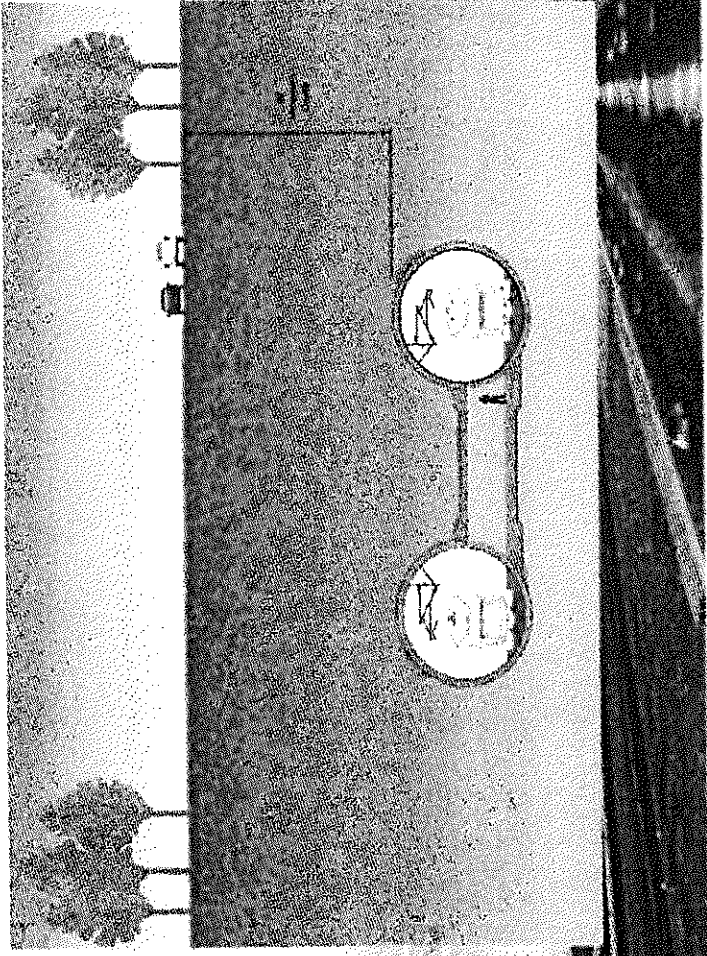
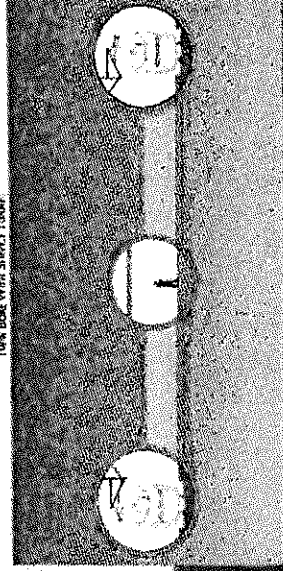
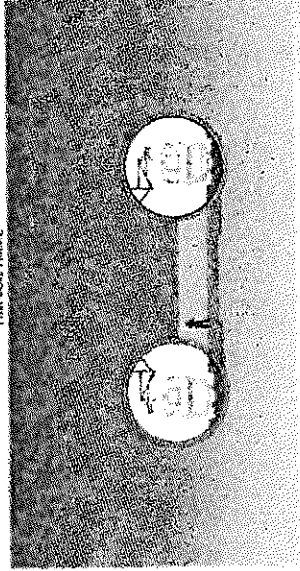
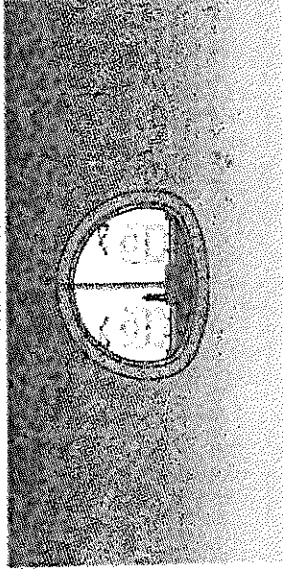
- **CONS:**

- Cost
- Fire & Life Safety
- Limited Rider Views

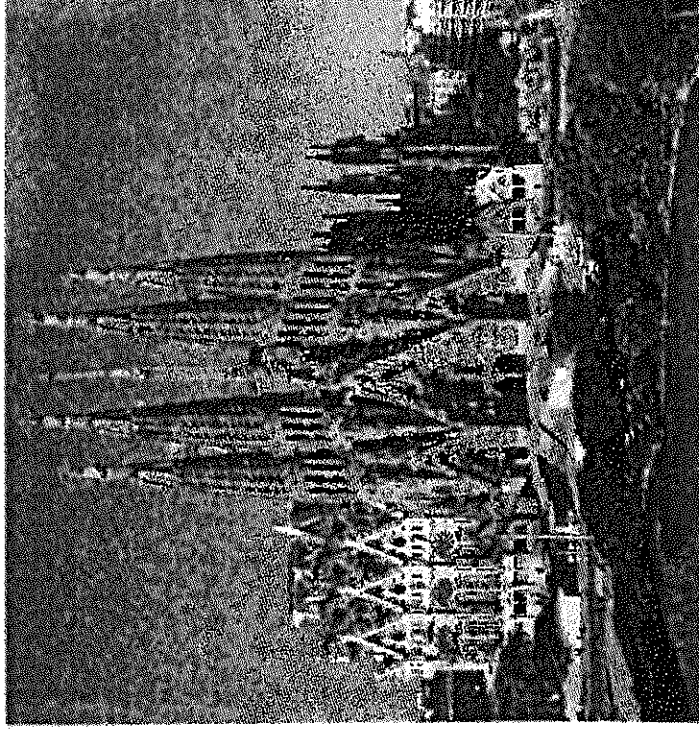
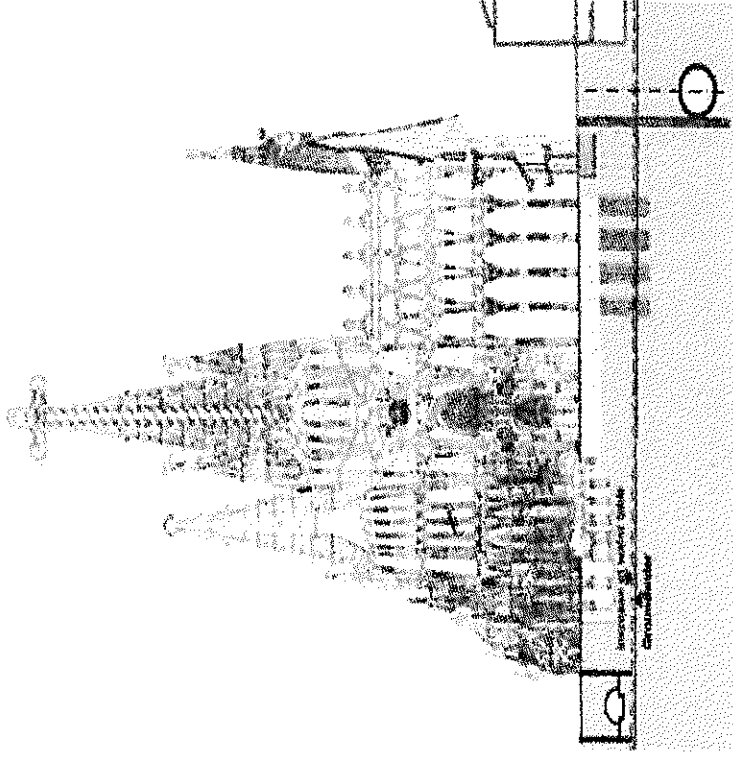


EXAMPLE: TUNNEL SCALES

- Depth: Approx. 60 ft. min.
- Width: Approx. 120 ft.
- Diameter: Approx. 30-40 ft.

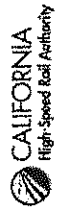


TUNNEL EXAMPLE - SPAIN



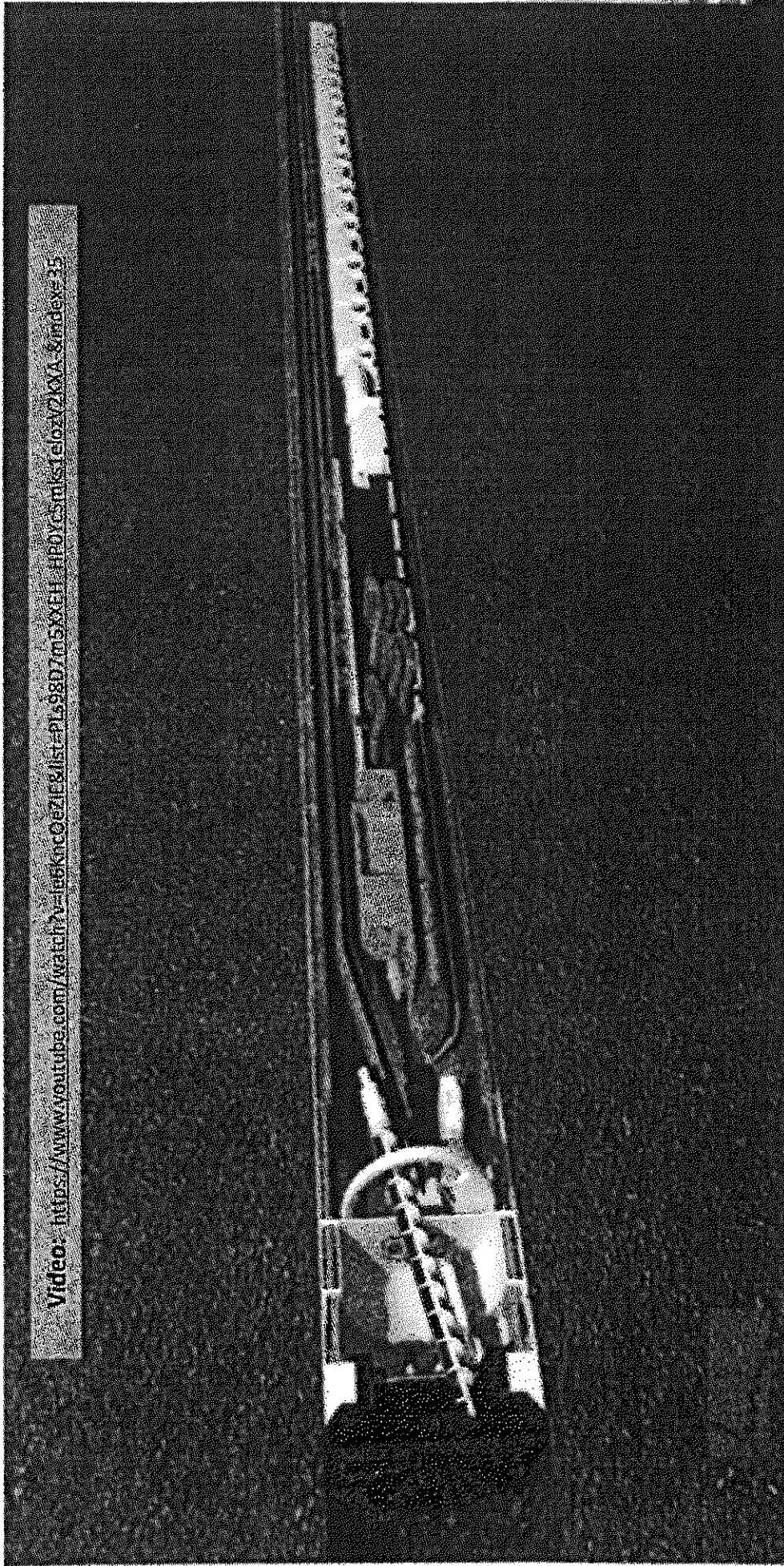
Architect: Gaudi

Tunnel underneath the Sagrada Familia Cathedral in Barcelona, Spain

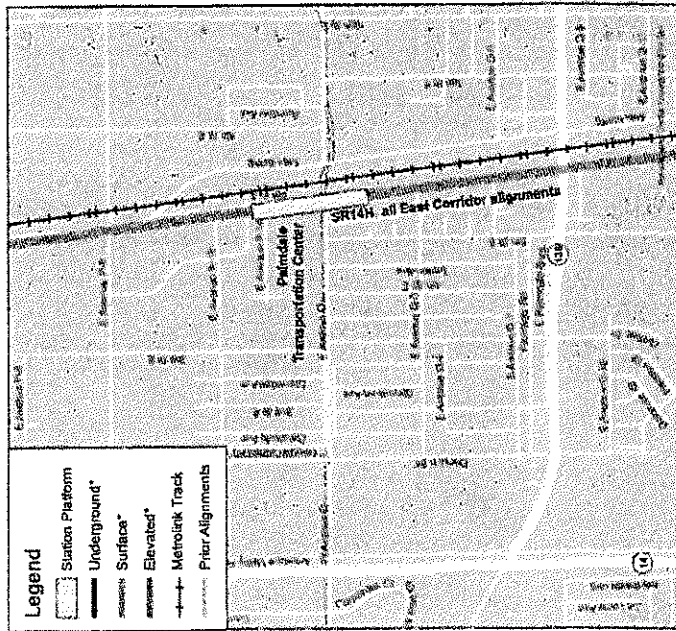


TUNNEL BORING MACHINE

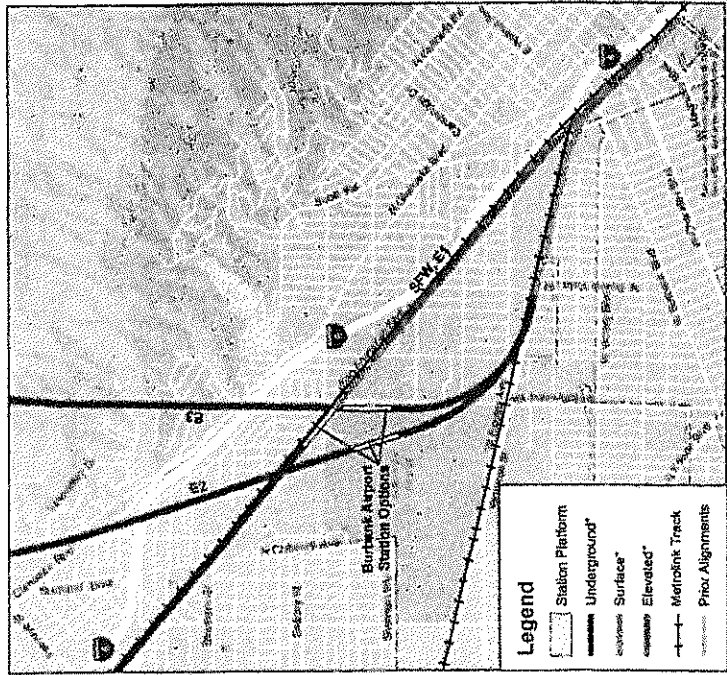
Video: https://www.youtube.com/watch?v=ie5Knc0ezIE&list=PLs9BD7m5XXEH_HPOYCSm1s1eoz2KXA_Sm0eYs35



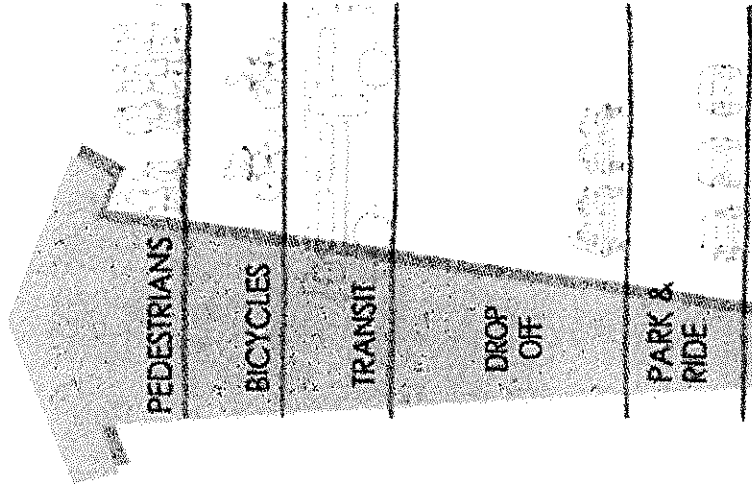
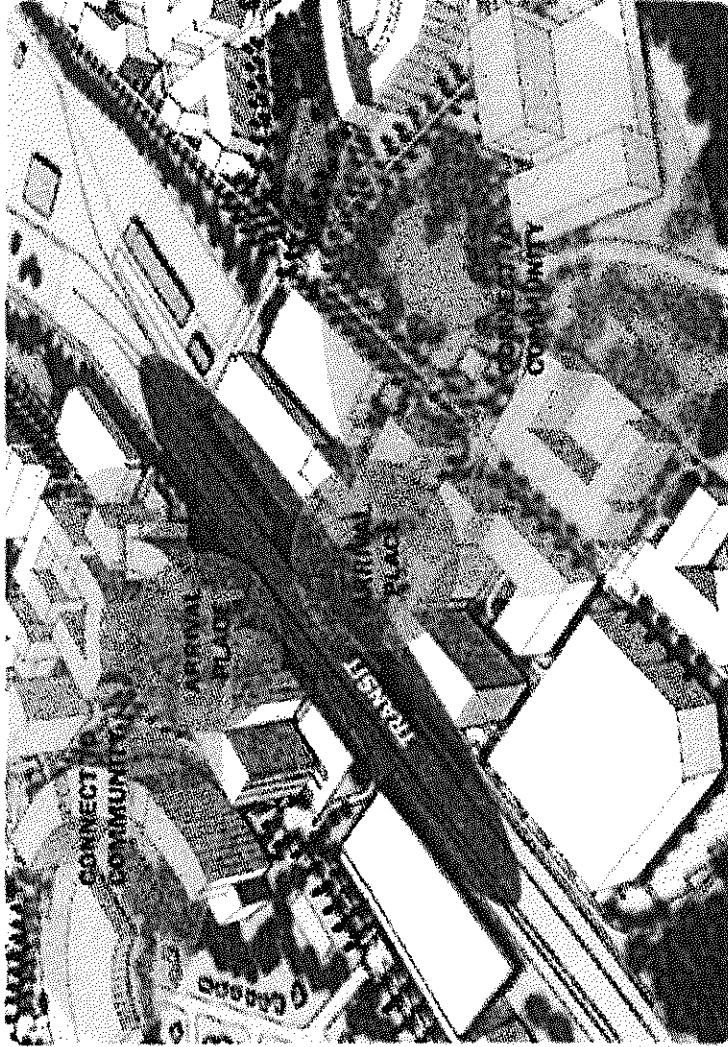
Palmdale Transportation Center Station Creating Multi-Modal Hubs & Great Public Spaces



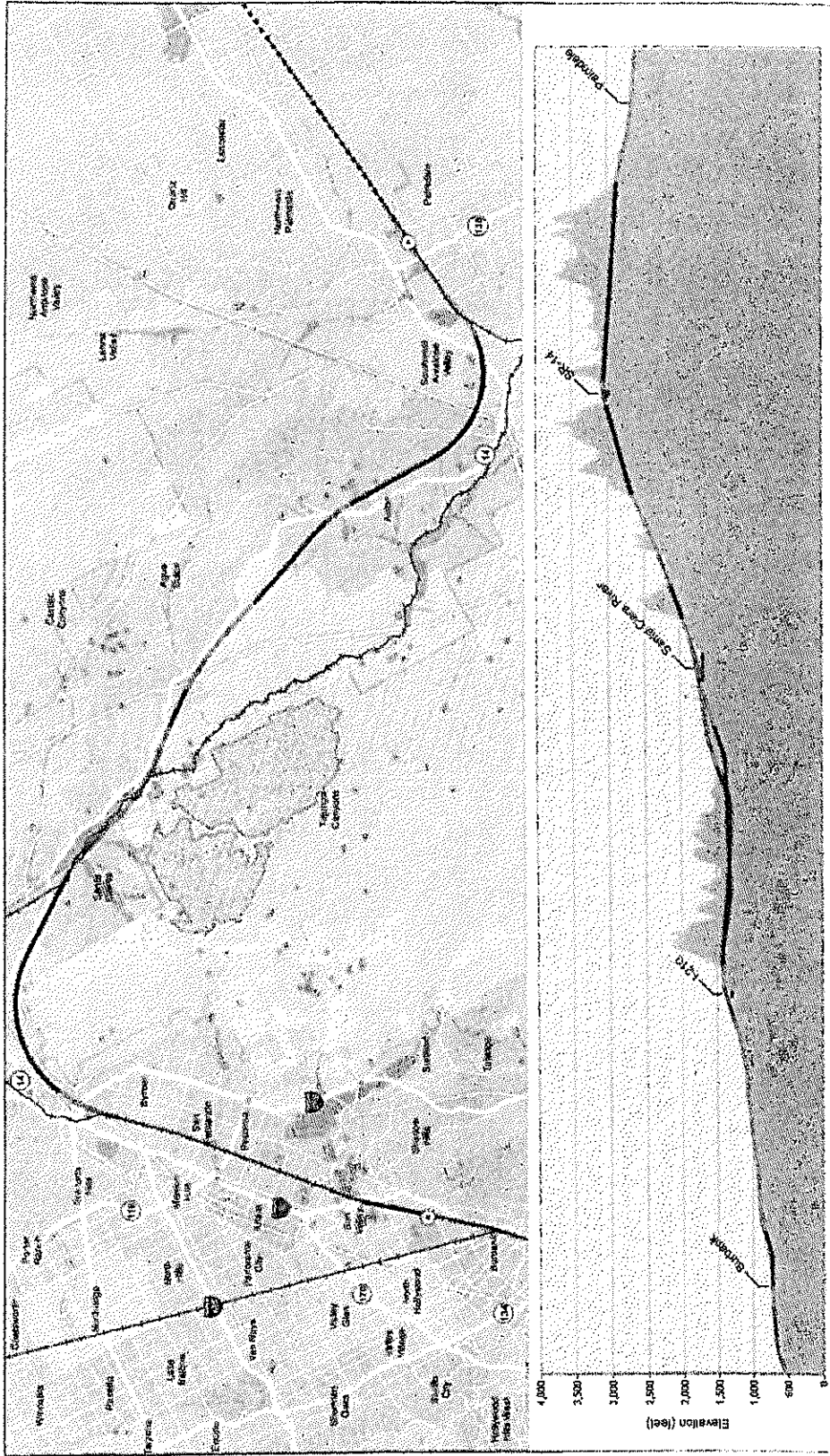
Burbank Airport Station Creating Multi-Modal Hubs & Great Public Spaces



Station Access



SR 14 Plan & Profile



Fairdale to Burbank Section
SR14 Plan and Profile
*Conceptual level adjustments subject to change
during the environmental process

- Station
- Underground
- Surface
- Elevated
- Mining Activity
- Metrolink
- Utility Corridor
- 100-yr FEMA Floodplain
- Wilderness Area
- San Gabriel Mountains National Monument
- National Forest
- ANF Non-US Government Land

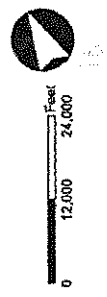


EXHIBIT 2

Senate takes close look at bullet train

[Train, from BJ] is facing far higher risks than they had expected.

Sen. Ben Allen (D-Santa Monica) wondered how politicians can respond to tough questions by constituents, a reality many elected leaders say they are encountering more frequently.

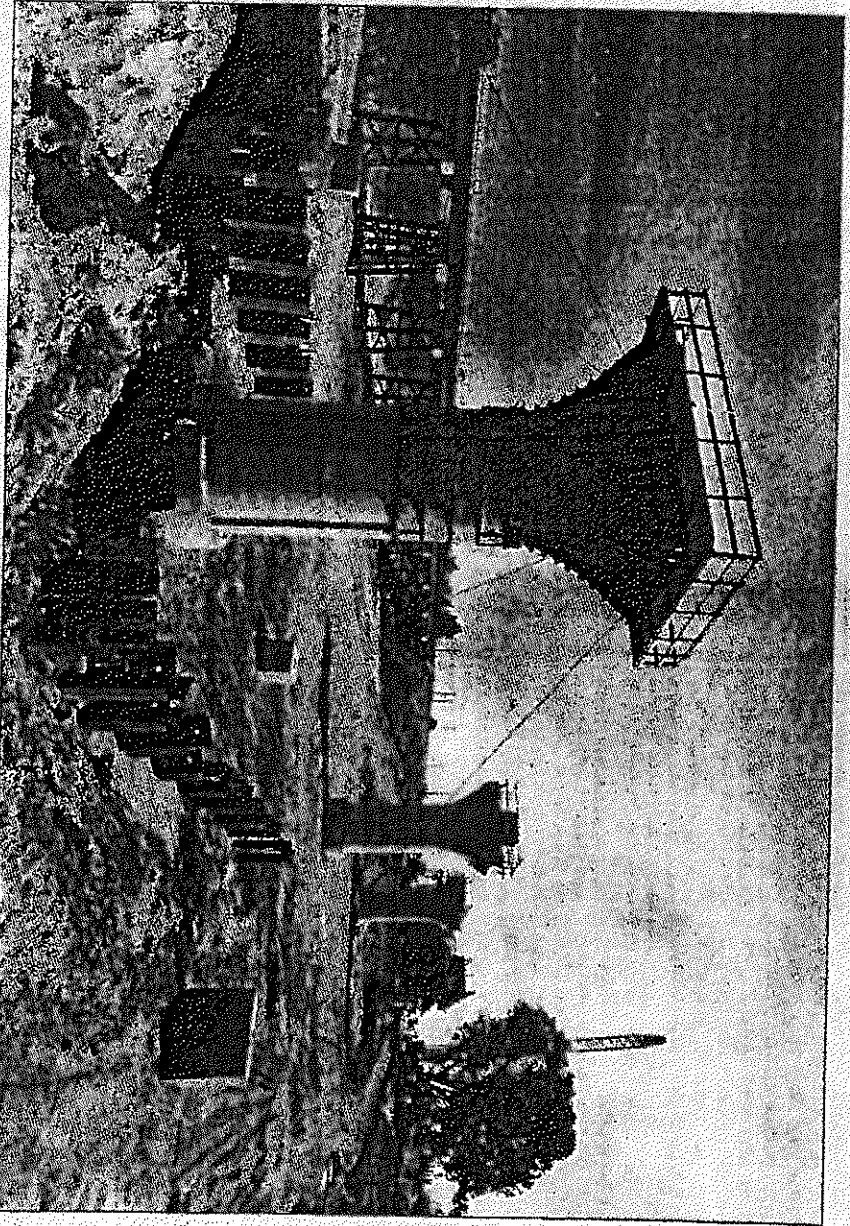
"We have the lieutenant Governor talking down the project, and he may be the next governor," Allen said.

Many of their concerns revolve around the use of greenhouse gas fees to finance about half of the initial segment.

Under the revised business plan, the state would have to extend the greenhouse program until 2050 and give the rail authority permission to borrow against future income from the fees. Representatives of the state Legislative Analyst's Office warned that many uncertainties exist about that funding, including its potential to diminish.

Sen. Lois Wolk (D-Davis) raised concerns about the fees, asking how much it would cost the state to borrow against them in the future. "Who backs the funding? If something happens," she said.

Allen and other senators raised a broad range of concerns, including many based on Times reports that the authority is facing more than 300 change orders in the first construction contract and on a story last year disclosing that consultants had warned of large cost in-



THE SUPPORTS for a 1,600-foot viaduct to carry high-speed trains across the Fresno River are seen under construction near Madera. State senators are raising concerns about the project's financing.

creases.

The rail authority is facing more than 300 pending change orders on just the first construction contract, including a potentially massive \$100-million claim by a team led by Sylmar-based Tutor Perini.

Rail authority Chairman Dan Richard deflected ques-

tions about those risks. He said the authority has previously disclosed that it could face change orders and emphasized that the agency does not necessarily have to pay them.

Richard acknowledged that the state's failure to deliver parcels on time to Tutor Perini could give the con-

tractor "the right to charge for delays."

Sen. Richard Roth (D-Riverside) asked about the authority's responses to an October 2015 Times story saying that the agency decided not to adopt higher cost estimates projected by its lead contractor, Parsons Brinckerhoff.

Rail authority Chief Executive Jeff Morales told Roth that The Times had mischaracterized the cost estimate, but Roth cut him off, saying, "Part of the problem is that it wasn't released in the first place. People are free to characterize a document that they get. That's the way it works."

The Times had asked the state to release the report, in the form of a highly detailed PowerPoint, under the Public Records Act. The rail authority refused the request, declaring it was not in the public interest to release it. The Times later obtained the report from an individual close to the project and gave the state three months to provide detailed responses to questions.

Morales said Monday that higher costs were driven by an assumption that a rail station would be built in Burbank instead of Sylmar. He said the difference required additional miles of track and elevated structures, accounting for the higher costs.

The Parsons Brinckerhoff cost estimate, as well as the state's previous business plans, never said that a future San Fernando Valley station would be in Burbank or Sylmar.

In the October story, The Times also reported that a second major contractor, URS, said in a 2013 progress report that it expected a \$1-billion cost increase in the Central Valley and that it had been ordered by the rail authority to use lower cost estimates.

Richard said Monday that URS' assertion was not correct, but that he could not discuss details because they were part of a legal dispute with the company.

ralph.vartabedian@latimes.com