

APPENDIX 5-B, ATTACHMENT D-3: COMMENTS SUBMITTED DURING SEPTEMBER 2021 OUTREACH PERIOD

October 1, 2021

Boris Lipkin, Northern California Regional Director
California High-Speed Rail Authority
770 L Street, Suite 620
Sacramento, CA 95814

SUBJECT: City Comments on HSR Environmental Justice Analysis and Potential
Community Improvements

Dear Boris Lipkin,

On behalf of the City of San José (City), thank you for the opportunity to review and comment on the High-Speed Rail Authority's Environmental Justice analysis and conclusions for the California High-Speed Rail San José to Merced Project Section. 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 City's comments below are focused on the analysis, proposed community improvements, and conclusions for Alternative 4. The HSR Authority in 2019 identified Alternative 4 as the State's Preferred Alternative in its draft environmental analysis documents. As discussed in the August 20, 2019 City Council hearing, Alternatives 1, 2, and 3 have significant and unavoidable impacts which are significantly reduced or resolved in Alternative 4. Since late 2019, City staff have focused most of its work on Alternative 4. Therefore, we have not undertaken extensive analysis of the disproportionate impacts and proposed offsetting community improvements for Alternatives 1, 2, and 3. In the Final EIR the City asks that HSR Environmental Justice analysis revisit the impacts and proposed improvements in the Seven Trees neighborhood as part of the South San José community area.

The City concurs with the proposed noise insulation improvements for existing residents across all four community areas:

- SJD-IMP#2: Noise insulation for certain residential buildings adjacent to the west side of SR 87

- GWG-IMP# 2: Noise Insulation for certain Residential Buildings adjacent to the west side of SR 87
- WGTA-IMP#3: Noise insulation for certain residential buildings adjacent to the east side of SR 87
- SSJ-IMP#3: Noise insulation for up to 20 residential buildings along the west side of US 101

The City requests that the HSR Authority work with existing community organizations to outreach to the most disadvantaged residents in each community area and assist them in applying for and receiving noise insulation improvements.

The City reiterates its ask that the HSR Authority negotiate an agreement with the Peninsula Joint Powers Authority (Caltrain) to not sound horns when traveling through Diridon, Tamien, Capital, and Blossom Hill Caltrain stations. The HSR project is altering or rebuilding each of those stations and can add measures to the station/platforms that would allow trains to pass without blowing their horns. Avoiding the horn noise would significantly mitigate the disproportionately high and adverse effects from HSR operations in the San José Diridon, Gardner/North Willow Glen, Guadalupe/Washington, and South San José community areas.

The City believes that the above noise insulation improvements, when combined with an agreement with Caltrain, would substantially offset the disproportionately high and adverse noise impacts from HSR in the San José Diridon and Guadalupe/Washington community areas.

The disproportionate noise, traffic, and emergency response impacts examined in environmental justice analysis and the EIR do not include the cumulative impacts of future increases by HSR plus other rail operators. The City has taken the position that these can be fully mitigated only through the complete grade separation of the rail corridor through all four community areas. While the Diridon Integrated Station Concept (DISC) is not a part of the project described in the EIR, it is essential for fully resolving impacts in the Diridon and Gardner/North Willow Glen community areas. The City asks the HSR Authority, when adopting the San José to Merced project, to reaffirm its commitment to participate in, and contribute proportionately to, implementing the Diridon Integrated Station as a separate project.

Gardner/Willow Glen Community Area

The City asks HSR Authority to add the “Fuller Park/Fuller Avenue Recreational Amenities” to the HSR project. Neighborhood leaders, Caltrain, and City staff partnered to develop Fuller Park – taking underutilized rail right-of-way and transforming it into a park used by many members of this historically disadvantaged neighborhood, including low-income, minority, and other disadvantaged people. While impacts to Fuller Park have been found to be de minimis, the inclusion of Fuller Park/Fuller Avenue Recreational Amenities would offset community concerns, build trust, and align with commitments from the City and partners like High Speed Rail to ensure that visual conditions are no worse, and ideally are better than today, even as train volumes grow with improvements like High Speed Rail.

The Valley Transportation Authority is pursuing a sound wall project at Gardner Elementary. Coordinating the proposed improvement “GWG-IMP#1: Gardner Elementary Noise Insulation or Soundwalls” with the VTA project could lead to improved outcomes and/or lowered costs for both agencies.

South San José

The City continues to believe that full grade separation between rail and major intersections is the safest solution to address increased train traffic and speed, and also helps preserve quality of life and emergency vehicle access.

In its comment letter on the Draft EIR, the City asked the Authority to:

- Include grade separations at: Skyway Drive, Branham Lane, and Chynoweth Avenue in the project, or provide proportionate share contribution to that grade separation project as mitigation measure in the Final EIR.
- 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.

The City appreciates the investment in the South San José Community Area represented by the proposed community improvements: SSJ-IMP#2a, SSJ-IMP#2b, and SSJ-IMP#2c. The effectiveness of the proposed community improvements would be greatly improved by adding flexibility to potentially fold these improvements into full grade separations. The City asks the following language (from SS-MM#4) around in-lieu payments be add to the SSJ-IMP#2 improvements:

As an alternative to these strategies, the Authority and a local agency may reach a mutual agreement to have the Authority make an in-lieu payment toward other infrastructure projects including nearby grade-separation projects. The in-lieu payment would be the capital contribution that the Authority would have otherwise made to one or more of the community improvements.

Again, the City continues to believe grade separations are the best way to address safety and quality of life, and that they would also offset the disproportionately high and adverse effects with Alternative 4 in the South San Jose community area.

Boris Lipkin, California High-Speed Rail Authority

SUBJECT: City Comments on HSR Environmental Justice Analysis/Potential Community Improvements

October 1, 2021

Conclusion

In closing, we thank the HSR Authority for the opportunity to comment on the updated Environmental Justice analysis. 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.

Sincerely,



Jessica Zenk
Deputy Director
Department of Transportation
City of San José



DEVELOPMENT SERVICES CENTER

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October 1, 2021

Boris Lipkin, Northern California Regional Director
Audrey Van, Deputy Project Manager of San Jose to Merced
California High Speed Rail Authority
100 Paseo De San Antonio, #206
San Jose, CA 95113

RE: CHSRA's Environmental Justice Analysis: San Jose to Merced (as of July 2021)

Dear Mr. Lipkin,

We would like to thank the Authority for the opportunity to review the proposed preliminary measures that would address adverse effects on minority populations or low-income populations within Morgan Hill. The Authority's documents identify nine (9) types of effects that may have impacts and analyzed those effects for each Alternative. The effects are ranked in level of significance from disproportionately high and adverse effects (DHAE) to potential effects not considered high or adverse. The Authority identified a DHAE for Operational Traffic effects for Alternative 4 but did not propose a measure to alleviate the adverse effect. This is a major concern for the City and we would like the Authority to consider our comments and proposed measures to assist in offsetting the adverse impacts discussed in the next few paragraphs.

CHSRA'S POTENTIAL EFFECTS PRESENTATION

Potential Community Improvements

In addition to the improvements proposed for each alternative shown on slide 17, the City previously discussed incorporation of infrastructure along the rail right-of-way that would provide "purple pipe" or recycled water opportunities to support water conservation. The City also discussed inclusion of telecommunication conduits to provide internet access to those within the mapped community of concern area. The city does not agree that the Alternative 4 proposed mitigation for *noise insulation for certain residences along 101 helps offset residual project noise effects* for the alignment within the UPRR right-of-way tracks.

Preliminary Conclusions in Morgan Hill

While the chart on slide 15 indicates Alternative 4 has DHAE level Operational Noise and Operational Traffic effects, slide 18 is contradictory in stating Alternative 4 does not have DHAE effects. The City agrees that there is a DHAE effect related to Operational Noise and Operational

Traffic effects and is concerned that the Authority has not addressed the adverse Operational Traffic effects. Alternative 4 is located within the sphere of the community of concern and without grade separations will have safety implications such as impacts to emergency response times caused by traffic delay or road closures. Alternative 4 requires modifications to the Caltrain Station access and replacement of the pedestrian at grade crossing to a pedestrian underpass. We request the Authority work with the City, VTA, and Caltrain on the preparation of a master plan for the Morgan Hill train station access and pedestrian underpass in addition to providing grade separations at Tilton Avenue, East Dunne Avenue, and Tennant Avenue if Alternative 4 is selected for implementation. **In an effort to alleviate the disproportionately high and adverse effects (DHAE) to Operational Traffic effects on Alternative 4, the City is proposing NEPA Environmental Justice Analysis include a measure for funding a 30% design for a master plan of the pedestrian underpass and train station and grade separations at Tilton Avenue, East Dunne Avenue, and Tennant Avenue.**

We would like to thank you for your consideration of these comments and concerns. We appreciate the HSR staff's willingness to clarify the project design and objectives, and to discuss and resolve issues to achieve a project that completes the HSR Authority's mandate while minimizing impacts on the communities that will have to co-exist with the operating rail system long-term.

Sincerely,



Christina Turner
City Manager
City of Morgan Hill

cc: City Attorney
Mayor
City Council



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Dr. Deborah A. Flores, Ph.D.

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February 7, 2018

Mr. Dan Richard, Board Chair
Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 620
Sacramento, CA 95814
(916) 324-1541

Re: Gilroy Unified School District's Urgent Request for Feasibility Study & Acquisition Planning

Dear Mr. Richard:

The purpose of this letter is to bring to your attention the impact that the High-Speed Rail project in Gilroy will have on Gilroy Unified School District facilities. We have met with representatives of the HSR for about 5 years. Despite these meetings and direct communications, it appears that very little, if any, planning has been undertaken to mitigate the impact that the HSR will have on both educational and operational facilities in our school district.

The District has provided to your representative (Ben Tripousis) the attached study outlining the impacted facilities:

- a. South Valley Middle School – (6-8 campus, serves 883 students)
- b. Gilroy Navigator Charter School (K-8 campus serves 540 students)
- c. Transportation Department - bus yard, mechanic shop, department offices
- d. Maintenance & Operations – truck & heavy equipment yard
- e. Facility Department- department office space

Based on Hexagon's study, and several meetings with HSR representatives – there is agreement that the Gilroy Navigator Charter School will be impacted and will need to be relocated to another piece of property somewhere in Gilroy. The process to identify a suitable location to build a school is lengthy. It involves approvals from the California Department of Education (CDE), the Department of Toxic and Substances Control (DTSC), Division of the State Architects (DSA), and the City of Gilroy, and an array of related work from consultants needing our own Governing Board approval. Typically, it takes 5 years to build a school – once the site has been identified and acquired. We know this process well, as it took our Governing Board two (2) years to identify and acquire title to a suitable location to build a new elementary site in Gilroy.

Another challenge we face, is the City of Gilroy has a local Urban Boundary Ordinance in place, which effectively controls the area in the City that can be developed. Furthermore, there is a very



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limited supply of land in Gilroy, and the HSR Authority may need to pursue imminent domain provisions to secure a site for our charter school. Additionally, our operational facilities - Maintenance, Transportation, and Facilities Departments - will all need to be moved to another location.

In short, the contents of this letter have been discussed with HSR representatives many times. We appreciate that HSR representatives have attended our Board meetings and Facility Sub Committee meetings. During these meetings, we have expressed our level of concern at the lack of planning. It is exceedingly clear that the HSR's Right-Away division needs to find potential solutions to relocate our charter school and impacted operational facilities soon.

The HSR can wait until the Final Determination is made on the alignment – but this clearly means that the stated timeline on ridership **will not** be achieved. The Gilroy Unified School District's Governing Board fully intends to seek any and all available remedies and mitigation, as provided by law, to protect its schools as well as its operational needs.

Your urgent attention to this important matter is requested. Thank you for your time.

Sincerely,

Dr. Deborah A. Flores, Ph.D.
Superintendent

cc: GUSD Board Members



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Thursday, September 30, 2021

Re: GUSD Feedback on the Potential Community Improvements & Site-Specific Traffic Measures with regard to the San Jose to Merced Project Section.

The Gilroy Unified School District (GUSD) would like to thank the High-Speed Rail Authority, and its representatives for keeping the District thoroughly informed of the San Jose to Merced Project Section, and the draft EIR/EIS as it moves through the approval process. The magnitude of the documents can be challenging to digest, but the HSR representatives have clearly been approachable and have met virtually with GUSD administrators to review the Potential Community Improvements, as well as highlighting the important considerations around Environmental Justice Analysis. This letter serves as GUSD's feedback on its prioritized improvements with the focus on the community and the students it serves.

- **Overarching Recommendation:** The District understands that the HSR Authority's "Preferred Alternative" is **Alternative 4. GUSD supports the Alternative 4 alignment of the San Jose to Merced Section above other possible alignments (1, 2, or 3).** GUSD is utterly opposed to Alternative 2, as it would have devastating impacts to District facilities, as outlined by the February 7, 2018 letter that was sent to the Authority (also attached).

The following comments represent GUSD's interest in seeing that the project, with Alternative 4 in mind, do not negatively impact the East Gilroy Community disproportionately, or have adverse effects on its community. Specifically, GUSD has 3 school campuses (Gilroy High School, South Valley Middle School, and its Navigator Charter School) that will be impacted by the HSR project and hereby conveys its feedback on the project segment.

Feedback on Potential Community Improvements

G-IMP#5: IOOF Bicycle/Pedestrian Overcrossing and Complete Streets

The South Valley Middle School campus serves about 765 students. Approximately 520 of these students fall under the economically disadvantaged category (68%). Gilroy High School (GHS) serves about 1,693 students, and approximately 1,095 of these students are low income students. The Navigator Charter School is closest to the railroad tracks and serves another 540 students. Combined, nearly 3,000 students are served between these three schools. In the view of GUSD, this project will absolutely impact the most disadvantaged community in Gilroy. **Disproportionally having adverse effects that require a proper mitigation.** Simply put, the proposed installation of quad gates at key, highly used intersections are not enough to offset the project's adverse effects.

- **GUSD prioritizes the bicycle/pedestrian overcrossing as its top priority at the location of IOOF.** Please see the attached Exhibit A, which is a plot of all current South Valley and GHS



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students. You will note the proximity to the high-speed rail project and this intersection of Monterey and IOOF. Each 'dot' on the map represents a student(s) residence. The livelihood of this community and of these students will change with high-speed rail. Ultimately, it is the mitigation factors that will determine if the change will be a positive one.

TR MM-G#1: Monterey Road/IOOF Avenue – Widen and Reconfigure Southbound

➤ The District supports this traffic mitigation measure. Combined with G-IMP#5 listed above, adding a turning left Southbound IOOF Avenue along with a bicycle/pedestrian overpass would be an appropriate mitigation, given the number of students and low-income community that travel this key intersection to get to our schools.

G-IMP#2: Bikeway Improvements (IOOF Ave., Monterey Road, 6th Street, 4th Street, Alexander Street)

➤ The District supports this community improvement. It is directly reflective in our collective efforts to create a safe walk/bike to school for our needy community in East Gilroy. Creating a safe way for kids to bike or walk to school is a direct benefit to this underserved community.

G-IMP#7: South Valley Middle School Recreational Amenities

- Alternative 2 has a disproportionately high and adverse effect on the Gilroy Unified School District. It impacts the Navigator School, South Valley, and potentially, the Maintenance Operations Yard as well as its Facilities Department and State Preschool (Swanston Ln). GUSD's concerns are documented and shared via the attached letter dated February 7, 2018.

TR-MM-G#4: Install Traffic Signal at the School Access/IOOF Avenue Intersection

A simple traffic light signal is not a proper mitigation given the disproportion impact the project has on this location. It is our understanding that not all high-speed railroad trains will stop in Gilroy. The express trains may bypass the IOOF intersection traveling at a "reduced speed" of 100 miles per hour. With Navigator Schools and South Valley Middle School within 1,200 feet of these tracks, it is imperative that the Bicycle/Pedestrian Overcrossing (G-IMP#5) improvement is actually built, offering a safe overcrossing for our community and our young students.

Residential Displacements

- The residential displacements under Alternative 2 is definitely classified as having the "potential disproportionately high and adverse effects (DHAE) to the South Valley Middle School Community and our Navigator Campus. There is no available adjacent land to relocate part of the field that the Navigator campus would lose under Alternative 2. To maintain the cohesiveness of the campus, it would require the High-Speed Rail Authority to use imminent domain on residential areas surrounding Swanston Lane and Forrest Street.

This complexity would obviously be costly and have a direct impact on GUSD's Navigator School and GUSD's obligations to provide "equitable facilities" for its charter school campus. Furthermore, Alternative 2 may also impact the location of the Transportation Department, and the Maintenance & Operations Yard, and its Facilities Department; all which support the day-to day operations of the



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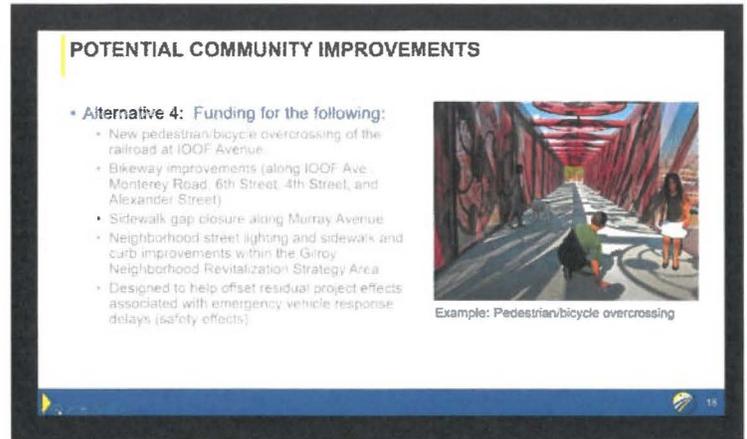
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entire district and its fifteen (15) schools. For this reason, the Alternative 4 alignment is strongly preferred by GUSD.

Ultimately, GUSD strongly urges the Authority to fund all these Potential Community Improvements noted during a community outreach meeting on Tuesday, September 28, 2021. We understand these are “potential” mitigations but based upon our view, the disproportional and direct impact on the lowest income, mostly minority population in Gilroy indeed require ALL these improvements to be funded in order to properly mitigate the impact of Alternative 4 on this disadvantaged community. The pedestrian bridge depicted to the right, may be the one located on Blossom and Santa Teresa. The IOOF and Monterey Pedestrian Bridge “ornamental design” elements could be developed as part of a community/student art contest that could be incorporated into the final design of the pedestrian bridge, pending constructability. This would bring a sense of ownership and pride to our community.



GUSD submits this letter as its formal response providing feedback to the Potential Community improvements with respect to the San Jose to Merced project segment.

Respectfully yours,

Álvaro Meza
Assistant Superintendent, Business Services/C.B.O.
Gilroy Unified School District

cc:
Dr. Deborah A. Flores, Ph.D., Superintendent
Greg Kapaku, Principal, Gilroy High School
Guillermo Ramos, Principal, South Valley Middle School
Kevin Sved, CEO, Navigator Schools



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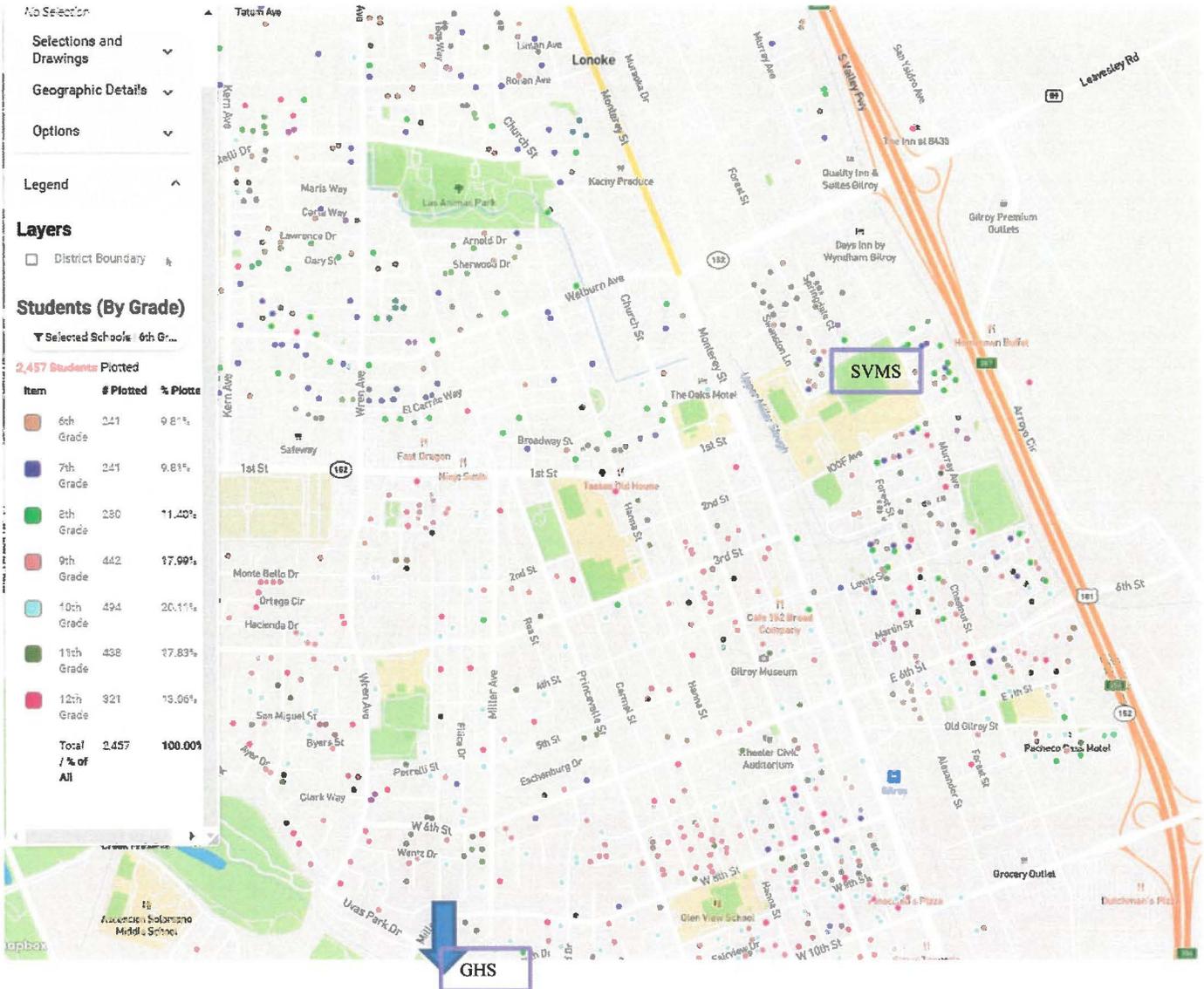
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EXHIBIT A

Plot of Gilroy High and South Valley Middle School Students

(Excludes Charter Navigator School's 540 students, and excludes students currently on Virtual Learning Academy for both GHS and South Valley)





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July 12, 2019

Mr. Lenny Mendonca, Board Chair
Board of Directors
California High Speed-Rail Authority
770 L Street, Suite 620
Sacramento, CA 95814

Re: **Support of Staff-Recommended Preferred Alternative 4,**
San Jose to Merced Project Section
With the addition of a Pedestrian Bridge at IOOF and Monterey Street

Dear Mr. Mendonca:

The purpose of this letter is to state our conditional support for the High Speed Rail (HSR) staff's recommendation of the Preferred Alternative 4 for the San Jose to Merced Project section. The Alternative 4 at-grade alignment through downtown Gilroy would minimize the impact of HSR on the District's educational facilities. However, we urge you to consider safety elements at the intersection of IOOF and Monterey Streets in Gilroy, which are detailed below.

When the HSR reaches its target ridership, it is estimated that it will have up to eight (8) trains running per hour, in each direction. The HSR Authority must adequately address the safety of seven (7) pedestrian crossings through Gilroy. However, we are particularly concerned about the intersection of IOOF & Monterey Streets. We understand that quad-gates have been proposed for this intersection. Within 1,500 feet of this intersection, there are a number of buildings that house youth: South Valley Middle School serves about 900 middle school students, many of whom are our most socially and economically disadvantaged; Gilroy Prep School (GPS) which is a charter school that serves about 540 charter school students; and Rebekah Children's Services Campus that serves youth with social, emotional, behavioral and mental health needs. While we favor the Preferred Alternative 4 option, we believe the proposed quad-gates for pedestrians would not adequately protect the many students and families who will cross this intersection daily as trains pass through at 110 mph. We fear there could be a terrible accident, injuring or killing students as they cross this intersection coming to and going from school.

We urge you to include a pedestrian bridge crossing over the rail lines at the IOOF and Monterey Street intersection. We also request that you study other traffic mitigation measures such as traffic lights, and sound mitigation and fencing for GPS, which is located immediately adjacent to the tracks. These measures will help ensure pedestrian safety and help prevent injuries and fatalities.

Lastly, we want to commend the HSR staff and consultants that have interacted with Gilroy Unified School District, specifically Mr. Boris Lipkin, Northern California Regional Director, and Mr. Gary Kennerley, Engineering Manager at WSP. They have engaged our community openly, met with our representatives multiple times, and kept us informed.

Thank you for your time. Your assistance in this matter is greatly appreciated.

Sincerely,

Dr. Deborah A. Flores, Ph.D.
Superintendent

cc: GUSD Board of Trustees