



CITY ATTORNEY

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17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236  
Website Address: [www.morgan-hill.ca.gov](http://www.morgan-hill.ca.gov)

April 26, 2022

VIA ELECTRONIC MAIL

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: FINAL EIR/EIS FOR THE SAN JOSE TO MERCED PROJECT SECTION – MORGAN HILL**

Dear Mr. Lipkin,

Thank you and your team for taking the time to meet with us to go over the Final EIR's proposed mitigations and specific responses to City comments from the Draft EIR. We particularly appreciate the collaborative approach you have taken. However, we continue to have concerns about the impact of the High Speed Rail project on public safety response times.

The City previously identified specific concerns related to safety and the unique impacts the Authority Preferred Alternative introduces to South County. As noted in the Draft and Final EIR, the Authority Preferred Alternative (Alternative 4) utilizes the existing Union Pacific Rail Road (UPRR) right-of-way, with at-grade crossings throughout Morgan Hill. This Alternative, without grade separations, will bisect the City's circulation and connectivity from the east to the west, impeding the ability of our Police Department, Fire Department and Emergency Medical Services from maintaining acceptable emergency response times and adequately serving our community. City comments on the Draft EIR stressed the Safety impacts an at-grade crossing only rail system through Morgan Hill would have on our community. We don't believe those comments have been adequately addressed.

Section 3.11 *Safety and Security* within the EIR includes information on Morgan Hill Fire Department response times from the year 2015. As part of our comments to the Draft EIR, the City provided an updated study titled *Standards of Coverage Assessment* prepared for Morgan Hill and Gilroy by Citygate Associates, LLC. This study provides updated emergency response information from 2019. That study identifies the goals for First Due Travel Time to arrive onsite in 4-minutes and Call to Arrival Performance (team onsite) in 8-minutes. As of 2019, the Morgan Hill First Due Travel Time to arrive is 6-minutes 26-seconds and Call to Arrival Performance is 9-

minutes and 25-seconds. As stated within the study provided to the Authority during the comment period of the Draft EIR, the City is already approximately 2 ½ minutes over in First Due Travel Time to arrive and 1 ½ minutes over in Call to Arrival Performance. It is conclusive that any additional delay in emergency response times would be a significant impact to our community. The Final EIR does not account for the updated 2019 response time information that was provided.

The Final EIR (3.11-18) defines inadequate emergency access as either a substantial blockage of physical access for emergency response purposes or a substantial increase in emergency response times. A substantial increase is identified as anything over 30-seconds in delay. Per the information provided in the 2019 Study that was presented to the Authority with our comments on the Draft EIR, it is conclusive that any increase in delay of emergency response is a significant impact and significant impacts should be addressed as part of the construction of the new rail line, not after a study is conducted and concludes over a 30-second delay permit the mitigation (SS-MM#4).

We also disagree with the position that “if cities choose not to implement and operate emergency vehicle priority treatments using construction funds provided by the Authority, impacts will be considered significant and unavoidable.” Impacts to public safety response times can effectively be mitigated by creating grade separations.

While the City disagrees with both the significance standards and the adequacy of proposed mitigation measures, the City looks forward in working with the Authority on an Agreement that will present ways to further enhance the project by collaborating on the incorporation of grade separations at the time of construction for the rail project. We appreciate the Authorities willingness to discuss these issues and explore an agreement that may minimizing impacts on the communities that will have to co-exist with the operating rail system long-term.

Sincerely,



Donald Larkin  
City Attorney

City of Morgan Hill  
17575 Peak Avenue  
Morgan Hill, CA 95037  
P: 408.778.3490  
[Donald.larkin@morganhill.ca.gov](mailto:Donald.larkin@morganhill.ca.gov)

Cc: Authority Board