

From: [Hill, Shannon](#)
To: [Hillary Gitelman](#); [Karl Heisler](#); [Linda S. Peters](#)
Cc: [Downtown West Project](#); [Keyon, David](#)
Subject: FW: CPUC DEIR Comment Letter - Downtown West Mixed-Use Plan (Google Project) File Nos. GP19-009, PDC19-039, and PD19-029.
Date: Tuesday, December 8, 2020 4:25:28 PM
Attachments: [2020-12-08 SCH 2019080493 Google Project DEIR CPUC Comment Letter.pdf](#)
Importance: High

Hello,

Please refer to the attached comment letter regarding design and safety features for rail crossings.

Thank you,

Shannon Hill, Planner

Planning, Building & Code Enforcement | Environmental Review Section
City of San José | 200 East Santa Clara Street
Shannon.Hill@sanjoseca.gov | (408) 535 - 7872

From: Sogbesan, Eyitejumade <Eyitejumade.Sogbesan@cpuc.ca.gov>
Sent: Tuesday, December 8, 2020 10:56 AM
To: Hill, Shannon <Shannon.Hill@sanjoseca.gov>
Cc: Ko, Felix <felix.ko@cpuc.ca.gov>; Garabetian, Antranig G. <antranig.garabetian@cpuc.ca.gov>; Adams, Gina A. <Gina.Adams@cpuc.ca.gov>
Subject: RE: CPUC DEIR Comment Letter - Downtown West Mixed-Use Plan (Google Project) File Nos. GP19-009, PDC19-039, and PD19-029.
Importance: High

[External Email]

Dear Shannon,

Please find attached the California Public Utilities Commission's Rail Crossing Safety Branch's comment letter on the City of San Jose's DEIR for the Google Project in Downtown San Jose. We appreciate the opportunity to address some of the safety concerns that may be associated with the proposals. Kindly let me know if you have any questions.

Thank you.

Best regards,

Eyitejumade "Ade" Sogbesan
California Public Utilities Commission
Rail Safety Division

Rail Crossings Engineering Branch

[505 Van Ness Avenue](#)
[San Francisco, CA 94102](#)

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"There is only one way to avoid criticism: do nothing, say nothing, and be nothing." - Aristotle

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From: Hill, Shannon <Shannon.Hill@sanjoseca.gov>

Sent: Tuesday, October 20, 2020 1:42 PM

To: Sogbesan, Eyitejumade <Eyitejumade.Sogbesan@cpuc.ca.gov>

Subject: Downtown West Mixed-Use Plan (Google Project) - Notice of Availability of Draft EIR

Importance: High

**NOTICE OF AVAILABILITY (NOA) OF
A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE
DOWNTOWN WEST MIXED USE PLAN (GOOGLE PROJECT)**

Project Description: General Plan Amendment, Planned Development Rezoning, Planned Development Permit, Vesting Tentative Map, Development Agreement and other land use related approvals for the development of up to 5,900 residential units; up to 7,300,000 gross square feet (GSF) of office space; up to 500,000 GSF of active uses such as retail, cultural, arts, etc.; up to 300 hotel rooms; up to 800 rooms of limited-term corporate accommodations; up to two event and conference centers totaling up to 100,000 GSF; up to two central utility plants totaling approximately 130,000 GSF; logistics/warehouse(s) totaling approximately 100,000 GSF; and approximately 15 acres of open space, all on approximately 81 acres. The project also proposes infrastructure, transportation, and public realm improvements. For more information on the project, please see www.sanjoseca.gov/googleproject.

Location: The Project site is generally bounded by Lenzen Avenue and the Union Pacific Railroad tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, South Autumn Street, and Royal Avenue to the east; Auzerais Avenue to the south; and Diridon Station and the Caltrain rail line to the west. The project also includes the area bounded by Los Gatos Creek to the west, West San Fernando Street to the south, the Guadalupe River to the east, and West Santa Clara Street to the north.

Council Districts: 3 and 6

File Nos.: GP19-009, PDC19-039, and PD19-029

The proposed project will have potentially significant environmental effects on or related to air quality, biological resources, cultural and tribal cultural resources, geologic hazards, paleontological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, noise and vibration, population and housing, recreation, transportation, and utilities and service systems. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the project location. The project site includes properties

on lists enumerated under Section 65962.5 of the California Government Code pertaining to sites with hazardous waste.

Document Availability: Links to the Draft EIR and documents referenced in the Draft EIR are available for review online at the City of San José's website for the project at www.sanjoseca.gov/googleproject.

Due to the County of Santa Clara's continuing Shelter-in-Place order to prevent the spread of COVID-19, City Hall and San José Public Library Branches remain closed to the public. Therefore, hard copies of the document are not available for public review at these locations. However, if you wish to receive a hard copy of the Draft EIR, please contact the Environmental Project Manager, Shannon Hill, at shannon.hill@sanjoseca.gov. Please allow time for printing and delivery.

Public Review Period and How to Submit Comments: The public review period for this Public Review Draft EIR begins on **Wednesday, October 7, 2020 and ends on Tuesday, December 8, 2020, at 5:00 p.m.** Written comments must be received at the Planning Department by **5:00 p.m. on Tuesday, November 23, 2020** to be addressed as part of the formal EIR review process. Please submit all comments in one of the following ways:

1. E-mail: Please send e-mails to Shannon Hill, the Environmental Project Manager, at:

shannon.hill@sanjoseca.gov

2. Via U.S. Postal Service: Please send letters to the following address:

Shannon Hill, Planner III

Department of Planning, Building, and Code Enforcement

200 E. Santa Clara Street, T-3

San Jose, CA. 95113

For the official record, please include your written comment letter and reference **File Nos. GP19-009, PDC19-039, and PD19-029.**

Following the close of the public review period, the Director of Planning, Building, and Code Enforcement will prepare a Final EIR that will include responses to comments received during the review period. In compliance with CEQA Guidelines, Section 15088(b), the City's responses to comments received during the public review period will be available for review online at the City of San José's website for the project at www.sanjoseca.gov/googleproject at least ten days prior to certification of the EIR.

Upcoming Community Meetings and Public Hearings for the Project: The following are upcoming community meetings and public hearings for the project.

Community Meeting

Purpose: Discuss stakeholder comments and questions on the latest Development Application

documents

Monday, October 19, 2020

6:00 PM

Zoom Meeting Information:

<https://sanjoseca.zoom.us/j/92905636356>

Phone: (408) 638-0968

Meeting ID: 929 0563 6356

Historic Landmarks Commission Meeting

Purpose: Provide feedback on the analysis of historic resources in the Draft EIR

Wednesday, November 4, 2020

6:30 p.m.

Agenda and Zoom Meeting Information: TBD (Agendas and Zoom meeting information to be posted on Historic Landmarks Commission website seven days prior to the meeting:

<http://www.sanjoseca.gov/HLC>)

City Council Study Session

Purpose: Opportunity for City Council to become familiar with the Downtown West project and proposed Diridon Station Area Plan Amendment

Monday, November 16, 2020

1:00 p.m.

Agenda and Zoom Meeting Information: TBD (Agendas and Zoom meeting information to be posted here: <https://www.sanjoseca.gov/your-government/departments/city-clerk/council-agendas-information/council-agendas>)

No other meetings or public hearings are scheduled at this time. Information on future meetings, including Planning Commission and City Council hearings, will be posted to the project website at the following link: www.sanjoseca.gov/googleproject.

Shannon Hill, Planner

Planning, Building & Code Enforcement | Environmental Review Section

City of San José | 200 East Santa Clara Street

Shannon.Hill@sanjoseca.gov | (408) 535 - 7872

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PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102



December 8, 2020

Shannon Hill
City of San Jose
200 East Santa Clara Street, T-3
San Jose, CA 95113

Re: Draft Environmental Impact Report (DEIR)
Downtown San Jose West Mixed-Use Plan (Google Project)
SCH# 2019080493

Dear Ms. Hill:

The California Public Utilities Commission's (Commission) Rail Crossing and Engineering Branch (RCEB) is taking this opportunity to address the City of San Jose's (City) Draft Environmental Impact Report/Environmental Impact Statement (DEIR) for the Google Downtown San Jose West Mixed-Use Project (Google Project). RCEB staff offers the following comments.

Commission Requirements and Policy

The Commission has jurisdiction over the safety of highway-rail crossings (crossings) in California. The Commission has exclusive power over the design, alteration, and closure of crossings, pursuant to Public Utilities Code Section 1201 et al. Based on Commission Rules of Practice and Procedure, Rule 3.9, an application to the Commission is required to construct a railroad across a public road. The Google Project is subject to several other rules and regulations involving the Commission. The proposed project's design criteria will need to comply with the California Manual on Uniform Traffic Control Devices (MUTCD) and Commission General Orders (GO's). The following GO's, among others, may be applicable:

- GO 26-D (regulations governing clearances on railroads and street railroads with reference to side and overhead structures, parallel tracks, the crossing of public roads, highways, and streets)
- GO 72-B (rules governing the construction and maintenance of crossings at grade of railroads with public streets, roads, and highways)
- GO 75-D (regulations governing standards for warning devices for at-grade highway-rail crossings)
- GO 88-B (rules for altering public highway-rail crossings)
- GO 95 (rules for overhead electric line construction)
- GO 118 (regulations governing the construction, reconstruction, and maintenance of walkways adjacent to railroad trackage and the control of vegetation adjacent thereto)

- GO 143-B (safety rules and regulations governing light-rail transit)

Specific Project Comments

- The Project site is bounded by Lenzen Avenue and the Union Pacific Railroad tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, South Autumn Street, and Royal Avenue to the east; Auzerais Avenue to the south; and Diridon Station and the Caltrain rail line to the west.
- RCEB recommends any proposed new highway-rail crossings be grade-separated. Grade separated crossings provide a greater safety level for both the roadway users and railroad employees than at-grade highway-rail crossings.
- Caltrain, Union Pacific Railroad Company (UPRR), and the Santa Clara Valley Transportation Authority (VTA) own rail tracks within the project area. Caltrain, UPRR, or VTA concurrence is required for any modifications of existing highway-rail crossings.
- At-Grade Rail Crossing General Concerns:
 - The UPRR rail corridor has homeless encampments which can lead to an increased amount of train incidents and additional train horn noise. The City should work with UPRR to routinely keep the railroad right of way clear.
 - The City has sought to designate the entire corridor as a quiet zone; however, RCEB does not support quiet zones and believes train horns provide a substantial rail crossing safety benefit. The development is expected to increase the number of users at the crossings and adjacent to the railroad right of way, resulting in more noise pollution throughout the rail corridor. The FRA train horn rule allows train engineers to sound the horns at their discretion. Pedestrians tend to walk along the railroad right of way on the adjacent UPRR rail line. The train engineers will sound the train horns should they come across trespassers within the railroad right of way regardless of whether the area is a designated quiet zone or not.
 - RCEB recommends pedestrian approaches travel over the tracks at a 90-degree angle. Several of the existing at-grade rail crossings on this corridor have sidewalks skewed as they travel over the tracks. This condition results in a longer distance for pedestrians to travel over the tracks and can lead to wheelchair wheels getting stuck in the tracks.
 - Adjacent driveways and frontage roads to at-grade crossings can cause queues onto the tracks. RCEB recommends all nearby driveways and frontage roads be closed.
 - Existing railroad preemption should be reevaluated, and new railroad preemption timing sheets be provided to RCEB staff. RCEB recommends

that advance railroad preemption be installed with advance pedestrian clearance at crossings with a high pedestrian traffic volume.

- All medians should be squared off on the trackside and have NO U-TURN signs installed to discourage motorists from making U-Turns on the tracks.
 - RCEB recommends the project construct a grade-separated, highway-rail crossing to provide emergency vehicle access within the wye track. Currently, a train can block the sole crossing indefinitely, trapping the public inside the wye track.
 - RCEB recommends any new proposed highway-rail crossings be grade-separated. For filing applications for new crossings, please refer to this link: <https://www.cpuc.ca.gov/General.aspx?id=2182>
 - Modification of existing crossings requires GO 88-B application. Please refer to this link for details: <https://www.cpuc.ca.gov/General.aspx?id=2488>.
 - Field Diagnostic meetings are required at all impacted or potentially new crossings. The Field Diagnostic Team consists of staff and representatives from the CPUC, the City, potentially Caltrans, and either Caltrain, UPRR, or VTA. This review includes a detailed analysis of the crossing. During the field diagnostic review, the Field Diagnostic Team evaluates appropriate hazard elimination recommendations and determines whether the project's development is feasible.
- Comments at specific rail crossings:
 - The project impacts the following at-grade highway-rail crossings:

Crossing Name	CPUC No.	DOT No.	Railroad
N. Montgomery St	001DA-17.40	750151J	UPRR
Autumn St	082D-2.82	N/A	MTA
San Fernando Station Ped	082D-2.77-D	N/A	MTA
Delmas Ave	082D-2.70	N/A	MTA
San Fernando St	082D-2.66	N/A	MTA
Park Ave	082D-2.53	N/A	MTA
Auzerais Ave	105E-47.35	755097K	Caltrain

- North Montgomery Street: The crossing is the only entry point into the wye, and it was initially designed for industrial use. The project will be required to account for the change in the use of crossing due to the new development. The project should consider crossing modifications and pedestrian improvements.
- Autumn Street: RCEB recommends the pedestrian treatments be reevaluated at the crossing. The current configuration can trap pedestrians within the

crossing when the gates are activated. Mitigation measures include relocating the Commission Standard 9 vehicle gates closer to the roadway and directing the sidewalks behind the gates and installing complete pedestrian treatments including separate Commission Standard 9 pedestrian gates and EXIT swing gates in the southeast and southwest quadrants. The existing Commission Standard 9 pedestrian gates in the northeast and northwest quadrants require substantial modifications to comply with modern design standards, including installing EXIT swing gates and pedestrian channelization.

- San Fernando VTA station pedestrian crossing: RCEB recommends Commission Standard 9 pedestrian gates be installed with EXIT swing gates and relocating the detectable warning strips outside the gates.
- Delmas Ave: RCEB recommends the detectable warning strips be relocated either before the automatic warning devices or 12 feet from the centerline of the tracks. The detectable warning strips are located too close to the tracks. RCEB also recommends reevaluating the existing railroad preemption. This crossing experiences tremendous volumes of pedestrian traffic during events at the SAP Center. The City should explore installing advance railroad preemption with advance pedestrian clearance at this crossing.
- San Fernando St: RCEB recommends the City of San Jose review whether the south sidewalk at the crossing meets Americans with Disabilities Act (ADA) width requirements. The measurements should be at least two feet behind the Commission Standard 9 gate for the counterweight. The detectable warning strips are located too close to the tracks. RCEB recommends the detectable warning strips be relocated either before the automatic warning devices or 12 feet from the centerline of the tracks. RCEB also recommends reevaluating the existing railroad preemption. This crossing experiences tremendous volumes of pedestrian traffic during events at the SAP Center. The City should explore installing advance railroad preemption with advance pedestrian clearance at this crossing.
- Park Ave: RCEB recommends the detectable warning strips be relocated further away from the tracks. The detectable warning strips are located too close to the tracks. There have been three incidents within the past three years at this crossing. Two of the incidents involved westbound bicyclists riding in the eastbound bike lanes and failing to yield to the light rail trollies. The City should consider installing a railroad specific automatic warning device in the southeast quadrant or removing the trees in the dog park adjacent to the VTA right of way to improve sightlines.
- Auzerais Ave Caltrain crossing: RCEB recommends the City install complete pedestrian treatments consisting of Commission Standard 9 pedestrian gates, EXIT swing gates, channelization, and detectable warning in all four

quadrants. RCEB also recommends closing the existing driveway in the northeast quadrant.

The comments above are a cursory review of the at-grade crossings and should not be construed as a complete review.

The Commission is the responsible agency under CEQA section 15381 with regard to this project. As such, we much appreciate and thank you for the opportunity to work with the City to improve public safety as it relates to crossings in Downtown San Jose. We request that RCEB be kept informed of all developments associated with the Google Project. Meetings should be arranged with the Commission's RCEB staff to discuss relevant safety issues and conduct diagnostic reviews of any proposed and impacted crossing locations.

If you have any questions, please contact Ade Sogbesan via email at es3@cpuc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ade', with a stylized flourish at the end.

Ade Sogbesan
Utilities Engineer
California Public Utilities Commission
Rail Safety Division
Rail Crossings and Engineering Branch