



10 Response to Comments

10.1 Introduction

The Draft Environmental Impact Report (EIR) was originally distributed for public review from November 5, 2021, through December 20, 2021, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15105. Comments were received throughout the 45-day public comment period in multiple formats. A total of 10 comment letters were received.

Subsequently, in response to comments received from the circulation of the Draft EIR, seven environmental topic areas (Aesthetics, Air Quality, Cultural Resources, Greenhouse Gas Emissions, Land Use and Planning, Noise, and Transportation) required additional analysis and revisions to the Draft EIR. Therefore, the LOSSAN Rail Corridor Agency prepared a Recirculated Draft EIR. The Recirculated Draft EIR was circulated for public review from September 1, 2022 to October 17, 2022. The LOSSAN Rail Corridor Agency requested that reviewers limit the scope of their comments to only the revised and recirculated portions of the Recirculated Draft EIR in accordance with CEQA, LOSSAN requested that comments be limited to the parts of the EIR that are being recirculated. 14 Cal Code Regs §15088.5(f)(2). A total of 25 comment letters were received on the Recirculated Draft EIR.

According to CEQA Guidelines Section 15088(a), “the lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response.” In accordance with CEQA Guidelines Section 15132(d), the Final EIR shall consist of responses to significant environmental points raised in the review and consultation process. Section 10 of the Final EIR provides responses to all written comments received during the public comment period associated with the originally circulated Draft EIR (November 5, 2021 through December 20, 2021) and the Recirculated Draft EIR (September 1, 2022 to October 17, 2022).

Each response to comment is based on the proposed project evaluated in the Draft EIR and as provided in the Recirculated Draft EIR. For comments relative to the environmental evaluation, the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Agency (Agency) has responded with specific citations or references to information and/or analyses of the proposed project evaluated in the Draft EIR and Recirculated Draft EIR or made necessary updates in the Final EIR as a result of the comment provided.

10.2 List of Agencies, Native American Tribes, Organizations, and Individuals that Commented on the Draft EIR and Recirculated Draft EIR

The agencies, Native American Tribes, organizations, and individuals that commented on the Draft EIR and Recirculated Draft EIR are listed in Table 10-1.

Table 10-1. List of Agencies, Native American Tribes, Organizations, and Individuals that Commented on the Draft EIR and Recirculated Draft EIR

Name	Comment Number
<i>Comment Letters on the Draft EIR</i>	
<i>Agencies</i>	
City of San Luis Obispo	A-1
San Luis Obispo Council of Governments	A-2
San Luis Obispo County Air Pollution Control District	A-3
<i>Native American Tribes</i>	
Mona Olivas Tucker, yak tityu tityu yak tilhini – Northern Chumash Tribe San Luis Obispo County and Region	NAT-1
Kelsie Shroll, Santa Ynez Band of Chumash Indians	NAT-2
<i>Organizations</i>	
San Luis Obispo Railroad Museum	ORG-1
San Luis Obispo Railroad Museum	ORG-2
<i>Individuals</i>	
Helene Finger	IND-1
Lea Brooks	IND-2
Bill and Yvonne Hoffmann	IND-3
<i>Comment Letters on the Recirculated Draft EIR</i>	
<i>Agencies</i>	
San Luis Obispo County Air Pollution Control District	RD A-1
City of San Luis Obispo	RD A-2
California Department of Fish and Wildlife	RD A-3
<i>Native American Tribes</i>	
Crystal Mendoza, Santa Ynez Band of Chumash Indians	RD NAT-1
Mona Olivas Tucker, yak tityu tityu yak tilhini – Northern Chumash Tribe San Luis Obispo County and Region	RD NAT-2
Pat Tumamait, Barbareno/Ventureno Band of Mission Indians	RD NAT-3



Table 10-1. List of Agencies, Native American Tribes, Organizations, and Individuals that Commented on the Draft EIR and Recirculated Draft EIR

Name	Comment Number
Organizations	
Bike SLO County	RD ORG-1
Southern California Gas	RD ORG-2
Healthy Communities Work Group	RD ORG-3
Individuals	
Anne Keller	RD IND-1
Chelly Glancy	RD IND-2
Elizabeth Aloe	RD IND-3
Sara Thomson	RD IND-4
Sandra Dean	RD IND-5
Sally Rogow	RD IND-6
Tim Fuhs	RD IND-7
Helene Finger	RD IND-8
Luke Stewart	RD IND-9
Hilary Phillips	RD IND-10
Sara McGrath	RD IND-11
Dustin Pires	RD IND-12
Lea Brooks	RD IND-13
Yvonne and Bill Hoffmann	RD IND-14
Charles Dellinger	RD IND-15
Eric Jorgensen	RD IND-16

10.3 Responses to Comments on the Draft EIR

Responses to comments on the Draft EIR are provided below.

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Community Development

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 805.781.7170
slocity.org

Attn: James Campbell, Manager of Programs
 LOSSAN Rail Corridor Agency
 600 South Main Street
 Orange, CA 92863

Dear Mr. Campbell,

The City of San Luis Obispo (City) provides this letter as its formal comments on the Draft EIR (DEIR) for the Central Coast Layover Facility (the “Project”). The City appreciates the opportunity to comment on the DEIR, the invitation to participate in the design charrette process, and the opportunity for the public to provide comments at the scoping meeting of March 10, 2021. While the City supports the Project in general, there are a number of troubling environmental issues which the DEIR does not properly evaluate. Ultimately, the City asserts that the DEIR requires improvement and the purpose of these comments is to strengthen the analysis of the environmental impacts and fully disclose those impacts so that environmental impacts can be fully mitigated to the extent reasonably feasible. The City is focused on achieving a comprehensive and complete DEIR that fully meets the requirements of CEQA since as is pointed out throughout the DEIR, the City lacks discretionary authority over the project. The EIR is the only opportunity for the City to ensure on a long term basis that impacts are avoided where possible, and where impacts are unavoidable, are properly mitigated on a long term basis. Many of the issues raised in this letter are related to key issue areas which staff and the Planning Commission identified during the design charrette process and the scoping meeting of March 10, 2021 which are summarized below:

- Evaluate for consistency with City Plans, guidelines, and ordinances including the Railroad Historic Area Plan, Historic Preservation Ordinance, Circulation element (including the grade separated crossing at RoundHouse Avenue and crossing point at Francis), and the Broad Street Corridor Plan
- Various comments from Transportation were provided on demonstrating bicycle paths meet City and Caltrans design standards
- Design with neighborhood compatibility in mind including issues of primary concern such as potential impacts from light, glare, noise, odors, emissions, and vibration
- Buildings and site improvements should be compatible with the surrounding built environment and be consistent with guidance in the Railroad District plan
- Provide specific information in project description to adequately perform the EIR such as hours of operation, building placement and use, and design of buildings
- Consider compatibility of fencing
- Include details on how engine idling will be managed
- Evaluate diesel particulate matter impact to local residents

Intro

Comment Letter A-1

City of San Luis Obispo

Intro The LOSSAN Agency thanks the City for participating in the original Draft EIR process.

This comment is an introductory comment that provides an overview and summary of specific comments provided in the comment letter. Responses to specific comments are provided in responses to comments A 1-1 through A 1-26. Please also refer to Recirculated Draft EIR responses to comments RD A-2-1 through RD A-2-52.

The LOSSAN Agency has considered the City’s comments on the original Draft EIR and Recirculated Draft EIR and has incorporated clarifications into the Final EIR in response to the City’s comments as described below. In accordance with CEQA Guideline 15088(b), the LOSSAN Agency has provided a written proposed response to the comments made by the City at least 10 days prior to certifying the Final Environmental Impact Report.

The LOSSAN Agency also acknowledges that (as noted in the City’s comment), while the City does not have discretionary authority over the project, the LOSSAN Agency has worked with City staff and decisionmakers, as well as other key stakeholders, as an integral part of the development of the Master Plan for the proposed project.

As a component of the Master Plan preparation process, the LOSSAN Agency welcomed and implemented input from various City departments and decisionmakers that has been incorporated into the project design as analyzed in the original Draft EIR. This input also helped define the scope of issues addressed in the original Draft EIR. City staff and decision makers participated in workshops, and the LOSSAN Agency benefited from the City’s input by incorporating features into the project that would be consistent or compatible with City plans where appropriate, while striving to remain consistent with the basic functions of the CCLF and related operational requirements, including, but not limited to, proposed architectural styles, bicycle and pedestrian access, landscaping, fencing, lighting and avoidance and minimization of impacts to historic resources.

Further, the LOSSAN Agency coordinated with the City with respect

to review of the CEQA document. First, the LOSSAN Agency and City worked together and held a Public Scoping Meeting on March 10, 2021. As requested by the City, the LOSSAN Agency also presented the project and original Draft EIR in a public workshop during a regularly scheduled Planning Commission hearing on December 8, 2021. Public comment was taken at this meeting from the general public, as well as City Planning Commissioners.

Coordination efforts with the City/decision makers involved the following:

Date	Location	Occasion
July 2, 2019	SLOCOG Office	Stakeholder Kick-off
October 30, 2019	Virtual	Basis of Design and Space Needs Overview
November 14, 2019	Roundhouse Site	Site Visit and Design Overview
July 14 through 17, 2020	Virtual	3-Day Design Charette
November through December 2020		City Review and Input on the Draft Master Plan Report
March 10, 2021	Virtual	EIR Scoping Meeting. Informational agenda item on regularly scheduled City Planning Commission Hearing. Public comments and Planning Commissioner comments were accepted at this meeting.
December 8, 2021	Virtual	Draft EIR Public Workshop. Informational agenda item on regularly scheduled Planning Commission Hearing. Public comments and Planning Commissioner comments were accepted at this meeting.
February 24, 2022	Virtual	Discussion of City's



		Draft EIR comments and clarifications and resolution.
March 22, 2022	City of San Luis Obispo	Discussion of City's Draft EIR comments and clarifications and resolution.
March 30, 2022	Virtual	Discussion of bike path.

Subsequent to release of the original Draft EIR, LOSSAN has continued to work with the City regarding the proposed project, including preparation of a Recirculated Draft EIR to further address City's comments. Please refer to response to comment RD A-2-52.

As has been discussed with the City, the project is in the preliminary design phase. Many of the concerns identified by the City involve detailed design elements. Therefore, they will be addressed during final engineering design of the project. The LOSSAN Agency appreciates this established working relationship and looks forward to the continued involvement of the City as the project design is further advanced to address and resolve concerns identified by the City in its comment letter.

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The City believes the issues identified in this submission can be remedied through additional analysis, inclusion of substantial evidence to support the DEIR’s findings, and revised mitigation measures and will remain ready to aid LOSSAN in accomplishing these revisions. However, the City requests that written responses to each of the following comments be provided in accordance with the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21000, et seq.), and section 15088 of the State of California Guidelines for the California Environmental Quality Act (Guidelines) (14 Cal. Code Regs. § 15000 *et seq.*)

General and Overarching Problems

While there are numerous deficiencies in the DEIR as more specifically discussed below, the primary fatal deficiencies are categorized as follows:

1. *The DEIR’s impact analyses rely on unfounded assumptions and bare conclusions in violation of CEQA requirements.* There are numerous impact areas in which the DEIR concludes there would be a less than significant impact. However, as discussed in greater detail below, the conclusions of less than significant impact for these impact areas are not supported by substantial evidence and analysis sufficient to satisfy CEQA. An EIR that does not explain the basis for its conclusion may be deemed to not comply with CEQA’s requirements. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111 [finding that a “bare conclusion” as opposed to a “statement of reasons” that an effect on the environment is not significant “does not satisfy CEQA requirements”].) “To facilitate CEQA’s informational role, the EIR must contain facts and analysis, not just the agency’s bare conclusions or opinions.” (*Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal. 3d 376, 404.) As a result of these unsupported conclusions of less than significant impacts, potentially necessary mitigation measures are not identified and thus, the EIR does not serve its purpose as a “document of accountability.” (*Id.* at 392.)
2. *Many of the mitigation measures are largely unenforceable and cannot be relied upon to mitigate impacts to the level of significance concluded in the DEIR.* Numerous identified mitigation measures are speculative, unenforceable, and include vague language that undermines the effectiveness and reliability of the measure. CEQA provides that “[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” (CEQA Guidelines §15126.4(a)(2).) Critically, the DEIR identifies no mechanism for assuring that many of the mitigation measures will be carried out or enforced. This flaw occurs throughout the document and undermines each and every mitigation measure and self-mitigating project component used to conclude that environmental impacts will be less than significant.

Impact Areas

Under CEQA, an EIR “should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (CEQA Guidelines § 15151.) Further, an EIR must “contain a statement briefly indicating the reasons for determining the various effects on the environment of a project are not significant and consequently have not been discussed in detail in the environmental impact report.” (CEQA Guidelines §§ 2110(c), 15128.) The DEIR is

Intro
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A 1-1 The LOSSAN Agency asserts the original Draft EIR’s (and as revised in the Recirculated Draft EIR) impact analysis has been prepared in compliance with CEQA and based on detailed technical analyses that have appropriately supported each conclusion. The original Draft EIR (and as revised in the Recirculated Draft EIR) includes a detailed project description, detailed assessment and description of the environmental setting and baseline conditions, detailed impact analysis for 14 environmental issue areas substantiated by a variety of data sources, modeling, and expert analysis, a comprehensive alternatives analysis and cumulative impacts analysis.

Further, the Draft EIR (and as revised in the Recirculated Draft EIR) analysis summarizes the more detailed and technical analysis provided in the Draft EIR technical appendices. This is consistent with CEQA Guideline 15147 where “The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analysis as appendices to the main body of the EIR.” The CCLF Draft EIR (and as revised in the Recirculated Draft EIR) supporting technical studies, provided in EIR Appendices B through J contain additional detailed data, analysis, modeling, environmental and engineering analysis, all in support of the conclusions summarized in the EIR.

The LOSSAN Agency refers the City to these supporting technical studies (which were available to the public during the original Draft EIR and Recirculated Draft EIR 45-day public review periods) that provide further detail and analysis of potential environmental impacts, and provide further substantial evidence in support of the analysis and conclusions in the EIR. In each instance where impacts are discussed, the basis for the conclusion is explained and supported by substantial evidence. The EIR is not based on “bare conclusions” as stated in the comment. Please refer to ensuing response to comments A 1-2 through A 1-26, as well as response to other comment letters received on the original Draft EIR and Recirculated Draft EIR, for detailed responses to each of the topics addressed in



the City's comment letter. The LOSSAN Agency has provided "good faith, reasoned analysis in response" (CEQA Guideline 15088(c) to each written comment received on the original Draft EIR and Recirculated Draft EIR.

A 1-2 The mitigation measures identified in the EIR are enforceable, as they have been included in the Mitigation Monitoring and Reporting Program (MMRP) for the project. As required by Public Resources Code (PRC) Section 21081.6 and CEQA Guideline 15097 Mitigation Monitoring or Reporting, in order to ensure that the mitigation measures identified in the EIR are implemented, the LOSSAN Agency will adopt a program for monitoring or reporting the mitigation measures identified in the EIR that the Agency has imposed to mitigate or avoid significant environmental effects. The MMRP identifies the specific mitigation measures, monitoring method, responsible monitoring party, monitoring phase, verification/approval party, date mitigation measure verified or implemented, location of documents (monitoring record), and completion requirement for each mitigation measure. If the project is approved, the LOSSAN Agency will contemporaneously adopt the MMRP. As a result, the EIR's mitigation measures would be enforceable as required by CEQA.

Please also refer to response to comment RD A-2-9 and 10.

A 1-3 This comment recites CEQA provisions which speak for themselves. Please refer to responses to comment A 1-4 through A 1-26 for a detailed response to each comment provided by the City.

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deficient and fails to comply with these requirements as well as those stated above in a number of respects as specifically identified below.

Chapter 3.2 – Aesthetics

The DEIR impermissibly relies on bare conclusions to support its finding that Project impacts to aesthetic resources will be less than significant.

Degrade Existing Visual Character - Impact 3.2-3: In concluding that operational impacts related to visual character would be less than significant, the DEIR refers to the Project’s consistency with the Railroad District Plan’s (RDP) Architectural Guidelines and the City’s associated review process, which includes project review by the Architectural Review Commission, Cultural Heritage Committee, and Planning Commission. However, this impact conclusion is impermissibly vague and conclusory because the Project neither requires discretionary review by the City nor is there an expressed commitment in the DEIR for the Project to voluntarily undergo the review process for projects subject to the RDP. Further, this impact discussion provides no details or evidence demonstrating how the Project would comply with the RDP or be consistent with the City’s Historic Preservation Program Guidelines for New Construction in Historic Districts as no design or conceptual design of buildings are provided in the DEIR. Accordingly, the DEIR must either commit to undergo the review process for projects subject to the RDP or provide *alternative factual analysis* to support the conclusion that Project impacts related to visual character would be less than significant.

Fencing - Aesthetics Impact 3.2-3 & Cultural Resources Impact 3.5-1: Of particular concern to both the Aesthetics and Cultural Resources analysis is the aesthetic compatibility of perimeter fencing and gates, which will extend around nearly all of the site and be the most outwardly visible and noticeable component of the Project to observers. The Aesthetics and Cultural Resources discussions do not contain sufficient factual analysis of the potential aesthetic impacts and historic compatibility issues of the proposed fencing. The November 2021 Visual Resources Memorandum does not provide any detailed analysis of this component and it does not include accurate depictions of the appearance of the fencing as viewed from the observation points. To sufficiently evaluate potential impacts to aesthetics and cultural resources, proposed fencing details should be provided in the DEIR along with accurate simulations. Consideration should be given to avoid high and overbearing security fencing in favor of a design and materials that are compatible with surroundings and the Historic Railroad District. The design could also use offsets, landscaping, and changes in materials and colors to break up the massing and monotony of fences and gates.

Light and Glare - Impact 3.2-4: The analysis of construction-related light and glare impacts relies on the assertion that construction will not occur at nighttime and therefore no potential impacts will occur. This analysis fails to consider the realistic potential that there could be preparation for work in the early morning hours (prior to sunrise) and that completion of construction, including work shutdown and potential security measures to protect equipment and materials, could also occur after sunset and throughout hours of darkness. Any impact analysis that relies on work hours should include clear limitations and hours of operation that can be tracked and verified for consistency with a responsible party outlined in a Mitigation Monitoring and Reporting Plan

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A 1-4 The LOSSAN Agency and the City jointly acknowledge that the City does not have discretionary review over the proposed project. Regardless, no aesthetic impact associated with the project has been identified. This conclusion is based on many factors related to the CEQA thresholds of significance for aesthetics, including scenic viewsheds, formally adopted scenic roadways, the project’s location and context within the surrounding built environment, topographical conditions, building scale and massing compatibility with the City’s zoning regulations (as the presence of existing buildings in the immediate vicinity of the project exceed the height and scale of the proposed CCLF project buildings), and proposed architectural styles that are identified in the CCLF Master Plan and will be implemented for the proposed project.

The original Draft EIR concludes that there is no conflict with applicable zoning or historic district regulations, in part, because the City’s zoning and Railroad District Plan are not applicable to the proposed project, as the project is not subject to the City’s discretionary review process. However, the original Draft EIR conclusion is also based on the findings that the type of proposed use and scale of buildings, as well as the LOSSAN Agency’s proposed architectural design, are compatible with the City’s zoning regulations and Railroad District Plan architectural guidelines and City’s Historic Preservation Program Guidelines for New Construction in Historic Districts. With respect to architectural styles, as described in detail below and expanded upon as part of the Recirculated Draft EIR and responses to comments RD A-2-14 through AD A-2-21, the LOSSAN Agency incorporated the City’s input related to desirable architectural styles (associated with the Railroad District Plan) that was received during the CCLF Master Plan preparation process.

While the project is not subject to the City’s zoning regulations, it is noted that the project site is located within the City’s Service Commercial (C-S) zone. The City’s zoning regulations provide, as an allowable use within this zone “Railroad yards, Stations, Crew Facilities.” The proposed project is consistent with this use. The project site is located within an active railroad right of way, used daily for passenger and freight rail and associated storage facilities and maintenance activities in support of this use. From a general building

height and massing perspective, all proposed structures supporting the CCLF are consistent with City zoning height limits within the C-S zone. The C-S zone allows for building height up to 35 feet. All proposed project buildings will not exceed 28 feet in height from the ground surface and will be single-story. Additionally, the building height is compatible with existing adjacent development. CCLF Master Plan Figure 6-24 Massing/Volume on Preferred Master Plan (Master Plan Report (FINAL), illustrates that the building massing/volume is consistent with (and in much smaller scale) than existing structures in the vicinity of the project site. Figure 6-24 of the Master Plan is provided below for reference:

Master Plan Figure 6-24. Massing/Volume on Preferred Master Plan



With respect to proposed architectural styles, the LOSSAN Agency has worked with the City and has incorporated the City's input received during the Master Plan process into the conceptual architectural design guidelines for the proposed project. By incorporating the City's recommendations into the Master Plan architectural guidelines, project buildings will be architecturally compatible with the City's Railroad District Plan architectural

guidelines. As specifically reflected in the Master Plan, buildings will be designed to be compatible with the surrounding built environment and will be consistent with architectural guidance set forth in the City of San Luis Obispo’s Railroad District Plan.

For example, as shown in the Master Plan Report (Section 6.3.3 Building Exterior), proposed buildings would be constructed of a building construction types that are common among existing buildings in the railroad district. As identified in the Master Plan, proposed exterior systems and materials include the following, consistent with Section 3: Architectural Guidelines of the Railroad District Plan:

- Corrugated Metal Siding
- Corten/Weathering Steel
- Brick Veneer

Additional analysis regarding the proposed project’s consistency with the Railroad District Plan is provided in the Revised Draft EIR and responses to comments RD A-2-14 through AD A-2-21.

In summary, the original Draft EIR (and as revised in the Recirculated Draft EIR) concludes that the operation of the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings and would not detract from the District’s historic architectural character, circulation patterns, and neighborhood compatibility as buildings will be similar (or less) in scale and massing than existing City structures in the area, would be well below allowable height limits as identified in the City’s zoning ordinance for the site. Further, proposed building architecture would be compatible with railroad district architectural guidelines, which includes styles such as, corrugated metal siding, corten/weathering steel, and brick veneer, all of which have been incorporated into the Master Plan architectural types.

A 1-5 The Railroad District Plan states, “In the passenger depot and other high traffic areas, an open-style, decorative fencing and/or rails should be used ... Appropriate fencing materials include vinyl-clad chain-link, steel picket, wrought iron and other similar, low-maintenance open fences which discourage graffiti ... Solar, plain masonry and concrete, walls; and residential-style wood fencing should generally be avoided or accompanied by climbing vines to



discourage graffiti.” As indicated in the Draft EIR (see EIR pages 2-7, 2-30, and Figure 2-5 Landscape Diagram on EIR page 2-15) and the Master Plan (see Master Plan page 134), the project site will be fenced at the perimeter and proximate to the proposed bike path, which is considered essential for public safety. To facilitate natural surveillance, a resilient, refined transparent fence material such as welded wire mesh or vertical slat fence is proposed.

The proposed fencing would be constructed with a relatively fine grid spacing of the mesh comprising the fence panels in order to prevent climbing, while maintaining transparency. This transparent yet secure fence will allow the public to visually access the roundhouse foundation that will be preserved as part of the proposed project.

The City’s comments related to fencing were further addressed in the Recirculated Draft EIR Section 3.2 Aesthetics, and responses to comments on the Recirculated Draft EIR (see responses to comments RD A-2-16 and RD A-2-17).

Original Draft EIR (and as provided in the Recirculated Draft EIR) Figure 3.2-7 Proposed Project View Simulation – Key Observation Point 3, provides a visual simulation of the proposed fencing looking south from the southern end of the San Luis Obispo Railroad Museum Parking Lot, illustrates that an open, chain link fencing type is proposed, consistent with the Railroad District Plan. As demonstrated in the pictures depicting architectural styles and proposed fencing type, the architectural exteriors and proposed fencing in areas accessible to the public are consistent with the City’s historic district architectural guidelines. Please also refer to responses to comments RD A-2-16 and RD A-2-17.

A 1-6 Project construction and operational lighting is further addressed in the Section 3.2 Aesthetics of the Recirculated Draft EIR and responses to comments RD A-2-18 through RD A-2-21. As stated on original Draft EIR page 3.2-23, construction of the project would not include nighttime construction activities. No nighttime construction activity is proposed and is not reasonably foreseeable as part of the project. The Recirculated Draft EIR provides further clarification that no nighttime construction activity is required or proposed as part of the project. The CCLF will be constructed off (separate) from the existing mainline track; therefore, there would be no need for

nighttime closures of railroad tracks for project construction as the existing railroad operations will not be affected during construction. Nonetheless, as a courtesy to the City, construction hours will be limited to those hours allowed by the City's Noise Ordinance, daily, from 7:00 a.m. to 7:00 p.m. except Sundays and legal holidays. Though not required to mitigate a potentially significant impact, the Mitigation Monitoring and Reporting Program includes these restrictions. Please also refer to response to comment RD A-2-19.

With respect to operational nighttime lighting, as described on original Draft EIR page 3.2-24 and further expanded upon in Recirculated Draft EIR Section 3.2 Aesthetics and responses to comment RD A-2-20, project lighting is not anticipated to add a substantial amount of new light to the nighttime views. Building and facility lighting requirements consistent with industrial building lighting in the vicinity of the project. There are existing sources of nighttime lighting in the project area and the project's lighting requirements would be similar to that already present in the area. Exterior lighting control would be set up by time clock (scheduled on/off) and luminaire-installed occupancy sensors. Occupancy sensors would drop the lighting levels to 25 percent when activity has not been detected for 10 minutes. Proposed project nighttime lighting fixtures would be installed to direct the majority of the light to within and directly adjacent to the facility, and away from sensitive areas to the maximum extent feasible.

Pursuant to the Master Plan, the lighting on the pedestrian trail and bike path is required to comply with the design standards in the City of San Luis Obispo's Active Transportation Plan. Vandal resistant lighting would be installed consistent with the City's lighting guidelines in the area, located overhead not more than 16 feet high with light directed downward and recessed bulbs to avoid direct glare.

Please also refer to response to comment RD A-2-20.



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(MMRP). If the potential for any “nighttime” activity or lighting cannot be ruled out, sufficient mitigation must be developed.

To ensure operational impacts are less than significant on an ongoing basis, the DEIR and MMRP must identify a responsible party and include procedures on how it will be guaranteed the appropriate light fixtures including cutoffs and motion sensing features will be included in initial construction and maintained for the Project.

Chapter 3.3 – Air Quality

The DEIR does not adequately evaluate, disclose, or mitigate impacts to air quality from the Project.

Sensitive Receptors – Impact 3.3-3: The DEIR’s finding of less than significant impacts to sensitive receptors at risk from Diesel Particulate Matter (DPM) relies on the unfounded assumption that trains will only idle 15 minutes at startup and shutdown (30 minutes total per day from each train). While the City understands the Project will include improved facilities to provide ground power, the DEIR does not discuss how the identified idling times will be monitored and verified or identify the responsible party to ensure operations are consistent with these operational assumptions.

Additionally, the deficiencies in the Health Risk Analysis noted by the Air Pollution Control District (APCD), as set forth in its December 20, 2021 DEIR comment letter, must be addressed to ensure complete analysis of the potential impacts from DPM in accordance with CEQA requirements. The EIR should provide evidence how ongoing compliance with any operational assumptions such as engine idle run times will be verified and confirmed during operation of the Project, including identification of responsible parties and verification mechanisms. Mitigation measures should also include a methodology to test and monitor possible impacts to sensitive receptors during various operational phases of the Project and include clear steps to address any potential increase in risk to sensitive receptors beyond what was anticipated in the EIR. Any potential health risks from DPM should be fully analyzed with realistic operational assumptions, monitoring, and periodic air quality testing. Without this information, the DEIR is deficient because the conclusion that impacts would be less than significant is not supported by substantial evidence.

Chapter 3.4 – Cultural Resources

The DEIR provides insufficient evidence that potential impacts to historical resources have been evaluated, disclosed, and mitigated to the maximum extent feasible.

Historic Resources - Impact 3.5-1: The DEIR acknowledges the project will result in the physical demolition of the Southern Pacific Roundhouse and Rail Yard Site, which is a contributing element of the City of San Luis Obispo Local Railroad Historic District and the San Luis Obispo Southern Pacific Railroad NREH Historic District. The DEIR analysis concludes that impacts to these districts and the individually significant features of the Southern Pacific Roundhouse and Rail Yard site would be potentially significant but are effectively mitigated to a level of less than significant by the preservation of a portion of the resources in the “Roundhouse Protected Zone” viewable by the public and by requiring archival documentation and educational installations. Mitigation Measure CUL-1 requires archival documentation and educational installations and is

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A 1-7 Operational improvements that are part of the CCLF project will increase efficiencies in maintenance activities, which is anticipated to ultimately reduce train idling times as discussed in the original Draft EIR. In response to this comment, assumptions for train idling times have been adjusted to reflect current train operational characteristics at the existing maintenance facility located to the north of the project site to represent a more conservative scenario. This information was provided in the Recirculated Draft EIR, and corresponding technical studies were updated as appropriate to reflect the revised idling time assumptions related to Air Quality, Greenhouse Gas Emissions, and Noise (see Recirculated Draft EIR Sections 3.3 Air Quality, 3.8 Greenhouse Gas Emissions, and 3.12 Noise, respectively). These assumptions provide the maximum shut down and start-up idling durations.

Please also refer to responses to comments RD A-1-1 through RD A-1-5 and RD A-2-22 through RD A-2-24.

A 1-8 As summarized in the Cultural Resources Technical Report (EIR Appendix E), the San Luis Obispo Southern Pacific Railroad National Register of Historic Places Historic District was originally recorded as a resource by Caltrans’ Robert Pavlik in 1994. The Southern Pacific Roundhouse Foundation and Turntable Foundation are the only two contributors of the district in the project area.

The LOSSAN Agency has determined that retaining other surface slabs on the site is not feasible because: 1) the existing slabs set the grade of the site in areas that need to be regraded to achieve appropriate drainage and roadway slopes for the proposed project features; and 2) the existing slabs are cracked and displaced in many areas. If allowed to remain in place under the proposed paving (where the grades would allow), the differential stiffness of the ground versus the old foundations leads to cracking up through the new paving surface.

It should also be noted that, where the preserved portion of the red rock sidewall foundation exists in the Roundhouse Protection Zone, no new buildings or roadways are proposed associated with the project.

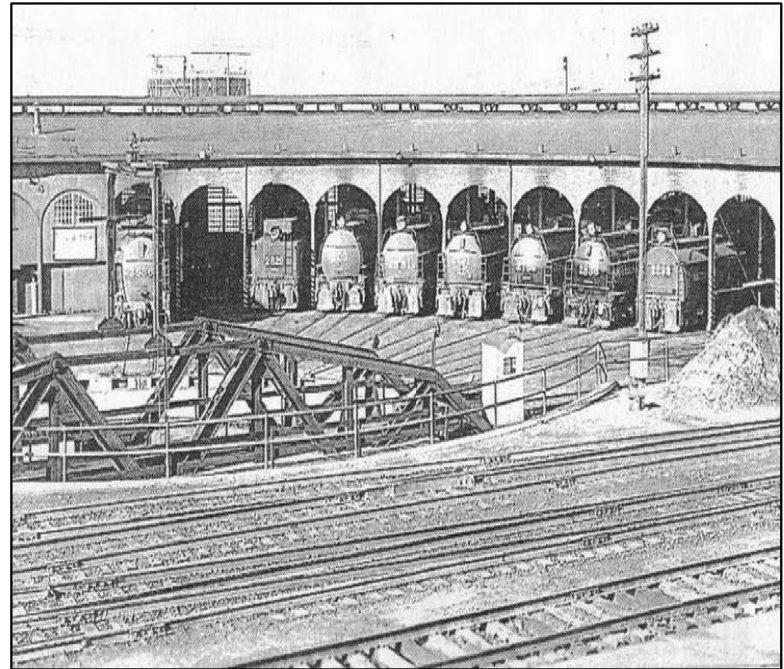
The comment refers to Architectural Heritage Association v County of

Monterey (2004) 122 Cal. App.4th 1095, 1119. In “Architectural Heritage” the CEQA lead agency proposed to demolish an existing jail building. The mitigation proposed for this impact was limited to archival documentation with no attempt to avoid or preserve any portion of the structure, whereas, the proposed CCLF project site plan has been designed to avoid resources to the extent feasible, and would retain remaining visible features of the previously demolished roundhouse, which is associated with the historic, and on-going use of this area for railroads.

Unlike the circumstances in “Architectural Heritage”, the roundhouse has already been demolished by another entity, and only a small attribute of the historic structure that previously occupied the site (roundhouse foundation) is available for preservation. Only portions of the original roundhouse foundation exist. As proposed, the remaining roundhouse foundation sidewall and concrete slabs will be avoided and preserved where feasible, and public access and interpretive signage will be provided at this location. The series of illustrations below depict the roundhouse before it was demolished and shows that only the foundation remains.

Recirculated Draft EIR Section 3.5 Cultural Resources, further addresses the City’s comments related to historical resources. Please also refer to response to comments RD A-2-25 through RD A-2-28.

Figure 4-2 of Draft EIR Appendix E. The Southern Pacific Railroad Roundhouse in 1953, Facing West



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laudable in its intent to provide the history of the site but it would not reduce impacts resulting from the destruction of actual historic resources, and the districts to which they contribute, to less than significant levels. (*Architectural Heritage Association v County of Monterey* (2004) 122 Cal.App.4th 1095, 1119.) California courts have held that “[d]ocumentation of the historical features of the building and exhibition of a plaque do not reasonably begin to alleviate the impacts of its destruction. A large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers.” (*Id.*)

A 1-8
 cont'd

Accordingly, impacts to historic resources should be accurately evaluated as Class 1 significant impacts because the Project will result in a substantial adverse change in the significance of the identified historic resource (PRC Section 21084.1 Historical Resource: Substantial Adverse Change) and incorporate mitigation appropriate to the level of impacts to historic resources which will result from the project, as required by State CEQA Guidelines Section 15126.4 (Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects). Most importantly, the DEIR should explore options to reduce and avoid impacts to the degree feasible. In addition to archival documentation and interpretive features, more significant mitigation options commensurate with the significant effects of the Project should be evaluated and considered by LOSSAN, such as alternatives to preserve as much of the historic features and site as possible, and consideration of reconstruction of historic buildings, site features, and layouts, which could be more reflective of the historic use and appearance of the site.

A 1-9

The DEIR also does not evaluate the potential environmental effects of the Project’s apparent inconsistency with the City of San Luis Obispo’s Historic Preservation Program including policies, guidelines, and ordinance provisions which relate to historic preservation which are noted in the Regulatory Framework discussion but are not evaluated. Although the Project is not required to seek City discretionary approvals, analysis of the Project’s consistency or inconsistency with the City’s Historic Preservation Program should be provided along with a discussion of how the final Project design will consider avoiding and minimizing impacts consistent with public disclosure requirements of CEQA.

A 1-10

Chapter 3.11 – Land Use and Planning

The DEIR does not provide substantial evidence, but rather unsupported conclusions, that Project impacts to land use and planning will be less than significant.

A 1-11

Division of an Established Community - Impact 3.11-1: The DEIR discussion does not provide an adequate basis for the conclusion that the project would not preclude implementation of future pedestrian and bicycle facilities. Please see comments below from the City’s Public Works Transportation Division which raise concerns the project may preclude or make infeasible planned bicycle and pedestrian circulation infrastructure (also see Planning Commission comments regarding potential infeasibility of crossings at Roundhouse and Francis Streets).

Conflict with Land Use Plan, Policies, or Regulations – Impact 3.11-2: The DEIR states the proposed buildings and site improvements will be designed to be compatible with the surrounding environment and will be consistent with the City’s Railroad District Plan (RDP). As discussed in comments above in the Aesthetics and Cultural Resources section, no information is

A 1-

Figure 10-7 of Draft EIR Appendix E. The Southern Pacific Railroad Roundhouse and Associated Shops During the Early Twentieth Century, Facing Northwest

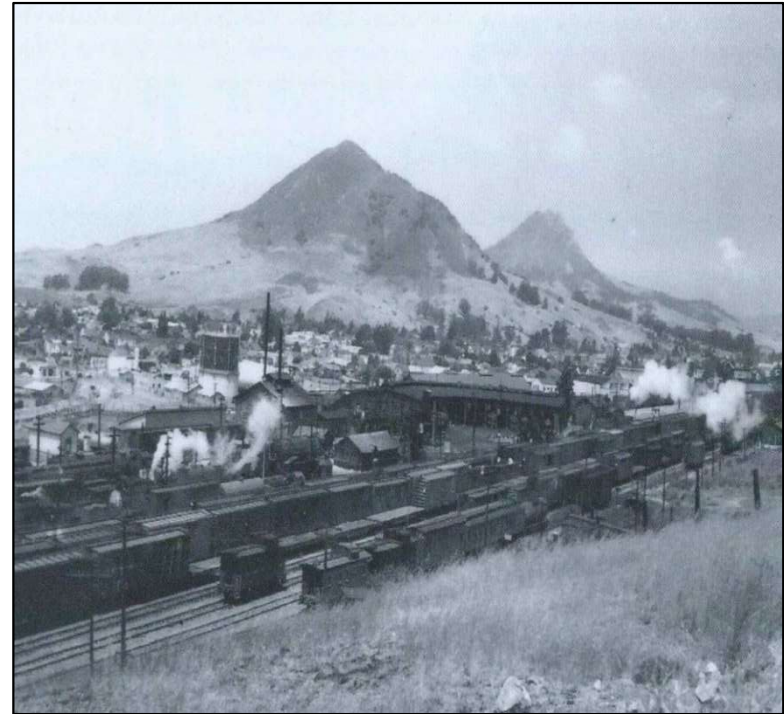




Figure 10-8 of Draft EIR Appendix E. Historic Photograph of the Southern Pacific Roundhouse and Rail Yard

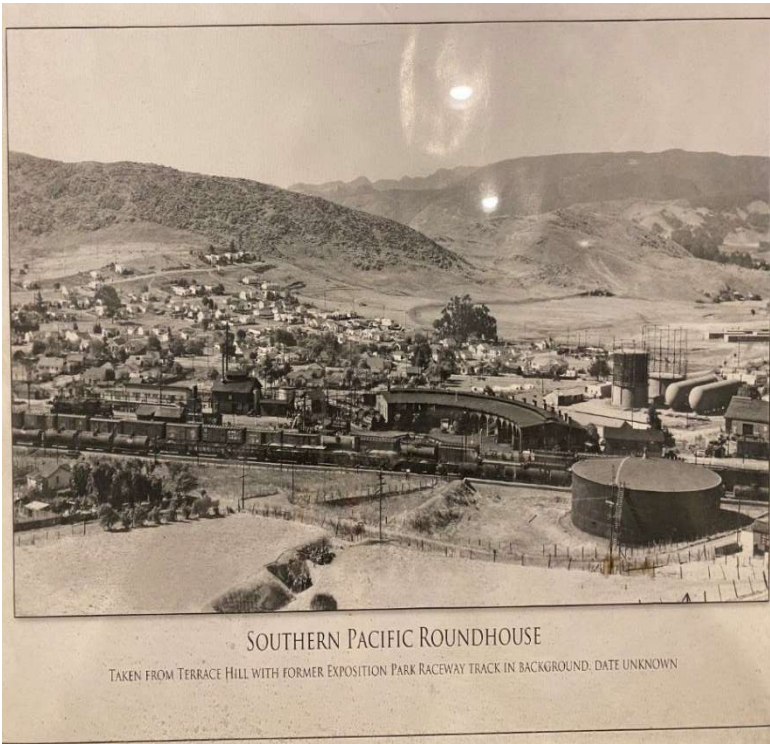


Figure 10-9 of Draft EIR Appendix E. Oblique Aerial Image of the Roundhouse Foundations as They Appeared in October 2020, Facing North



A 1-9 The proposed project would avoid impacts to the roundhouse foundation to the extent feasible, and will preserve the visible portions of the roundhouse as incorporated into the Roundhouse Protection Zone of the project site plan. In addition to avoidance, an educational display and accommodating public viewing will be created at the roundhouse foundation location which will facilitate public viewing and an understanding of the historical railroad setting of the area (see Draft EIR Mitigation Measure CUL-1). Avoidance to the extent feasible has been incorporated into the project site plan. During the



site planning phase of the project, a field visit was conducted that included cultural resources professionals and project engineers to determine the limits of the roundhouse foundation, which formed the basis of engineering constraints to work within in development of the site plan and layout of various features of the project. Site features consist exclusively of concrete foundations; there are no standing buildings. Rather, the most notable/unique/important of these is the roundhouse foundation. A significant portion of the roundhouse foundation sidewall and concrete slab is being preserved in the Roundhouse Protection Zone to convey its significance.

Because there is no way to avoid partially demolishing the roundhouse foundation sidewall and concrete slab, the most appropriate mitigation is documentation, interpretative signage, and the protection of a portion of the site that conveys its significance (the RPZ). This is consistent with practices that have been employed by others in similar situations.

While the City is requesting more substantial preservation than just the area of the proposed roundhouse protection zone (RPZ), there are no other important features to be preserved. Aside from the remnants of the roundhouse foundation (and turntable wall), only concrete slabs with no particularly unique or distinguishing features remain on-site.

Reconstruction of buildings as suggested in this comment would not be proportional to the impact associated with the project. Therefore, the Draft EIR concludes the impact to historical resources would be less than significant through a combination of avoidance and preservation of the visible features of the roundhouse foundation, as well as public outreach and an educational display as required by Mitigation Measure CUL-1. The original Draft EIR concluded that proposed mitigation would reduce the impact to a level less than significant. However, in response to this comment, additional analysis was conducted and presented in Recirculated Draft EIR Section 3.5 Cultural Resources. Please also refer to responses to comments RD A-2-25 through RD A-2-28.

A 1-10 The EIR identifies the City of San Luis Obispo Historic Preservation Ordinance as a component of the regulatory background related to cultural resources. As identified in the City's Historic Preservation

Ordinance (December 7, 2010), “The broad purpose of this ordinance is to promote the public health, safety and welfare through the identification, protection, enhancement and preservation of those properties, structures, sites, artifacts and other cultural resources that represent distinctive elements of San Luis Obispo’s cultural, educational, social, economic, political and architectural history.” However, as discussed in response to comment “Intro” and stated in this comment, the City does not have discretionary authority over the project. The LOSSAN Agency acknowledges that the certain ordinances and policies have been in put in place by the City for the protection and preservation of historic resources and, while not subject to the City’s discretionary review process, LOSSAN has proactively worked with City staff and decisionmakers, as well as other key stakeholders, as an integral part of the development of the proposed project including as it relates to the avoidance and minimization of impacts to historic resources within the CCLF project site. Prior responses A1-8 and A1-9, Recirculated Draft EIR Section 3.5 Cultural Resources, and responses to comments RD A-2-25 through RD A-2-28 further address the project’s potential impacts to cultural resources, including measures that will be employed to protect to the extent feasible remaining features, and significance of the impact.

The proposed CCLF conceptual site plan would preserve a significant portion of the roundhouse foundation sidewall and concrete slab within the site plan’s established Roundhouse Protection Zone and will include interpretive signage to convey its significance. While not obligated to obtain formal recommendations from the Cultural Heritage Committee, as discussed in response to comment A1-12, during the design phase at the 65% and 95% milestones, the City will be afforded an opportunity to provide input on the proposed buildings and site improvements within 30-days of receipt of said design information (please refer to response to comment A1-12).

As identified in the EIR, the project site is located within the City’s “H” overlay. The purposes of historic districts and H zone designation are to: (1) Implement cultural resource preservation policies of the General Plan, the preservation provisions of adopted area plans, the Historic Preservation and Archaeological Resource Preservation Program Guidelines, and (2) Identify and preserve definable, unified



geographical entities that possess a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development; (3) Implement historic preservation provisions of adopted area and neighborhood improvement plans; (4) Enhance and preserve the setting of historic resources so that surrounding land uses and structures do not detract from the historic or architectural integrity of designated historic resources and districts; and (5) Promote the public understanding and appreciation of historic resources. As indicated in prior responses and elaborated herein, the proposed project would be consistent with these provisions as cultural resources were identified in the early planning stages of the project. A significant portion of the roundhouse foundation sidewall and concrete slab is being preserved in the Roundhouse Protection Zone to convey its significance.

Because there is no way to avoid partially demolishing the roundhouse foundation sidewall and concrete slab, the most appropriate mitigation is documentation, interpretative signage, and the protection of a portion of the site that conveys its significance (the RPZ). This is consistent with practices that have been employed by others in similar situations.

Please also refer to responses to comment A 1-9 and response to comments RD A-2-25 through RD A-2-28.

A 1-11 Please refer to responses to comments A 1-16 through A 1-19.

A 1-12 Original Draft EIR page 3.5-15 lists the historic structures and sites as features of the local district, as provided in the Railroad District Plan. The proposed project will be consistent with the plan with respect to architectural styles, fencing, planned pathways, landscaping and lighting, and the avoidance and preservation of historical resources (the Roundhouse foundation) to the extent feasible. During the design phase at the 65% and 95% milestones, the City of San Luis Obispo (SLO) will be afforded an opportunity to provide input on the proposed buildings and site improvements within 30-days of receipt of said design information. Recommendations provided by SLO will, where practicable (and at the LOSSAN Agency's sole discretion) be incorporated into the design. SLO will be responsible for engaging its appropriate committee or commission to provide proper input on the materials provided. If additional time is required beyond 30-days for

the appropriate committee or commission to provide input, additional time can be provided at the LOSSAN Agency's sole discretion, taking feasibility, among other things, into account. Where incorporating recommendations from SLO is not practicable, the LOSSAN Agency will provide written responses along with the reason(s) that the recommendation could not be accommodated.

Please also refer to responses to comments A 1-4 through A 1-6 and A 1-8 through A 1-10 and responses to comments RD A-2-14 through RD A-2-20.



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provided to justify this conclusion (also see Planning Commissioner comments to this issue below).

Chapter 3.12 – Noise

The DEIR does not provide substantial evidence to support its analysis, mitigations, or conclusions regarding potential noise impacts.

Generation of Ambient Noise Levels in Excess of Established Standards – Impact 3.12-1:

Similar to the DEIR’s analysis of Air Quality impacts, the Noise impact analysis relies on numerous unfounded assumptions including: train configuration (number of locomotives and cars per train), maximum speeds, no use of horns, idle time limited to 15 minutes at startup and shutdown, access and storage of trains with the intended effect that they act as sound barriers, wash facility hours of use assumptions, and assumed infrequent use of the wheel truing equipment. It is unclear how these assumptions were reached nor does the DEIR guarantee these assumptions can be relied upon for the life of the Project. Fundamentally, the Noise analysis should be updated to include more detail and accountability mechanisms to ensure these assumptions can be monitored and enforced and include a regime for ongoing testing during the construction and operational phases of the Project to verify if mitigation measures for sound level reduction have been effective. Finally, the mitigation measures and MMRP should include steps to address impacts if sound levels are measured that exceed the anticipated noise levels that LOSSAN concluded to be less than significant in the DEIR.

Additionally, the Noise analysis is inadequate because City of San Luis Obispo noise requirements are not evaluated. As noted in the Noise and Vibration Technical Report of the DEIR, CEQA Thresholds of Significance state that the local general plan, noise ordinance, or applicable standards of other agencies should be used as a basis to evaluate whether impacts are significant. Simply because LOSSAN is not subject to City discretionary review and compliance with local regulations does not mean this information shouldn’t be evaluated and resulting impacts disclosed in the DEIR, particularly when CEQA Thresholds of Significance expressly requires such analysis. As a result, the DEIR underestimates noise impacts resulting from the Project; the DEIR evaluates noise impacts under the criteria established by the Federal Transit Administration (FTA), but those criteria include higher noise thresholds than the City’s noise ordinance. Additionally, the DEIR fails to evaluate noise impacts under City’s multiple General Plan policies that specifically address noise mitigation in contravention of CEQA requirements (See e.g., [Land Use Element Policy 1.4 New Transportation Noise Sources, Noise Element Policy 1.1 Minimizing Noise].

Finally, the DEIR fails to analyze the Project in light of the City’s construction noise limits. Mitigation measures NV-2 and NV-3 purport to reduce impacts to less than significant levels. However, discussion in the impact analysis and conclusions of the Noise and Vibration Technical report note compliance monitoring, but there is no mention of such monitoring in any mitigation measures rendering the noted compliance monitoring completely unenforceable. Additionally, it is unclear how it is feasible to mitigate noise impacts to less than significant levels by locating construction equipment away from sensitive receptors because the Project construction has to occur in fixed locations on the site. As discussed above, the assertion that there will be no nighttime construction is vague because no definitive hours or days of operation are provided. The construction phase mitigation measure NV-1 also vaguely describes what

A 1-12
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A 1-13

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A 1-13 Regarding the operational characteristics of the proposed trains, please refer to response to comment A 1-7. Section 4.3 Methods for Assessing Operational Noise Sources of the Noise and Vibration Technical Report (EIR Appendix J), identifies the specific operational characteristics assumed in the analysis for both Phase 1 and Later Phases of the project, including train speeds, train wash operations, and wheel truing activities. Additionally, no additional use of train horns beyond existing conditions in the area (in proximity to the existing railroad station) would be required as part of the CCLF operations. Construction hour limits and train idling times as discussed in responses to comments A 1-7 and A 1-16 have been included in the MMRP for the project. The MMRP includes monitoring and enforcement requirements related to train operations.

A 1-14 Regarding proposed construction hours, please refer to response to comment A 1-6. Construction hours are proposed to be consistent with those identified in the City’s Noise Ordinance. As explained in Section 3.1.1 Federal Regulations and Guidelines of the Noise and Vibration Report (EIR Appendix J), “The Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual* (FTA 2018) provides the methodology and impact criteria applicable to conventional passenger rail and transit components associated with the Project.”; therefore, this methodology was applied as “The impact criteria are based on the goal of maintaining a noise environment considered acceptable for land uses where noise may have an impact.”

Regarding the City’s Land Use Element Policy, New Transportation Noise Sources: this portion of the City’s Noise Element is not applicable to the project because railroad noise emanating from the existing railroad right of way is not a “New Transportation Noise Source.” The project area is already an active railroad corridor and has historically been used for a variety of railroad uses, including over time – the roundhouse facility, different track alignments within the railroad right of way, on-going maintenance activities and other activities. Regarding Noise Element Policy 1.1 Minimizing Noise which states “The numerical noise standards of this element are maximum acceptable noise levels. New development should minimize noise exposure and noise generation”, the project is consistent with

this policy as project construction activities will be limited to daytime only consistent with the City's Construction Noise Ordinance, and Operational Noise will be less than significant with compliance of mitigation measures identified for potential operational noise impacts and would not exceed maximum acceptable noise levels.

In order to further address the City's comments on the original Draft EIR, EIR Section 3.12 Noise was updated and provided as part of the Recirculated Draft EIR. Please also refer to responses to comments RD A-2-33 through RD A-2-39.

A 1-15 Recommendations suggested in this comment regarding construction and operational noise mitigation, monitoring, reporting, and other suggestions have been incorporated into the MMRP that will be adopted for the project if the project is approved. These refinements include:

- Construction activity will be limited to daytime only between the hours of 7:00 A.M. to 7:00 P.M. (no nighttime construction activity will be allowed).
- The LOSSAN Agency will periodically (quarterly) monitor noise levels from operation of the facility to ensure levels are similar to those disclosed in the Draft EIR noise analysis.
- Construction noise monitoring will be conducted daily during daytime limits. If complaints are received, complaints will be resolved via construction noise monitoring where applicable.

The Mitigation Monitoring and Reporting Program that will be adopted as part of the project incorporates the noise mitigation strategies that will be required of the contractor, such as quieter demolition techniques, combining noisier construction operations into one phase, etc. These details are typically established in the contractual requirements during the selection process of the construction contractor. While certain construction activities will occur in fixed locations, it is possible, depending on the construction phase and equipment being utilized (e.g., compressors, concrete mixers), to locate and operate this equipment at further distances (or not in close proximity) to sensitive receptors so as to further minimize construction noise levels.

Regarding Noise Modeling. Noise modeling was conducted for the project. See Noise Technical Report (Appendix J) for details on the



modeling effort. As stated in the report, the modeled noise levels are based on the operational assumptions of the proposed project, including train movements as defined in Section 4.3 Methods for Assessing Operational Noise Sources of the Noise and Vibration Report (EIR Appendix J). However, these operational assumptions are memorialized in the MMRP as well.

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could be effective for construction phase impact mitigation with statements about selecting quieter demolition methods where feasible, combining noisy operations at the same time, siting equipment as far away as possible from sensitive sites, and using specially quieted equipment. A Community Notification Plan is a prudent approach, but is not clear how this measure would actually reduce impacts to less than significant levels. There is also no commitment in mitigation measures to ongoing compliance monitoring and steps to be taken if sound level reduction measures have not been effective. Finally, no modeling or substantial evidence is provided to demonstrate the identified mitigation measures would be effective at reducing impacts to less than significant levels.

Chapter 3.13– Transportation

Conflict with a Program, Plan, or Ordinance, or Policy Addressing the Circulation System – Impact 3.13-1: As discussed above in comments on the Land Use and Planning analysis, the DEIR does not provide a basis for the conclusion that the Project would not preclude or make infeasible the City’s implementation of important circulation components of the City’s Active Transportation Plan. Please see comments below from The City’s Public Works Transportation Division:

1. **Proposed Project 2.3.7.2 (page 2-14) and repeated in Proposed Impacts 3.11-1 (page 3.11-13), Table 3.11-1 (page 3.11-18), and elsewhere.** The EIR acknowledges a segment of the Railroad Safety Trail Class I bike path is identified as a proposed project in the City’s Active Transportation Plan and states that “should project conditions, land use, and ROW alignments allow, the proposed project would construct a portion of the new segment of class I bike trail, from approximately High Street to Francis Street.” Furthermore, it states in Impact 3.11-1 (page 3.11-13) that “the proposed project would not preclude implementation of future pedestrian and bicycle facilities that would provide connections to land uses on the west side and east side of the project site.” The City requests that the alignment of this shared use path be determined as part of the proposed layover facility design footprint in order to ensure that construction and operation of the pathway is not precluded. Given the complexity of both the layover facility and the shared use path within the area footprint if this segment of path is not constructed as part of the Layover facility it is likely infeasible to construct it in the future as a City-led project. Therefore, the Layover facility would be conflicting with an adopted local plan.
2. **Figure 2-10. Cross Section E (page 2-25) and elsewhere.** The figure shows a typical cross section of the Railroad Safety Trail with a width of only 5 feet. However, the trail width is not consistent with the design standards of the City, Caltrans, or AASHTO which require a minimum width of 10 feet (City standard is 12 feet preferred). Constructing the trail with a 5-foot width would be a substandard bicycle and pedestrian facility and would need to be disclosed as a safety impact per CEQA.
3. **Bishop Street Extension.** As currently presented in the EIR, it is unclear if the proposed Project would impede the City’s planned Capital Improvement Project to extend Bishop Street west across the UPRR to connect with Roundhouse, which is identified in the General Plan Circulation Element (Project #5 in Table 5). This could create a potential

A 1-15
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A 1-18

A 1-16 As a result of ongoing coordination and input from the City during the early planning phases of the project, the LOSSAN Agency has included a Class I bike and pedestrian path within the project where feasible. Completion of a Class I bike facility for the entire extent of the project limits is not feasible due to right-of-way constraints at the south end of the site (please refer to response to comment A 1-17 for additional description of this area). The CCLF project will not preclude the construction of a future Class I bike path where there are existing right-of-way and property constraints.

Please also refer to responses to comments RD A-2-20 through RD A-2-43.

A 1-17 Cross Section E depicts an existing condition and illustrates the existing limits (or feasibility constraints) of constructing a Class I bike facility at the southern extent of the project site. There are several property (i.e., right-of-way, private property) constraints in the southern alignment of the future bike path, as these adjacent properties are under separate ownership. Specifically, at the south end of the project site, an approximately 60’-70’ segment of trail is in an area of constrained space where the maximum feasible width of the path is an 8’ paved section, including any shoulders. In this configuration, classification of the trail in this short area does not meet the standards for a two-way bike path. Signage indicating the restricted width and the need to dismount and walk bicycles should be installed in advance of this narrow section to warn users of the condition. Appropriate length transition sections would need to be designed on either side of this segment to taper down to the 8’ section width. This reduced width segment would still provide north-south connectivity along the edge of the site, providing an authorized path of travel. This configuration does not preclude future widening of the trail if the City obtains right of-way adjacent to the project site. Therefore, the original Draft EIR states that should project conditions, land use, and ROW alignments allow, the proposed project would construct a portion of the new segment of class I bike trail from approximately High Street to Francis Street. Portions within the Phase 1 footprint extend from High Street south to the end of the Phase 1 improvements, approximately half-way between Roundhouse Avenue and Francis Street. Timing of other portions would depend on the

timing of future phases of the project, subject to funding availability and demand. Therefore, the CCLF project does not preclude the possibility of a future city-led project for construction of a path on the portion adjacent to the CCLF project. Please also refer to responses to comments RD A-2-40 through RD A-2-43.



A 1-18 No proposed design for the Bishop Street extension has been provided by the City for review. Based on roadway geometric design criteria for a 25 mph roadway, the high vertical clearance required over the existing UP railroad tracks is expected to drive the roadway profile of any future overcrossing, and the roadway profile is not likely to tie back into existing grade until nearly Santa Barbara Street to the west. Because the project site sits lower than the UP tracks, it is unlikely that the proposed tracks would have a significant impact on the ultimate profile of roadway overcrossing. No proposed structures are included on portions of the site that approximately aligned with Roundhouse Avenue/Bishop Street and Francis Street. This preserves space for foundations for a future pedestrian overpass. Therefore, the CCLF project would not preclude any future crossing. Please also refer to response to comment RD A-2-44 and RD A-2-45.

<p>City of San Luis Obispo Comments LOSSAN Central Coast Layover Facility DEIR</p> <p>impact by conflicting with an adopted local plan or policy addressing the circulation system. More analysis needs to be shown to indicate that construction of a Layover facility would not preclude the roadway extension.</p> <p>4. Francis Street Extension to Sinsheimer Park. The City’s Active Transportation Plan and South Broad Street Area Plan identify a bicycle and pedestrian crossing of UPRR from Francis Street to the Sinsheimer Park. The City requests that the EIR acknowledge this proposed Project identified in local plans and show how the Layover facility will not preclude this bicycle and pedestrian facility.</p> <p>Planning Commission Comments (December 8, 2021) While the City expects that LOSSAN took diligent notes of the comments made by the public and the City’s Planning Commission on the DEIR at the December 8, 2021 public meeting, the City nonetheless submits the Commission’s comments as they appear in the meeting minutes:</p> <ol style="list-style-type: none"> 1. Hazardous Materials Impact discussion HAZ - 1: Clarify if mitigation applies to daily operation or just construction. 2. Noise Impact discussion NV-3: Parking of trains to block and mitigate noise impacts from trains being worked on only applies to later phases of the project. What about the initial Phase when additional trains in later phases won’t be there to block the noise? 3. How will noise from the wash track to the west be mitigated for the residential units to the west. There are several multi-family buildings and two were pointed out in the EIR subject to noise impacts, one is an eight unit building and one is a 20-unit building. How will the noise be mitigated to those buildings since the wash track will only partially be blocked by the buildings in the project? This was not explained in the EIR and should be. 4. Transportation – Two concerns about conclusions in the EIR. What is the basis for the conclusion the planned grade separated crossing at Roundhouse planned to connect to Bishop St. would not be precluded by the proposed project? There was no basis or discussion on the feasibility of completing the crossing. It does not appear possible to get a road, bike path, or pedestrian path in from Roundhouse over such a short distance. The same goes with the crossing at Francis Ave. Can that be accomplished with the security fencing. How does the project not preclude that future crossing at Francis? 5. Consistency with plans – Commission indicated desire to see more on building designs in previous review. No design or conceptual design of buildings provided in the DEIR. How will the project be consistent with the Railroad District Plan as no building design is included? 6. LOSSAN should invest resources on a strategy for the interpretive elements about the historic roundhouse feature. A significant amount of information is available. The Roundhouse is a focal point to understand what went on at this place. Hopes there is significant follow up in what actually gets built and that money is put into the interpretive side of things. 	<p>A 1-18 cont’d</p> <p>A 1-</p> <p>A 1-</p> <p>A 1-21</p> <p>A 1-22</p> <p>A 1-23</p> <p>A 1-24</p> <p>A 1-25</p>	<p>A 1-19 Through various discussions with the City, the LOSSAN Agency is aware that the City’s planning documents contemplate a bicycle and pedestrian crossing of the railroad right of way from Francis Street to the Sinsheimer Park. The LOSSAN Agency has conducted a preliminary review of this potential crossing as shown in the South Broad Street Area Plan and has concluded that the proposed CCLF would not preclude this crossing in the future because the foundations for the pedestrian bridge as shown in the plan are outside the project footprint. Please also refer to response to comment RD A-2-46 and RD A-2-47.</p> <p>A 1-20 Mitigation Measure HAZ-1 applies to both construction and daily operation. MM HAZ-1 has been updated to clarify “Prepare a Construction and Operation Hazardous Materials Management Plan.</p> <p>A 1-21 Noise Impact discussion NV-3 – parking of trains. No significant noise impact has been identified in the initial phase of the project due to the limited additional train movement, as noise predicted noise levels would not exceed the significance thresholds; therefore, no mitigation is required.</p> <p>A 1-22 No significant impact requiring mitigation was identified associated with Phase 1 operations as the train wash will be constructed in a future phase of the project. As a component of the CCLF Operational Plan, in a later phase of the project where the train wash would be constructed, the second train of each day accessing the CCLF will use the westernmost storage track (i.e., next to the service and inspection track) and will not use the train wash. Having the train stored on this track acts as a noise barrier reducing sound levels at sensitive land uses west of the storage facility, and noise significance thresholds would not be exceeded.</p> <p>A 1-23 Please refer to response to comment A 1-18 and A 1-19.</p> <p>A 1-24 Please refer to response to comment A 1-4 regarding building designs. Additionally, refer response to comment “Intro”, which explains that the LOSSAN Agency will continue to work and coordinate with the City through the engineering design process.</p> <p>A 1-25 The LOSSAN Agency has planned to incorporate interpretive elements into the project design. Please refer to response to</p>
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comment A 1-4.

As discussed on original Draft EIR pages 3.5-41 and 3.5-42, due to the identification of the Southern Pacific Roundhouse early in the planning process, the project design includes a Roundhouse Protected Zone and the Railroad District Plan's proposed "Historic Railroad Yard Walk of History." The Roundhouse Protected Zone would preserve a portion of the remnant of the roundhouse foundation sidewall and concrete slab and facilitate public view of the historic site along the new segment of the Class I bike trail. The LOSSAN Agency would install a permanent transparent perimeter fence along the southwest edge of the roundhouse, where permanent bench seating and interpretive signage will be sited to create an information node along the active transportation corridor. The "Historic Railroad Yard Walk of History" calls for the installation of historic markers and an improved walking path describing the roundhouse, turntable, and other important railroad features.

CUL-1 Public Outreach and Educational Display. Prior to grading activities, the LOSSAN Rail Corridor Agency will hire an individual meeting the Secretary of the Interior's Professional Qualification Standards to carry out archival research and interviews into the history of Southern Pacific Rail Yard and compilation of existing materials such as historic maps. The LOSSAN Rail Corridor Agency will design, fabricate, and install educational displays, based on archival documentation and archaeological data, that explore not only the roundhouse but other important rail yard features such as the powerhouse, plumbing shop, store house, repair tracks, etc. The educational displays will include interpretive panels with historical photographs, maps, and narrative text demonstrating the history of the rail yard, how it appeared in its heyday, and what remained of the site prior to construction of the project. The displays will be placed at the Roundhouse Protected Zone and other suitable locations along the proposed bike and pedestrian trail/walk of history that will run along the west side of the project site.

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LOSSAN Central Coast Layover Facility DEIR

Conclusion

CEQA requires that an EIR be recirculated when “significant new information is added to the EIR” prior to certification of the document. (CEQA Guidelines § 15088.5.) Recirculation is also required under any of the following circumstances:

- 1) “A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- 3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (CEQA Guidelines §15088(a).)

A 1-26

Here, given the significant impacts not identified in the DEIR and the substantial new information that must be included in the DEIR to comply with CEQA, the EIR must be revised and recirculated for public review and comment. Recirculation is also advised to ensure that LOSSAN complies with its mandate under CEQA that an “EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (CEQA Guidelines §15003(d).)

Based on the numerous comments set forth above, the City requests that LOSSAN suspend any further consideration of approving the Project and prepare and recirculate for public comment a revised Draft EIR that fully discloses, analyzes, and attempts to mitigate the impacts of the Project. The City remains open and available to assist LOSSAN in accomplishing these tasks. Thank you for providing the City the opportunity to provide these comments on this important Project.

Sincerely,



Michael Codron
Community Development Director
City of San Luis Obispo

Cc: City Council
Planning Commission
City Leadership Team

A 1-26 LOSSAN prepared a Recirculated Draft EIR, which further address City’s comments on the original Draft EIR. Please refer to the Recirculated Draft EIR and responses to comments RD A-2-1 through RD A-2-48.



CONNECTING COMMUNITIES
ARROYO GRANDE | ATASCADERO | GROVER BEACH
MORRO BAY | PASO ROBLES | PISMO BEACH
SAN LUIS OBISPO | SAN LUIS OBISPO COUNTY

December 20th, 2021

James Campbell, Manager of Programs
LOSSAN Rail Corridor Agency
600 South Main Street
Orange, CA 92863

Subject: EIR for the Central Coast Layover Facility Project

Dear Mr. Campbell:

The San Luis Obispo Council of Governments (SLOCOG) appreciates the opportunity to review the Central Coast Layover Facility Project EIR. The State of California and Federal Highways Administration designate SLOCOG as the Regional Transportation Planning Agency (RTPA) and the Metropolitan Planning Organization (MPO), respectively, for the region. While SLOCOG does not have permit or regulatory authority for land use proposals, SLOCOG is responsible for planning the long-term viability of the regional surface transportation system, and for programming funds to achieve the objectives of the adopted Regional Transportation Plan and Sustainable Communities Strategy (2019 RTP). SLOCOG staff reviews land use projects, EIRs, and plans to ensure positive outcomes in transportation and land choices within and between our communities.

Intro

As a member of LOSSAN, SLOCOG is very supportive of the opportunities this facility will provide to our region's transportation system. The proposed Central Coast Layover Facility would increase overnight layover and storage capacity to support the service goals and objectives outlined for the Pacific Surfliner in both the 2018 California State Rail Plan and the LOSSAN Rail Corridor Agency's Business Plans (Fiscal Year 2019-20 and 2020-21). This project is also consistent with 2019 RTP action strategy to "support the continued improvement of Amtrak rail passenger service to the region, including: increase intercity passenger train service to San Luis Obispo with additional Pacific Surfliner service from San Diego to San Luis Obispo and new roundtrip services north of San Luis Obispo to the Bay Area; support the addition of passenger rail cars to the existing Coast Starlight train to accommodate local demand; support the addition of the Coast Daylight, a Los Angeles to San Francisco train, including a direct link to cities along the San Francisco peninsula."

A 2-1

As stated in Table 3.11-1 of the Draft EIR, "Policy Objective 2.1 of the 2019 RTP is to provide reliable, integrated, and flexible travel choices across and between modes." We are supportive of including active transportation facilities within the project and hope that the planning of future east-west connects will not be precluded from implementation. **SLOCOG suggests that LOSSAN continue to work with SLO City to ensure that connectivity is not limited with the project's implementation.**

A 2-2

Thank you again for the opportunity to provide input. We wish LOSSAN continued success with the project. If there are any questions, please do not hesitate to contact me at (805) 597-8052 or ssanders@slocog.org.

A 2-3

Sincerely,

Sara Sanders, Transportation Planner
San Luis Obispo Council of Governments

1114 Marsh Street San Luis Obispo, CA 93401 | t (805) 781-4219 f (805) 781-5703 | slocog@slocog.org SLOCOG.ORG

Comment Letter A-2

San Luis Obispo Council of Governments

Intro This comment is an introductory comment and summarizes SLOCOG's role as a Regional Transportation Planning Agency and Metropolitan Planning Organization. This comment does not address the adequacy of the original Draft EIR, as such no further response is necessary.

A 2-1 This comment acknowledges the benefits of the proposed project as it relates to the regional transportation system and the service goals and objective outlined for the Pacific Surfliner in both the 2018 California State Rail Plan and the LOSSAN Agency's Business Plans (Fiscal Year 2019-20 and 2020-21). This comment does not address the adequacy of the original Draft EIR, as such no further response is necessary.

A 2-2 The LOSSAN Agency acknowledges Policy Objective 2.1 of the 2019 RTP is to "provide reliable, integrated, and flexible travel choices across and between modes." As identified in EIR Table 3.11-1 "Project Consistency with Applicable Goals and Policies", the proposed project is consistent with Policy Objective 2.1. As summarized from EIR Table 3.11-1, the project site is located in an urbanized portion of the City with an existing network of multimodal transportation modes including passenger rail, bus, and bike facilities.

The proposed project will allow a second, more convenient, morning departure from San Luis Obispo and will provide for the opportunity to store and service additional train sets used for further expansion of Amtrak's Pacific Surfliner service. Further, should project conditions, land use, and ROW alignments allow, the proposed project would construct a portion of the new segment of Class I bike trail, from approximately High Street to Francis Street. This new connection would provide largely protected bike and pedestrian trail access from the Old Town Historic District through the Railroad Historic District, from the San Luis Obispo Railroad Museum, past the rail yard at project site, and back into the urban fabric of housing and light commercial use.

The LOSSAN Agency has worked with the City of San Luis Obispo as

part of early design charrettes for the proposed project site plan. The design of the project would not preclude legal (i.e., legal trespass) of future planned east-west connections across the railroad ROW. The LOSSAN Agency will continue to work with the City to ensure that project improvements do not preclude legal east-west connections as part of final design.

A 2-3 Comment acknowledged. This comment does not address the adequacy of the original Draft EIR, as such no further response is necessary.



Air Pollution Control District
San Luis Obispo County

VIA EMAIL ONLY

December 20, 2021

James Campbell
LOSSAN Rail Corridor Agency
600 South Main Street
Orange, CA 92863
capitalprojects@lossan.org

SUBJECT: APCD Comments Regarding Draft Environmental Impact Report for Central Coast Layover Facility - LOSSAN (2021020444)

Dear James Campbell:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the Draft Environmental Impact Report (DEIR) for the proposed project. The Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor Agency is proposing the relocation and expansion of the existing Pacific Surfliner layover track and facility, located just south of the Jennifer Street Bridge on the east side of the main line and directly across from the San Luis Obispo Amtrak Station, located at 1011 Railroad Avenue. The existing facility appears to be able to support one train set layover whereas the proposed facility will handle up to four overnight layover sets and enable train set service, inspections, wheel truing, and train washing. The DEIR states that the proposed Central Coast Layover Facility (CCLF) is intended to support the service goals and objectives outlined for the Pacific Surfliner in both the 2018 California State Rail Plan and the LOSSAN Rail Corridor Agency's Fiscal Year 2019-2020 and 2020-2021 Business Plan.

The LOSSAN Rail Corridor Agency would construct the new rail yard, storage and servicing tracks, operations and maintenance buildings, landscape improvements, pedestrian improvements, and safety and security features on approximately 13 acres of relatively undeveloped land in the City of San Luis Obispo. The proposed project location is approximately 0.3-mile south of the existing San Luis Obispo Amtrak Station. The project site extends from south of the San Luis Obispo Railroad Museum's parking lot to the east of Lawrence Drive. The project site is between the Union Pacific Main Tracks and existing commercial and residential development to the west.

Since funding is not available to construct the entire facility at once, construction phasing for the project is anticipated. This includes constructing the initial most critical portions of the facility, and the remaining components as need arises and funding becomes available.

☎ 805.781.5912 📠 805.781.1002 🌐 slocleanair.org 📍 3433 Roberto Court, San Luis Obispo, CA 93401

Comment Letter A-3

San Luis Obispo County Air Pollution Control District

Intro This is an introductory comment that provides a summary of the proposed project. This comment does not address the adequacy of the original Draft EIR, as such no further response is necessary.

Intro

APCD Comments on DEIR for Central Coast Layover Facility - LOSSAN
 December 20, 2021
 Page 2 of 6

APCD Support for Pacific Surfliner Expansion this Proposed CCLF Project Would Provide
 The San Luis Obispo Council of Government (SLCOG) is currently updating its Regional Transportation Plan that will contain an integrated set of goals, policy objectives, action strategies, and investments to maintain, manage, and improve the transportation system in the San Luis Obispo region between 2023 and 2045. This plan specifically calls for the expansion of the Pacific Surfliner services as part of the plan's multi-modal approach for transportation efficiency in SLO County. In addition, SLOCOG is currently conducting a Coast Rail Corridor Study that will likely support the proposed rail service expansion. Realizing long-term transportation efficiencies will reduce criteria pollutant, greenhouse gas (GHG), and toxic emissions called for in APCD's Clean Air Plan and GHG emissions called for in the CARB Scoping Plan. **For these reasons, SLO County APCD supports the Pacific Surfliner expansion that this LOSSAN project would provide. However, the proposed project's DEIR has the following deficiencies related to air quality, toxics, and GHG sections that need to be addressed before the EIR is finalized.**

Verify Pacific Surfliner Fleet Meets Tier-4 Engine Emission Standards Before CCLF Opens
 Page 3.3-15 (PDF page 131) of the DEIR states "that the Pacific Surfliner fleet will be 100 percent Tier-4 compliant prior to Phase 1 development" being complete. Page 3.3-18 of the DEIR assumed project buildout would be 2027. **The APCD recommends that LOSSAN include a reporting requirement in their response to comments and in the Final EIR where, prior to opening the new CCLF for use, they provide a report to SLO County APCD and the City of San Luis Obispo that identifies each locomotive in the Pacific Surfliner fleet and provides proof that each unit in the fleet meets Tier-4 compliance. If the fleet is not fully Tier-4 compliant then the response to comments and the Final EIR needs to specify that the health risk assessment will be refreshed, and mitigation measures revised as necessary to address risk in excess of APCD's thresholds.**

Adherence to Train Idling Assumptions
 Pages 3.3-19 and 3.3-20 of the DEIR states that "each train overnighting at the CCLF would idle up to 30 minutes per day, approximately 15 minutes at shutdown and startup." **The APCD recommends that LOSSAN include CCLF train idling and movement constraints, as well as compressor use requirements, in a SLO City and APCD approved Mitigation Monitoring and Reporting Plan. This plan needs to include LOSSAN and local contacts for the city and APCD to call if constraints are not being adhered to.**

Issues with Air Quality and GHG Analyses that Underestimate Impacts
 Regarding the project's operational phase emissions, the bottom of Page 24 of the Air Quality Analysis Report (PDF Page 596) states:
 "Operations-period emissions would include those related to worker commute and vendor trips, building/site maintenance activities, building energy consumption demands, and locomotive movement/idling activity. CalEEMod defaults were used to estimate criteria pollutant and GHG emissions associated with CCLF area, energy, and mobile sources. Locomotive emissions were calculated per the EPA publication Emission Factors for Locomotives (EPA 2009). Given that the Pacific Surfliner fleet will be 100 percent Tier-4 compliant prior to Phase 1 development, emissions rates were calculated accordingly."

A 3-1

A 3-2

A 3-3

A 3-4

A 3-1 This comment acknowledges that the current Regional Transportation Plan (RTP) update specifically calls for the expansion of the Pacific Surfliner as part of the RTP's multi-modal approach for transportation efficiency in San Luis Obispo (SLO) County. The LOSSAN Agency concurs that, as a component of the RTP, the proposed project would help achieve long-term transportation efficiencies that would reduce criteria pollutant, greenhouse gas (GHG) and toxic emissions. These reductions are called for in the APCD's Clean Air Plan and GHG emissions called for in the CARB Scoping Plan.

The LOSSAN Agency acknowledges and appreciates the SLO County APCD support for the Pacific Surfliner expansion that the proposed project would provide.

Please refer to responses to comments A 3-2 through A 3-6 regarding specific comments related to the original Draft EIR air quality analysis. Additionally, EIR Sections 3.3 Air Quality and 3.8 Greenhouse Gas Emissions were updated in response to the APCD's comments on the original Draft EIR. Please also refer to responses to comments RD A-1-1 through RD A-1-5.

A 3-2 All Pacific Surfliner locomotives meet Tier 4 Engine Emission Standards. Therefore, the inclusion of a reporting requirement to SLO County APCD and the City is not necessary. The Pacific Surfliner fleet are Tier 4 compliant and revision to mitigation measures to address risk in excess of APCD's thresholds is not required; however, in order to be responsive to this comment, the LOSSAN Agency will provide Tier-4 compliance documentation for all Pacific Surfliner fleet locomotives to SLOAPCD and the City of San Luis Obispo prior to new CCLF opening. As the entire Pacific Surfliner is Tier-4 compliant, an update to the HRA as it relates specifically to diesel locomotives is not required.

A 3-3 Please refer to response to comment A 1-7. In the event train idling and movement constraints are not being adhered to, please contact the LOSSAN Agency's Operations Officer, James Campbell, via e-mail at jcampbell@octa.net or via phone (714) 293-8879.

A 3-4 The original Draft EIR Air Quality Analysis Report (Draft EIR Appendix C) included a "GHG Emissions Summary" immediately following the CalEEMod output sheets referenced in this comment. The GHG



Emissions Summary shows the CalEEMod GHG emissions total for MT CO₂e, then deducts the MT CO₂e for mobile emissions and waste/water-related GHG emissions, respectively, to account for the fact that these emissions are already occurring at the existing layover facility that will be decommissioned. GHG emissions-generating activity would simply transfer from the existing layover facility to the proposed new layover facility.

Final EIR Table 3.8-4 has been revised to show these existing condition GHG emissions off-sets. Final EIR Table 3.8-4 and related discussion has been revised and included in the Recirculated Draft EIR to provide more clarification and amplification of potential project GHG emissions. Although the LOSSAN Agency intends to provide solar panels as part of the buildout operations, Mitigation Measure GHG-1 has been proposed to identify the specific point at which solar panels shall be operational so as to off-set any GHG impacts to a level less than significant. Mitigation Measure GHG-1 requires the following:

GHG-1 Install Solar Panels to Off-set At Least Forty Percent of CCLF Project Build-out Electricity Demand. The LOSSAN Rail Corridor Agency shall solar panels to off-set at least forty percent of CCLF build-out electricity demand. Given the phased nature of CCLF build-out, this measure shall phase in once CCLF electricity demand reaches 68,750 kilowatt hours (kWh) per year.

Regarding locomotive GHG emissions, the emissions estimates were updated based on consultation with APCD and are reflected in the Recirculated Draft EIR air quality and GHG analyses.

Please refer to updated Air Quality/Greenhouse Gas Emissions technical report (Final EIR Appendix C) for updated modeling in response to this comment.

APCD Comments on DEIR for Central Coast Layover Facility - LOSSAN
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PDF Page 699, in Appendix C, Air Quality Analysis Report, shows the overall unmitigated operational phase annual emissions from the California Emissions Estimator Model (CalEEMod) for the LOSSAN CCLF Later Phases:

CalEEMod Version: CalEEMod 2020.4.0 Page 6 of 34 Date: 10/28/2021 5:45 AM

LOSSAN CCLF Later Phases - San Luis Obispo County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

2.2 Overall Operational
 Unmitigated Operational

Category	COG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	SOx-CO2	NOx-CO2	Total CO2	CH4	N2O	CO2e
ton/day																
MT/yr																
Area	0.1189	0.0000	3.8000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	7.0000e-004	7.0000e-004	0.0000	0.0000	7.0000e-004
Energy	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	16.1130	16.1130	3.6100e-003	3.2000e-004		16.2723
Mobile	0.0007	0.0756	0.0071	1.0000e-003	0.1204	8.9000e-004	0.1214	0.0022	8.9000e-004	0.0031	0.0000	87.2861	87.2861	3.9000e-003	4.7700e-003	88.0000
Waste					0.0000	0.0000	0.0000	0.0000	0.0000	1.7883	0.0000	1.7883	0.1046	0.0000		4.4266
Water					0.0000	0.0000	0.0000	0.0000	0.0000	1.8774	2.4862	1.0661	0.1824	3.8700e-003		5.2819
Total	0.1426	0.0756	0.0074	1.0000e-003	0.1204	8.9000e-004	0.1214	0.0022	8.9000e-004	0.0031	3.3637	115.8611	118.2216	0.2766	8.9600e-003	128.8107

Chapter 3.8 Greenhouse Gas Emissions, Section 3.8.3 Project Impacts (Page 3.8-10, PDF Page 238) summarizes the annual emissions from the CalEEMod modeling in Table 3.8-4.

Table 3.8-4. Project Annual GHG Emissions

Emissions Source	Emissions in MT of CO2e
Construction	25.31
Operations	16.27
Annual Total GHG Emissions	41.48
Service Population	65
Emissions per Employee	0.64
Efficiency Threshold	0.7
Exceed Threshold?	No

Source: Appendix C of this EIR
 Notes:
 See Appendix C of this EIR for CalEEMod modeling output sheets.
 MT=metric tons; CO2e=carbon dioxide equivalent

Table 3.8-4 correctly adds the amortized construction emissions to the operational phase emissions. However, the CalEEMod output summary clearly shows the annual operational GHG emissions are 128.8 MT/yr, not 16.27 MT/yr as listed in Table 3.8-4. The 16.27 MT/yr is only the energy component of the project's emissions. Missing from Table 3.8-4 are the GHG emissions associated with the project's area source, vehicle use (mobile), waste generation, and water use. Also missing is the GHG

A 3-4
 cont'd



APCD Comments on DEIR for Central Coast Layover Facility - LOSSAN
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emissions from the locomotives that utilize the facility which means 128.8 MT/yr underestimates the total annual operational phase GHG emissions for the built-cut project; 25.31 MT/yr + 128.8 MT/yr + MT/yr from train start up and shutdown of up to 4 train sets¹ overnighing at buildout.

The total annual operational phase GHG emissions for the project divided by the service population (65 employees at build out; see description on Pages 3.13-8 to 3.13-9) would significantly exceed the 0.7 GHG Efficiency Threshold in the City of San Luis Obispo's qualified Climate Action Plan. **Due to the improper GHG emissions assessment in the DEIR and the fact that the emissions will significantly exceed the efficiency threshold, APCD recommends LOSSAN work with the City of SLO and SLO County APCD to properly quantify and mitigate the excess GHG emissions to a level of insignificance. This work needs to be memorialized in LOSSAN's response to comments and in the Final EIR.**

Likewise, the operational phase criteria pollutant emissions at buildout are underestimated because the locomotive emissions were added only to the diesel particulate matter (DPM) portion of Table 5, Estimate of Criteria Pollutant Emissions During Operations, in Appendix C, Air Quality Report (PDF Page 601; also see Table 3.3-5, Page 3.3-18 or PDF Page 134). While Table 5 indicates that locomotive DPM emissions were added to the CalEEMod DPM emissions, APCD did not readily see documentation in the DEIR of how the DPM value in Table 5 was derived. **APCD recommends LOSSAN work with the City of SLO and SLO County APCD to properly quantify the operational phase criteria pollutant emissions and mitigate them if necessary. This work needs to be memorialized in LOSSAN's response to comments and in the Final EIR.**

Table 5. Estimate of Criteria Pollutant Emissions during Operations

	ROG	NO _x	ROG + NO _x		CO	SO ₂	PM10		DPM ¹
	PPD	PPD	PPD	TPY	PPD	PPD	PPD	TPY	PPD
Project Buildout – 2027	1	<1	1	<1	3	<1	<1	<1	0.34
APCD Significance Threshold	N/A	N/A	25	25	N/A	N/A	25	25	1.25
Exceed Daily Threshold?	--	--	No	No	--	--	--	No	No

*Includes locomotive idle emissions.
PPD = pounds per day; TPY = tons per year; DPM = diesel particulate matter
See Appendix for Emissions Summary and CalEEMod modeling output sheets.

Issues with Health Risk Assessment

The Wednesday December 15, 2021, edition of the San Luis Obispo Tribune included a Proposition 65 Warning regarding diesel exhaust from railroad operations. In 1998, the California Air Resources Board (CARB) [identified particulate emissions from diesel-fueled engines \(DPM\) as toxic air contaminants](#) and [found](#) that based on available scientific evidence, there was no diesel exposure level below which carcinogenic effects are not expected to occur. In September 2000, CARB adopted the Diesel Risk Reduction Plan, which outlined diesel regulations their agency planned to adopt that would reduce the risks associated with DPM and achieve a goal of 75 percent PM reduction by 2010

¹ Chapter 3.3 Air Quality, Section 3.3.3 Project Impacts (Page 3.3-20, PDF Page 136) states:
"Two trains would overnight at the CCLF at completion of Phase 1 construction. This number is estimated to increase to three trains in five years, then to four trains in ten years."

A 3-5 (Issues with Health Risk Assessment) Locomotive criteria pollutant and DPM emissions calculations were provided in the HRA appendix (PDF pages 788 and 789). Table 5 of the Air Quality Analysis Report and Table 3.3-5 of the Final EIR have been updated to include locomotive emissions based on consultation with the APCD. Shown therein, CCLF project emissions would not exceed SLOAPCD significance thresholds. Impacts would be less than significant, and no mitigation measures are necessary.

The HRA has been revised per SLOAPCD recommendations. The HRA revision indicates that impacts remain less than significant, and no mitigation measures are necessary. The revised HRA analysis is provided in Final EIR Appendix C.

A 3-4
cont'd

A 3-

APCD Comments on DEIR for Central Coast Layover Facility - LOSSAN
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and 85 percent by 2020. Locomotive engines meeting the Tier-4 emission standard are, in part, the result of this regulatory approach.

Table 3.3-6. Estimate of Operational Incremental Cancer Risk (Chapter 3.3 Air Quality, Section 3.3.3 Project Impacts – Impact 3.3-3 Sensitive Receptors, Diesel Particulate Matter (Pages 3.3-19 to 3.3-20)) indicates the project's diesel impacts would be less than significant relative to APCD's significance thresholds. SLO County APCD's Engineering Division reviewed the health risk assessment (HRA) (see Sensitive Receptors discussion in Appendix C. Air Quality Report - PDF pages 593-4 and see the Health Risk Assessment – PDF Pages 785-996) in the DEIR. **The following are SLO County APCD's recommendations to address deficiencies found in the HRA. If the revised HRA demonstrates risk in excess of APCD risk thresholds, APCD recommends LOSSAN work with the City of SLO and SLO County APCD to mitigate the impacts to a level of insignificance. This work needs to be memorialized in LOSSAN's response to comments and in the Final EIR.**

The AERMOD files were not run in a risk analysis software. The standard, per the [2015 OEHHA guidelines](#), is to use HARP2 ADMRT software to determine the health risk at the Maximally Exposed Individual Resident (MEIR), Maximally Exposed Individual Worker (MEIW) and Point of Maximum Impact (PMI). The only explanation of the health risk was the excel calculation sheet on PDF Page 787, which did not come with sample calculations or discussions of where the MEIR, MEIW and PMI locations were determined. While there are maps of DPM concentrations from the project's locomotive activities (e.g., see PDF Page 793), the HRA did not include isopleth maps that show the risk contours around the source. Therefore, the risk analysis is incomplete per the Office of Environmental Health Hazard Assessment (OEHA) standards.

Additionally, in the OEHA guidelines, there is an outline of the format expectation for a Health Risk Assessment (HRA) report, which was not demonstrated in the EIR document. The results were in one section, maps of the source locations in another, while the AERMOD modeling information and excel calcs of the risk were in an appendix. This is not consistent with HRAs conducted, reviewed, and approved in our District/in California in general. Section 9-4 of the OEHA guidelines has the HRA outline expectation.

Lastly, AP-42 emission factors were used for some of the emission calculations, however the project specifies an engine, which has a specific family number and certified emission rates, which are more representative than AP-42. CARB provided the engine emission information for the proposed locomotive engines in an [October 1, 2020 letter](#). This information should be included in a revised HRA and should be used in the HRA calculations.

Additional Air Quality Mitigation Measures Are Required for the Final EIR

Mitigation Measures AQ-1, Construction Valley Fever Plan and AQ-2, Naturally Occurring Asbestos Air Toxics Control Measures Compliance are found in DEIR Section 3.3.4. These measures are appropriate, however, there are two other applicable mitigation measures the project needs to implement due to the project's proximity to sensitive receptors:

1. Add Construction Phase Fugitive Dust Mitigation Measure

The Air Quality Analysis Report (DEIR Appendix C) includes an applicable air quality threshold of significance for fugitive dust emissions (Pages 17 and 18; PDF Pages 590-591):

A 3-5
 cont'd

A 3-6

A 3-6 Regarding construction phase fugitive dust mitigation, this comment is correct that project grading will involve more than 4 acres and will be within 1,000 feet of a sensitive receptor. Although dust emissions were quantified and determined to be below APCD significance thresholds, the following Mitigation Measure AQ-3 was included in the Recirculated Draft EIR and has been added to the Final EIR. Mitigation Measure AQ-3 states:

AQ-3 Fugitive Dust Mitigation Measures:

Construction activities can generate fugitive dust, which could be a nuisance to residents and businesses in close proximity to the proposed construction site. Projects with grading areas more than 4 acres and/or within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) (https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Rule_401.pdf) and minimize nuisance (APCD Rule 402) (https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Rule_402.pdf) impacts:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the San Joaquin Valley Air District for a list of potential dust suppressants: <https://ww2.valleyair.org/compliance/dust-control/reducing-dust-emissions/>;
- c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building



pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used;

- e. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code (CVC) Section 23114;

“Track-Out” is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent ‘track out’, designate access points and require all employees, subcontractors, and others to use them. Install and operate a ‘track-out prevention device’ where vehicles enter and exit unpaved roads onto paved streets. The ‘track-out prevention device’ can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;

- a. All fugitive dust mitigation measures shall be shown on grading and building plans;
- b. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact the Compliance Division at 805-781-5912).
- c. Permanent dust control measures identified in the approved project revegetation and landscape plans

- should be implemented as soon as possible, following completion of any soil disturbing activities;
- d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- e. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- f. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- g. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- h. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-4 Limits of Idling during Construction Phase

State law prohibits idling diesel engines for more than 5 minutes. All projects with diesel-powered construction activity shall comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines. The specific requirements and exceptions for the on-road and off-road regulations can be reviewed at the following [web sites:](http://arb.ca.gov/sites/default/files/classic/msprog/truck-idling/13ccr2485_09022016.pdf) arb.ca.gov/sites/default/files/classic/msprog/truck-idling/13ccr2485_09022016.pdf and arb.ca.gov/regact/2007/ordiesl07/frooal.pdf. In addition, because this project is within 1,000 feet of sensitive receptors, the project applicant shall comply with the following more restrictive requirements to minimize impacts to nearby sensitive receptors.

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
3. Use of alternative fueled equipment is recommended;



4. and
Signs that specify no idling areas must be posted and enforced at the site.



APCD Comments on DEIR for Central Coast Layover Facility - LOSSAN
December 20, 2021
Page 6 of 6

"equipment and vehicle fleet are expected to exceed adopted thresholds of significance and implementation of fugitive dust control measures (watering of the grading site, vegetation of exposed soils, early roadway paving, construction vehicle speed control, etc.) for any project with a grading area greater than 4 acres or that are located within 1,000 feet of any sensitive receptor."

Section 3.3.1 Existing Conditions specifies the surrounding sensitive receptors (residences and Christian Day School; see Figure 3.3-1; Pages 3.3-6 to 3.3-7) that are within 1,000 feet of the proposed project site and therefore APCD's fugitive dust control measures are required to mitigate the project's inconsistency with the fugitive dust threshold. **To address this inconsistency, APCD recommends "Mitigation Measure AQ-3 Fugitive Dust Mitigation Measures: Expanded List" be added to the FEIR. The applicable mitigation measure text is found in the SLO County APCD's Quick Guide for SLO County APCD Construction Mitigation Measures.**

2. **Add Construction Phase Diesel Idling Mitigation Measure**

Likewise, due to the proposed project site being within 1,000 feet of sensitive receptors, the project's construction phase is inconsistent with the APCD's idling threshold. **To address this inconsistency, APCD recommends "Mitigation Measure AQ-4 Limits of Idling during Construction Phase" be added to the FEIR. The applicable text is found in a link on the second page of the above quick guide link.**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 805-781-5912.

Sincerely,

ANDREW J. MUTZIGER
Manager, Planning, Monitoring, and Grants Division

AJM/kaw

cc: Brian Leveille, Senior Planner, City of San Luis Obispo
Sara Sanders, Transportation Planner, SLOCOG
Dora Drexler, Engineering & Compliance Division, APCD

A 3-6
cont'd

A 3-7

Plan Requirements and Timing. The LOSSAN Rail Corridor Agency shall comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines.

Monitoring. The LOSSAN Rail Corridor Agency shall verify compliance with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction during all phases of project construction.

Comment noted.

A 3-7

-----Original Message-----

From: Mona Tucker <olivas.mona@gmail.com>
Sent: Tuesday, November 9, 2021 8:27 AM
To: LOSSAN Capital Projects <capitalprojects@lossan.org>
Subject: Central Coast Layover Facility in San Luis Obispo

Hello Mr. Campbell:

I'm writing regarding the Central Coast Layover Facility proposed for San Luis Obispo. Have there been any archaeological research on the site of the proposed project? Also, has a records search been completed that would include this site and any culturally sensitive site within one-half mile? In either case, will you please send any reports to me.

Consultation is requested.

Thank you,

Mona Olivas Tucker, Chair
yak tityu tityu yak tilhini – Northern Chumash Tribe San Luis Obispo County and Region

Sent from my iPhone

}
NAT 1-1

Comment Letter NAT-1

yak tityu tityu yak tilhini – Northern Chumash Tribe San Luis Obispo County and Region

NAT 1-1 A cultural resources evaluation was conducted in support of preparation of the original Draft EIR, which included a records search within ½ mile of the project site. The findings of the records search are summarized in EIR Section 3.5 Cultural Resources.

Per the request of the commenter, the cultural resources report has been made available to the Northern Chumash Tribe San Luis Obispo County and Region.

The LOSSAN Agency will continue to consult with the Tribe, as requested in this comment.

Please also refer to responses to comment RD NAT-2.



Santa Ynez Band of Chumash Indians
Tribal Elders' Council
P.O. Box 517 ♦ Santa Ynez ♦ CA ♦ 93460
Phone: (805)688-7997 ♦ Fax: (805)688-9578 ♦ Email: elders@santaynezchumash.org

November 15, 2021

LOSSAN Rail Corridor Agency
600 South Main Street
Orange, CA 92863

Att.: James Campbell, Manager of Programs

Re: Draft Environmental Impact Report for the Central Coast Layover Facility Project

Dear Mr. Campbell:

Thank you for contacting the Tribal Elders' Council for the Santa Ynez Band of Chumash Indians.

At this time, the Elders' Council requests no further consultation on this project; however, we understand that as part of NHPA Section 106, we must be notified of the project.

Thank you for remembering that at one time our ancestors walked this sacred land.

Sincerely Yours,

Kelsie Shroll
Administrative Assistant | Elders' Council and Culture Department
Santa Ynez Band of Chumash Indians | Tribal Hall
(805) 688-7997 ext. 7516
kshroll@santaynezchumash.org

NAT 2-1

Comment Letter NAT-2

Santa Ynez Band of Chumash Indians

NAT 2-1 This comment states that no further consultation is requested between the LOSSAN Agency and the Santa Ynez Band of Chumash Indians. It should be noted that, because no federal actions are necessary for project implementation, NHPA Section 106 consultation is not required for this project.

Please also refer to response to comment RD NAT-1.

From: Glen Matteson <glenamat@hotmail.com>
Sent: Wednesday, December 1, 2021 11:12 AM
To: Leveille, Brian <bleveill@slocity.org>; LOSSAN Capital Projects <capitalprojects@lossan.org>
Cc: Norma Dengler <ndengler1@icloud.com>
Subject: LOSSAN CCLF DEIR - SLO RR Museum comments

Brian and James,
I expect the San Luis Obispo Railroad Museum Board of Directors will approve a letter commenting on the DEIR at its regular monthly meeting of December 14. I will send it by email that night. The main concerns, as noted in the scoping letter, are proposed fencing that could preclude access to the east (UPRR) side of historical railroad cars and a locomotive on the museum's display track, which is north of the actual CCLF site, and continued vehicle access to the north end of the Emily Street Yard.
Glen Matteson, Secretary
SLORRM

ORG 1-1

Comment Letter ORG-1

San Luis Obispo Railroad Museum

ORG 1-1 This comment informs the LOSSAN Agency of additional comments forthcoming (as provided in the Museum's 12-14-21 comment letter). Please refer to responses to comments ORG 2-1 through ORG 2-4 which provide detailed responses related to proposed fencing and access.



San Luis Obispo Railroad Museum

1940 Santa Barbara Avenue • San Luis Obispo, CA 93401 • (805) 548-1894
 E-mail: info@slormm.com • Website: slormm.com

December 14, 2021

James Campbell, Manager of Programs
 LOSSAN Rail Corridor Agency
 via email: capitalprojects@lossan.org

Central Coast Layover Facility Draft EIR - Comments

Mr. Campbell:

Thank you for the opportunity to review the Draft EIR. The San Luis Obispo Railroad Museum is a nonprofit, educational organization that promotes California Central Coast railroad heritage through community participation, education, and historic preservation. We ask that three specific design aspects of the proposed project be clarified, or specified as mitigation measures, to address impacts to historical railroad resources. These items should be reflected in the construction documents. The following illustration shows their location with respect to the project site.

1. Security and safety fencing

Limit security fencing on the west side of the UPRR tracks to the facility itself.

Exhibits in the DEIR are ambiguous on the extent and location of site security fencing. The vicinity plan showing three primary viewing locations implies that the site to be fenced ends at High Street, with a tapered area to include the turnout into the site (approximate location of current team track turnout). The Landscape Diagram “Bike Trail Alignment” implies that a fence would continue northerly along the west side of the UPRR right-of-way for an unspecified distance. Continuing the fence along the UPRR right-of-way western boundary, beyond the south end of the museum’s display track, would prevent Museum workers from having maintenance access to the east sides of the historical locomotive and cars there. The resulting adverse impact on these historical resources would be substantial. Depending on the northerly extent of the fence, the affected historical resources would be:

- U.S. Army Quartermaster Corps Plymouth locomotive, built 1941 and used at Camp Roberts during World War 2, a twin of the locomotive used at Camp San Luis Obispo
- Former Southern Pacific bay-window caboose, built 1972 and used on the Central Coast
- Former Santa Fe Pullman café-lounge car, built 1926, later used for excursions on the Coast Route, and eventually owned by a Central Coast resident
- Former Southern Pacific flat car, intended display location for Pacific Motor Trucking trailers
- Former Southern Pacific sugar beet gondola, built 1949 and used throughout California, including the Central Coast
- Former Southern Pacific riveted steel tank car, built 1903 and likely used throughout SP’s Pacific Lines

The display track is also the planned location for the former Southern Pacific wood-sided cupola caboose and the former Southern Pacific outside-braced boxcar, both 1920s vintage, now undergoing restoration within the museum’s Emily Street Yard, adjacent to the proposed layover facility site (see Item #2).

Intro

ORG 2-1

Comment Letter ORG-2

San Luis Obispo Railroad Museum

Intro This is an introductory comment. Please refer to responses to comments ORG 2-1 through ORG 2-4.

ORG 2-1 Final fencing alignment will be determined during final design of the project. Site security may still be achieved while limiting fencing to areas south of the museum display track, similar to the sketch shown in the December 14th letter from the Railroad Museum. As currently designed, the fencing limits are consistent with that requested by the Railroad Museum in their comment letter.

LOSSAN CCLF Draft EIR - SLO RR Museum Comments

Page 2

Security and safety fencing (continued)

Install any new area-wide safety fencing along the Railroad Safety Trail, on the east side of the tracks, southward from the present Amtrak layover facility.

If a project goal is to enhance safety by preventing trespass across the existing tracks in this vicinity, installing new, durable fencing along the UPRR right-of-way's east side would take advantage of the existing durable fencing for the present Surfliner layover facility. An extension of about 600 feet would prevent people crossing the tracks at the location where most unsafe crossings have been observed. A 600-foot extension would be one-half the length of existing fencing along a single side of the present layover facility.

2. West side multi-use path – Emily Street controlled vehicle access

To accommodate a multi-use path along the west side of the tracks, design any grading and retaining walls to allow continued vehicle access from the north end of Emily Street right-of-way to the east end of High Street.

The Museum uses the unimproved far north end of Emily Street right-of-way for access to a city-approved storage and work area. The main access is at the south end of this area. However, it is often more convenient to drive all the way through from south to north, or to bring a vehicle from the north, to transport items. Continued vehicle access from High Street to the Museum's fenced and gated yard would be separate from the multi-use path and would not compromise its safety.

3. Locomotive storage spur alignment

Design the alignment and profile of the locomotive storage track to enable a temporary, panel-track connection to the south end of the Museum's display track.

The Project Report showed what appeared to be a spur for storing locomotives, immediately east of the Wheel Truing building. This track is shown conceptually on the DEIR site plan. With the proper precise alignment and profile (grade), and temporarily removable security-fence sections, a temporary panel-track connection with the Museum's display track would not be precluded. Any actual installation and use of such a connection would be subject to approval by the CCLF site owner, the City of San Luis Obispo, and Union Pacific Railroad (which has an access easement from the High Street right-of-way to UPRR right-of-way). This approach would keep open the option of moving rolling stock to and from the Museum by rail. Presently all such movements are by truck and crane. It could also allow for contract repair work at the CCLF, if an owner/operator became open to that possibility.

Thank you for considering these points, which were endorsed by the Museum's Board of Directors at its December 14, 2021, meeting.

Glen Matteson, Secretary
 San Luis Obispo Railroad Museum
 glenamat@hotmail.com
 805 242-3315

ORG
 2-1
 cont'd

ORG
 2-2

ORG
 2-3

ORG
 2-4

ORG 2-2 Design of trail through this corridor from High Street to Emily Street intends to remain close to existing grade along the existing fence line at the west edge of the project site. The site grading would not necessarily preclude access from the Museum Parking Lot to the Emily Street Yard, although vehicle access along the pedestrian/bike trail would need to be coordinated with the City.

ORG 2-3 The alignment of the proposed locomotive storage track is subject to change based on site constraints during final design and a connection cannot be committed to at this time. If a connection were possible in the future, it would be subject to all applicable regulations including, but not limited to 49 CFR parts 213, 214, 215, 217, 218, 219, 220, 229, 231, 232, 243, etc.

ORG 2-4 Comment noted.



[Redacted]

From: Helene Finger [Redacted]
Sent: Sunday, December 5, 2021 1:07 PM
To: Advisory Bodies
Subject: Planning Commission, Dec. 8, Item 5a - EIR for the Central Coast Layover Facility Project
Attachments: LOSSAN Bike SLO letter.pdf

This message is from an **External Source**. Use caution when deciding to open attachments, click links, or respond.

Dear SLO City Planning Commissioners,

As stated in the EIR for the Central Coast Layover Facility Project, this project will contribute to a railroad corridor barrier that physically divides a local community at a spot where “bicyclists and pedestrians cross the railroad ROW at unapproved and unprotected locations”.

This LOSSAN project presents a unique opportunity to improve an important multi-modal transportation connection, by providing a safe at-grade crossing at Francis Street (a Tier 1 project in SLO City’s Active Transportation Plan).

This would be a superior solution to addressing this active transportation need. It will also be the most efficient way to work with Union Pacific to accomplish a safe railroad crossing, since design/ROW/construction coordination in this area is already part of this project. As described in Bike SLO County’s letter attached to the EIR (and to this email), there are numerous examples of the safe use of this low cost solution.

Please encourage LOSSAN to add the words in italics to those already existing in their EIR, “Should project conditions, land use, and ROW alignments allow, the proposed project would construct a portion of the new segment of Class I bike trail, from approximately High Street to Francis Street” *and an at-grade crossing from Francis Street to the Railroad Safety Trail.*

Sincerely,

Helene Finger, PE., F. ASCE

IND
1-1

Comment Letter IND-1

Helene Finger

IND 1-1 Please refer to response to comment A 1-19 (re: safe at-grade crossing from Francis Street to the Railroad Safety Trail).



BIKE SLO COUNTY

bikeslocounty.org

March 25, 2021

James Campbell, Manager of Programs
LOSSAN Rail Corridor Agency
600 South Main Street
Orange CA 92863
capitalprojects@lossan.org

Bike SLO County welcomes this early opportunity to offer its considerations of this new rail facility for Amtrak in San Luis Obispo. Bike SLO County is a nonprofit that educates, inspires, and advocates for cycling in San Luis Obispo County, and we see opportunities for fulfilling our purpose in this project's scope.

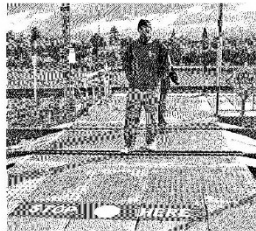
Currently, the Union Pacific Railroad bisects the City of San Luis Obispo with few opportunities for convenient crossings. Were there more crossings, the railroad would be less of a community bisector and would allow better, safer, more inclusive access from and to both sides of the right of way. We see the frequent and unapproved pedestrian and cyclist crossings of the tracks as an indication of inadequate protected access for residents and visitors to San Luis Obispo. Even with the asset of the Jennifer Street Bridge, we recognize that certain inconveniences will tempt and ultimately break the will of even the most law abiding citizens especially when these citizens must travel distances perceived as too great when the destination is visible mere yards away and across the tracks. What the Central Coast Layover Facility will do is make traversing the tracks even more difficult, elevating the temptation to cross by cutting or damaging fencing and encouraging others then to follow these access points. Bike SLO County would like to see purposeful, safe, sanctioned crossings accessible to all, and at multiple points that can be identified by study as the most desirable (now and in the future) for A to B travel.

For example, sanctioned, at-grade crossings of the LOSSAN facility might well be at Francis Avenue and Roundhouse Street to join a Class 1 to the south railroad parking lot. Simple, easy, safe crossings will encourage people to replace car trips with active transportation modes and reduce greenhouse gases (GHG). Constructing less expensive at grade crossings can be adequate with modern safety equipment and noticing, and with rail operator collaboration can be implemented as well as elsewhere in California and in other states. Some references for examination follow:

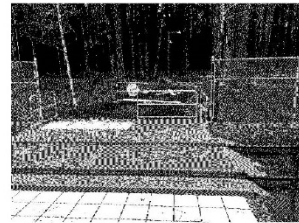
1. FHWA: Highway-Rail Crossing Handbook - Third Edition
https://safety.fhwa.dot.gov/hrip/xings/com_roaduser/fhwasa16040/chp2h.cfm#bookmark53 See specifically **PEDESTRIANS, BICYCLES, AND ACCESSIBILITY**
 - a. See also the many images of successfully installed at grade crossings and schematic drawings
2. Report for Scenic Hudson:
<https://www.scenic Hudson.org/wp-content/uploads/legacy/pdf-downloads/AT%20Grade%20Passenger%20Rail%20Pedestrian%20and%20Trail%20Crossings.pdf>

860 Pacific Street | Suite 105 | San Luis Obispo, CA 93401 | (805) 547-2055

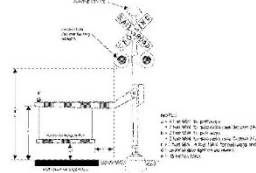
- a. An Illinois High Speed Rail Project link: <https://slideplayer.com/slide/13388739/>
 - b. PEDSAFE
link: http://www.pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NU_M=06
 - c. "A pedestrian bridge can cost \$1.5 million or higher, as documented in the preliminary budget developed for Village of Tivoli waterfront park (2016 Master Plan). Conversely, state-of-the-art at-grade crossings can cost \$50,000-\$300,000, depending on existing conditions. In addition to being significantly lower in construction costs, at-grade crossings require less maintenance, provide easier portage opportunities (kayaks/canoes) and are more aesthetically pleasing. At-grade crossings for pedestrians also can be combined with emergency and maintenance vehicle access."
3. City of Eugene, OR:
<https://www.eugene-or.gov/DocumentCenter/View/25239/121415-Pedestrian-Safety-RR-QZ?bidid=:>
 4. Bike Portland:
<https://bikeportland.org/2016/03/01/first-look-at-nikes-new-path-through-the-woods-1765-QZ>
 5. Selected images:



a.



c.



Furthermore, Bike SLO County suggests this might be an opportune time to consider construction of the proposed bike/ped bridge at Industrial Way (called for in the new San Luis Obispo City Active Transportation Plan), a new, west side extension of the Railroad Safety Trail,



and we seek the access to railroad right of way north from the Jennifer Street Bridge for a future extension of the Railroad Safety Trail through to the Cal Poly campus, a segment of which is being constructed now at long last. The community benefits of these project additions will be huge, attracting funding resources for their implementation.

We also submit that the project's environmental impacts could be detrimental to residents locally to the project site during construction and subsequent operation, and offer an unbudgeted addition to the City of San Luis Obispo's calculations for carbon neutrality by 2035. By implementing better means for active transportation through this site, this project could contribute to lowering the GHG impact.

Bike SLO County applauds Amtrak for what it does as an alternative to automobile transportation. We offer to collaborate in the design of this facility's features to enhance the presence of the railroad through our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Havas".

Gary Havas
Board President

A handwritten signature in black ink, appearing to read "Rick Ellison".

Rick Ellison
Executive Director

860 Pacific Street | Suite 105 | San Luis Obispo, CA 93401 | (805) 547-2055

To: San Luis Obispo Planning Commission Chair Jorgensen and Commissioners Dandekar, Wulkan, Kahn, Hopkins, Quincey and new Commissioner Francis

From: Lea Brooks, San Luis Obispo resident

Re: Dec. 8, 2021, Planning Commission Meeting, Item 5a, Review of the Draft Environmental Impact Report Prepared for the LOSSAN Central Coast Layover Facility

Thank you for hosting a public meeting to address the Draft EIR. I live within a half mile of the project site and bicycle and/or walk through the area almost on a daily basis. I am a fan of passenger trains and support increasing the service between SLO and San Diego.

IND 2-1

I would greatly appreciate a presentation by the applicant that clarifies the timing and funding/right-of-way responsibilities for:

- The 0.84-mile Class I bike trail from approximately High Street to Francis Street.
- The Class II bike lane on Roundhouse Street and proposed grade-separated crossing to Bishop Street.
- The grade-separated crossing east of Lawrence Drive.

IND 2-2

A presentation would be most helpful to clearly understand the following in the Draft EIR:

2.3.11.1 Phase 1

This initial phase would include landscaping and trail enhancements around the Phase 1 footprint... Phase 1 would include the following project components:

- North portions of West Landscape Buffer, 30 feet with pedestrian/bike path, 20-foot minimum setback plus 10 feet.
- East Landscape Buffer, green space enhancement wrapping the existing bike path north-to-south.

IND 2-3

2.3.11.2 Later Phases

-Remaining portions of West Landscape Buffer, 30 feet with pedestrian/bike path, 20-foot minimum setback plus 10 feet.

Construction 2.3.12.1 Phase 1

Project construction for Phase 1 would begin as early as April 2024 and last for approximately 19 months. A summary of the construction activities associated with Phase 1 includes:

- West/East Landscape Buffer and Bike Path.

2.3.12.2 Later Phases

Project construction for the later phases would be approximately 16 months in duration. Mobilization and demobilization time would add to the duration for later phases depending on how they end up being broken out, though breaking the remaining work into smaller phases would reduce the magnitude of impact for each smaller phase. A

Comment Letter IND-2

Lea Brooks

IND 2-1 Comment noted.

IND 2-2 (re: funding responsibilities for bike trail, grade-separated crossing) Please refer to response to comment A 1-19.

IND 2-3 (re: project components and phasing) This comment summarizes the project’s components and proposed phasing. The proposed project is described in detail in EIR Section 2.3 Proposed Project. EIR Section 2.3.11.1 Phase 1 lists all the improvements proposed in Phase 1 of the project. As listed, these improvements include the following listed below. EIR Figure 2-5 Landscape Diagram, depicts the specific landscape improvements that would be implemented as part of Phase 1.

This initial phase would include landscaping and trail enhancements around the Phase 1 footprint as well as water quality improvements and underground utility services to serve the ultimate facility. Phase 1 would include the following project components:

- North portions of West Landscape Buffer, 30 feet with pedestrian/bike path, 20-foot minimum setback plus 10 feet
- East Landscape Buffer, green space enhancement wrapping the existing bike path north-to-south
- Upper Yard/Lower Yard site improvements including:
 - Civil topography, grading, drainage, stormwater utilities
 - North-to-south 20-foot access drive, yard paving and service roads
 - Improvements at “Roundhouse Protected Zone”
 - Yard perimeter fencing and gates at access points - one (1) main entry at Roundhouse Street (north end of Central Yard); three (3) emergency access points (north and south end of site, south end of Central Yard); fencing only around yard body
 - All railroad maintenance roads and mainline east / west perimeter fencing; yard paving and site access roads
 - Trackside shelters and services including waste / recycling enclosure
 -



summary of the construction activities associated with later phases includes:
-West/East landscape buffer and bike path.

- Temporary portable buildings for essential work functions
- 1 Service and Inspection (S&I) Position, gage pit with canopy
- 2 storage tracks, including S&I track
- Yard / Exterior Area site improvements including partial build-out of parking and driveway

From: Bill Hoffmann [REDACTED]
Sent: Monday, December 20, 2021 10:40 AM
To: LOSSAN Capital Projects <capitalprojects@lossan.org>
Cc: bleveille@slocity.org; afukushima@slocity.org; emailcouncil@slocity.org; advisorybodies@slocity.org
Subject: Central Coast Layover Facility (CCLF) in San Luis Obispo (SLO)

December 20, 2021

Dear Mr. Campbell,

As residents in the immediate vicinity of the proposed project, we submitted a letter in March 2021 during the Notice of Preparation (NOP) process.

We are resubmitting many of the same concerns since we feel the Draft EIR did not adequately address them. In particular are the following:

- 1. Noise Mitigation for Phase 1 is not addressed in the DEIR. The document limited its discussion of noise mitigation to the fully completed project. Include measures that would offset noise impacts resulting from Phase 1. The EIR should also compare noise levels to nearby residents at the current layover facility with noise levels to residents at the future project location. Are they the same, higher, or lower? } IND 3-1
- 2. Many comments you received from the public during the NOP focused on the need for a ped/bike crossings (at grade, or an overcrossing). The CEQA checklist contained in the Draft EIR identified the impact as insignificant. As nearby residents, we strongly disagree. The project will result in a significant impact with respect to dividing communities as it precludes crossing between Sinsheimer Park, SLO Swim Center, and YMCA facilities from the adjacent neighborhoods off Broad Street. As these neighborhoods grow, more opportunities for non-vehicle access should be provided, not less. The project proponents need to work with the City, SLOCOG, Union Pacific, and other funding sources to have this feature fully funded and included in the proposed project and made part of the Final EIR. } IND 3-2
- 3. The alternatives analysis did not include the criteria used to select the proposed project location as the best alternative. A case could be made that the Cal Poly or Islay Hill alternative sites would reduce impacts to local residents to a greater extent than the proposed project. } IND 3-3
- 4. The project did not address or visually demonstrate how the proposed buildings will meet the City's railroad district design criteria. } IND 3-4
- 5. The dust abatement strategy currently proposed in the Draft EIR is not adequate. The project location is situated in a very windy area that will require dust control measures to be used almost daily. The Draft EIR states the wind speed must be at least 15 mph before dust control measures will be initiated. Anyone who rides along the existing railroad bike path knows the afternoon winds kick up nearly every day, especially during spring. } IND 3-5

Comment Letter IND-3

Bill and Yvonne Hoffmann

IND 3-1 Section 3.12 Noise was revised and is provided in the Recirculated Draft EIR. Please also refer to responses to comments RD A-2-33 through RD A-2-39. As discussed in original Draft EIR Section 3.12 Noise, the Central Coast Layover Facility Project Noise and Vibration Technical Report (EIR Appendix J), analyzed the potential noise impacts under two scenarios 1) Phase 1 and 2 Later Phases (see Draft EIR page 3.12-14). As discussed on original Draft EIR page 3.12-14, (in addition to construction for the first phase) during the first phase, operational noise would be associated with idling trains and train movements into and out of the layover facility. Original Draft EIR page 3.12-23 discusses Phase 1 operational noise impacts and identifies that Phase 1 operational impacts the project would introduce new sources of noise where there presently are none, specifically train movements on two tracks and idling locomotives. The new sources of noise would increase noise levels in the analysis area. The project would result in no severe impacts and moderate impacts at 40 Category 2 land uses (residences). EIR Table 3.12-8 Phase 1 Operational Noise Impacts identifies the specific noise level associated with each receptor location and the associated impact category (i.e., moderate). EIR Figure 3.12-6 Phase 1 Operational Noise Impacts depicts the specific locations of the moderate impacts. The moderate impacts are considered significant, and Mitigation Measures NV-3 and NV-4 are required to be implemented as part of Phase 1 operations to reduce the impacts to a level less than significant.

While no specific evaluation of the existing facility's noise levels of adjacent residential uses is not required by CEQA, because operational characteristics on Phase 1 and Phase 2 would be similar, it is expected that noise levels would be similar at the existing location as compared to the proposed location.

IND 3-2 Please refer to response to comment A 1-23 (regarding east west access).



Thank You,
Bill and Yvonne Hoffmann

Cc:
Brian Leveille
bleveille@slocity.org

Adam Fukushima
afukushima@slocity.org

City Council
emailcouncil@slocity.org

Active Transportation Committee & Planning Commission
advisorybodies@slocity.org

Attachment

Excerpts from March 2021 Letter:

March 22, 2021

James Campbell, Manager of Programs
LOSSAN Rail Corridor Agency
600 South Main Street
Orange, CA 92663
capitalprojects@lossan.org

Subject: Central Coast Layover Facility (CCLF) in San Luis Obispo (SLO)

Dear Mr. Campbell,

Thank you for the opportunity to provide comments on how the CCLF will impact the local surrounding neighborhoods in San Luis Obispo. We have lived in the vicinity of this project for eight (8) years. We live in a house on the east side of the tracks, and since we sit up higher we overlook the bike path and railroad right-of-way. Therefore, we have a good sense of what goes on in the area. We strongly encourage you, Union Pacific RR, and the City of SLO to work together in order to minimize/eliminate impacts to surrounding neighborhoods. Our comments are as follows:

1. Transportation - This proposed project will literally isolate two (2) neighborhoods, the west side from the east side of the tracks and vice versa. Currently there are hundreds of pedestrians and bicyclists crossing the tracks in this area every day. This makes pedestrian & bike access across the tracks a high priority. Access across the tracks can be accomplished with either an "at grade crossing" or another "Jennifer St. Bridge."

IND 3-3 An evaluation of alternatives to the proposed project, which includes both the Cal Poly site and the Islay Hill site is provided in original Draft EIR Section 7 Alternatives. The criteria for alternatives evaluated included both the project objectives (restated in Section 7.2 Project Objectives of the original Draft EIR), as well as the general site criteria listed on original Draft EIR page 7-2 and Facility Requirements stated in Section 7.2.1.

Similar to the proposed project, implementation of the Islay Hill alternative would result in construction noise impacts and implementation of similar mitigation measures as required for the project, would also be required for this alternative to reduce impacts to a level less than significant. Additionally, similar to the proposed project moderate noise impacts during operation of the project would be likely due to the proximity of residential units to the site. Implementation of operational mitigation, similar to that required of the proposed project, or other form of noise mitigation would be required in order to reduce impacts to a level less than significant. Noise impacts associated with the Islay Hill alternative are anticipated to be similar to the proposed project.

As summarized on original Draft EIR pages 7-23 and 7-24, implementation of the Islay Hill alternative would result in less impacts related to cultural resources and hazards and hazardous materials. The alternative would result in similar impacts to air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, and tribal cultural resources. Implementation of this alternative would result in a greater impact to aesthetics, biological resources, land use and planning, transportation and utilities and service systems.

Implementation of the Islay Hill alternative would partially meet the project objectives. This alternative is not considered optimal as UP has expressed a preference to use an existing connection to the main track as the primary access point to the facility; whereveas, at this location, rail access to this site would require a new connection to the main track in single-track territory. Further, primary access to the site would require a reversing move on the main track in single track territory, not unlike the move required to enter the existing layover facility.

Isolating these two areas of the City will only force residents to get in their cars and drive to the destinations on the other side of the tracks. Based on the priorities the City Council has placed on the SLO Climate Action Plan and the SLO Active Transportation Plan, we don't believe this is the type of outcome the City is interested in seeing. During the March 10th Planning Commission meeting, City staff identified 2 locations for potential crossings (Roundhouse and Francis Streets). I believe the Francis Street location is preferred since it's located near Sinsheimer Park & School, and approximately half way between the Jennifer Street Bridge and Orcutt Road (the only two current crossings). Installing a crossing at the Francis Street location will clearly meet the goals of SLO's Climate Action and Active Transportation Plans.

In addition, the current plan proposes a ped/bike trail on the west side of the tracks but this seems redundant since there is an existing bike trail on the east side of the tracks that leads to the train station and many other amenities (Sinsheimer Park & School, YMCA, City swimming pool, Blues baseball park, SLO High School, French Hospital, County offices, and many medical offices near the hospital and off of Bishop Street, etc.). A ped/bike bridge or at grade crossing is clearly more important and a bigger need than an additional ped/bike path on the west side of the tracks. Granted this will not be an inexpensive addition to the project. However, the City and LOSSAN need to recognize how this project will isolate City neighborhoods, and start planning and setting aside funding to resolve this current and future community problem.

2. Air Quality – This will be a very important issue that will impact the surrounding residences. One of us has asthma, so having clean air to breathe is very important to us. What type of engines and maintenance equipment will you be using? I've noticed over the past year or more, that the Surfliner has been running a new type of engine which appears to be cleaner and quieter. These types of engines are much improved; the old style engine run by Coast Starlight are big air polluters, and are much louder.

3. Noise – As noted above the type of engines and equipment you use can have a big impact. The maintenance buildings and storage areas should be heavily insulated to reduce noise. The hours of operation need to be limited to 7AM-7PM, no maintenance activities during the night.

4. Visual/Aesthetics – As part of the railroad historic district, the buildings need to incorporate historical railroad architecture. Currently the concept plan includes vegetative screening areas to reduce the visual impacts to surrounding residential developments, which is a positive project component. This vegetative screening must be included in any Phase 1 construction activities. In order to avoid blocking scenic views, the species used as part of the vegetative screening cannot be tall, or have the ability to grow tall.

5. Wildfire & Air Quality - Currently there's a lot of unauthorized vehicular access taking place in this area, which has led to unauthorized camping, dumping of unwanted household items, and at least three (3) fires since we've lived here. In addition, many "off-road" vehicles drive through the railroad right-of-way, racing and spinning "doughnuts", which creates large clouds of fine dust that float across the bike path and into Sinsheimer Park and School areas, the City pool, as well as the

The Islay Hill site is located 3 miles from terminal station, requiring a non-revenue move from the station each evening and another each morning to return to the station to begin revenue service. Also, layout of the site requires that storage tracks be stub-ended, and likely curved. Due to stub-ended tracks, operational flexibility is limited.

Because the overall site size is approximately 24 acres, the expansion potential of the site is optimal, and would provide enough space to accommodate all phases of the project.

Employee and visitors access site from the northwest corner of site, with parking along south property line. Operations, Fleet Maintenance Offices, Shops, Parts Storeroom, and Storage Buildings are centralized into a single location at the center of the site.

With respect to the Cal Poly SLO site, similar to the proposed project, implementation of the Cal Poly SLO alternative would result in construction noise impacts and implementation of similar mitigation measures as required for the project, would also be required for this alternative to reduce impacts to a level less than significant. Additionally, similar to the proposed project moderate noise impacts during operation of the project would be likely due to the proximity of noise sensitive receptors, in this case, recreational uses to the site. Implementation of operational mitigation, similar to that required of the proposed project, or other form of noise mitigation would be required in order to reduce impacts to a level less than significant. Noise impacts are anticipated to be similar to the proposed project.

As summarized on original Draft EIR pages 7-33 and 7-34, implementation of the Cal Poly SLO alternative would reduce impacts associated with cultural resources, as this site would avoid any potential impacts to the roundhouse and associated features. Additionally, impacts associated with hazards and hazardous materials would be less, as this site is not anticipated to have soil contamination as the majority of the site is outside of the railroad right of way and has historically been undeveloped. Impacts associated with air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, transportation and tribal cultural resources would be similar to the proposed project. This alternative would result in greater impacts to aesthetics, biological resources,



land use and planning, and utilities and service systems as compared to the proposed project.

The Cal Poly SLO alternative would meet most of the basic objectives of the proposed project. However, this alternative would not meet the following project objectives:

- Maintain or improve operational efficiency. Provide reasonably efficient operation to and from the future facility including accessibility by rail and proximity to the terminal station in San Luis Obispo. Ideally, the site would be adjacent to tangent mainline track.
- Minimize or avoid operational impacts to UP. The current layover facility location requires trains to make a reverse move onto the UP mainline in single track territory to enter and exit the facility, preventing other trains from passing through the corridor during the move.

This alternative would result in operational challenges to UP. UP has expressed a preference to use an existing connection to the main track as the primary access point to the facility. Rail access to this site would require a new connection to the main track in single-track territory.

Additionally, the current northerly terminus of LOSSAN service is the existing San Luis Obispo station. Siting the facility at this location would add new passenger rail trains to UP's Coast Subdivision, north of the station. Further, because this site is approximately 3 miles north of the terminal station, a non-revenue move from the station each evening and another each morning to return to the station to begin revenue service would be required, reducing operational efficiency.

residences located along the railroad in this area. The main access points appear to be: The end of Roundhouse, McMillan, and the area where High Street enters the Amtrak/Railroad Parking Lot near Miners Hardware. Francis Street was previously an easy access point for vehicles, however, the installation of a gate a few years ago appears to have stopped that problem. Phase 1 construction of the CCLF project needs to include features that will block vehicular access at these points.

Once again, thank you for the opportunity to comment.

Sincerely,
Bill and Yvonne Hoffmann



Cc:
Brian Leveille
bleveille@slocity.org

Adam Fukushima
afukushima@slocity.org

City Council
emailcouncil@slocity.org

Active Transportation Committee & Planning Commission
advisorybodies@slocity.org

IND 3-4 Please refer to response to comment A 1-4 (regarding visually demonstrate how buildings meet City's railroad district criteria).

IND 3-5 Please refer to response to comment A 3-6. Although dust emissions were quantified and determined to be below APCD significance thresholds, Mitigation Measure AQ-3 Fugitive Dust Mitigation Measures: Expanded List has been added to the Final EIR.



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10.4 Responses to Comments on the Recirculated Draft EIR

Responses to comments on the Recirculated Draft EIR are provided below.



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Air Pollution Control District
San Luis Obispo County

VIA EMAIL ONLY

October 17, 2022

LOSSAN Board of Directors
LOSSAN Rail Corridor Agency
c/o LOSSAN Clerk of the Board
600 South Main Street
Orange, CA 92863
lossanclerk@octa.net

James Campbell
LOSSAN Rail Corridor Agency
550 South Main Street
Orange, CA 92863
capitalprojects@lossan.org

SUBJECT: SLO County APCD Comments on LOSSAN Central Coast Layover Facility
Recirculated Draft Environmental Impact Report

Dear Members of the Board and James Campbell:

The San Luis Obispo County Air Pollution Control District (APCD) provides this letter as a formal comment on the Central Coast Layover Facility (CCLF) Recirculated Draft Environmental Impact Report (RDEIR). We appreciated the May 16, 2022 opportunity to meet with the project team and air quality consultant to discuss APCD's May 13, 2022 comments, prior to the May 16th LOSSAN Board meeting.

RD A 1-1

Reiterating Earlier APCD Comments

In our March 26, 2021 letter regarding the Notice of Preparation for this project, APCD notified LOSSAN of the following air quality permits and federal regulations that may be applicable to this project:

1. APCD permit needs if hydrocarbon contaminated soil is encountered during construction activities;
2. State or APCD permit needs for portable engines used during construction activities; and
3. Federal regulation requirements during the construction phase of the project when demolition or excavation activities involve asbestos-containing materials.

RD A 1-2

APCD recommends that LOSSAN acknowledges these air quality requirements will be properly addressed in the project's construction phase.

Comment Letter RD A-1

San Luis Obispo County Air Pollution Control District

RD A-1-1 Comment acknowledged.

RD A-1-2 LOSSAN acknowledges the air quality requirements identified by the APCD as part of project construction. LOSSAN will obtain necessary construction permits from the APCD as applicable.



APCD Comments on LOSSAN Central Coast Layover Facility RDEIR
 October 17, 2022
 Page 2 of 3

Human Health Risk Assessment

During our May 16, 2022 meeting with LOSSAN, the consultant verified to APCD that the 4.9-in-a-million risk value in the Health Risk Assessment (HRA) represents the worst case emission scenario at full project build out. Therefore, the project risk would be less than the APCD's 10 in a million threshold.

RD A 1-3

Air Quality & Greenhouse Gas Impacts

Also during our meeting, LOSSAN staff and the consultant committed to address the following concerns from APCD's May 13, 2022 letter:

1. Correct the Deficient Air Quality (AQ) and Greenhouse Gas (GHG) impact assessments; and
2. Update mitigation to reduce the proposed project AQ and GHG impacts to levels of insignificance.

The APCD reviewed the projects updated AQ and GHG emissions modeling in the RDEIR. APCD found the modeling assumptions and results to be reasonable and our agency has the following comments:

Air Quality & GHG Impact Assessment and Mitigation Measures

The AQ assessment evaluated the project's construction and operational phase impacts and found traditional air pollution impacts to be less than significant.

Mitigation Measure (MM) AQ-2 (naturally occurring asbestos), AQ-3 (fugitive dust control measures), and AQ-4 (fugitive dust control) are measures APCD supports to limit construction phase AQ impacts.

MM GHG-1 (solar panels), MM GHG-2 (renewable diesel), MM GHG-3 (purchase of GHG emissions offsets), and the requirement of Tier 4 locomotives are measures APCD supports to further reduce traditional operational phase air pollution impacts and to ensure the project's operational phase GHG impacts are less than the City of San Luis Obispo's 0.7 MT CO₂e efficiency threshold.

RD A 1-4

APCD's Clarification on Project's Lifetime Excess GHG Emissions that Need to be Offset

The RDEIR's July 2022 Final Air Quality Analysis Report includes Table 8 – Project Buildout Annual GHG Emissions Estimate (Page 39 of the report and PDF page 239 of the RDEIR). The APCD reviewed the emissions estimates used to generate the results in this table and concur with the unmitigated and mitigated GHG emissions (MMs GHG-1 & GHG-2) at full project buildout.

Table 8 does not provide the details necessary to determine lifetime excess GHG emissions that need to be offset. However, the Final Air Quality Analysis Report includes an Emission Results Summary (RDEIR PDF pages 485 – 494) that provides GHG emissions for each of three phases (2025, 2026-2031, and 2032-2054; 30-year project life).

On RDEIR PDF page 494, the project consultant provided an analysis of the annual worst case excess GHG emissions that need to be offset. Attached, please find the Excel file named "LOSSAN-GHGOffsetCal:APCD.xlsx." In this file, APCD used the consultant's annual approach and the emissions for the other phases to determine the 30-year project life excess GHG emissions that need to be offset: 8,194 MT of CO₂e. This amount is subject to

RD A-1-3

LOSSAN acknowledges this comment, which is consistent with the findings of the Recirculated Draft EIR, and no health risk impact has been identified associated with construction or operation of the proposed project.

RD A-1-4

LOSSAN appreciates the APCD's confirmation of the findings of the revised air quality and greenhouse gas emissions analysis provided in the Recirculated Draft EIR.

Further, LOSSAN acknowledges APCD's support of EIR Mitigation Measures AQ-2, AQ-3, and AQ-4 related to control of construction emissions, as well as Mitigation Measures GHG-1 through GHG-3 related to greenhouse gas emissions.

LOSSAN acknowledges APCD's concurrence with the unmitigated and mitigated GHG emissions as presented in the Recirculated Draft EIR and APCD's concurrence with EIR Mitigation Measures GHG-1 and GHG-2. LOSSAN acknowledges the hierarchy identified in this comment as provided in the Interim CEQA GHG Guidance document and will continue to work with APCD as it relates to the implementation of Mitigation Measure GHG-3.

In response to this comment, Mitigation Measure GHG-3 has been amended as follows:

GHG-3 Purchase of GHG Emissions Offsets. The LOSSAN Rail Corridor Agency shall work with the San Luis Obispo County APCD ~~and City~~ to identify and purchase GHG Emissions Offsets sufficient for project GHG emissions to meet the City's 0.7 MT CO₂e efficiency threshold during full build-out of the project.

To determine the required offsets quantity, the LOSSAN Rail Corridor Agency shall conduct the following:

- 1) Field test the ~~Charger~~ locomotives to ascertain idle fuel consumption per hour,
- 2) Re-quantify project GHG emissions inventory using the actual idle fuel consumption rate,
- 3) Re-calculate GHG emissions per employee using the

APCD Comments on LOSSAN Central Coast Layover Facility RDEIR
 October 17, 2022
 Page 3 of 3

change based on MM GHG-3. This measure allows a reassessment of GHG emissions from locomotive idling using field testing to determine the fuel consumption rate during idling. In 2021, SLO County APCD issued an [Interim CEQA GHG Guidance document](#). In this guidance, APCD specifies the following hierarchy of GHG mitigation options to reduce lifetime GHG impacts for new development:

1. On-site GHG mitigation measures
2. SLO County GHG mitigation measures
 (Note: After SLO County measures are considered, APCD now recommends regional Central Coast measures be next in the hierarchy. Based on input from the state, APCD now also recognizes that local GHG reduction projects do not need to meet the rigor of offsets listed on Cap-and-Trade offset registries, however they do need to be acceptable to APCD based on quantifiable emission reductions and be verifiable over time)
3. California generated offsets
4. North American offsets
5. International offsets

Note: As an alternative to offsets, APCD also allows Forecast Mitigation Units from the funding of "shovel ready" projects under Climate Action Reserve's [Climate Forward](#) program.

APCD considers MMs GHG-1 and 2 to be acceptable on-site mitigation measures for the project.

APCD recommends LOSSAN work with APCD and the City of San Luis Obispo to collaboratively agree on the funding of GHG reduction projects and offsets to fulfill the 8,194 MT CO₂e needed under MM GHG-3. The following is APCD's recommended approach:

1. Select the lower cost of the following two options for implementing local SLO County or Central Coast regional GHG reduction projects:
 - Provide no less than 10% of the total GHG offset needs using local projects; or
 - The cost for local projects will be no more than 30% of the cost to purchase 8,194 MT CO₂e from the next available offsets in the hierarchy.
2. The remainder of the offsets needed will be sourced from offsets available on the next rung or rungs of the hierarchy.

Please contact APCD for a list of local and regional GHG reduction projects to consider.

SLO County APCD looks forward to working with LOSSAN and the City of San Luis Obispo to finalize the approach to implement MM GHG-3. Thank you for the opportunity to provide APCD input on the RDEIR. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



ANDREW J. MUTZIGER
 Division Manager, Planning, Monitoring & Grants

Attachment: The Excel file named "LOSSAN-GHGoffsetCalcs-APCD.xlsx" will be sent to recipients via a separate email. Additional copies can be requested from APCD.

cc: Brian Leveille, City of San Luis Obispo, bleveille@slocity.org
 Sara Sanders, SLOCOG, ssanders@slocog.org
 Dora Drexler, APCD, ddrexler@co.slo.ca.us

RD A 1-4
 cont'd

RD A 1-5

revised GHG emissions inventory, and

- 4) Calculate the GHG emissions offset requirement needed to achieve 0.7 MT CO₂e per employee.

The hierarchy of implementation GHG off-sets as identified in Mitigation Measure GHG-3 shall follow the APCD Interim CEQA Guidance document, in consultation with the APCD, as follows:

- 1) On-site GHG mitigation measures
- 2) SLO County GHG mitigation measures
- 3) California generated off-sets
- 4) North American off-sets
- 5) International off-sets

RD A-1-5

Comment noted.



Community Development
 919 Palm Street, San Luis Obispo, CA 93401-3249
 805.781.7170
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October 17, 2022

LOSSAN Board of Directors
 LOSSAN Rail Corridor Agency
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 600 South Main Street
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James Campbell
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Dear Members of the Board and Mr. James Campbell:

The City of San Luis Obispo (City) provides this letter as formal comment on the Recirculated Draft EIR (hereinafter referred to as the “Recirculated DEIR”) for the Central Coast Layover Facility (hereinafter referred to as the “Project”). The City previously commented (hereinafter referred to as the “Previous Comments”) on the Draft EIR (hereinafter referred to as the “DEIR”) issued on November 5, 2021, and noted extensive concerns that the environmental issues studied were not properly evaluated and that many mitigation measures were vague and unenforceable. Most concerning was the scope of analysis resolved by conclusory statements that are not supported by substantial evidence in the record.

RD A 2-1

The City also emphasized that the City’s interest in robust and complete environmental analysis is especially acute since the City may have limited discretionary authority over the Project, yet City residents living and working nearby the project site will be directly affected by the Project. Many of the issues raised in the City’s Previous Comments are related or directly reflect key issue areas that City staff and the Planning Commission called attention to during the design charette process and the scoping meeting of March 10, 2021.

RD A 2-2

As LOSSAN stated in the Recirculated DEIR, there have been numerous opportunities for LOSSAN to incorporate City concerns and feedback into the DEIR analysis and mitigation measures and in the Project design. However, the City disagrees that LOSSAN has meaningfully implemented City feedback or adequately addressed the City’s previous comments in compliance with CEQA. Moreover, the City’s Previous Comments were intended to be constructive and serve as a guide to a Memorandum of Understanding (MOU) and focused revisions in the EIR to address

RD A 2-3

Comment Letter RD A-2

City of San Luis Obispo – Community Development

RD A-2-1 This is an introductory comment that summarizes the specific comments provided in the comment letter. Responses to specific comments are provided in responses to comments RD A-2-2 through RD A-2-52.

The LOSSAN Agency thanks the City for its past and current comments. The LOSSAN Agency has carefully considered and responded to these comments in detail. In response to the City’s comments, the LOSSAN Agency has incorporated clarifications into the Final EIR, including into the original Draft EIR (November 2021), original Draft EIR responses to comments (contained herein as part of this Final EIR and as listed in Final EIR Table 10-1), Recirculated Draft EIR (September 2022) (herein “RDEIR”), and Recirculated Draft EIR responses to comments. These components comprise the Final EIR.

Please also refer to original Draft EIR responses to comments A1-1 and A1-2.

RD A-2-2 This is an introductory comment that summarizes the City’s interest in a complete and robust environmental analysis, including issues that were identified during the design charette process and during the scoping meeting on March 10, 2021.

Comment noted. A lead agency is required to evaluate comments on a Draft EIR and prepare written responses for inclusion in the Final EIR. The written response must describe the disposition of any “significant environmental issue” raised by commentators. (CEQA Guidelines Section 15088(c).) As explained in detail below, LOSSAN has provided detailed and good faith analysis in response to all comments which raised “significant environmental issues” as required by CEQA. (CEQA Guidelines Section 15088(c).) Please refer to original Draft EIR responses to comments, the RDEIR, and RDEIR responses to comments for responses to the City’s prior comments, including prior environmental comments raised

	<p>during the scoping meeting on March 10, 2021. Additionally, LOSSAN considered comments provided by the City as part of the design charettes LOSSAN conducted with the City during the Master Plan development (see Master Plan Report (FINAL), Appendix O Comment Response Matrix).</p> <p>The comment also refers to the City’s authority regarding the project. In its comment letter on the original Draft EIR, the City stated that “the City lacks discretionary authority over the project.” (see original Draft EIR comment A1-4 and corresponding response to comment A 1-4). This is accurate. See response RD A-2-8 below for further information.</p> <p>RD A-2-3 This comment states the City’s position that the LOSSAN Agency has not meaningfully implemented the City’s feedback or adequately addressed its CEQA comments.</p> <p>Comment is noted. This is prefatory comment that introduces and summarizes more-detailed comments below. Please refer to those more-detailed comments and responses below.</p>
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<p>City of San Luis Obispo Comments Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)</p> <p>the most pressing and significant City concerns related to the environment, as well as the health, safety, and welfare of those living and working near the Project.</p> <p>Based on conference calls with the LOSSAN team, the City spent several hours preparing a term sheet for the anticipated MOU, which was sent to LOSSAN on June 9, 2022. City staff and resources were made available to assist with the effort and to engage with LOSSAN in a constructive effort and with an open dialogue. Unfortunately, only recently on September 28, 2022, LOSSAN informed the City it would not execute an MOU because it “does not benefit LOSSAN in any manner and . . . might set a poor precedent for future LOSSAN projects.” We disagree with this assessment and suggest that an MOU might be a very effective way for ensuring monitoring and compliance with required mitigation measures included in the DEIR.</p> <p>Our review of the Recirculated DEIR finds that the City’s concerns about the DEIR, as expressed in its Previous Comments, remain. City staff asserted in its Previous Comments that the defects of the previously circulated DEIR were significant enough that additional analysis was required, and that the DEIR needed to be recirculated. While the City acknowledges that LOSSAN issued a Recirculated DEIR, many of the City’s Previous Comments have not been adequately addressed either in LOSSAN’s response to comments or the Recirculated DEIR. In fact, the revised portions of the DEIR in the Recirculated DEIR raise additional concerns.</p> <p>As a reminder, CEQA Guidelines require the lead agency to respond “to (i) comments received during the initial circulated period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated” (CEQA Guidelines Section 15088.5(f)(2).) LOSSAN’s response to the City’s Previous Comments was required to address in detail “the major environmental issues raised when the lead agency’s position is at variance with recommendations and objections raised in the comments . . . giving reasons why specific comments and suggestions were not accepted. <i>There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.</i> (Id. § 15088.5(c) [emphasis added].) “In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.” (Id. § 15088.5(f).)</p> <p>LOSSAN did not respond to the City’s Previous Comments in a manner that complies with CEQA as detailed above, nor did the Recirculated DEIR adequately address the major environmental issues the City previously raised. Accordingly, by this letter, the City re-submits many of its Previous Comments along with new comments prompted by the Recirculated DEIR. The City’s Previous Comments and new comments are identified as such below.</p> <p>Regulatory Setting (Recirculation Comment): The Recirculated DEIR states that LOSSAN “is a state agency and is therefore not subject to local government planning and land use plans, policies, or regulations. . . .” City legal counsel has previously expressed to LOSSAN legal counsel its belief that the Project is subject to the Interstate Commerce Commission Termination Act (ICCTA) legal framework, under which the City retains limited authority to enforce rules of general applicability that do not unreasonably interfere with interstate commerce. (Joint Petition for Declaratory Order—Boston and Maine Corporation and Town of Ayer, MA (STB Finance Docket No. 33971 (served May 1, 2001).) While the City</p>	<p>RD A-2-4 This comment expresses the City’s disappointment that the parties did not enter into a MOU.</p> <p>Comment noted. The City’s request for an MOU is acknowledged. With respect to monitoring and enforcement of the EIR’s mitigation measures, please see responses to the City’s more-detailed comments below.</p> <p>RD A-2-5 This comment states that issues previously identified by the City remain or have not otherwise been addressed and that the RDEIR raises additional concerns.</p> <p>Please refer to the original Draft EIR response to comment A 1-1. Further, as explained in the RDEIR Section 1.3 Revised Portions of the Draft EIR, additional analysis was conducted, and revisions were made to the Draft EIR in response to comments from the City and the San Luis Obispo County Air Pollution Control District.</p> <p>Section 1.3 of the RDEIR, entitled Revised Portions of the Draft EIR, summarizes the additional analysis and revisions prepared in response to the City’s comments on the original Draft EIR. Please refer to RDEIR Section 1.3 (pages 1-3 through 1-5) for a summary of the additional analysis conducted and corresponding revisions. Revised portions of the original Draft EIR included Section 3.2 Aesthetics, Section 3.3 Air Quality, Section 3.5 Cultural Resources, Section 3.8 Greenhouse Gas Emissions, Section 3.11 Land Use and Planning, Section 3.12 Noise, Section 3.13 Transportation, Chapter 4 Other CEQA Considerations, Chapter 5 Cumulative Impacts, and Chapter 7 Alternatives.</p> <p>RD A-2-6 The comment cites and restates provisions of the CEQA Guidelines.</p> <p>Comment noted. The CEQA Guidelines speak for themselves. The responses to comments contained in the Final EIR comply with the requirements set forth in CEQA Guidelines Section 15088.5(f)(2). The Final EIR provides written responses to comments received on both the original Draft EIR and the RDEIR (see Final EIR Table 10-1 List of Agencies, Native</p>
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	<p>American Tribes, Organizations, and Individuals that Commented on the Draft EIR and RDEIR). This table lists the corresponding response series (e.g., A-1, RD A-1) for each comment letter as contained in this Final EIR. Please also refer to original Draft EIR response to comment A1-1. The LOSSAN Agency has provided “good faith, reasoned analysis in response” to each written comment received on the original Draft EIR and RDEIR which raised a significant environmental issue. (CEQA Guidelines Section 15088(c).)</p> <p>RD A-2-7 This comment indicates that the City resubmits many of its previous comments on the original Draft EIR and submits new comments on the RDEIR.</p> <p>The Final EIR responses to comments address both “Previous Comments” on the original Draft EIR and RDEIR comments. Please refer to response to comment RD A-2-6.</p> <p>RD A-2-8 This comment states that the project is subject to the Interstate Commerce Commission Termination Act (ICCTA) legal framework and that the City may exercise traditional police powers over the project such as electrical, plumbing and fire codes.</p> <p>In an e-mail to Assistant City Attorney Markie Jorgensen dated June 1, 2021, LOSSAN’s legal counsel, David DeBerry, responded to the conclusions of the City Attorney’s office. In the e-mail Mr. DeBerry stated that he generally agreed with Ms. Jorgenson’s conclusion that it appears the ICCTA applies to LOSSAN. Notwithstanding the City’s comment, there does not appear to be any disagreement between LOSSAN’s legal counsel and the City Attorney’s office that the City may apply its generally applicable objective electrical, plumbing, and fire codes, as long as they do not unreasonably interfere with the operation of LOSSAN’s rail service. As was noted in Mr. DeBerry’s e-mail, the very purpose of the ICCTA is to pre-empt a patchwork of local regulations from applying to the provision of rail services because such a patchwork would likely make the provision of rail service infeasible.</p> <p>Both LOSSAN and the City have recognized and</p>
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acknowledged that the City does not have any discretionary approvals associated with implementation of the proposed project (see City's comment on original Draft EIR and corresponding response to comment A 1-4); therefore, the City is not a responsible agency under CEQA. CEQA Guidelines Section 15381 defines a responsible agency as follows:

“Responsible Agency” means a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “Responsible Agency” includes all public agencies other than the Lead Agency which have discretionary approval power over the project.

As stated above, The LOSSAN Agency recognizes that certain City administrative permits will be required for project implementation such as those noted in this comment – electrical, plumbing and fire codes to the extent that they do not unreasonably interfere with the operation of LOSSAN's rail service. The LOSSAN Agency will work with the City to obtain the necessary administrative permits as applicable for each phase of project implementation. The Draft EIR and RDEIR were consistent with the aforementioned process.

<p>City of San Luis Obispo Comments Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)</p> <p>acknowledges that it cannot require LOSSAN to seek building permits from the City, it is important to note that pursuant to ICCTA authority, the City may exercise traditional police powers over the development of railroad property such as electrical, plumbing, and fire codes. (<i>Flynn v. Burlington Northern Santa Fe Corp.</i>, 98 F. Supp. 2d 1186 (E.D. Wash. 2000).) LOSSAN’s counsel has expressed disagreement with the City’s asserted legal authority, but to date, has not provided on point authority indicating that the ICCTA framework does not apply. As such, City’s legal counsel indicated that it will proceed under the assumption the ICCTA framework applies until such time LOSSAN counsel provides authority to the contrary.</p> <p>General and Overarching Problems (Previous Comment):</p> <p>While there are numerous deficiencies in the DEIR as more specifically discussed below, the primary fatal deficiencies are categorized as follows:</p> <ol style="list-style-type: none"> 1. <i>The DEIR’s impact analyses rely on unfounded assumptions and bare conclusions in violation of CEQA requirements.</i> There are numerous impact areas in which the DEIR concludes there would be a less than significant impact. However, as discussed in greater detail below, the conclusions of less than significant impact for these impact areas are not supported by substantial evidence and analysis sufficient to satisfy CEQA. An EIR that does not explain the basis for its conclusion may be deemed to not comply with CEQA’s requirements. (<i>Protect the Historic Amador Waterways v. Amador Water Agency</i> (2004) 116 Cal.App.4th 1099, 1111 [finding that a “bare conclusion” as opposed to a “statement of reasons” that an effect on the environment is not significant “does not satisfy CEQA requirements”].) “To facilitate CEQA’s informational role, the EIR must contain facts and analysis, not just the agency’s bare conclusions or opinions.” (<i>Laurel Heights Improvement Assn. v. Regents of Univ. of California</i> (1988) 47 Cal. 3d 376, 404.) As a result of these unsupported conclusions of less than significant impacts, potentially necessary mitigation measures are not identified and thus, the EIR does not serve its purpose as a “document of accountability.” (<i>Id.</i> at 392.) 2. <i>Many of the mitigation measures are largely unenforceable and cannot be relied upon to mitigate impacts to the level of significance concluded in the DEIR.</i> Numerous identified mitigation measures are speculative, unenforceable, and include vague language that undermines the effectiveness and reliability of the measure. CEQA provides that “[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” (CEQA Guidelines §15126.4(a)(2).) Critically, the DEIR identifies no mechanism for assuring that many of the mitigation measures will be carried out or enforced. This flaw occurs throughout the document and undermines each and every mitigation measure and self-mitigating project component used to conclude that environmental impacts will be less than significant. <p>(Recirculation Comment): The fatal deficiencies previously identified with respect to the Draft EIR, and as re-stated above remain. In addition, despite LOSSAN’s assertion that the City has no discretionary authority over the Project, and LOSSAN failing to list the City as a responsible agency, there are several</p>	<p>RD A-2-9</p> <p>This comment introduces and summarizes more-detailed comments that follow regarding “unfounded assumptions and bare conclusions” as well as enforceability of proposed mitigation measures.</p> <p>Please see detailed responses to the City’s more-detailed comments below. The comment cites provisions of the CEQA Guidelines and California court cases which speak for themselves.</p> <p>Pursuant to CEQA Guidelines Section 15088.5(f)(2): “When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency’s request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.”</p> <p>Consistent with this provision of the CEQA Guidelines, the LOSSAN Agency has provided responses to comments on the original Draft EIR and the RDEIR. Please refer to Final EIR Table 10-1 which provides a list of all written comments received on the original Draft EIR and the RDEIR which are responded to in detail in this Final EIR.</p> <p>RD A-2-10</p> <p>This comment states that LOSSAN has “fail[ed] to list the City as a responsible agency” and that it is thus improper for the City to participate in monitoring the proposed project’s mitigation measures. The City does not want this responsibility.</p> <p>As explained in response to comment RD A-2-8, the City does not have discretionary authority associated with implementation of the proposed project, therefore, the City does not qualify as a responsible agency for the proposed</p>
<p>RD A 2-8 cont’d</p>	
<p>RD A 2-9</p>	
<p>RD A 2-10</p>	



project as defined by CEQA Guidelines Section 15381.

A response regarding Mitigation Monitoring and Reporting Compliance (MMRC) was previously provided in original Draft EIR response to comment A 1-2. MMRC is the sole responsibility of the CEQA lead agency (here, the LOSSAN Agency). As set forth in CEQA Guidelines Section 15097, “A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.” Therefore, ultimate compliance responsibility rests with the LOSSAN Agency.

More specifically, with respect to the mitigation measures listed in this comment – AQ-1, AQ-2, AQ-3 and AQ-4, the City is only listed in AQ-1, AQ-3 and AQ-4. Consistent with CEQA Guidelines Section 15097, and in an effort to address and to be responsive to the City’s previously expressed concerns regarding monitoring and enforcement of mitigation measures, LOSSAN intended to delegate monitoring responsibilities to the City. Pursuant to the City’s most recent request, the LOSSAN Agency will instead retain the monitoring responsibilities in those mitigation measures. As stated in CEQA Guideline 15097, “the lead agency [LOSSAN] remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.” All mitigation measures, including the air quality mitigation measures identified by the City, will be incorporated in a Mitigation Monitoring and Reporting Program and will be made conditions of approval for the proposed project. (Public Resources Code Section 21081.6(a)(1); Public Resources Code Section 21081.6(b); CEQA Guidelines Section 15097.)

In response to the City’s request, Mitigation Measures AQ-1, AQ-3 and AQ-4 have been revised as follows:

AQ-1 Construction Valley Fever Plan (re: Part E only)

E. The LOSSAN Rail Corridor Agency shall work with a medical professional, in consultation with the San Luis Obispo County Public Health Department, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site that includes the following information on Valley Fever:

- Potential sources/causes
- Common symptoms
- Options or remedies available should someone be experiencing these symptoms
- The location of available testing for infection

Prior to any project grading activity, this handout shall have been created by the LOSSAN Rail Corridor Agency ~~and reviewed by the City~~. No less than 30 days prior to any surface disturbance (e.g., grading, filling, trenching) work commencing, this handout shall be mailed to all existing residences within three miles of the project site. ~~The City~~ LOSSAN Rail Corridor Agency shall verify compliance with the Construction Valley Fever Plan during the grading phases of project construction. ~~The City~~ LOSSAN Rail Corridor Agency shall also verify notification of the San Luis Obispo County Public Health Department, implementation of the worker training program, and mailing of the educational handout via developer-submitted materials.

AQ-3 Fugitive Dust Control Measures (re: Plan Requirements and Timing and Monitoring only)

Plan Requirements and Timing. The LOSSAN Rail Corridor Agency shall submit a Fugitive Dust Control Plan to the ~~City and~~ APCD for review prior to the issuance of grading permits for the first project phase.

Monitoring. ~~The City~~ LOSSAN Rail Corridor Agency shall verify compliance with the Fugitive Dust Control Measure Plan during the grading phases of project construction.



AQ-4 Limits of Idling During Construction Phase (re: Monitoring only)

Monitoring. The City LOSSAN Rail Corridor Agency shall verify compliance with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction during all phases of project construction.

Please also refer to response to comment RD A-2-9.

<p>City of San Luis Obispo Comments Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)</p> <p>mitigation measures in the Draft EIR and Recirculated DEIR that improperly place mitigation monitoring responsibility on the City. The City will not accept this responsibility, particularly when LOSSAN refuses to meaningfully address the City’s significant environmental, health, and safety impacts in the environmental document. This defect results in unenforceable mitigation and is found in the mitigation measures identified below and must be revised to place monitoring and compliance on the appropriate agencies:</p> <ol style="list-style-type: none"> 1. Mitigation Measure AQ-1; 2. Mitigation Measure AQ-2; 3. Mitigation Measure AQ-3; 4. Mitigation Measure AQ-4. <p>Impact Areas <i>(Previous Comment).</i> Under CEQA, an EIR “should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (CEQA Guidelines § 15151.) Further, an EIR must “contain a statement briefly indicating the reasons for determining the various effects on the environment of a project are not significant and consequently have not been discussed in detail in the environmental impact report.” (CEQA Guidelines §§ 2110(c), 15128.) The DEIR is deficient and fails to comply with these requirements as well as those stated above in a number of respects as specifically identified below.</p> <p><i>(Recirculation Comment):</i> As is discussed below in each of the various issue areas, the Recirculated DEIR is also deficient and fails to comply with the requirements of CEQA for the same reasons as the City previously commented.</p> <p>Chapter 3.2 – Aesthetics <i>(Previous Comment).</i> The DEIR impermissibly relies on bare conclusions to support its finding that Project impacts to aesthetic resources will be less than significant.</p> <p><u>Degrade Existing Visual Character - Impact 3.2-3:</u> In concluding that operational impacts related to visual character would be less than significant, the DEIR refers to the Project’s consistency with the Railroad District Plan’s (RDP) Architectural Guidelines and the City’s associated review process, which includes project review by the Architectural Review Commission, Cultural Heritage Committee, and Planning Commission. However, this impact conclusion is impermissibly vague and conclusory because the Project neither requires discretionary review by the City nor is there an expressed commitment in the DEIR for the Project to voluntarily undergo the review process for projects subject to the RDP. Further, this impact discussion provides no details or evidence demonstrating how the Project would comply with the RDP or be consistent with the City’s Historic Preservation Program Guidelines for New Construction in Historic Districts as no design or conceptual design of buildings are provided in the DEIR. Accordingly, the DEIR must either commit to undergo the review process for projects subject to the RDP or provide <i>alternative factual analysis</i> to support the conclusion that Project impacts related to visual character would be less than significant.</p>	<p>RD A-2-11 This is a “Previous Comment” that recites provisions of the CEQA Guidelines and alleges that the EIR is deficient as stated in more-detailed comments below.</p> <p>A response to this comment was provided in the original responses to comments. Please refer to the original Draft EIR responses, comment A-1-1 and response to comment RD A-2-12.</p> <p>RD A-2-12 This comment on the RDEIR is introductory regarding the City’s stated deficiencies in the EIR and CEQA compliance and summarizes more-detailed comments below.</p> <p>Please refer to detailed responses to the more-detailed comments below. (See CEQA Guidelines Section 15088(c)[the level of detail in a response may match the level of detail provided in the comment].)</p> <p>As a general matter, in response to the City’s prior requests, additional, detailed analysis was prepared and included in the RDEIR. As explained in the prior responses to comments and the further responses below, the original Draft EIR and RDEIR, which comprise this Final EIR, have been prepared in compliance with CEQA. This Final EIR includes a detailed project description, detailed assessment and description of the environmental setting and baseline conditions, detailed impact analysis for 14 environmental issue areas substantiated by a variety of data sources, modeling, and expert analysis, and a comprehensive alternatives analysis and cumulative impacts analysis. The original Draft EIR and the RDEIR are supported by substantial evidence, which includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts. (CEQA Guidelines Section 15384(b).)</p> <p>RD A-2-13 This is a “Previous Comment.” The introductory portion of this comment generally states that the EIR’s aesthetic conclusions are based on “bare conclusions.” Specifically, the comment states that there is no evidence showing how the proposed project would be consistent with the City’s architectural guidelines and additional analysis is needed to show that the proposed project’s impacts to visual character would be less</p>
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than significant.

For detailed responses to the City's comments related to aesthetics, please refer to responses to comments A 1-4 through A 1-6 and RD A-2-13 through RD A-2-21. The LOSSAN Agency has provided "good faith, reasoned analysis in response" to each written comment received on the original Draft EIR and RDEIR. (CEQA Guidelines Section 15088(c).)

City of San Luis Obispo Comments
 Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)

(Recirculation Comment):

The Recirculated DEIR does not sufficiently address the City’s Previous Comments regarding the Project’s potential impact on the existing visual character issue. The analysis in this section of the Recirculated DEIR does not add any information constituting substantial evidence of how the Project would comply with the RDP or be consistent with the City’s Historic Preservation Ordinance. The Recirculated DEIR states that the City’s Architectural Guidelines were considered as part of the design guidelines incorporated into the CCLF Master Plan and various guidelines from the RDP are listed with the conclusory statement that the finish materials being considered for the Project are consistent with the RDP. No specific Project information is provided demonstrating how that conclusion is accurate. It should be noted that the various City guidelines that would typically apply to the Project, and that LOSSAN indicates have been considered, envisioned that their compliance would be verified with detailed project plans and staff analysis. Since LOSSAN has not meaningfully committed to following any recommendations of the City’s advisory bodies or providing more detailed information which would normally be required for their review, the information provided in the Draft EIR and Recirculated DEIR is especially problematic as it is void of factual analysis to support various conclusions.

Moreover, the Recirculated DEIR only provides example photos of the various proposed finish materials and concludes that the pictured finish materials such as split face CMU, metal siding rainscreen, and high pressure laminate panel are consistent with RDP guidelines; when in fact they are not listed in the RDP as encouraged materials and are also not shown in context with architectural plans or building elevations in a manner where it would even be possible for the CHC to make a determination they are compatible. The Recirculated DEIR still makes no commitment to implement any recommendations of the Architectural Review Commission or Cultural Heritage Committee, nor does it provide Project information with detail necessary for the City or the public to comment on the Project’s potential consistency with City Community Design Guidelines, Railroad District Plan, or Historic Preservation Program Guidelines. The Recirculated DEIR states that LOSSAN has incorporated the City’s input received during the Master Plan process into the conceptual design guidelines and that by incorporating that input, the Project will therefore be consistent with the RDP. However, based on the conceptual plans provided at the time (and still in use in the EIR), which consisted of massing models and a menu of possible materials that may be used, the only comment the City could provide on this matter was to reinforce that the site was in the Railroad Historic District and that buildings and site improvements should be compatible with the built environment and be consistent with guidance in the Railroad District Plan. The Aesthetics-Degrade in Visual Character impact analysis in Recirculated DEIR remains conclusory and in certain instances inaccurate, and therefore does not comply with CEQA.

Fencing - Aesthetics Impact 3.2-3 & Cultural Resources Impact 3.5-1:

(Previous Comment):

Of particular concern to both the Aesthetics and Cultural Resources analysis is the aesthetic compatibility of perimeter fencing and gates, which will extend around nearly all of the site and be the most outwardly visible and noticeable component of the Project to observers. The Aesthetics and Cultural Resources discussions do not contain sufficient factual analysis of the potential aesthetic impacts and historic compatibility issues of the proposed fencing. The November 2021 Visual Resources Memorandum does not provide any detailed analysis of this component and it does not include accurate depictions of the appearance of the fencing as viewed from the observation points. To sufficiently evaluate potential impacts to aesthetics and cultural resources,

RD A 2-14

RD A 2-15

RD A 2-16

RD A-2-14

The comment states that the RDEIR does not sufficiently address the City’s prior comments regarding the proposed project’s potential impacts to the existing visual character and that the RDEIR’s conclusion regarding consistency with the City’s various architectural guidelines is unsupported.

In order to determine whether a project will have a significant environmental effect, a lead agency must first define the baseline environmental conditions. The “project” for CEQA purposes consists of changes in the baseline conditions, if any, that the lead agency’s action will cause. The baseline usually consists of the physical conditions that exist when the lead agency commences CEQA review. (CEQA Guidelines Section 15125(a).)

Here, in the existing condition, the project site is currently vacant, undeveloped land with remnants of the original roundhouse’s concrete and stone foundation and turntable. (RDEIR, p. 3.2-23.). The project site’s existing conditions are shown in EIR Figures 1-2, 2-2, 2-4, 3.2-1, 3.2-2, 3.2-4, 3.2-6, 3.4-1, 3.4-2, 3.5-1, 3.5-2, 3.5-3, 3.9-1, 3.10-2. EIR Appendix D, Appendix B Site Photographs 1-13, EIR Appendix E Figures 6-3, 6-4, 6-9, 6-13, 6-14 through 6-23. Additional documentation of the existing conditions on the site are as follows:





The City of San Luis Obispo's Railroad District Plan states that the City is seeking to address "abandoned or poorly maintained buildings, fences or sites; unsightly storage or equipment yards; trash and weeds; graffiti; utility structures, overhead utility lines, and billboards and homeless encampments". (RDP, p. 10.; RDEIR, p. 3.2-23.) The City of San Luis Obispo's Railroad District Plan specifically mentions the Roundhouse Site as an opportunity site for adaptive reuse. (RDP, p. 62; RDEIR, p. 3.2-23.) It should be noted that the Railroad District Plan fails to acknowledge that the site is located within the existing railroad right of way and any adaptive reuse of the site

would ultimately be in under the control of another agency.

The proposed project includes the construction of a new rail yard, storage and servicing tracks, operations and maintenance buildings, landscape improvements, and safety and security features. (RDEIR, p. 3.2-4.) As explained in the original Draft EIR and the RDEIR, the proposed project will be developed in accordance with the CCLF Master Plan. In turn, the CCLF Master Plan states that buildings will be designed to be compatible with the surrounding built environment and will be consistent with the architectural guidance in the Railroad District Plan. (RDEIR, p. 3.2-23 through 3.2-24; CCLF Master Plan p. 102.)

The applicable EIR threshold of significance with respect to Impact 3.2-3 Degrade Existing Visual Character states:

If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Because the Master Plan says that architectural design shall be consistent with the Railroad District Plan, the evaluation of aesthetics impacts is based on whether the project would conflict with the Railroad District Plan’s architectural guidelines.

To evaluate how the proposed project would change the existing conditions, a visual assessment of the proposed project was prepared and summarized in the original Draft EIR. In response to the City’s comments on the original Draft EIR, additional analysis was prepared and was included in Section 3.2 Aesthetics of the RDEIR. As requested by the City, Revised Section 3.2 provides a detailed evaluation of the proposed project’s consistency with the Railroad Architectural Guidelines (Section 3 of the Railroad District Plan)(“Guidelines”), including the Guidelines regarding building form, massing, roof lines, and surface treatment and colors. (See RDEIR, pp. 3.2-1 through 3.2-3; 3.2-15 through 3.2-22.)

Specifically, RDEIR page 3.2-17 provides a building massing exhibit, which illustrates that the proposed project, in its



buildout phase, will be smaller in scale than existing development in the vicinity of the project site and would be consistent with building heights allowed within the City's zoning for the site. To further address this comment, Table 3.2-1 in EIR Section 3.2 Aesthetics has been provided that demonstrates the proposed project's consistency with the Railroad District Plan architectural guidelines.

Based on this analysis, among others, the RDEIR concluded that the proposed project would not degrade the existing visual character of the site. (RDEIR, p.3.2-23 through 3.2-24.)

RD A-2-15

The comment states that the RDEIR shows examples of building materials that are not listed in the RDP as encouraged materials; that the proposed building materials are not shown in the context of architectural plans; that LOSSAN has not committed to implement the recommendations of the ARC or CHC; and, generally, that not enough information is provided and, in some cases, the analysis is inaccurate.

See Response to Comment RD-A-2-14 and Table 3.2-1. Several of the project's proposed exterior finishes are specifically listed in the RDP guidelines. Additionally, the CCLF project architecture team has provided examples of materials that the LOSSAN Agency determined meets the project needs as a rail servicing facility for durability and maintenance and which also comply with the RDP where, "Buildings and site improvements should be designed to be compatible with the surrounding built environment and be consistent with guidance in the Railroad District Plan (RDP)."

In addition, in Response to Comment A 1-12 on the DEIR, the LOSSAN Agency committed to providing the City multiple opportunities to review and provide feedback on the building and civil site improvement design elements as they are developed and makes commitments to comply with recommendations of the City on these designs where practicable:

During the design phase at the 65% and 95% milestones, the City of San Luis Obispo (SLO) will be afforded an

opportunity to provide input on the proposed buildings and site improvements within 30-days of receipt of said design information. Recommendations provided by SLO will, where practicable (and at the LOSSAN Agency's sole discretion) be incorporated into the design. SLO will be responsible for engaging its appropriate committee or commission to provide proper input on the materials provided. If additional time is required beyond 30-days for the appropriate committee or commission to provide input, additional time can be provided at the LOSSAN Agency's sole discretion, taking feasibility, among other things, into account. Where incorporating recommendations from SLO is not practicable, the LOSSAN Agency will provide written responses along with the reason(s) that the recommendation could not be accommodated.

RD A-2-16

This Previous Comment states the City's concerns regarding the potential aesthetic and cultural resource impacts associated with the proposed project's perimeter fencing and gates, and that the EIR does not contain sufficient factual analysis of those potential impacts including accurate fencing depictions from observation points.

In response to this comment on the original Draft EIR, the LOSSAN Agency included additional detail and analysis regarding proposed fencing in the RDEIR. Please refer to RDEIR Figure 3.2-15 Welded Wire Mesh Fencing Example. This fencing was included in the visual simulations and was reproduced for context in the RDEIR. Please refer to Figure 3.2-3 Proposed Project View Simulation – Key Observation Point 1, Figure 3.2-5 Proposed Project View Simulation – Key Observation Point 2, Figure 3.2-7 Proposed Project View Simulation – Key Observation Point 3. The fencing in these visual simulations is consistent with the fencing type depicted in Figure 3.2-15 Welded Wire Mesh Fencing Example.

While the welded wire mesh fencing will be placed where appropriate, additional fencing types may be included and would be similar to the existing fencing types at the existing facility. To further address this comment, Table 3.2-1 in EIR



Section 3.2 Aesthetics has been provided that demonstrates the proposed project's consistency with the Railroad District Plan architectural guidelines with respect to, among other things, proposed fencing types. Table 3.2-1 depicts existing fencing and landscaping at the existing maintenance facility. These fencing types at the existing facility were installed in response to previous discussions and consultations with the City to improve the fencing aesthetic at the existing facility, while maintaining the utility of the fence (i.e., safety and security and prevention of trespass). This fencing type is consistent with and meets the intent of the City's comment that "Consideration should be given to avoid high and overbearing security fencing in favor of a design and materials that are compatible with surroundings and the Historic Railroad District" as the proposed security fencing types would be consistent with the RDP fencing guidelines.

Further, as explained in original Draft EIR response to comment A 1-5, "The Railroad District Plan states, "In the passenger depot and other high traffic areas, an open-style, decorative fencing and/or rails should be used ... Appropriate fencing materials include vinyl-clad chain-link, steel picket, wrought iron and other similar, low-maintenance open fences which discourage graffiti ... Solar, plain masonry and concrete, walls; and residential-style wood fencing should generally be avoided or accompanied by climbing vines to discourage graffiti." It should be noted that existing fencing in the area and immediately adjacent to the project site includes 6 foot high chain link fencing topped with 2-feet of barbed wire. A representative example of this existing condition is provided in the photo below. -No chain-link, barbed wire fencing, however, is proposed as part of the CCLF project.





<p>City of San Luis Obispo Comments Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)</p> <p>proposed fencing details should be provided in the DEIR along with accurate simulations. Consideration should be given to avoid high and overbearing security fencing in favor of a design and materials that are compatible with surroundings and the Historic Railroad District. The design could also use offsets, landscaping, and changes in materials and colors to break up the massing and monotony of fences and gates.</p> <p><i>(Recirculation Comment):</i> Neither LOSSAN’s response to the City’s Previous Comments nor the Recirculated DEIR address the City’s previously stated concerns on the potential significant impacts the Project’s fencing has on Aesthetics and Cultural Resources. No additional visual simulations are provided in the Recirculated DEIR that depict the potential visual impacts and therefore, the environmental document lacks information necessary to evaluate the actual project-wide impacts of the proposed fencing, which is composed of two different potential materials that are not accurately shown in any visual simulations. As such, the City’s comments above from the Draft EIR, as re-submitted above, remain.</p> <p><u>Light and Glare - Impact 3.2-4:</u> <i>(Previous Comment):</i> The analysis of construction-related light and glare impacts relies on the assertion that construction will not occur at nighttime and therefore no potential impacts will occur. This analysis fails to consider the realistic potential that there could be preparation for work in the early morning hours (prior to sunrise) and that completion of construction, including work shutdown and potential security measures to protect equipment and materials, could also occur after sunset and throughout hours of darkness. Any impact analysis that relies on work hours should include clear limitations and hours of operation that can be tracked and verified for consistency with a responsible party outlined in a Mitigation Monitoring and Reporting Plan (MMRP). If the potential for any “nighttime” activity or lighting cannot be ruled out, sufficient mitigation must be developed.</p> <p>To ensure operational impacts are less than significant on an ongoing basis, the DEIR and MMRP must identify a responsible party and include procedures on how it will be guaranteed the appropriate light fixtures including cutoffs and motion sensing features will be included in initial construction and maintained for the Project.</p> <p><i>(Recirculation Comment):</i> The Recirculated DEIR does not address the City’s Previous Comments on the Light and Glare impacts analysis. The Recirculated DEIR does not include any acknowledgement that various activities may occur outside of hours allowed for construction by the City’s Noise Ordinance, any enforceable mitigation measures, or any photometric plan or details for the type of lighting that will be used onsite, and there is also no discussion of how the final detailed lighting design will be verified and modified as needed if the final light configuration results in glare or light spillage onto adjacent and nearby properties.</p> <p>The evaluation of this issue in the Recirculated DEIR is one example of how the document relies on conclusory statements that are not supported by facts in the record. For example, the Light and Glare impact discussion in DEIR Section 3.2-4 states, “The existing sources of nighttime lighting in the project area and the project’s lighting requirements would be similar to that already present</p>	<p>RD A-2-17 This RDEIR comment restates the Previous Comment responded to in RD A-2-16. Please refer to the foregoing response to comment RD A-2-16.</p> <p>RD A-2-18 A response to this Previous Comment was provided in original Draft EIR responses to comments A 1-6 regarding proposed lighting. Please also refer to response to comment RD A-2-19 below.</p> <p>RD A-2-19 This RDEIR Comment states that the RDEIR did not address the City’s previous comments on light and glare, that the RDEIR does not acknowledge that construction could occur during nighttime hours, that there are no corresponding mitigation measures, and no detailed lighting plans were provided.</p> <p>As to construction impacts, this comment states that nighttime construction is a realistic possibility and that the EIR does not address this or provide mitigation for the potential impacts resulting from nighttime construction.</p> <p>As stated in the RDEIR (see page 3.2-24):</p> <p>Construction of the project would not include nighttime construction activities (between 7:00 p.m. and 7:00 a.m.) (primarily due to construction noise restrictions on work hours) and is not reasonably foreseeable as part of the project. The proposed project would be constructed off (separate) from the existing mainline track; therefore, there would be no need for nighttime closures of railroad tracks for project construction as the existing railroad operations would not be affected during construction. Nonetheless, as a courtesy to the City, construction hours will be limited to those hours allowed by the City’s Noise Ordinance, daily, from 7:00 a.m. to 7:00 p.m. except Sundays and legal holidays.</p> <p>Furthermore, Mitigation Measure NV-1 includes the following requirement:</p> <ul style="list-style-type: none"> • Construction activity will be limited to daytime only between the hours of 7:00 a.m. and 7:00 p.m. (no
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nighttime construction activity will be allowed)

Regarding enforceability of proposed mitigation measures, please refer to response to comment RD A-2-10.

As to operational impacts, this Previous Comment also states that the EIR does include a final lighting plan and does not consider the possibility that permanent project lighting could cause light and glare impacts to adjacent residents.

The photograph below depicts a typical lighting standard for the existing maintenance facility, which is a component of “The existing sources of nighttime lighting in the project area.” This type of lighting standard was installed at the existing site as a result of prior coordination between Amtrak, LOSSAN and the City. As shown, the standard provides for both directional lighting, and shielding to minimize off-site lighting impacts to existing adjacent residences. The proposed project will use the same or similar lighting. Further, in the bike trail portion of the project, the proposed lighting standards will be compatible with that shown on RDEIR Figure 3.2-16 Railroad District Pedestrian Lighting, typical (see RDEIR page 3.2-26). To further address this comment, EIR Section 2.3.7 Landscape Plan (EIR page 2-13), has been revised to clarify that proposed lighting will comply with City lighting standards. Additionally, Table 3.2-1 in EIR Section 3.2 Aesthetics has been provided that demonstrates the proposed project’s consistency with the City’s lighting standards specifically with respect to directional lighting and shielded so as to prevent light spillage onto off-site areas.



RD A-2-20 This RDEIR comment states that there is insufficient information in the record to support the conclusion that proposed project lighting and lighting impacts would be similar to lighting that is already present in the project area.

The proposed project would not involve the use of prohibited lighting as identified in the City's Municipal Code §17.70.100 Lighting and night sky preservation. Prohibited lighting includes i) flashing, ii) Projection above Horizontal Plan, iii) Upward Sign illumination and, iv) Search Lights. The project does not call for any of these features.

As defined in the City's Municipal Code §17.70.100, "These outdoor lighting regulations are intended to encourage lighting practices and systems that will: a) Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambience of night." Outdoor lighting is proposed as a component of the proposed project for

nighttime safety and security purposes and as explained in response to comment RD A-2-19, proposed lighting will meet City lighting requirements in particular with respect to directional lighting and shielding. In areas where lighting is proposed in proximity to existing residential, outdoor lighting will be directed downward and shielded to minimize light spillage onto adjacent residential areas.



<p>City of San Luis Obispo Comments Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)</p> <p>in the area.” However, there is insufficient information in the record to support that conclusion, and there is no mitigation measure or other enforceable requirement to accomplish this end.</p> <p>Fundamentally, it is important for decision makers on LOSSAN Board to be aware that the Project site is located immediately adjacent to two residential areas, including housing immediately adjacent to the Project site and across the tracks to the east. The baseline condition in this case is development that complies with the City’s night sky ordinance requirements (SLOMC 17.70.100). Failure to do so will result in significant complaints from neighbors of the Project that could ultimately impact the ability of LOSSAN to operate the facility in a predictable and effective manner.</p> <p>Chapter 3.3 – Air Quality <i>(Previous Comment):</i> The DEIR does not adequately evaluate, disclose, or mitigate impacts to air quality from the Project.</p> <p><u>Sensitive Receptors – Impact 3.3-3:</u> The DEIR’s finding of less than significant impacts to sensitive receptors at risk from Diesel Particulate Matter (DPM) relies on the unfounded assumption that trains will only idle 15 minutes at startup and shutdown (30 minutes total per day from each train). While the City understands the Project will include improved facilities to provide ground power, the DEIR does not discuss how the identified idling times will be monitored and verified or identify the responsible party to ensure operations are consistent with these operational assumptions.</p> <p>Additionally, the deficiencies in the Health Risk Analysis noted by the Air Pollution Control District (APCD), as set forth in its December 20, 2021 DEIR comment letter, must be addressed to ensure complete analysis of the potential impacts from DPM in accordance with CEQA requirements. The EIR should provide evidence how ongoing compliance with any operational assumptions such as engine idle run times will be verified and confirmed during operation of the Project, including identification of responsible parties and verification mechanisms. Mitigation measures should also include a methodology to test and monitor possible impacts to sensitive receptors during various operational phases of the Project and include clear steps to address any potential increase in risk to sensitive receptors beyond what was anticipated in the EIR. Any potential health risks from DPM should be fully analyzed with realistic operational assumptions, monitoring, and periodic air quality testing. Without this information, the DEIR is deficient because the conclusion that impacts would be less than significant is not supported by substantial evidence.</p> <p><i>(Recirculation Comment):</i> The City appreciates that LOSSAN has worked with APCD on the critically important issue of achieving verification that the project will not exceed APCD Health Risk Assessment (HRA) project risk thresholds at full buildout, and that APCD supports updated Air Quality and GHG emissions modeling in the recirculated DEIR. The City also supports and reinforces APCD’s position that LOSSAN should acknowledge and commit to the noted permits and federal regulations that may be applicable to the project. City staff is also ready to assist with any needed collaboration to agree on funding of GHG reduction projects and offsets including accommodation for local projects as noted in the APCD’s comment letter on the recirculated DEIR.</p>	<p>RD A-2-20 cont’d</p> <p>RD A-2-21</p> <p>RD A-2-22</p> <p>RD A-2-23</p> <p>RD A-2-21 This RDEIR comment states that the baseline condition with respect to lighting in the project area is development that complies with the City’s night sky ordinance requirements. Please refer to response to comment RD A-2-20 which explains that the project does not call for any features that would be prohibited by the City’s night sky ordinance.</p> <p>RD A-2-22 This Previous Comment states that the original Draft EIR does not adequately evaluate, disclose, or mitigate impacts to air quality as it relates to the train idling times assumed in the Health Risk Analysis, enforceability of monitoring related to idling times, and that the APCD’s comments on the original Draft EIR need to be addressed. Please refer to responses to comment RD A-2-10 and RD A-2-23.</p> <p>RD A-2-23 This comment acknowledges that the LOSSAN Agency has worked with APCD and acknowledges the APCD’s concurrence with the air quality analysis (including health risk analysis) and GHG analysis provided in the RDEIR.</p> <p>As indicated in the City’s comment letter, the air quality assessment has been revised to address comments received on the original Draft EIR by the San Luis Obispo County Air Pollution Control District. As stated in its comment letter on the RDEIR (see comment letter RD A-1), “The APCD reviewed the project’s updated AQ and GHG emissions modeling in the RDEIR. APCD found the modeling assumptions and results to be reasonable and our agency has the following comments ... The AQ assessment evaluated the project’s construction and operational phase impacts and found traditional air pollution impacts to be less than significant.”</p> <p>The comment letter also acknowledges specifically that the health risk assessment would be less than the APCD’s 10 in a million threshold. Please also refer to responses to comments RD A-1-1 through RD A-1-3.</p> <p>This comment also notes “City staff is also ready to assist with any needed collaboration to agree on funding of GHG reduction projects and offsets including accommodation for local projects as noted on the APCD’s comment letter on the</p>
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recirculated DEIR.” The LOSSAN Agency will continue to work in good faith with the City consistent with its current and previous partnership with the City.



City of San Luis Obispo Comments
 Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)

Unfortunately, the GHG analysis makes unsupported assumptions that the project will result in completion of the City’s planned Railroad Safety Trail Class 1 shared-use path. As noted in Transportation comments, the project does not make any firm commitments to actually construct the path, and in turn, may actually limit the ultimate feasibility of the City or others to construct this path in the future with addition of the Project. By impacting the feasibility of constructing this bike path, the Project would be inconsistent with City plans to promote walking, biking, and public transportation as identified in the City of San Luis Obispo’s Active Transportation plan, and conflict with the policies of the City’s Climate Action Plan, which identifies build-out of the City’s bicycle and pedestrian transportation network as a primary strategy towards reducing citywide GHGs.

Chapter 3.4 – Cultural Resources
(Previous Comment):

The DEIR provides insufficient evidence that potential impacts to historical resources have been evaluated, disclosed, and mitigated to the maximum extent feasible.

Historic Resources – Impact 3.5-1: The DEIR acknowledges the project will result in the physical demolition of the Southern Pacific Roundhouse and Rail Yard Site, which is a contributing element of the City of San Luis Obispo Local Railroad Historic District and the San Luis Obispo Southern Pacific Railroad NRHP Historic District. The DEIR analysis concludes that impacts to these districts and the individually significant features of the Southern Pacific Roundhouse and Rail Yard site would be potentially significant but are effectively mitigated to a level of less than significant by the preservation of a portion of the resources in the “Roundhouse Protected Zone” viewable by the public and by requiring archival documentation and educational installations. Mitigation Measure CUL-1 requires archival documentation and educational installations and is laudable in its intent to provide the history of the site, but it would not reduce impacts resulting from the destruction of actual historic resources, and the districts to which they contribute, to less than significant levels. (*Architectural Heritage Association v County of Monterey* (2004) 122 Cal.App.4th 1095, 1119.) California courts have held that “[d]ocumentation of the historical features of the building and exhibition of a plaque do not reasonably begin to alleviate the impacts of its destruction. A large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers.” (*Id.*)

Accordingly, impacts to historic resources should be accurately evaluated as Class 1 significant impacts because the Project will result in a substantial adverse change in the significance of the identified historic resource (PRC Section 21084.1 Historical Resource; Substantial Adverse Change) and incorporate mitigation appropriate to the level of impacts to historic resources which will result from the project, as required by State CEQA Guidelines Section 15126.4 (Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects). Most importantly, the DEIR should explore options to reduce and avoid impacts to the degree feasible. In addition to archival documentation and interpretive features, more significant mitigation options commensurate with the significant effects of the Project should be evaluated and considered by LOSSAN, such as alternatives to preserve as much of the historic features and site as possible, and consideration of reconstruction of historic buildings, site features, and layouts, which could be more reflective of the historic use and appearance of the site.

RD A 2-24

RD A 2-25

RD A-2-24

This RDEIR comment states that the proposed project does not commit to construct the City’s planned Railroad Safety Trail Class I shared-use trail and may limit the feasibility of the trail. The City states that if the Project makes the trail infeasible, the proposed Project would be inconsistent with the City’s Active Transportation Plan and the City’s Climate Action Plan.

The proposed project would not make the Class I bike trail infeasible. The LOSSAN Agency would be responsible for the design and the construction of the bike trail within the existing railroad right of way, and such implementation would progress and correspond to each phase of the proposed project. Please refer to responses to comments RD A 2-40 through RD A 2-43 regarding the feasibility of implementation of the bike trail.

Regarding access to public transportation, the bike trail is not the only location from which bicyclists and pedestrians can obtain access the existing train station. There are multiple courses of access from adjacent areas to the train station for vehicles, bicyclists, and pedestrians; bicyclist and pedestrian ridership is not solely dependent on the bike trail. While the GHG assessment acknowledges general accessibility to passenger rail service, including existing and planned bike trails, the conclusion regarding the significance of GHG impacts is based on the implementation of proposed Mitigation Measures GHG-1 through GHG-3, which would reduce potential impacts to a level less than significant.

RD A-2-25

This Previous Comment states that the original Draft EIR provides insufficient evidence that potential impacts to historical resources, including impacts to the City’s Local Railroad Historic District and the San Luis Obispo Southern Pacific Railroad NRHP Historic District have not been evaluated, disclosed, and mitigated (i.e., Mitigation Measure CUL-1) to the maximum extent feasible because the project cannot rely solely on documentation and commemorative markers and that other mitigation options should be explored. The comment also states that the impact to historic resources should be evaluated as “Class 1 significant impacts.” Please refer to original Draft EIR responses to comments A 1-8

through A 1-12 and RDEIR Section 3.5 Cultural Resources.



<p>City of San Luis Obispo Comments Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)</p> <p>The DEIR also does not evaluate the potential environmental effects of the Project’s apparent inconsistency with the City of San Luis Obispo’s Historic Preservation Program including policies, guidelines, and ordinance provisions which relate to historic preservation which are noted in the Regulatory Framework discussion but are not evaluated. Although the Project is not required to seek City discretionary approvals, analysis of the Project’s consistency or inconsistency with the City’s Historic Preservation Program should be provided along with a discussion of how the final Project design will consider avoiding and minimizing impacts consistent with public disclosure requirements of CEQA.</p> <p><i>(Recirculation Comment):</i> With the exception of the change to properly disclose the significance of Cultural Resource impacts from Less than Significant to Significant and Unavoidable, City comments from the DEIR remain. Even with the now acknowledged Class 1, Significant and Unavoidable impact, the Recirculated DEIR includes no change in the previous mitigation measure, which merely provides archival documentation and educational installations. Additionally, while the updated discussion on page 3.5-41 of the Recirculated DEIR includes brief discussion indicating it is not feasible to save more of the Roundhouse historical features, this new discussion is only based on the existing Project design and does not explore options for alternative designs or additional feasible mitigation measures that could minimize destruction of remaining features. (<i>Sierra Club v. County of Fresno</i> (2018) 6 Cal.5th 502, 524-25 (“Even when a project’s benefits outweigh its unmitigated effects, agencies are still required to implement all mitigation measures unless those measures are truly infeasible.”) Further, if LOSSAN concludes that feasible mitigation is insufficient to render the environmental impact to Cultural Resources insignificant, it is required to adopt a statement of overriding considerations prior to approving the project. (Cal. Pub. Res. Code § 21081(b); CEQA Guidelines § 15093.) It does not appear from the record provided that LOSSAN has satisfied its obligation yet to state in writing the specific reasons to support its action in light of the Significant and Unavoidable impact to Cultural Resources. It is important for LOSSAN to note that such statement of overriding considerations must be supported by substantial evidence in the record. (CEQA Guidelines § 15093.)</p> <p>Additional language in the Recirculated DEIR also states that since there are planned improvements directing the proposed bike path in the vicinity of the portion of the Roundhouse remnants that will be remaining, the general public will be provided public access to view the preserved portions of the Roundhouse. As discussed in the Land Use and Planning and Transportation comments below, it is unclear and speculative that the bike path connection will ever be completed. Additionally, it is not shown in the Aesthetics-Fencing discussion how landscaping and fencing options will ensure the public is able to view the feature. With the exception of the acknowledgement of the Class 1 significant impact, City comments on this issue from the DEIR remain.</p> <p>Chapter 3.11 – Land Use and Planning <i>(Previous Comment):</i> The DEIR does not provide substantial evidence, but rather unsupported conclusions, that Project impacts to land use and planning will be less than significant.</p> <p><u>Division of an Established Community – Impact 3.11-1:</u> The DEIR discussion does not provide an adequate basis for the conclusion that the project would not preclude implementation of future</p>	<p>RD A-2-26 This RDEIR comment alleges that deficiencies remain in RDEIR as it relates to the evaluation and disclosure of cultural resources impacts and whether the impacts have been mitigated to the maximum extent feasible.</p> <p>The original Draft EIR responses to comments A 1-8 through A 1-12 explain in detail the infeasibility of additional mitigation measures, as well as the examination of alternatives in the EIR which would avoid this cultural resources impact. As explained in responses to comments A 1-8 through A 1-12, the LOSSAN Agency proactively designed the project site plan to avoid impacting the roundhouse foundation to the maximum extent feasible. The visible features of the roundhouse foundation will be preserved on site as a part of the project design. As explained in the RDEIR, impacts to other contributing elements of the district that are located within the project site are unavoidable. This is because they comprise remnant foundations of previous structures that are scattered throughout the project site any full avoidance alternatives are precluded.</p> <p>RD A-2-27 This RDEIR comment states that adoption of a Statement of Overriding Considerations is required by Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093.</p> <p>The LOSSAN Agency acknowledges that adoption of a statement of overriding considerations will be required for the proposed project pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093.</p> <p>RD A-2-28 This RDEIR comment summarizes more detailed comments regarding the bike trail and proposed fencing. Please refer to responses to comments RD A-2-29, RD A-2-30, RD A-2-40 through RD A-2-43.</p> <p>In general terms, Section 2 Project Description of the EIR provides a description of the proposed landscape plan. This EIR section has been modified to clarify that the LOSSAN Agency will be responsible for the design and construction of the bike trail within the existing railroad right of way (see EIR page 2-13). As provided in EIR Section 2.3.7 Landscape Plan,</p>
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	<p>Figure 2-5 Landscape Diagram provides an overall plan view of proposed project landscaping, which identifies specifically the “Roundhouse Stop” which is intended as a location where the public can view the roundhouse foundation area. Additionally, Figure 2-8 Cross Section C, provides a cross section of the proposed landscape condition at the roundhouse foundation area. Because the purpose of the “Roundhouse Stop” is to allow views from the bike trail to the roundhouse foundation, landscaping and fencing would enable viewing as shown. As described in Section 2.3.8 Roundhouse Protected Zone, “The new segment of Class I bike trail presents the opportunity to facilitate public view of the historic site of the Southern Pacific Railroad roundhouse ... The proposed project would install a transparent perimeter fence along the southwest edge of the roundhouse, where bench seating and interpretive signage will be sited to create an informational node along the active transportation corridor.”</p> <p>RD A-2-29 This Previous Comment generally introduces more-detailed comments below regarding the feasibility of planned pedestrian and bicycle facilities. Please refer to the detailed responses on these topics in responses RD A-2-40 through RD A-2-43 below.</p>
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<p>City of San Luis Obispo Comments Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)</p> <p>pedestrian and bicycle facilities. Please see comments below from the City’s Public Works Transportation Division which raise concerns the project may preclude or make infeasible planned bicycle and pedestrian circulation infrastructure (also see Planning Commission comments regarding potential infeasibility of crossings at Roundhouse and Francis Streets).</p> <p><i>(Recirculation Comment):</i> The recirculated DEIR does not adequately address previous City comments on this issue and therefore its Previous Comments on this issue remain. See comments below from the City’s Public Works Transportation Division.</p> <p><u>Conflict with Land Use Plan, Policies, or Regulations – Impact 3.11-2:</u> <i>(Previous Comment)</i> The DEIR states the proposed buildings and site improvements will be designed to be compatible with the surrounding environment and will be consistent with the City’s Railroad District Plan (RDP). As discussed in comments above in the Aesthetics and Cultural Resources section, no information is provided to justify this conclusion (also see Planning Commissioner comments to this issue below).</p> <p><i>(Recirculation Comment):</i> For the reasons stated above, the Recirculated DEIR does not adequately address the City’s Previous Comments related to the Project’s conflict with Land Use plans, policies, or regulations.</p> <p>Chapter 3.12 – Noise The DEIR does not provide substantial evidence to support its analysis, mitigations, or conclusions regarding potential noise impacts.</p> <p><u>Generation of Ambient Noise Levels in Excess of Established Standards – Impact 3.12-1:</u> <i>(Previous Comment)</i> Similar to the DEIR’s analysis of Air Quality impacts, the Noise impact analysis relies on numerous unfounded assumptions including: train configuration (number of locomotives and cars per train), maximum speeds, no use of horns, idle time limited to 15 minutes at startup and shutdown, access, and storage of trains with the intended effect that they act as sound barriers, wash facility hours of use assumptions, and assumed infrequent use of the wheel truing equipment. It is unclear how these assumptions were reached nor does the DEIR guarantee these assumptions can be relied upon for the life of the Project. Fundamentally, the Noise analysis should be updated to include more detail and accountability mechanisms to ensure these assumptions can be monitored and enforced and include a regime for ongoing testing during the construction and operational phases of the Project to verify if mitigation measures for sound level reduction have been effective. Finally, the mitigation measures and MMRP should include steps to address impacts if sound levels are measured that exceed the anticipated noise levels that LOSSAN concluded to be less than significant in the DEIR.</p> <p>Additionally, the Noise analysis is inadequate because City of San Luis Obispo noise requirements are not evaluated. As noted in the Noise and Vibration Technical Report of the DEIR, CEQA Thresholds of Significance state that the local general plan, noise ordinance, or applicable standards of other agencies should be used as a basis to evaluate whether impacts are significant. Simply because LOSSAN is not subject to City discretionary review and compliance with local</p>	<p>RD A-2-30 This RDEIR comment reiterates the preceding comment, RD-A-2-29. Again, please refer to responses to comments RD A-2-40 through RD A-2-43 below.</p> <p>RD A-2-31 This Previous Comment reiterates previous comments in the Aesthetics and Cultural Resources sections of the City’s letter related to architectural consistency with the Railroad District Plan. Please refer to responses to comments RD A-2-14 through RD A-2-18 and RD A-2-40 through RD A-2-43.</p> <p>RD A-2-32 This RDEIR comment reiterates previous comments RD-A-2-29 through RD-A-2-31. Please refer to the preceding responses to those comments.</p> <p>RD A-2-33 This comment states that the noise analysis is inadequate as the analysis relies on numerous unfounded assumptions regarding train operations, more detail and accountability is needed for proposed monitoring and enforcement of mitigation measures, and that City of San Luis Obispo noise requirements and General Plan policies that address noise are not evaluated.</p> <p>Mitigation Measure NV-1 identifies potential noise reduction measures that can be employed, including but not limited to selective placement of construction equipment as far away from sensitive sites as possible, limiting construction activity hours to those consistent with the City’s construction noise ordinance, use of specially quieted equipment such as enclosed air compressors and properly working mufflers on all engines. By monitoring construction noise levels, the acoustical consultant can make appropriate recommendations to the construction contractor to address impacts to sensitive sites, where applicable.</p> <p>Examples of typical construction noise techniques are provided in Mitigation Measure NV-1 and include limiting the hours of construction (as would occur in accordance with the City’s noise ordinance), placement of construction equipment away from sensitive noise receptors, construction staging, use of enclosed air compressors, and mufflers. The applicable performance standards for construction and operational noise</p>
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are stated in response to comment RD A-2-35.

Please refer to original Draft EIR responses to comments A 1-13 through A 1-15 and response to comment RD A-2-34.



City of San Luis Obispo Comments
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regulations does not mean this information shouldn't be evaluated and resulting impacts disclosed in the DEIR, particularly when CEQA Thresholds of Significance expressly requires such analysis. As a result, the DEIR underestimates noise impacts resulting from the Project; the DEIR evaluates noise impacts under the criteria established by the Federal Transit Administration (FTA), but those criteria include higher noise thresholds than the City's noise ordinance. Additionally, the DEIR fails to evaluate noise impacts under City's multiple General Plan policies that specifically address noise mitigation in contravention of CEQA requirements (See e.g., [Land Use Element Policy 1.4 New Transportation Noise Sources, Noise Element Policy 1.1 Minimizing Noise]).

Finally, the DEIR fails to analyze the Project in light of the City's construction noise limits. Mitigation measures NV-2 and NV-3 purport to reduce impacts to less than significant levels. However, discussion in the impact analysis and conclusions of the Noise and Vibration Technical report note compliance monitoring, but there is no mention of such monitoring in any mitigation measures rendering the noted compliance monitoring completely unenforceable. Additionally, it is unclear how it is feasible to mitigate noise impacts to less than significant levels by locating construction equipment away from sensitive receptors because the Project construction has to occur in fixed locations on the site. As discussed above, the assertion that there will be no nighttime construction is vague because no definitive hours or days of operation are provided. The construction phase mitigation measure NV-1 also vaguely describes what could be effective for construction phase impact mitigation with statements about selecting quieter demolition methods where feasible, combining noisy operations at the same time, siting equipment as far away as possible from sensitive sites, and using specially quieted equipment. A Community Notification Plan is a prudent approach, but is not clear how this measure would actually reduce impacts to less than significant levels. There is also no commitment in mitigation measures to ongoing compliance monitoring and steps to be taken if sound level reduction measures have not been effective. Finally, no modeling or substantial evidence is provided to demonstrate the identified mitigation measures would be effective at reducing impacts to less than significant levels.

(Recirculation Comment):

The Recirculated DEIR fails to analyze potential impacts based on local criteria (City noise thresholds) as required by CEQA Thresholds of Significance and includes vague, unenforceable, and ineffective mitigation measures among other issues. The City's concerns with the Recirculated DEIR as it relates to Noise impacts are set forth below.

1. As an initial matter, the City does not concur that the Project is exempted from the City's Noise Ordinance. For the reasons set forth in the Regulatory Setting section set forth above, the City continues to assert that pursuant to the ICCTA authority, the City can enforce local regulations of general applicability pursuant to its police power that do not unreasonably interfere with interstate commerce. LOSSAN has not provided any authority to the contrary. Jurisdictional issues aside, the purpose of CEQA analysis is to disclose and avoid impacts where possible, and to mitigate environmental impacts to the maximum extent practicable. Accomplishing this purpose cannot be done without evaluating the Project against thresholds of the local jurisdiction that will be directly affected by the Project. The Recirculated DEIR fails to evaluate the Project against the City's local noise regulation even though Section 3.12.3 of the Recirculated DEIR specifically references Appendix G of the CEQA Guidelines, which states that temporary or permanent increases in

RD A 2-33
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RD A 2-34

RD A-2-34

This RDEIR comment states that the noise analysis is inadequate as City of San Luis Obispo noise requirements are not evaluated. The City does not agree that the proposed project is exempt from the City's Noise Ordinance.

LOSSAN understands the City's desire for the project to follow the City's noise ordinance, however, the proposed CCLF project is deemed exempt per the City' noise ordinance because it is a State activity. Specifically, Chapter 9.12 Noise Control, Section 9.12.090 Special provisions (exemptions) of the City's Municipal Code states:

"F. Federal or State Preempted Activities. Any other activity to the extent regulation thereof has been preempted by state or federal law shall be exempted from the regulations of this chapter."

Pursuant to SB 1225 The LOSSAN Agency is a state agency responsible for administering intercity passenger rail service along the LOSSAN rail corridor, which includes augmenting state-provided resources to expand intercity passenger rail services through the execution of an Interagency Transfer Agreement (ITA) between LOSSAN and the California Department of Transportation. This information is provided on the LOSSAN website at: [https://www.octa.net/pdf/LOSSAN Interagency Transfer Agreement FirstAmended.pdf](https://www.octa.net/pdf/LOSSAN%20Interagency%20Transfer%20Agreement%20FirstAmended.pdf)

ITA, Article 2, Transfer of Responsibilities provides that:

2.1 The Department transferred the administrative responsibility for the Service to the LOSSAN Agency, effective July 1, 2015 (the "Effective Date"). Subject to the terms and conditions of the initial ITA, the LOSSAN Agency assumed responsibility and administration for the Service, and, as of the Effective Date, succeeded the Department's powers, obligations and duties relative to such Service as provided in the initial ITA.

2.2 Except as otherwise provided for herein, the LOSSAN Agency will continue to retain the administration of the

	<p>Service while this ITA is in effect.</p> <p>Further, in Appendix J, Section 7 of the ITA, the specific responsibility provided to LOSSAN by the State includes the ability to “Construct, manage, and maintain station facilities and services. In Section 12, LOSSAN is also afforded the responsibility of coordinating and managing “various capital projects and programs in the corridor...”.</p> <p>Please also refer to response to comment RD A-2-8 regarding the ICCTA.</p> <p>Because the proposed project is exempted by the City’s Noise Ordinance, Local noise ordinance standards are not applicable to the proposed project. As explained in original Draft EIR response to comment A 1-14, “The Federal Transit Administration (FTA) <i>Transit Noise and Vibration Impact Assessment Manual</i> (FTA 2018) provides the methodology and impact criteria applicable to conventional passenger rail and transit components associated with the Project.” For these reasons, the LOSSAN Agency has used the FTA Manual to evaluate the proposed project’s potential noise impacts.</p>
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<p>City of San Luis Obispo Comments Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)</p> <p><u>ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies would result in a significant environmental impact.</u> The City continues to assert that regardless of whether LOSSAN is required to comply with local noise regulations, it nonetheless needs to evaluate the Project against City noise regulations and disclose any impacts identified through that analysis.</p> <p>2. Even if the Recirculated DEIR’s evaluation of the Project’s Noise impacts under only the much higher FTA Guidelines was sufficient, the Recirculated DEIR’s mitigation measures to reduce significant impacts associated with noise in excess of FTA thresholds to an insignificant level are ineffective. <u>Critically, the new NV-4 mitigation measure that purportedly applies to both the construction phase and operational phase of the Project is fatally flawed because Noise impacts are disclosed as significant, and less than significant after mitigation, yet by its own terms, NV-4 will not reduce any impacts to a less than significant level.</u> While there is no substantial evidence that any of the Noise mitigation measures could actually reduce Noise impacts effectively, measure NV-4 provides that a Noise Monitoring Program will require periodic monitoring of noise levels “from operation of the facility to ensure levels are similar to those disclosed in this EIR and Central Coast Facility Project Noise and Vibration Technical Report. If noise levels exceed the levels disclosed in [those documents, LOSSAN] will identify and implement noise reduction measures to meet disclosed noise levels” (emphasis added). However, the Project’s “disclosed noise levels” have been identified as significant, and thus, even if NV-4 was capable of being enforced (which the City disputes below), it would not require mitigation of construction and operational phase Noise level impacts to a less than significant level. For this reason alone, the Recirculated DEIR is woefully deficient and further recirculation is required.</p> <p>3. As stated in the City’s Previous Comments, the Noise mitigation measures, even after update in the Recirculated DEIR, are vague, unenforceable, and impermissibly defer formulation of effective mitigation, and thus, the City’s Previous Comments stand. In addition, Mitigation NV-4, provides that LOSSAN will prepare a Noise Monitoring Program applicable to both the construction and operational phase at some later date, but provides no specific criteria of the Plan or information about how compliance with it will reduce Noise impacts to a less than significant level. Worse, NV-4 states if during the construction noise complaints are received “complaints will be resolved via construction noise monitoring, where applicable.” It is unclear how additional monitoring in light of a noise complaint reduces any significant impact to less than significant. This circular logic is fatal to the NV-4 mitigation measure. Lastly, NV-4 indicates that if during monitoring of noise levels during operation LOSSAN determines noise levels exceed “the levels disclosed in this EIR” (problematic for the reasons stated above), LOSSAN and its acoustic consultant “will identify and implement noise reduction measures to meet disclosed noise levels.” Tellingly, the Recirculated DEIR provides no specific criteria or standard of performance such “noise reduction measures” and thus, impermissibly defers necessary mitigation. (CEQA Guidelines Section</p> <p style="text-align: center;">12</p>	<p>RD A-2-35</p> <p>This RDEIR comment states that Noise Mitigation Measure NV-4, which requires a Noise Monitoring Program, would not mitigate significant impacts due to the reference in that mitigation measure to “disclosed noise levels.”</p> <p>The LOSSAN Agency understands the City’s concerns of the potential noise impacts presented by this project. The original Draft EIR and the RDEIR provide a summary of the methodology utilized for addressing both construction and operational noise impacts based on FTA’s Transit Noise and Vibration Impact Assessment Manual (FTA 2018) (see RDEIR Section 3.12.3 Project Impacts, page 3.12-2). As stated, “The criteria were established to reflect a heightened community annoyance caused by late night or early morning service, as well as communities’ varying sensitivity to noise from projects during different ambient noise conditions.” As explained, based on FTA criteria, potential noise impacts fall into three types: no impact, moderate impact, and severe impact (FTA 2018).</p> <ul style="list-style-type: none"> • No impact – A project on average would result in an insignificant increase in the number of instances where people are highly annoyed by new noise. This impact level would not require mitigation. • Moderate impact – The change in cumulative noise is noticeable to most people but may not be enough to cause strong, adverse community reactions. The FTA manual indicates mitigation for this impact level should be considered but is not required. • Severe impact – A significant percentage of people would be highly annoyed by the noise, possibly resulting in a strong, negative community reaction. The FTA manual indicates mitigation for this impact level is required. <p>With respect to the proposed project, no “severe impacts” associated with construction or operation of the project have been identified. Per the FTA Transit Noise and Vibration Impact Assessment Manual, mitigation is only required where “severe impacts” have been identified (pages 3-11 and 3-12). Therefore, no mitigation measures are required.</p>
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RD A 2-34
cont'd

RD A 2-35

RD A 2-36

However, “moderate impacts” were identified associated with the proposed project (e.g., refer to RDEIR Figures 3.12-5, 3.12-6 and 3.12.-7). “The FTA manual indicates mitigation for this impact level should be considered but is not required.” (pages 3-11 and 3-12) In response to the proposed project’s moderate noise impacts associated with construction and operation of the proposed project, Mitigation Measures NV-1 through NV-4 were proposed even though they were not required by the FTA Manual. The LOSSAN Agency has done this in its continued good faith efforts to respond to the City’s concerns.

The performance standard for maintaining noise levels is designed to ensure that no “severe” noise impacts occur during construction and operational activities, again, which would be the level where mitigation is normally required pursuant to the FTA’s methodology. As required by Mitigation Measure NV-4, if noise levels exceed the levels disclosed in this EIR and *Central Coast Layover Facility Project Noise and Vibration* Technical Report (Appendix J of this EIR), the LOSSAN Rail Corridor Agency, in consultation with the acoustic consultant, will identify and implement noise reduction measures to reduce those noise levels to meet disclosed noise levels. The intent is to ensure that noise levels would not o exceed the “moderate impact” (and corresponding noise levels) as evaluated in the EIR. Mitigation Measure NV-4 establishes this criteria as the operational performance standard. These noise levels are provided in EIR Table 3.12-8 Phase 1 Operational Noise Impacts and Table 3.12-10 Later Phases Operational Noise Impacts (and corresponding EIR Appendix J Table 8-2 and Table 8-4). The construction noise standard is established in Mitigation Measure NV-1. Mitigation Measure NV-4 has been modified to include specific reference to these noise performance standards as follows:

NV-4 Noise Monitoring Program. Prior to construction (any ground-disturbing activities), the LOSSAN Rail Corridor Agency shall prepare a noise monitoring program. The noise-monitoring program will describe how during construction the contractor will monitor



construction noise daily during daytime limits. If complaints are received, complaints will be resolved via construction noise monitoring which would identify the noise source, and the implementation of noise reduction measures to meet FTA criteria which would identify the noise source, and the implementation of noise reduction measures to meet FTA criteria, where applicable.

The noise monitoring program will also describe how during operation, the LOSSAN Rail Corridor Agency or its acoustic consultant (to be retained by the LOSSAN Rail Corridor Agency) will periodically (quarterly) monitor noise levels from operation of the facility to ensure levels are similar to those disclosed in this EIR and *Central Coast Layover Facility Project Noise and Vibration Technical Report* (Appendix J of this EIR). If construction noise levels exceed the FTA Daytime Guideline of 80 (dBA Leq), and/or operational noise levels exceed the levels disclosed in this EIR (EIR Table 3.12-8 Phase 1 Operational Noise Impacts and EIR Table 3.12-10 Later Phases Operational Noise Impacts; and corresponding Appendix J Table 8-2 Phase 1 Operational Noise Impacts and Table 8-4 Later Phases Operational Noise Impacts as identified in the *Central Coast Layover Facility Project Noise and Vibration* Technical Report (Appendix J of this EIR), the LOSSAN Rail Corridor Agency, in consultation with the acoustic consultant, will identify and implement noise reduction measures to meet disclosed noise levels. Potential noise reduction measures (if required) will be based on the noise source that is causing an identified exceedance, and could include, but not be limited to, reviewing train idling times and decreasing idling times should it be determined there are exceedances, conduct monitoring to identify refined locations for parking trains to provide shielding to the surrounding community.

RD A-2-36

This RDEIR comment states that Noise Mitigation Measure NV-4 is vague, unenforceable, and defers mitigation.

Please refer to response to comment RD A-2-35 regarding

revisions to Noise Mitigation Measure NV-4. Noise Mitigation Measure NV-4 states a standard of performance and a menu of potential options that may be employed to achieve that standard of performance. This mitigation measure, as with all other mitigation measures, will be incorporated in the proposed project's MMRP and will be imposed as a condition of project approval. This mitigation measure complies with the CEQA Guideline and case cited in the comment, which speak for themselves.



<p>City of San Luis Obispo Comments Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)</p> <p>15126.4(a)(1)(B); <i>San Joaquin Raptor Rescue Center v. County of Merced</i> (2007) 149 Cal.App.4th 645, 669-71.)</p> <p>4. The Recirculated DEIR attempts to utilize Federal Transportation Authority (FTA) noise guidance, which appears to be intended for transportation corridor noise sources whereas the Project facility generates point source noise impacts in addition to the related rail corridor noise impacts. The DEIR and Recirculated DEIR include no authority or reference to a specific state regulation that applies to this type of project and that would preempt City noise regulations. The DEIR discussion and Recirculated DEIR first assert that the Project is not subject to City noise thresholds but then also attempts to rely on the City’s noise ordinance itself for an exemption.</p> <p>5. While the City acknowledges that the Recirculated DEIR increased the idle times and noise levels from the prior DEIR analysis, likely in response to the City’s Previous Comments, the Recirculated DEIR still provides no factual basis or explanation for these increased numbers.</p> <p>6. The Recirculated DEIR relies on deferred analysis to reduce noise levels to disclosed noise levels. This is not the same thing as providing the analysis and demonstrated reduction methods that would actually reduce significant impacts to less than significant levels.</p> <p>Chapter 3.13– Transportation</p> <p><u>Conflict with a Program, Plan, or Ordinance, or Policy Addressing the Circulation System – Impact 3.13-1:</u> <i>(Previous Comment):</i> As discussed above in comments on the Land Use and Planning analysis, the DEIR does not provide a basis for the conclusion that the Project would not preclude or make infeasible the City’s implementation of important circulation components of the City’s Active Transportation Plan. Please see comments below from The City’s Public Works Transportation Division:</p> <p>1. Proposed Project 2.3.7.2 (page 2-14) and repeated in Proposed Impacts 3.11-1 (page 3.11-13), Table 3.11-1 (page 3.11-18), and elsewhere. The EIR acknowledges a segment of the Railroad Safety Trail Class I bike path is identified as a proposed project in the City’s Active Transportation Plan and states that “should project conditions, land use, and ROW alignments allow, the proposed project would construct a portion of the new segment of class I bike trail, from approximately High Street to Francis Street.” Furthermore, it states in Impact 3.11-1 (page 3.11-13) that “the proposed project would not preclude implementation of future pedestrian and bicycle facilities that would provide connections to land uses on the west side and east side of the project site.” The City requests that the alignment of this shared use path be determined as part of the proposed layover facility design footprint in order to ensure that construction and operation of the pathway is not precluded. Given the complexity of both the layover facility and the shared use path within the area footprint if this segment of path is not constructed</p>	<p>RD A-2-37 This RDEIR comment reiterates previous City comments regarding the preemption of City noise regulations and the use of the FTA noise assessment methodology. Detailed responses to these comments were provided in the preceding responses to comments RD A-2-8 and RD A-2-34 through RD A-2-36.</p> <p>RD A-2-38 This RDEIR comment reiterates the City’s previous comments on the original Draft EIR regarding train idle times.</p> <p>The idling times utilized in the EIR are based on existing train movements and crew activities at the existing facility. The new facility’s train movements will be similar to the existing facility in that trains will pull off of the mainline tracks to the maintenance facility for service. The idling times represent the maximum shut down and start up idling durations, because operational efficiencies will be achieved at the CCLF with ground-power hookups, which will allow trains to hookup to ground power, in turn reducing idling times. For these reasons, data about the existing facility was extrapolated to the proposed CCLF facility. In other words, the LOSSAN Agency employed its knowledge and expertise regarding the existing facility and applied it to the proposed facility. This includes the existing and extrapolated, potential noise impacts based on service track configuration, general power-down and start-up activities associated with arriving and departing trains into the maintenance facility.</p> <p>Additionally, please refer to response comments RD A-2-35 through RD A-2-36 related to enforceability of Mitigation Measure NV-4 and corresponding train idling times.</p> <p>RD A-2-39 This is a general summary comment that repeats prior comments. Please refer to responses to comments RD A-2-35 through RD A-2-38.</p> <p>RD A-2-40 This Previous Comment requests that the alignment of the proposed shared use pathway from High Street to Francis Street be determined and constructed as part of the proposed project. The Previous Comment states that, otherwise, the proposed project would be in conflict with a local adopted plan.</p>
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Please refer to original Draft EIR responses to comments A 1-16 and A 1-17 and RDEIR Sections 3.11 Land Use and Planning and 3.13 Transportation, and responses to comments RD A-2-29 through RD A-2-32, and RD A-2-40 through RD A-2-43, where a detailed analysis and explanation of the feasibility of construction of a Class I bike facility is provided.



<p>City of San Luis Obispo Comments Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)</p> <p>as part of the Layover facility it is likely infeasible to construct it in the future as a City-led project. Therefore, the Layover facility would be conflicting with an adopted local plan.</p> <p><i>(Recirculation Comment):</i> The Recirculated DEIR fails to address the City’s Previous Comments regarding the Project’s potential significant impact on an anticipated City class 1 bike path that is a critical component of the City’s Active Transportation Plan. The DEIR and Recirculated DEIR fail to consider design alternatives that could include a standard-width path, including alternatives that align the bike path within the Project site limits or that propose a good faith effort to obtain private right-of-way necessary to construct the path to minimum Caltrans/City design standards. Further, the Recirculated DEIR language continues to retain the conditional language that unless “project conditions, land use, and ROW alignments allow,” the bike path may not be constructed at all. If there is no firm commitment to build the path as part of the Project, it is likely infeasible for the City to complete the connection at some point in the future. If the Project makes it infeasible to construct the path, then this impact must be disclosed and mitigated to the greatest extent feasible. Unfortunately, the Recirculated DEIR includes no Project design changes or other commitments that ensure the path can or will actually be constructed. It also includes no good faith intent or commitments to ensure that the bike path is constructed to the minimum dimensions established by Caltrans/City engineering standards. It continues to be stated with no commitments made that the path will depend on timing of future phases of the Project, subject to funding availability and demand. And yet the Recirculated DEIR still concludes that the Project’s impact on Transportation are less than significant and relies on construction of the bike trail itself to mitigate other impacts in the DEIR, such as Greenhouse Gas Emissions.</p> <p><i>(Previous Comment):</i> 2. Figure 2-10. Cross Section E (page 2-25) and elsewhere. The figure shows a typical cross section of the Railroad Safety Trail with a width of only 5 feet. However, the trail width is not consistent with the design standards of the City, Caltrans, or AASHTO which require a minimum width of 10 feet (City standard is 12 feet preferred). Constructing the trail with a 5-foot width would be a substandard bicycle and pedestrian facility and would need to be disclosed as a safety impact per CEQA.</p> <p><i>(Recirculation Comment):</i> The Recirculated DEIR fails to address the City’s Previous Comments on this issue. The updated language provides reasoning for the needed deviations noted above for the portions of the Project that can be constructed but does not consider needed Project site plan modifications or intent to establish the right-of-way needed to accommodate a path with the standard width.</p> <p><i>(Previous Comment):</i> 3. Bishop Street Extension. As currently presented in the EIR, it is unclear if the proposed Project would impede the City’s planned Capital Improvement Project to extend Bishop Street west across the UPRR to connect with Roundhouse, which is identified in the General Plan Circulation Element (Project #5 in Table 5). This could create a potential impact by conflicting with an adopted local plan or policy</p>	<p>RD A-2-41</p> <p>This RDEIR comment states that the RDEIR fails to consider design alternatives that could include a standard-width trail, including alternatives that align the bike trail within the project site limits or that propose efforts to obtain private right of way needed to construct the trail to City / Caltrans standards. The RDEIR comment continues by that stating that unless there is a firm commitment to build the trail as part of the project, it will “likely” be infeasible for the City to complete the connection in the future. If the proposed project will preclude the implementation of a Class I bike trail, the RDEIR comment states that there will be resulting significant environmental impacts.</p> <p>Implementation of the proposed CCLF project would not preclude the construction of a future Class I bike trail. It should be noted that in the existing condition, without the proposed project, there are existing right-of-way and property constraints (not involving / outside of the railroad right of way) that would preclude the construction of a Class I bike trail. Even without proposed project, the City would need to obtain right of way from Union Pacific Railroad and other private property owners to achieve a Class I bike trail at the southern extent. As a result, even without the proposed project, the bike trail would narrow at the southern extent due to existing property constraints. This is not unprecedented in the existing conditions within the City. This condition will be similar to the existing bike trail width located at the existing pedestrian and bike trail crossing immediately north of the project site, where the bike trail is approximately 5 feet in width as depicted below:</p>
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Further, it should be noted that the City's Active Transportation Plan, as referenced in this comment, identifies the bike trail in the southern extent of the project site by including it on a "Tier 3" projects list. Tier 3 projects are identified as "Projects that help complete the bicycle and walking network but are not likely to generate measurable increase in bicycle and pedestrian trips." (page 22). The City's Active Transportation Plan indicates that the City has a planned shared-use trail along the west side of the Union Pacific tracks from McMillan Avenue to the Amtrak Station, but a notable constraint to delivering the project is that it "Requires UPRR right-of-way." (Appendix A, page 8). Even without the proposed project, this Tier 3 project may be infeasible due to this constraint (i.e., "Requires UPRR right-of-way").

As part of LOSSAN's CCLF project, LOSSAN is offering to provide the right-of-way and construction of a portion of this trail from approximately High Street to Francis Street. For a short segment at the south end of the project, a small amount of right-of-way acquisition may be required by the City to implement this Tier 3 project; LOSSAN is offering the majority of the total right-of-way required for this trail. Without the right of way provided by LOSSAN, the City would need to obtain 100% of the right of way for their planned shared use trail from other property owners. By LOSSAN committing to design and



construction of the bike path with each phase of the project, LOSSAN will be facilitating construction of approximately 85% of trail along the subject area. If the additional right of way is not acquired by the time LOSSAN constructs the remainder of the ultimate facility, LOSSAN would construct a narrower trail for a segment approximately 60 to feet in length, on the right-of-way being obtained for the project to provide connectivity (though not two-way bike traffic) through this constrained area (approximately 60 to 70 feet in length). In other words, a bike trail could still be completed and become operational in the post-project condition.

Because the City would need to obtain a much smaller amount of right of way to complete this trail in the post-project condition, the LOSSAN project is not precluding the full construction of this trail in the future and is instead likely improving its likelihood of implementation. For all of the foregoing reasons, the proposed project would not preclude the construction of a shared-use trail.

RD A-2-42 This Previous Comment states that the proposed project would result in the construction of a “substandard” bike trail, which would in turn create a safety impact. Even with construction of the proposed project, a bike trail could be constructed that would be similar in width as the existing bike trail, located to the north of the project site and as shown in response to comment RD A-2-40. If necessary, appropriate safety signage could also be installed so as to avoid any potential bicycle and/or pedestrian conflict in this area. Please refer to response to comment RD A-2-40.

RD A-2-43 This RDEIR comment reiterates Previous Comments related to the Class I bike trail. Please refer to responses to comment RD A-2-40 through A-2-42 on this topic.

RD A-2-44 This Previous Comment states that it is unclear whether the project would impede construction of the City’s planned Capital Improvement Project to extend Bishop Street west across the UPRR to connect with Roundhouse Street.

The feasibility of the Bishop Street extension has been

addressed in both the original Draft EIR and RDEIR (see Section 3.13 Transportation). While this comment identifies the Bishop Street Extension as a City “planned Capital Improvement Project”, the City’s Capital Improvement Program website does not show the Bishop Street Extension as a City Capital Improvement Project as in construction, design or planning stages. As a result, there is no conceptual design of this extension available to LOSSAN to review in the context of the proposed project.

It should be noted that no additional railroad right-of-way is proposed or necessary in order to implement the proposed project. Therefore, the proposed project does not affect the feasibility of the street extension.

Nonetheless, LOSSAN conducted a conceptual level engineering/feasibility analysis of the potential Bishop Street extension which would extend across and above the existing railroad right of way (please see responses comments Attachment A for the conceptual engineering drawing). As demonstrated in this conceptual engineering study the CCLF project would not preclude the extension of Bishop Street. Based on roadway geometric design criteria for a 25 mph roadway, the high vertical clearance required over the existing UP railroad tracks is expected to drive the roadway profile of any future overcrossing, and the roadway profile is not likely to tie back into existing grade until nearly Santa Barbara Street to the west. Because the project site sits lower in elevation than the existing UP tracks, it is unlikely that the proposed tracks would have a significant impact on the ultimate profile of the roadway overcrossing (refer to Attachment A).

It should be noted that the proposed Bishop Street extension as currently envisioned may be infeasible for entirely different reasons:

- Emily Street would be cut off at Roundhouse Street due to the grade of the Bishop Street extension as it slopes from the east to the west
- Existing access to business located to the north of the “Bishop Street Extension” would either be eliminated or



at a minimum need to be reconfigured due to the intervening grade of Bishop Street

- In order to provide adequate vertical clearance over the existing UPRR tracks, a ramp would need to be constructed adjacent to the existing single family residential where Bishop Street would pass through
- There would need to be a partial acquisition of the existing City Fire Department property in order to accommodate the width and right of way necessary to construct the extension

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addressing the circulation system. More analysis needs to be shown to indicate that construction of a Layover facility would not preclude the roadway extension.

RD A 2-44
 cont'd

(Recirculation Comment):

The Recirculated DEIR provides some additional discussion, but ultimately fails to sufficiently address the City's Previous Comments on this issue. The Recirculated DEIR notes there are no proposed structures on the portion of the Project that are aligned with the anticipated extension; however, the Project description and EIR discussion include no commitments that easements or offers of dedication will be provided for the City to be able to construct the facility on and/or over the Project site. Additionally, no engineering or architectural exhibits are shown depicting how the LOSSAN facility driveway access will be retained or how the Bishop Street Extension could be physically constructed without impacting or encroaching within the LOSSAN facility itself. Since this creates the possibility of precluding the planned street extension, the DEIR should disclose the potential impact.

RD A 2-45

RD A-2-46

This RDEIR comment restates the prior comment that it is unclear whether the project would impact the feasibility of construction of the planned Bishop Street extension. The comment also states that easements or offers of dedication should be provided for the City to construct the facility on or over the proposed project site.

Please refer to response to comment RD A-2-44. As shown in that response, no easement or dedication is required.

This Previous Comment states that the City has planned bicycle and pedestrian crossing from Francis Street Extension to Sinsheimer Park, and requests that the EIR acknowledges this proposed project and shows how the proposed project would not preclude this bicycle and pedestrian facility.

(Previous Comment):

4. **Francis Street Extension to Sinsheimer Park.** The City's Active Transportation Plan and South Broad Street Area Plan identify a bicycle and pedestrian crossing of UPRR from Francis Street to the Sinsheimer Park. The City requests that the EIR acknowledge this proposed Project identified in local plans and show how the Layover facility will not preclude this bicycle and pedestrian facility.

RD A 2-46

The LOSSAN Agency has reviewed the South Broad Street Area Plan with respect the Francis Street Extension to Sinsheimer Park. As part of this review, it is noted that the conceptual trail alignment depicted in the Plan, along the west side of the proposed CCLF project site, does not recognize or take into account the existing fiber-optic buildings located north of Francis Street. These buildings do not appear on the "Illustrative South Broad Street Area Plan". This development, approved and permitted by the City, has been constructed within the conceptual trail alignment as depicted in the South Broad Street Area Plan.

(Recirculation Comment):

The Recirculated DEIR provides some additional discussion, but ultimately fails to sufficiently address the City's Previous Comments on this issue. The Recirculated DEIR states that the foundations of the bridge shown on plans are outside the Project footprint. However, similar to the Bishop Street extension comments, there are no conceptual design exhibits, commitments, easements, or offers of dedication provided to support this conclusion or to accommodate any future City-led construction project at this location in accordance with its Active Transportation Plan.

RD A 2-47

Planning Commission Comments (December 8, 2021)

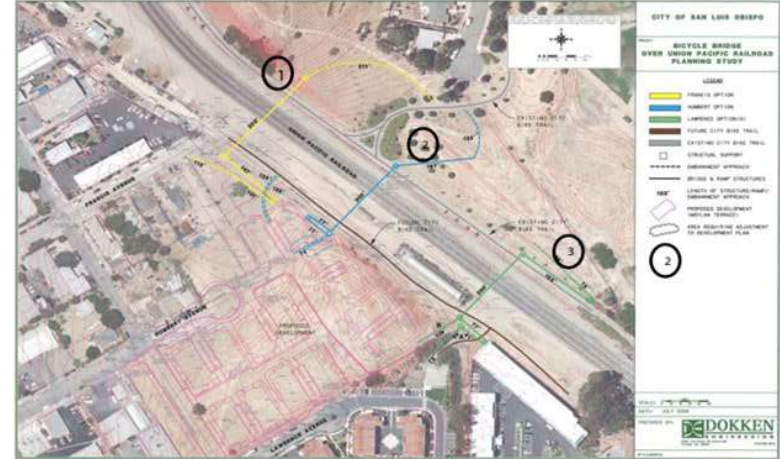
(Previous Comment):

While the City expects that LOSSAN took diligent notes of the comments made by the public and the City's Planning Commission on the DEIR at the December 8, 2021 public meeting, the City nonetheless submits the Commission's comments as they appear in the meeting minutes:

1. Hazardous Materials Impact discussion HAZ - 1: Clarify if mitigation applies to daily operation or just construction.
2. Noise Impact discussion NV-3: Parking of trains to block and mitigate noise impacts from trains being worked on only applies to later phases of the project. What about the initial Phase when additional trains in later phases won't be there to block the noise?
3. How will noise from the wash track to the west be mitigated for the residential units to the west. There are several multi-family buildings and two were pointed out in the EIR subject to noise impacts, one is an eight unit building and one is a 20-unit

RD A 2-48

Nonetheless, based on the conceptual trail alignment shown in the South Broad Street Area Plan, the LOSSAN Agency evaluated the City's proposed crossing in the context of the proposed CCLF project. As presented below (and discussed in the RDEIR), the Francis Street pedestrian overpass is not in conflict with the proposed CCLF project, and the proposed CCLF project would not preclude the future construction of an overpass at this location. As illustrated below, as conceptually designed by the City, the proposed bike and pedestrian crossing clears the entire rail property. No dedications or easements are required.



RD A-2-47 This RDEIR comment states that no conceptual exhibits or other commitments were provided to support the conclusion that the project will not preclude the planned bicycle and pedestrian crossing from Francis Street Extension to Sinsheimer Park. Please refer to response to comment RD A-2-46.

RD A-2-48 This Previous Comment summarizes comments on the original DEIR by the City’s Planning Commission at its December 8, 2021, public meeting.

Please refer to original Draft EIR responses to comments A 1-20 through A 1-24 as well as preceding responses to comments related to noise mitigation, the Bishop Street extension and the Francis Steet bike and pedestrian connection across the railroad right of way.

Planning Commission Comment	Response to Comment Reference
1. Hazardous Materials Impact discussion HAZ-1: Clarify if mitigation applies to daily operation or just construction.	Original Draft EIR response to comment A 1-20
2. Noise Impact discussion NV-3: Parking of trains to block and mitigate noise impacts from train	Original Draft EIR response to comment A 1-21 and RDEIR response to comments RD A-2-

	<p>being worked on only applies to later phases of the project. What about the initial Phase when additional train in later phases won't be there to block the noise?</p>	<p>33 through RD A-2-39.</p>
	<p>3. How will noise from the wash track to the west be mitigated for the residential units to the west. There are several multi-family buildings and two were pointed out in the EIR subject to noise impacts, one is an eight unit building and one is a 20-unit building. How will the noise be mitigated to those buildings since the wash track will only partially be blocked by the buildings in the project? This was not explained in the EIR and should be.</p>	<p>Original Draft EIR response to comment A 1-22.</p>
	<p>4. Transportation – Two concerns about conclusions in the EIR. What is the basis for the conclusion the planned grade separated crossing at Roundhouse planned to connect to Bishop St. would not be precluded by the proposed project? There was no basis or discussion on the feasibility of completing the crossing. It does not appear possible to get a road, bike path, or pedestrian path in from Roundhouse over such a short distance, The same goes with the crossing at Francis Ave. Can that be accomplished with the security fencing? How does the project not preclude that future crossing at Francis?</p>	<p>Original Draft EIR response to comment A 1-23 and RDEIR response to comments RD A-2-44 and RD A-2-26.</p>
	<p>5. Consistency with plans. Commission indicated desire to see more on building designs in previous review. No design or conceptual design of buildings</p>	<p>Original Draft EIR response to comment A 1-24 and RDEIR response to comments RD A-2-14 through RD A-2-21.</p>



	<p>provided in the DEIR. How will the project be consistent with the Railroad District Plan as no building design is include?</p>	
	<p>6. LOSSAN should invest resources on a strategy for the interpretive elements about the historic roundhouse feature. A significant amount of information is available. The Roundhouse is a focal point to understand what went on at this place. Hope there is significant follow up in what actually gets built and that money is put into the interpretive side of things.</p>	<p>Original Draft EIR response to comment A 1-25 and RDEIR response to comments RD A-2-25 through RD A-2-28.</p>

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building. How will the noise be mitigated to those buildings since the wash track will only partially be blocked by the buildings in the project? This was not explained in the EIR and should be.

4. Transportation – Two concerns about conclusions in the EIR. What is the basis for the conclusion the planned grade separated crossing at Roundhouse planned to connect to Bishop St. would not be precluded by the proposed project? There was no basis or discussion on the feasibility of completing the crossing. It does not appear possible to get a road, bike path, or pedestrian path in from Roundhouse over such a short distance. The same goes with the crossing at Francis Ave. Can that be accomplished with the security fencing. How does the project not preclude that future crossing at Francis?
5. Consistency with plans – Commission indicated desire to see more on building designs in previous review. No design or conceptual design of buildings provided in the DEIR. How will the project be consistent with the Railroad District Plan as no building design is included?
6. LOSSAN should invest resources on a strategy for the interpretive elements about the historic roundhouse feature. A significant amount of information is available. The Roundhouse is a focal point to understand what went on at this place. Hopes there is significant follow up in what actually gets built and that money is put into the interpretive side of things.

(Recirculation Comment):
 With the exception of clarification that Mitigation Measure HAZ-1 applies to operations, the City did not identify additional or revised information in the Recirculated DEIR which would address the Planning Commission’s comments.

Cumulative Impacts
(Recirculation Comment):
 The determination that the project will not result in cumulatively considerable impacts lack substantial evidence and are deficient under CEQA since it relies on deficient analysis from the various issue areas pointed out in this letter.

Conclusion
(Previous Comment):
 CEQA requires that an EIR be recirculated when “significant new information is added to the EIR” prior to certification of the document. (CEQA Guidelines § 15088.5.) Recirculation is also required under any of the following circumstances:

- 1) “A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.”
- 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- 3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.

RD A 2-48
 cont'd

RD A 2-49

RD A 2-50

RD A 2-51

RD A-2-49

This RDEIR comment states that with the exception of a clarification regarding Mitigation Measure HAZ-1, the RDEIR does not provide additional or revised information which would address the Planning Commission’s comments. Please refer to the original Draft EIR responses to comments A 1-20 through A 1-24 and the preceding responses to comments on the Recirculated Draft EIR listed in RD-2-48.

RD A-2-50

This RDEIR comment states that the EIR’s conclusion that “the project will not result in cumulatively considerable impacts” is not supported by substantial evidence based on other asserted deficiencies in the RDEIR.

EIR Section 5 Cumulative Impacts addresses potential cumulative impacts associated with implementation of the proposed project when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects. EIR Table 5-2 Cumulative Projects lists the projects considered as part of the cumulative impact analysis and Figure 5-1 depicts the location of the cumulative projects. The geographic scope of each environmental issue area considered in the cumulative analysis is provided in EIR Table 5-1. The cumulative impact analysis was also updated as part of the RDEIR to address further information provided in the EIR. Together, this section and its corresponding analysis provides substantial evidence to support the EIR’s conclusions regarding cumulative impacts.

Please refer to the prior responses to City comments alleging deficiencies in the EIR which in turn explain why the RDEIR’s conclusions are supported by substantial evidence.

RD A-2-51

This is Previous Comment cites the CEQA Guidelines stating the criteria triggering recirculation of an EIR.

LOSSAN carefully reviewed and addressed the comments provided by the City on the original Draft EIR and, in an effort to more fully address the City’s comments, prepared the RDEIR.



City of San Luis Obispo Comments
 Recirculated DEIR - LOSSAN Central Coast Layover Facility (CCLF)

- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (CEQA Guidelines §15088.5(a).)

RD A 2-51
 cont'd

(Recirculation Comment):

As a result of our review, it is clear that additional analysis, mitigation, and recirculation of the Recirculated DEIR is again advised to ensure that LOSSAN complies with its mandate under CEQA that an “EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (CEQA Guidelines §15003(d).)

RD A 2-52

Based on the numerous comments set forth above, the City requests that LOSSAN suspend any further consideration of approving the Project and begin the process of working with the City within which the proposed facility will be located. Operational success of this important and worthwhile project requires close coordination with our jurisdiction. Unfortunately, LOSSAN has not completed a DEIR that provides sufficient disclosure and mitigation of future impacts as required by CEQA. A complete and adequate Recirculated DEIR for the project would enable LOSSAN and the City to work together for the benefit of the project and our community.

Sincerely,

Michael Codron
 Community Development Director
 City of San Luis Obispo

Cc: City Council, City Planning Commission, City Leadership Team

RD A-2-52

This RDEIR comment states that the RDEIR must be recirculated. The comment also requests that the LOSSAN Agency: (1) suspends any further consideration of project approval; and (2) begins the process of working with the City to ensure the operational success of the project.

LOSSAN has determined that no “significant new information” has or will be added to the Final EIR. (CEQA Guidelines Section 15088.5(a).) No new significant environmental impact has been identified, no substantial increase in the severity of a previously identified significant impact has been identified, and no feasible alternatives or mitigation measures considerably different from those previously analyzed have been presented that would lessen the environmental impacts. Therefore, recirculation of the RDEIR is not required. (CEQA Guidelines Section 15088.5(a).)

The history of the LOSSAN Agency’s communications and coordination efforts with the City are chronicled in original Draft EIR responses to comments. (See response to comment “Intro”). LOSSAN has responded to the City’s requests and items of concern in good faith, beginning with the kick-off meeting for this project on July 2, 2019, and including the 3-day design charrette for the project held the week of July 14, 2020, as well as several project coordination calls or meetings between LOSSAN and the City held between October 2019 and July 2022. LOSSAN has taken into consideration the City’s comments and those of other community organizations. LOSSAN has worked to be a responsive partner with the City throughout this process. In some cases, LOSSAN has, as a gesture of this partnership, provided more to the City than would otherwise be required by law.

As a good partner, LOSSAN chose to revise the EIR to further address or clarify several of the concerns that were presented by the City to the LOSSAN Agency, as provided in the RDEIR and corresponding responses to comments, including:

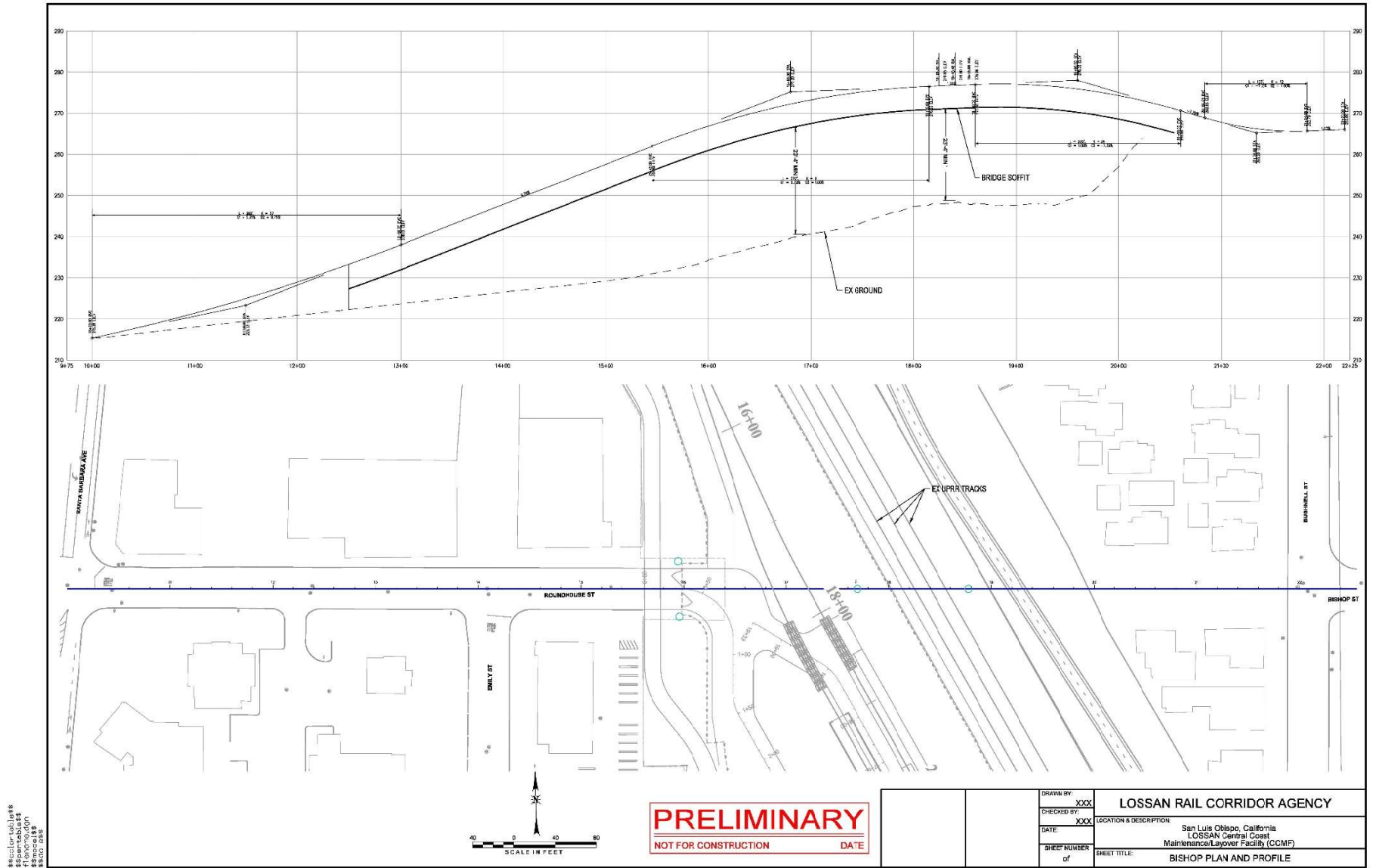
- Updating the transportation section to confirm inclusion of the complete bike trail in later phases of the project;

- Updating the air quality analysis to estimate locomotive idle and movement criteria pollutant emissions that would be generated within the Project area. The health risk analysis was also updated to reflect the adjusted train idling times;
- Updating the GHG emissions analysis to incorporate adjusted idling times and identifying and committing to additional mitigation measures;
- Updating the cultural resources section to clarify the project's impact on historical resources. The project's impact to the Southern Pacific Roundhouse and Rail Yard Site was revised from less than significant with mitigation, to significant and unavoidable. Since the Southern Pacific Roundhouse and Rail Yard site is considered a contributing element to both the San Luis Obispo Southern Pacific Railroad NRHP Historic District and the City of San Luis Obispo Local Railroad Historic District, the project's impact to the historic districts would also be significant and unavoidable;
- Incorporating air quality monitoring commitments including compliance with the Fugitive Dust Control Measure Plan during construction and compliance with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction during all phases of project construction; and
- As a state project with state-wide benefits, the project is not subject to design review and approval by the City, however, LOSSAN has committed to a 30-day review period for the City to comment on proposed buildings and site improvement designs, to which LOSSAN has committed to incorporating those comments where practicable.

LOSSAN thanks the City for its past and continued partnership. LOSSAN wishes to continue working productively with the City far into the future.



Attachment A.



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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Ave
Fresno, California 93710
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 1, 2022

James Campbell, Manager of Programs
LOSSAN Rail Corridor Agency
550 S. Main Street
Orange, California 92863
(714) 560-5390
jcampbell@octa.net

**Subject: Central Coast Layover Facility Project (Project)
Draft Environmental Impact Report (DEIR)
SCH No.: 2021020444**

Dear James Campbell:

The California Department of Fish and Wildlife (CDFW) received a draft Environmental Impact Report (DEIR) from the County of San Luis Obispo Planning and Building Department for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

RD A 3-1

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. While the comment period may have ended, CDFW would appreciate if you will still consider our comments.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on

RD A 3-2

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

Comment Letter RD A-3

California Department of Fish and Wildlife

RD A 3-1 This comment is an introductory comment and does not raise a specific issue related to the EIR, as such, no further response is necessary.

RD A 3-2 This comment is an introductory comment and does not raise a specific issue related to the EIR, as such, no further response is necessary.



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James Campbell-Manager of Programs
 LOSSAN Rail Corridor Agency
 County of San Luis Obispo Planning and Building Department
 November 1, 2022
 Page 2

projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: LOSSAN Rail Corridor Agency

Objective: The Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor Agency is proposing the relocation and expansion of the existing Pacific Surfliner layover track and facility, located at the northern end of the LOSSAN rail corridor in San Luis Obispo, California. The proposed Central Coast Layover Facility (proposed Project or CCLF) would increase overnight layover and storage capacity to support the service goals and objectives outlined for the Pacific Surfliner in both the 2018 California State Rail Plan and the LOSSAN Rail Corridor Agency's Fiscal Year 2019-20 and 2020-21 Business Plan. The LOSSAN Rail Corridor Agency is proposing to construct a new rail yard, storage and servicing tracks, operations and maintenance buildings, landscape improvements, pedestrian improvements, and safety and security features on approximately 13 acres of relatively undeveloped land in the City of San Luis Obispo, California. The city is situated along the Central Coast region of California, approximately 190 miles north of Los Angeles.

RD A 3-2
 cont'd

RD A 3-3

RD A 3-3

This comment is an introductory comment and does not raise a specific issue related to the EIR, as such, no further response is necessary.

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James Campbell-Manager of Programs
LOSSAN Rail Corridor Agency
County of San Luis Obispo Planning and Building Department
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Since funding is not available to construct the entire facility at once, construction phasing for the Project is anticipated. This includes constructing the initial most critical portions of the facility, and the remaining components as need arises and funding becomes available.

Location: The existing Pacific Surfliner layover facility is located directly across from the San Luis Obispo Amtrak Station. The proposed Project is located approximately 0.3-mile south of the existing San Luis Obispo Amtrak Station (1011 Railroad Avenue). The Project site extends from south of the San Luis Obispo Railroad Museum's parking lot to east of Lawrence Drive. The Project site is between the Union Pacific Main Tracks and existing commercial and residential development to the west.

The Project site is located entirely within the City of San Luis Obispo's Railroad Historic District. The District includes the original yard, plus residential and commercial-zoned property on the west side of the railroad right-of-way.

The proposed Project location appears to be highly disturbed, and per Project information has been so for many years. Disturbances appear to include grading activities and soil compaction from previous activities at the site. (Google Earth, 2022.) Per Project information, the site supports two eucalyptus trees (*Eucalyptus* sp.) within proposed Project limits; however, they are isolated from any other vegetation, exposing them to high light intensity and solar radiation making the interior of the canopy warmer and drier than those sites where monarchs (*Danaus plexippus*) are known to overwinter nearby.

Timeframe: Unspecified

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the County of San Luis Obispo in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document for this Project.

Special-Status Species: Based on aerial imagery, and species occurrence records from the California Natural Diversity Database (CNDDB, 2022), the proposed Project site and/or surrounding area is known to and/or has the potential to support special-status species, and these resources may need to be evaluated and addressed prior to any approvals that would allow new ground-disturbing activities. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State candidate listed as endangered Crotch bumble bee (*Bombus crotchii*).

RD A 3-4

The LOSSAN Central Coast Layover Facility Project Biological Resources Technical Report (BTR, prepared in 2021) includes results of the California Natural Diversity Database (CNDDB) search (see Appendix A to the BTR), which was conducted for the nine United States Geological Survey topographic quadrangles including and surrounding the biological study area (BSA, which includes the railroad right-of-way plus a 300-foot buffer).

A qualified biologist conducted general biological field surveys on October 6 and 7, 2020, to map vegetation communities and determine whether suitable habitat for all special-status plant and animal species identified in the CNDDB search, including Crotch bumble bee, was present. Vegetation communities and other land cover types that would be impacted by the project include urban/developed, disturbed habitat (comprised of bare ground and some Bermuda grass, telegraph weed, Russian thistle, and castor bean), and eucalyptus woodland.

As noted in Appendix D of the BTR, Crotch bumble bee typically occurs in open grassland and scrub habitats, which do not occur within the BSA, and plants most commonly associated with Crotch bumble bee are in the following genera: *Asclepias*, *Chaenactis*, *Lupinus*, *Medicago*, *Phacelia*, and *Salvia*. As noted in Appendix C of the BTR, none of these plant species were present within the BSA. In conclusion, the habitat within the BSA was assessed on foot and biologists determined that no suitable habitat for Crotch bumble bee was present. Therefore, implementation of the project would not result in impacts on Crotch bumble bee and no mitigation is required.

RD A 3-3
cont'd

RD A 3-4



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James Campbell-Manager of Programs
LOSSAN Rail Corridor Agency
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COMMENT 1: Crotch Bumble Bee (CBB)

CBB have a large range in California and may occur within or in the vicinity of the proposed Project area (CDFW 2022). Suitable CBB habitat includes areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. Per Google aerial photography, there appears to be disturbed grassland to the east of the Project site. CBB primarily nest in late February through late October underground in abandoned small mammal burrows, but may also nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2015). Overwintering sites utilized by CBB mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Therefore, potential ground disturbance and vegetation removal associated with Project implementation may significantly impact local CBB populations.

Without appropriate avoidance and minimization measures for CBB, potentially significant impacts associated with ground- and vegetation-disturbing activities associated with implementation of the Project, and related future projects, could include loss of foraging plants, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young and/or queens, in addition to direct mortality in violation of Fish and Game Code.

Recommended Mitigation Measure 1: CBB Surveys

CDFW recommends that a qualified biologist conduct focused surveys for CBB and their requisite habitat features as part of the biological technical studies conducted in support of the CEQA document prior to Project implementation to evaluate impacts resulting from potential ground- and vegetation-disturbing activities that may result from the approval of the DEIR.

Recommended Mitigation Measure 2: CBB Take Avoidance

If surveys cannot be completed, CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

Recommended Mitigation Measure 3: CBB Take Authorization

If CBB is identified during surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through

RD A 3-4
cont'd

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James Campbell-Manager of Programs
 LOSSAN Rail Corridor Agency
 County of San Luis Obispo Planning and Building Department
 November 1, 2022
 Page 5

issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081 subdivision (b).

} RD A 3-4
 cont'd

I. Editorial Comments and/or Suggestions

Nesting birds: CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections referenced above.

} RD A 3-5

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, §

} RD A 3-6

RD A 3-5

EIR Mitigation Measure BR-1 addresses potential impacts to Migratory and Nesting Birds, which requires reconstruction surveys for nesting birds if construction activities occur between January 15 and September 15. This measure includes requirements to implement buffer zones and other means (e.g., visual barriers) to avoid impacts to nesting activities of breeding birds, if observed.

RD A 3-6

No special status species were observed on the project site as part of the biological surveys of the site.



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James Campbell-Manager of Programs
LOSSAN Rail Corridor Agency
County of San Luis Obispo Planning and Building Department
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21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

RD A 3-6
cont'd

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

RD A 3-7

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the County of San Luis Obispo Planning and Building Department in identifying and mitigating Project impacts on biological resources.

RD A 3-8

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Kelley Nelson, Environmental Scientist at (559) 580-3194 or Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FAB3F09FE8845A...

Julie A. Vance
Regional Manager

Attachments

ec: Office of Planning and Research, State Clearinghouse, Sacramento
Kelley Nelson, California Department of Fish and Wildlife

RD A 3-7

LOSSAN acknowledges that applicable fees as identified in this comment are required at the time the Notice of Determination is filed for the project.

RD A 3-8

This comment does not raise a specific issue related to the EIR, as such, no further response is necessary.

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James Campbell-Manager of Programs
LOSSAN Rail Corridor Agency
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REFERENCES

CBB Literature Citations

- CDFW. 2022. Biogeographic Information and Observation System (BIOS).
<https://www.wildlife.ca.gov/Data/BIOS>. Accessed October 18, 2022.
- Goulson, D. 2010. Bumblebees: behaviour, ecology, and conservation. Oxford University Press, New York. 317pp.
- Hatfield, R., Jepsen, S., Thorp, R., Richardson, L., Colla, S. & Foltz Jordan, S. 2015. *Bombus occidentalis*. The IUCN Red List of Threatened Species 2015.
- Williams, P. H., R.W. Thorp, L. L. Richardson, and S.R. Colla. 2014. Bumble bees of North America: An Identification guide. Princeton University Press, Princeton, New Jersey. 208pp.



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Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
 RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
 (MMRP)**

PROJECT: Central Coast Layover Facility

SCH No.: 2021020444

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: CBB Surveys	
Mitigation Measure 3: CBB Take Authorization	
<i>During Construction</i>	
Mitigation Measure 2: CBB Avoidance	



Santa Ynez Band of Chumash Indians
Tribal Elders' Council

P.O. Box 517 ♦ Santa Ynez ♦ CA ♦ 93460
Phone: (805)688-7997 ♦ Fax: (805)688-9578 ♦ Email: elders@santaynezchumash.org

September 13, 2022

LOSSAN Rail Corridor Agency
600 South Main Street
Orange, CA 92863

Att.: James Campbell, Operations Officer

Re: Recirculated Draft Environmental Impact Report for Central Coast Layover Facility Project

Dear Mr. Campbell:

Thank you for contacting the Tribal Elders' Council for the Santa Ynez Band of Chumash Indians.

At this time, the Elders' Council requests no further consultation on this project; however, we understand that as part of NHPA Section 106, we must be notified of the project.

Thank you for remembering that at one time our ancestors walked this sacred land.

RD NAT
1-1

Sincerely Yours,

Crystal Mendoza

Crystal Mendoza
Administrative Assistant | Cultural Resources
Santa Ynez Band of Chumash Indians | Tribal Hall
(805) 325-5537
cmendoza@santaynezchumash-nsn.gov

Comment Letter RD NAT-1

Santa Ynez Band of Chumash Indians

RD NAT 1-1 This comment states no further consultation is requested between the LOSSAN Agency and the Santa Ynez Band of Chumash Indians. It should be noted that, because no federal actions are necessary for project implementation, NHPA Section 106 consultation is not required for this project.



From: Mona Tucker <olivas.mona@gmail.com>
Sent: Monday, September 19, 2022 12:03 PM
To: LOSSAN Capital Projects <capitalprojects@lossan.org>
Subject: Re: Central Coast Layover Facility in San Luis Obispo

Hello Ms. Libring:

It appears that Confidential appendix E - Cultural Resources Tech report is no longer available to me. Will you please resend the link to me.
I would also like to note that almost all area near and around the City of San Luis Obispo could have significant cultural resources.

Thank you,

Mona Olivas Tucker, Chair
yak tityu tityu yak tilhini – Northern Chumash Tribe
San Luis Obispo County and Region

} RD NAT
2-1

Comment Letter RD NAT-2

yak tityu tityu yak tilhini – Northern Chumash Tribe San Luis Obispo County and Region

RD NAT 2-1 In response to this request, the LOSSAN Agency provided Confidential Appendix E – Cultural Resources Technical Report to the yak tityu yak tilhini – Northern Chumash Tribe San Luis Obispo County and Region during the 45-day public review period for the Recirculated Draft EIR.

The following comment was received via voicemail and has been translated from audio message to text.

“Hello, my name is Patrick Turnamait. I’m with the Barbareno/Ventureno Band of Mission Indians. I’m calling regards to the LOSSAN Rail Corridor Agency notice that was sent to me here in Ojai.

I do not have any concerns so thanks again. My number is (805) 216-1253 if you have any questions.”

} RD NAT
3-1

Comment Letter RD NAT-3

Pat Tumamait, Barbareno/Ventureno Band of Mission Indians

RD NAT 3-1 Comment noted.



From: Gary Havas <gphavas6953@gmail.com>
Sent: Wednesday, September 7, 2022 7:42:25 PM (UTC-08:00) Pacific Time (US & Canada)
To: LOSSAN Capital Projects <capitalprojects@lossan.org>
Subject: LOSSAN: Recirculated Draft Environmental Impact Report, Proposed Bicycle Facilities, Table of Contents IV

Greetings Mr.. Campbell!

As in the subject line above, I am looking for the referenced “Proposed Bicycle Facilities” listed that my document search is unable to find for me outside of the contents page. Can you assist me with a direct reference by link or PDF?

} RD ORG
1-1

Cheers!

Gary Havas
Board President, Bike SLO County
805-458-0755
president@bikeslocounty.org

Comment Letter RD ORG-1

Bike SLO County

RD ORG 1-1 In response to this request, the LOSSAN Agency provided the requested information to Gary Havas, Board President, Bike SLO County during the 45-day public review period for the Recirculated Draft EIR.

From: Mahoney, Timothy <tmahoney@socalgas.com>
Sent: Wednesday, September 28, 2022 3:40:11 PM (UTC-08:00) Pacific Time (US & Canada)
To: LOSSAN Capital Projects <capitalprojects@lossan.org>
Subject: CCLF

What are the results of our utility surveys? What are the impacts to water pipes, sewer facilities, reclaimed water pipes, electrical facilities, natural gas pipelines, telephone/power poles, telecom facilities and other utilities?

} RD ORG
2-1

Comment Letter RD ORG-2

Southern California Gas Company

RD ORG 2-1 The potential impact to utilities is addressed in original Draft EIR Section 3.15. There are no utility relocations required outside of the proposed project footprint as evaluated in the EIR. No specific environmental impact associated with utilities has been identified.



Date: October 17th, 2022

To: James Campbell, Project Manager
 LOSSAN Rail Corridor Agency
 600 South Main Street Orange, CA 92863

From: The Healthy Communities Work Group

RE: SCH No. 2021020444 Central Coast Layover Facility Project Recirculated Draft Environmental Impact Report

Dear James,

The Healthy Communities Work Group (HCWG) is a collaboration between public health officials, local planning and transportation officials, community-based organizations, academia, and community members, working to improve health through community design. We provide research and evidence-based recommendations from a health perspective on proposed land use projects, ordinance and general plan amendments, and special projects.

} RD ORG 3-1

HCWG has reviewed the Recirculated Draft Environmental Impact Report (DEIR) for the Central Coast Layover Facility Project, a proposed development that includes construction of a new rail yard, storage and serving tracks, and a Class 1 bicycle path on approximately 13 acres within the City of San Luis Obispo. HCWG supports improving the existing Pacific Surfliner layover track and facility. Improving public transportation services can reduce per capita automobile travel and associated risks, increase walking and cycling activity, and improve mobility for people experiencing disabilities.¹ HCWG has several project recommendations to further improve community health.

HCWG strongly supports the construction of a new segment of Class I bike trail to connect existing Class I, II, and III segments of the Railroad Safety Trail. Implementing this shared-use path may encourage more active forms of transportation, such as walking and bicycling. Individuals living in proximity to shared-use paths tend to be more active and maintain better health.² However, The DEIR states construction of this trail is not confirmed and dependent on project conditions, land use, and ROW alignments.³ HCWG is therefore concerned the proposed project may impact pedestrian and cyclist access in the long-term. HCWG recommends the construction of a pedestrian bridge to avoid any disruptions in user access. Additionally, HCWG supports perimeter fencing be put in place for public safety purposes and to reduce informal crossings.

} RD ORG 3-2

} RD ORG 3-3

According to the DEIR Impact 3.3-2, this project would not result in a considerable net increase of any criteria pollutant under an applicable federal or state ambient air quality standard.⁴ HCWG supports mitigation measures AQ-3 and AQ-4 to further reduce construction related emissions. The DEIR also states Impact 3.3-3, in which construction and excavation could generate

} RD ORG 3-4

The Healthy Communities Work Group aims to improve the health and wellness of all current and future San Luis Obispo County residents through collaboration, education, and policy guidance as it relates to the built environment.

COALITION PARTNERS:

- Bike SLO County
- Cal Poly State University
- Caltrans District 5
- City of San Luis Obispo
- Community Action Partnership of SLO County
- First 5 San Luis Obispo County
- People's Self-Help Housing
- Rideshare – Safe Routes to School
- Smart Share Housing Solutions
- SLO Council of Governments
- SLO County Departments:
 - Air Pollution Control District
 - Public Health
- SLO County YIMBY
- SLO Legal Assistance Foundation

RESOURCES:

- [Data Dashboard, SLO Health Counts](#)
- [Community Health Improvement Plan](#)
- [Building Healthy Communities: Residential Checklist](#)

Comment Letter RD ORG-3

Healthy Communities Work Group

RD ORG-3-1 This is an introductory comment and does not raise a specific comment on the Recirculated Draft EIR; therefore, no further response is necessary.

RD ORG-3-2 For the majority of the project extent, there is adequate area available to construct a Class I path. However, construction of a Class I path towards the southern extent is constrained. Please refer to responses to comments RD A 2-28.

RD ORG-3-3 Comment noted. Perimeter fencing will be installed in for safety and security. As stated on EIR page 2-29 “The site perimeter would be secured with an 8-foot transparent anti-climb fence.”

RD ORG-3-4 LOSSAN acknowledges Healthy Communities’ support of proposed air quality mitigation measures that address potential construction-related air quality impacts as proposed in the EIR.

asbestos if hydrocarbon contaminated soil is encountered during construction activities and could thereby expose individuals with sensitive receptors to San Joaquin Valley Fever.⁵ These potential impacts pose a concern, given the proximity of the proposed project to residential and commercial areas. HCWG supports mitigation measure AQ-1 to limit construction phase air quality impacts for individuals with sensitive receptors.

} RD ORG
 3-4
 cont'd

The DEIR indicates the project's GHG emissions would exceed the City's 2020 Climate Action Plan (CAP) efficiency threshold of 0.7 MT CO₂e per employee per year.⁶ HCWG supports mitigation measures MM GHG-1, GHG-2, and GHG-3 to reduce air pollution impacts from operational emissions.

} RD ORG
 3-5

According to the DEIR Impact 3.12-1, noise from construction activities would be significant and exceed acceptable guidelines.⁷ Given the proximity of the proposed project to residential and commercial areas, these impacts pose a concern. HCWG supports mitigation measures NV-1 to minimize and reduce noise from construction.

} RD ORG
 3-6

Thank you for the opportunity to review this project.

} RD ORG
 3-7



Bob Jorgensen, Healthy Communities Work Group Co-Chair

¹ Prevention Institute. (n.d.). Healthy, Equitable Transportation Policy Recommendations and Research. <https://www.policylink.org/resources-tools/healthy-equitable-transportation-policy-recommendations-and-research>

² Healthy Communities Work Group. (n.d.) *Building Healthy Communities: Residential Checklist*. SLO Health Counts. https://www.slohealthcounts.org/content/sites/slodph/Building_Healthy_Communities_Residential_Checklist.%5B1%5D.pdf

³ LOSSAN Rail Corridor Agency. Central Coast Facility Project - Recirculated Draft Environmental Impact Report. Orange County Transportation Authority https://www.octa.net/pdf/LOSSAN_OCLF_Recirculate_d_Draft_EIR.pdf

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

RD ORG-3-5 LOSSAN acknowledges Healthy Communities' support of greenhouse gas emissions mitigation measures as proposed in the EIR.

RD ORG-3-6 LOSSAN acknowledges Healthy Communities' support of construction-related noise mitigation measures as proposed in the EIR.

RD ORG-3-7 Comment noted.



From: Anne Keller [REDACTED]
Sent: Thursday, September 29, 2022 8:53:38 AM (UTC-08:00) Pacific Time (US & Canada)
To: LOSSAN Capital Projects <capitalprojects@lossan.org>
Subject:

great idea; long overdue.
we need more trains.

anne keller

} RD IND
1-1

Comment Letter RD IND-1

Anne Keller

RD IND 1-1 Comment acknowledged. This comment does not address the adequacy of the Recirculated Draft EIR, as such no further response is necessary.

From: Chelly Glancy [REDACTED]
Sent: Thursday, September 29, 2022 8:50:09 AM (UTC-08:00) Pacific Time (US & Canada)
To: LOSSAN Capital Projects
Subject: CCLF

This project sounds great! More train service, plus more bike paths and pedestrian walkways. I'm all for it!

} RD IND
2-1

Chelly Glancy

Comment Letter RD IND-2

Chelly Glancy

RD IND 2-1 Comment acknowledged. This comment does not address the adequacy of the Recirculated Draft EIR, as such no further response is necessary.



From: Elizabeth Aloe [REDACTED]
 Sent: Thursday, September 29, 2022 7:53:49 PM (UTC-08:00)
 Pacific Time (US & Canada)
 To: LOSSAN Capital Projects
 Subject: Feedback for SLO railway

Hello,
 As a resident of SLO who lives on Emily street, I am extremely concerned about this project. I am concerned about the noise and traffic that will now be going up and down Roundhouse st and also the construction noise that will most likely last a couple years. We have dealt with SO MUCH construction in our small area. When this project was proposed, the pictures showed a very aged map of the area which was commercial and vacant lots. Now its predominantly residential. The new bike lane is literally 5 ft from the property I live in. It is also above our lower units which means they will be able to see into the units and the lighting will filter down into the units as well.
 Also, if you have ever lived near a maintenance rail yard, the noise is astronomically loud. When the cars are pulled apart or put back together, it makes a very loud banging noise.
 When we moved in, we were not told there would be construction for this project. Its a huge project that will affect residents for years while it is built. I am also concerned about the impact to traffic turning onto emily and Broad st. Right now, we have a hard time turning onto Broad during rush hour and I remember part of the project was to put a bridge over the tracks to connect Bishop and Roundhouse. That is probably the biggest mistake this project can make. Emily and roundhouse cannot handle the traffic.
 Why couldn't they put this yard along the tracks near the airport where no homes will be built and noise is not an issue? Why here in the middle of a residential area? Please feel free to reach out to me. I would like to know the start date of this project. Since its government, it will take 4xs the amount of time they say it will.
 Thank you,
 Elizabeth Aloe
 [REDACTED]

RD IND
 3-1

RD IND
 3-2

Comment Letter RD IND-3

Elizabeth Aloe

RD IND 3-1 Potential impacts identified in this comment related to noise, traffic, and lighting are addressed in EIR Sections 3.2 Aesthetics, 3.12 Noise, and 3.13 Transportation. Where potentially significant impacts have been identified, mitigation measures are proposed to mitigate potential impacts to a level less than significant.

Please refer to response to comment RD A-2-44 regarding the Bishop Street extension.

RD IND 3-2 Please refer to response to comment RD IND-10-1 regarding potential alternative locations for the project.

From: Sara Thomson [REDACTED]
Sent: Thursday, September 29, 2022 8:32:32 AM (UTC-08:00) Pacific Time (US & Canada)
To: LOSSAN Capital Projects
Subject: Central Coast Layover Facility

Hello,

I was just beginning a review of the EIR for this project, and I may have spotted an error. I believe the structure labeled "Retail Building" in Figure 2-9, Cross Section D (page 2-23) is actually a residential apartment community called Broad Street Village. Further, I believe this community is part of HASLO's Affordable Housing Program. It would be unfortunate if the residents utilizing this program were not given proper consideration during this process due to a mislabeling in the report. Please review and make necessary changes for transparency during the public comment period.

Thank you,
Sara Thomson

} RD IND
4-1

Comment Letter RD IND-4

Sara Thomson

RD IND 4-1 EIR Project Description Figure 2-9, Cross Section D mislabeled the existing residential building as a "retail building." Figure 2-9 has been corrected as provided in this Final EIR. This building was correctly identified and analyzed as a residential use in the environmental analysis portion of the EIR (e.g., air quality, noise).



From: Sandra [REDACTED]
Sent: Thursday, September 29, 2022 7:29 AM
To: Webmaster <Webmaster@slocity.org>
Subject: Re: Public Input Opportunity for New Proposed Rail Yard

This message is from an **External Source**. Use caution when deciding to open attachments, click links, or respond.

As a descendant of an old RR family in SLO (Thorne family), I have to say I like the concept! I'm sure there are those who will be quick to point out its drawbacks, but there are more pluses than negatives here. Plus it will help revive the old railroading tradition that helped make this town what it is today. And jobs!

} RD IND
5-1

Comment Letter RD IND-5

Sandra Dean

RD IND 5-1 Comment acknowledged. This comment does not address the adequacy of the Recirculated Draft EIR, as such no further response is necessary.

From: Sally Rogow [REDACTED]
Sent: Friday, September 30, 2022 12:03:29 PM (UTC-08:00)
Pacific Time (US & Canada)
To: LOSSAN Capital Projects <capitalprojects@lossan.org>
Subject: Railroad project

I live on the bike path (off of Florence Avenue) and the train tracks are literally in my backyard. I want the addition of another train to be as quiet as possible. When I first moved here in 1998, trains would park outside of our Moro Vista homeowners association and we could hear their engines spit all night. This was particularly bad in the summer when windows are open. I'm sure my neighbors feel the same way. If another train is to be parked on the tracks at night, please make sure the engine is off!

Thank you, Sally Rogow

} RD IND
6-1

Comment Letter RD IND-6

Sally Rogow

RD IND 6-1 The proposed CCLF facility will include ground-power hookup of locomotives. Once a train enters the facility, it will hook up to ground-power; therefore, overnight idling of locomotives will not be required as part of project operation.



From: Tim Fuhs [REDACTED]
Sent: Sunday, October 2, 2022 5:35:38 PM (UTC-08:00) Pacific Time (US & Canada)
To: LOSSAN Capital Projects <capitalprojects@lossan.org>
Subject: Central Coast Layover Facility - Public Comment

Thank you for accepting this public comment regarding the CCLF proposed for the "roundhouse" area of San Luis Obispo. I fully support the addition of this facility to the current railyard system. My family routinely rides the Amtrak Surfliner to points south and also the Coast Starlight to Seattle. This facility would potentially enable added Surfliner service to the southern depots which, could increase ridership and reduce greenhouse gases and car dependency. In addition, the new facility will enhance a blighted area by adding trails and landscaping:

The rail yard project would enable a second morning departure of the Amtrak Pacific Surfliner from the City of San Luis Obispo because additional trains could be stored in the city overnight. The project would also enable the maintenance of equipment at the northern end of the Amtrak Pacific Surfliner service area. Additional storage and maintenance capacity would also allow for future rail service expansion.

The proposed design includes a pedestrian and bike trail to be built along the western edge of the new facility that will connect nearby residential units to the San Luis Obispo train station, making it more accessible to locals.

Thanks again for this opportunity,

Tim Fuhs
[REDACTED]
[REDACTED]

RD IND
7-1

Comment Letter RD IND-7

Tim Fuhs

RD IND 7-1 Comment acknowledged. This comment does not address the adequacy of the Recirculated Draft EIR, as such no further response is necessary.

From: Helene Finger [REDACTED]
Sent: Sunday, October 2, 2022 2:22:04 PM (UTC-08:00) Pacific Time (US & Canada)
To: LOSSAN Capital Projects
Subject: Central Coast Layover Facility

Thank you for the opportunity to comment on the re-circulated draft EIR for the Central Coast Layover Facility. This document does not address the active transportation impacts that this project will have on the neighborhoods adjacent to the project.

On page ES24, I disagree with the statement that this project has Less Than Significant impacts on Division of an Established Community. Currently a substantial number of community members cross the tracks at this location to get to/from the local park and to/from the local grocery store.

The mitigation measures for this project ignores the fact that daily people are using this route to bike and walk to important destinations and this project includes construction of a fence that will close this route: p. 141 of re-circulated EIR, "bicyclists and pedestrians cross the railroad ROW at unapproved and unprotected locations to get from the east side to west side, and vice versa. With implementation of the proposed project, bicyclists and pedestrians would be deterred".

To state that no mitigation measures are required, disregards this critical community connection that will be blocked by this project's permanent fencing. This project should include as a mitigation measure, construction of a safe crossing at the project location for the well used crossing that is being closed.

Thank you,
Helene Finger

Comment Letter RD IND-8

Helene Finger

RD IND 8-1 Active Transportation (i.e., the bike and pedestrian path) has been thoroughly and adequately analyzed in the EIR. While perimeter fencing is proposed for safety and security reasons, the proposed project would not preclude the planned construction of a bike and pedestrian crossing as planned by the City from Francis Street to Sinsheimer Park, which would provide for safe, legal access across the railroad right of way. Please refer to response to comments RD A 2-46 and RD A-2-47.

RD IND
8-1



From: Luke Stewart [REDACTED]
Sent: Sunday, October 2, 2022 10:57:42 AM (UTC-08:00) Pacific Time (US & Canada)
To: LOSSAN Capital Projects <capitalprojects@lossan.org>
Subject: Central Coast Layover Facility

Hello Mr. Campbell,

I wanted to reach out to express my support for the Central Coast Layover Facility. My name is Luke Stewart, and I am a student in San Luis Obispo. For people in my generation, cars are often prohibitively expensive. The only other way to travel to and from San Luis Obispo is by an Amtrak train, and the service frequency and speed are lousy thanks to decades of disinvestment in public infrastructure.

Additional trains each day would be a massive benefit to hundreds if not thousands of people in town who regularly use the train. Scheduling conflicts are currently inoperable because of the lack of train frequency, causing huge inconveniences for train riders.

If that alone wasn't reason enough to go support this project, the pedestrian and bike infrastructure are an invaluable resource for everyone in town, regardless of their primary form of transportation. The proposed improvements would so greatly increase the rail station's integration with the city. Currently car transportation is a near necessity to and from the rail station, a nonsensical requirement for public transit, which primarily serves people who can't or prefer not to drive.

I hope this project is approved and is finished with as few roadblocks as possible. Opposition to this type of project tends to be loud and concerns overblown, but with each successful piece of car-free infrastructure, more people realize what a wonderful landscape they're missing out on.

Thank you,
Luke Stewart

RD IND
9-1

Comment Letter RD IND-9

Luke Stewart

RD IND 9-1 Comment acknowledged. This comment does not address the adequacy of the Recirculated Draft EIR, as such no further response is necessary.

From: hilaryrachel@gmail.com [REDACTED]
Sent: Wednesday, October 5, 2022 11:42:23 AM (UTC-08:00)
Pacific Time (US & Canada)
To: LOSSAN Capital Projects <capitalprojects@lossan.org>
Subject: Central Coast Layover Facility

Hi –

I am writing in opposition to this proposed Central Coast Layover Facility. I agree with the statements provided previously that highlight the negative impacts to air quality, noise pollution, increased traffic both pedestrian and vehicular as well as other environmental impacts that will most definitely negatively impact the area that is currently not being utilized.

If a Layover Facility is mandatory for the Central Coast please consider looking at sites in the northern or southern reaches of our county, not in an already overcrowded San Luis Obispo!

Thank You,
Hilary Phillips

RD IND
10-1

Comment Letter RD IND-10

Hilary Phillips

RD IND 10-1 Comment acknowledged. This comment does not address the adequacy of the Recirculated Draft EIR; however, it should be noted that alternative locations to the proposed project are dependent upon the service requirements for servicing trains in the northern extent of the LOSSAN corridor. In addition to the existing facility location, and proposed project location, two additional locations were analyzed as provided in EIR Section 7 Alternatives. As described on EIR page 7-2, there are several criteria that are considered as part of identification of a suitable location for the project. These criteria include:

- Potential sites needed to be accessible by rail and close enough to the terminal station in San Luis Obispo to provide reasonably efficient operation to and from the future facility. The planning team selected only sites within a 3-mile radius of the station.
- Based on a desired storage track length of 1000 feet, potential sites needed to be approximately 1500-foot long minimum.
- Ideally, the site would be adjacent to tangent mainline track.
- Potential sites needed to be open land, with no immediate plans for development.
- Consideration of expansion of the existing facility was required.

Based on this criteria, the two additional locations were evaluated in the EIR – Alternative 3 – Islay Hill Site Alternative, and Alternative 4 – California State University San Luis Obispo Site.



From: Sara McGrath
Sent: Thursday, October 13, 2022 7:27:30 PM (UTC-08:00)
Pacific Time (US & Canada)
To: LOSSAN Capital Projects
Subject: Public comment

I am writing to give my opinion on the Central coast layover facility project on the south side of the train station in San Luis Obispo.

} RD IND 11-1

It should be very clear to the planners of this project that in recent years there has been a lot more development of housing along the southern end of the train station and the possibility of any train layover happening outside our window is very concerning.

Even though I would love to have some kind of bridge or underground pathway from our condo development to the Sinsheimer park and bike path, I would not like that at the cost of having trains idling outside window.

} RD IND 11-2

Housing in this part of the city looks different from when the train tracks first went in. There are families residing in homes along the tracks. I wonder how this might affect my son's asthma.

} RD IND 11-3

Concerned neighbor and homeowner,

Sara McGrath

Comment Letter RD IND-11

Sara McGrath

RD IND 11-1 The presence of residential uses in the general project area is identified in the EIR and environmental analysis of issue areas that could affect the residential uses has been conducted with consideration of these uses.

RD IND 11-2 A crossing as identified in this comment from west to east (connecting to Sinsheimer Park) is a City-proposed project and is not proposed as part of this project. However, the proposed project would not preclude the future construction of this City-planned crossing. Please refer to response to comment RD A-2-46.

RD IND 11-3 Potential air quality impacts are addressed in EIR Section 3.3 Air Quality. With implementation of proposed mitigation measures, impacts would be less than significant.

From: Dustin Pires
Sent: Sunday, October 16, 2022 10:13:15 PM (UTC-08:00)
 Pacific Time (US & Canada)
To: LOSSAN Capital Projects
Subject: Central Coast Layover Facility Comments

Greetings, upon reviewing the latest EIR I have several concerns about the proposed Layover facility project. Please see list below.

1. The idling diesel engines and their cancer-causing chemicals will be detrimental to my entire family, especially my 4 young children. In the past when engines are idled, we can smell the fumes within a few minutes and that was with only 1 train vs the proposed 5-6 additional trains.
2. The noise and light pollution that this project will produce is unacceptable so close to residential neighborhoods. This will not only have an extreme negative impact to my property but the entire neighborhood. The report is mostly referencing line of sight examples, but the reality is most homes like ours are 2 stories and will be looking down at the project.
3. The EIR doesn't mention specific hours of operation which makes me think it will be a 24-hour operation. Again, this is unacceptable so close to residential zoning.
4. I have major concerns with the grading that would be necessary for the project. I am sure the site has a tremendous amount of trash, debris, and chemical contaminants in the soils and not to mention valley fever is also a major concern.

At the end of the day this project is simply unacceptable to be located so close to residential zoning and use. To my understanding there are various other sites in Nipomo and Paso that are in commercial or industrial zones that this project would be better suited for. Myself and my neighbors are willing to do whatever it takes to oppose this project even if that mean litigation.
 Sincerely,
 Dustin & Cristin Pires

RD IND
12-1

RD IND
12-2

RD IND
12-3

RD IND
12-4

RD IND
12-5

Comment Letter RD IND-12

Dustin Pires

RD IND 12-1 A health risk assessment was conducted for the proposed project and indicates that there is no significant cancer risk associated with construction or operation of the project. Please refer to EIR Section 3.3 Air Quality. Please also refer to response to comment RD A-1-2.

RD IND 12-2 Potential noise impacts associated with the project are addressed in EIR Section 3.12 Noise. Potential light impacts are addressed in EIR Section 3.2 Aesthetics.

RD IND 12-3 As stated on EIR page 3.13-8, the proposed facility would not be open to the public and would be mainly be designed to operate 24 hours a day and seven days a week; however, the actual service duration and peak hours will be determined based on service demands during operations. However the majority of train movements and maintenance activities would occur within the daytime hours.

RD IND 12-4 The potential presence of soil contaminants and potential impact related to valley fever are addressed in the EIR (see Sections 3.3 Air Quality and 3.9 Hazards and Hazardous Materials). Mitigation Measure AQ-1 Construction Valley Fever Plan would ensure implementation of measures during the construction period would reduce the risk associated with valley fever to a level less than significant. Mitigation Measure HAZ-1 requires the preparation of a Construction Hazardous Materials Management Plan, which includes the identification of controls that will be used to ensure that grading and/or construction activities do not interfere with soil remediation. Also, Mitigation Measure AQ-3 requires implementation of measures to control fugitive dust such that they do not exceed APCD 20% opacity limit (APCD Rule 401) and minimize nuisance (APCD Rule 402) impacts.

RD IND 12-5 Please refer to response to comment RD IND 10-1.



To: James Campbell, Operations Office
LOSSAN Rail Corridor Agency
600 South Main Street
Orange, CA 92863
capitalprojects@lossan.org

From: Lea Brooks

Re: Central Coast Layover Facility Revised EIR

Oct. 17, 2022

I appreciate the opportunity to comment on the Revised Environmental Impact Report for the Central Coast Layover Facility in San Luis Obispo. I strongly support an increase in train service and am especially pleased that the project includes a pedestrian and bike trail along the western edge of the new facility.

My concern is Project Impact 3.11.3, Division of an Established Community. The Revised EIR concludes that the proposed project would not preclude implementation of identified bicycle facilities and grade-separated crossings and therefore would result in a less than significant impact associated with the physical division of an established community.

While this community division has existed since the railroad tracks were built, population and business growth has significantly increased the desire for additional railroad track crossings between the Johnson Avenue and Santa Barbara/Broad Streets corridors.

RD IND
13-1

Comment Letter RD IND-13

Lea Brooks

RD IND 13-1 The City's planned bike and pedestrian east to west connection across the railroad right of way between Francis Street and Sinsheimer Park is addressed in the EIR. Please refer to response to comment RD A-2-46.

Destinations include Sinsheimer School and Park, Miner's Hardware and grocery stores. The Railroad Safety Trail and Jennifer Street bike/pedestrian bridge are heavily used, but one bicycle/pedestrian crossing is inadequate based on track crossings between the Jennifer Street Bridge and Orcutt Road.

The Revised EIR states that "bicyclists and pedestrians cross the railroad ROW at unapproved and unprotected locations to get from the east side to west side, and vice versa. With implementation of the proposed project, bicyclists and pedestrians would be deterred."

The impact of a fence is more people driving to their destinations and fence vandalism by people following long-established desire lines.

Cities, counties and other entities have long met indifference by Union Pacific regarding approval for right-of-way access across its tracks for bicycle/pedestrian projects. Many projects intended to increase active transportation and safety have either died because UP has declined to approve right of way or entities lose funding because they can't meet their deadlines to design and build their projects.

At the very least, the Final EIR should acknowledge the need for a community connection and a commitment by LOSSAN to assist the City of San Luis Obispo to obtain right-of-way from UP for a bicycle/pedestrian crossing in the vicinity of Francis Avenue between the Jennifer Street Bridge and Orcutt Road.

RD IND
13-1
cont'd



From: [REDACTED]
Sent: Monday, October 17, 2022 3:30:47 PM (UTC-08:00)
Pacific Time (US & Canada)
To: LOSSAN Capital Projects
Subject: Revised EIR Central Coast Layover Facility

Attention: James Campell, Operations Officer
LOSSAN

As we reviewed the Revised EIR, we took special note that two areas of interest -- air quality (plus GHG emissions) and Noise were updated to reflect significant impacts created by the project's construction and subsequent operation. As nearby neighbors of the project and observers of current railroad operations, we've noticed continuous idling by the Surfliner train (situated near the pedestrian overcrossing) once it arrives @ 12:40 p.m. and departs @ 4:20 p.m. It is rare we've not heard it idling. While we appreciate that the Revised EIR modified the idling times to be more realistic, we remain skeptical since that's not what is currently happening down the way.

RD IND
14-1

As you're likely aware, the number of residential units within relatively close proximity to the project has increased several fold since this project proposal was first on the drawing board. There are brand new apartments across from Roundhouse Road, in addition to the ones that are very close to the project. Additional condominiums have been constructed on Emily, between the project limits and the SLO Food Coop.

RD IND
14-2

Increased air quality emissions and noisier conditions affect the quality of life of residents. The fact that there are so many rentals in the area just west of the project, as well as an elementary school and park should be taken into consideration. Everyone deserves to enjoy clean air and noise readings that don't exceed decibel levels consistent with residential living, whether they are renters or owners.

Comment Letter RD IND-14

Yvonne and Bill Hoffman

RD IND 14-1 The proposed CCLF will include ground power connections, which will allow the locomotives to shut off and connect to ground power, thereby eliminating the need for extended idling times as may occasionally occur with existing train operations.

RD IND 14-2 The presence of residential uses in the general project area is identified in the EIR and environmental analysis of issue areas that could affect the residential uses has been conducted with consideration of these uses.

With respect to potential alternative locations of the project, please refer to response to comment RD A-2-10-1.

Due to the close proximity of the apartments to this project site, environmental justice continues to be of concern, especially if these significant impacts cannot be lowered to a level below significance.

} RD IND
14-2
cont'd

We are still not convinced that this location is the best site for the proposed project. At one point, we heard ideas for a community building to occupy the former location of the roundhouse along with a display depicting the roundtable that previously existed in the project limits. These ideas are much more in keeping with the railroad district and surrounding neighborhood.

} RD IND
14-3

Thank you for the opportunity to comment.

} RD IND
14-4

Yvonne and Bill Hoffmann



RD IND 14-3 With respect to potential alternative locations of the project, please refer to response to comment RD A-2-10-1.

RD IND 14-4 Comment noted.



From: Charles Dellinger
Sent: Monday, October 17, 2022 4:03:44 PM (UTC-08:00)
 Pacific Time (US & Canada)
To: LOSSAN Capital Projects
Subject: Central Coast Layover Facility – SCH No.
 2021020444 – EIR Objection of Findings

Mr. James Campbell,
 My wife, three kids, and I live in San Luis Obispo, adjacent to the
 Railroad access path, and east of directly adjacent to the proposed
 Central Coast Layover Facility. Although we are in support of a
 Central Coast facility and increasing availability of public
 transportation, we are adamantly opposed to the development at
 the proposed Site 2 -Roundhouse location as proposed.

RD IND
 15-1

We are extremely concerned for the health and safety of our family
 after reviewing the report. Furthermore, in reviewing the EIR report
 feel that many items have been severely understated, improperly
 mitigated, and/or not properly analyzed. We have the following
 direct concerns:

- The report identifies an approximately 500% increase in
 cancer risk enveloping our entire property and a significant
 increase in our neighborhood. The CDC does not have clear
 guidance on acceptable levels, but does identify that any
 known carcinogens are a risk to the health of persons,
 especially for children. Given the adjacency to a
 neighborhood especially with a significant amount of children
 it is irresponsible to locate the facility here as proposed,
 even if it falls under current thresholds.
- The report increased the allotted idling time from 30 minutes
 to 45 minutes per train. It has been identified that this was a
 public nuisance previously at the station and was reduced
 years ago, why is it acceptable here?

RD IND
 15-2

RD IND
 15-3

Comment Letter RD IND-15

Charles Dellinger

RD IND 15-1 Introductory comment.

RD IND 15-2 RE: Cancer risk
 Please refer to response to comment RD IND-16-1 as well as
 RD A-1-2.

RD IND 15-3 RE: Train Idling Times
 The train idling times considered in the analysis are
 considered to be the maximum required in order to service
 and park the train.

<ul style="list-style-type: none"> The report relies on passive trains and occasional testing to mitigate noise impacts. This is an apparent temporary measure with no means other than residential complaints as a verification method? Further the study appears to assume that the trains are a solid cohesive object to limit sound transmission and doesn't address the sound transmission under, through, or over train cars. 	<p>RD IND 15-4</p>	<p>RD IND-15-4 RE: Noise Impacts</p> <p>The characteristics of the train car, as described in this comment, were accounted for in the noise analysis conducted for the project, including proposed mitigation. The presence of parked trains was taken into account in the analysis and from an acoustical modeling standpoint the parked trains are assumed to float above ground slightly to account for sound passing beneath. Since the cars are coupled together to allow passengers to move from car to car without going outside. The comment is correct that the analysis assumes the cars are coupled together in this way.</p>
<ul style="list-style-type: none"> A photometric study during operations was not completed to show light pollution limits, nor were light pollution cutoff features proposed. The report mentions that lighting controls will be installed to limit night pollution, however, it doesn't connect that operations are planned to be conducted at night. Therefore, if occupancy sensors are installed and operations are at night, then lights will be on at night during operations. Sensors do not seem to be an appropriate mitigation. 	<p>RD IND 15-5</p>	<p>RD IND-15-5 RE: Photometric Study</p> <p>Please refer to response to comments RD A-2-18 through RD A-2-21.</p>
<ul style="list-style-type: none"> Visual impact studies are misleading and don't show train cars or complete view of the impact (e.g. south portion of the station from view 1). 	<p>RD IND 15-6</p>	<p>RD IND-15-6 RE: Visual Impact Study Misleading</p> <p>The photosimulations are intended to depict the project characteristics of permanent facilities proposed as part of the CCLF, such as building form and massing, architectural form, and fencing, rather than transitional views of parked trains. Additionally, view locations were selected based on most visible and representative public views from surrounding areas.</p>
<ul style="list-style-type: none"> Visual impact study 1 shows no mitigation measures from the east perspective and shows a clear view into an operational shed. There is mention of a landscape screening in the body of the report, but this isn't addressed in this or any other figures or analysis. 	<p>RD IND 15-7</p>	
<ul style="list-style-type: none"> Visual impacts analysis was limited to day renderings, however, as stated in the report, operations are planned for night activities. 	<p>RD IND 15-8</p>	<p>RD IND-15-7 RE: Visual Impact Study</p> <p>Please refer to response to comment RD IND-15-5.</p>
<ul style="list-style-type: none"> We are concerned with the dust and particulate matter generated from construction and operations of the site and don't see this is adequately addressed or mitigated in the report. 	<p>RD IND 15-9</p>	<p>RD IND-15-8 RE: Visual Impact Study Limited to Day Renderings</p> <p>Renderings conducted for the proposed project show the project during daylight hours are considered appropriate as this is the time when the project would be most visible to the public and depict features that are likely not as discernable during nighttime hours such as building form and massing and fencing.</p> <p>RD IND-15-9 RE: Dust and Particulate Matter</p> <p>Implementation of Mitigation Measures AQ-1 through AQ-4</p>



would reduce potential construction-related air quality impacts to a level less than significant. These measures have been reviewed by the San Luis Obispo County Air Pollution Control District (APCD) as part of the environmental review process and the APCD has concurred with the proposed measures (see response to comment RD A-1-3).

- Security fencing is not mentioned or provided in the visualization study. Of course security fencing is responsible for the safety of the adjacent neighborhood children and assets inside the facility, and would be assumed for the facility. However, it is not shown on the visualization studies, presumed due to the apparent impact, especially considering it will be considerably larger than the existing fencing which significantly impacts views.

RD IND
15-10

These are just some of the concerns we have regarding the health, safety, and well-being of our family. We hope that the Agency takes these concerns thoroughly into consideration and completes more thorough analysis and proposes appropriate mitigation measures if needed. Or better yet, consider one of the other alternative sites that will have less impact on the safety of the public.

RD IND
15-11

Sincerely,
Charles and Desiree Dellinger



RD IND-15-10 RE: Security Fencing

The visual simulations provided in the EIR depict proposed project fencing. Please refer to response to comment RD A-2-16.

RD IND 15-11 With respect to potential alternative locations of the project, please refer to response to comment RD A-2-10-1.



From: Eric Jorgensen [REDACTED]
Sent: Monday, October 17, 2022 4:49:29 PM (UTC-08:00) Pacific Time (US & Canada)
To: LOSSAN Capital Projects <capitalprojects@lossan.org>
Subject: Central Coast Layover Facility Comments

Hello,

I am concerned about the cancer risks of the idling diesel engines. This facility will be too close to the homes in our neighborhood. My family, and many of our neighbors, have young children and the noise and fumes from the idling trains will greatly affect the quality of life in this neighborhood. Please consider moving this layover facility farther from residential neighborhoods.

RD
IND 16-1

Thank you,
Eric Jorgensen
[REDACTED]

Comment Letter RD IND-16

Eric Jorgensen

RD IND 16-1 The potential cancer risk associated with implementation of the proposed project is evaluated in EIR Section 3.3 Air Quality. Specifically, a Health Risk Analysis was prepared that address both construction related air emissions and operational air emissions. Based on the San Luis Obispo County Air Pollution Control District’s (SLOAPCD) thresholds, health risk impacts would be considered significant if incremental cancer risk exceed 10 in 1 million or hazard index value exceed 1.0. Diesel particulate matter (DPM) would not exceed the SLOAPCD’s adopted DPM thresholds. As shown in Recirculated Draft EIR Table 3.3-6 Estimate of Operational Incremental Cancer Risk, the health risk assessment indicates an incremental cancer risk of 4.9 in 1 million, and a hazard index of 0.002, both of which are well below SLOAPCD’s thresholds, and no significant impact associated with health risk has been identified.