

L.A. Metro Extends East



by Richard F. Tolmach

Another swath of Los Angeles inner neighborhoods is poised to enjoy new mobility in November, when shakedown testing of the Gold Line Eastside extension is completed and revenue service begins. The project started in July 2004 with a groundbreaking for the 1.7 mile subway segment under Boyle Heights. Project Manager Dennis Mori told the Los Angeles Times in mid-September, "We're 99 percent done with construction."

Eastside communities who waited more than an extra decade for their first rail service are understandably impatient with the testing adjustments that have postponed the opening to November.

The 6-mile line links Union Station with stops at Little Tokyo/Arts District, Pico/Aliso, subway stations at Mariachi Plaza and Soto, and surface stations at Indiana, Maravilla, East LA Civic Center and Atlantic. Most of the line runs in comparatively narrow streets. Projected daily ridership on the extension is 13,000 by the end of the first year.

The routing to East Los Angeles has the potential for high ridership, and will likely add traffic to both the Pasadena section of the Gold Line and the Red and

Purple subway lines which it connects with at Union Station. Transit ridership is high in the Eastside district, but residents have complained that bus service is inadequate and access to Metro and regional rail lines has been difficult. Prime access to Amtrak and Metrolink trains for East Los Angeles passengers is another major plus of the new extension.

The line is designed for operation of three-car trains of 90-foot long single-articulated cars, similar to the upgraded capabilities of the Long Beach Blue Line. The train configuration allows for a crush load of about 800 passengers per peak train. Peak service is planned to be 8 trains an hour in each direction, providing a theoretical 6400 per hour maximum throughput in each direction.

Real world testing of the line turned up some system integration challenges. Most serious of them was a decorative use of an iron-oxide pigment in concrete to highlight track crossovers in streets. Unfortunately, the pigment conducted electricity, which produced system signalling faults falsely indicating presence of a train.

At the contractor's own expense, crews have completed removal of the offending segments of concrete, and

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AnsaldoBreda car on the First Street Bridge with Los Angeles skyline behind as train tests circuits in early September. Photo © by Darrell Clarke

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L.A. Metro Extends East

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replacing it with asphalt. Metro is now targeting a November opening.

The Gold Line Eastside construction project has certainly gone much smoother than some other recent Metro projects such as car procurement.

Previous management had an expectation that a purchase of a 150-car universal fleet of AnsaldoBreda vehicles would supplant older Nippon Sharyo cars and be assigned to the Gold Line and Blue Line.

Political machinations and the three-years-late delivery by AnsaldoBreda of its 50-car order of light rail cars means a mixed fleet of AnsaldoBreda and Siemens cars will be used for the line. The two types may not be used in the same train together because the AnsaldoBreda cars do not meet specifications and are 6,000 lbs overweight.

A 23-minute operating time is hoped for on the segment from Union Station to

AnsaldoBreda cars on a test run past the Mendez Learning Center on the Gold Line East extension in early September. Photo © by Darrell Clarke

Atlantic, and early indications are that the schedule can be met reliably.

The \$898 million extension project cost does not include approximately 20 light rail cars required for its operation putting total cost per mile at just below \$160 million. Besides the subway section, the line also required extensive structures to be built over the 101 Freeway adjacent to Union Station. Apparently to avoid startling motorists on its high-visibility glide over the freeway, speed on the 101 bridge is limited to 10 miles an hour.

Siemens car on a test run just west of the Boyle Heights Tunnel on the Gold Line East extension in early September. Photo © by Darrell Clarke



METROLINK CONSIDERS AMTRAK CREWING

By Numan Parada

The Metrolink Board voted to negotiate a proposed contract for train engineer and conductor services with Amtrak, the National Railroad Passenger Corporation, at its August 28 meeting.

"Our decision today reflects our unwavering commitment to provide the safest environment for our passengers on our trains," Board Chair Keith Millhouse stated. "Amtrak, as the largest contract operator of commuter service in the United States, provides an excellent safety record, a depth of relevant operating experience and management support for Metrolink operations that is unique in the current passenger rail environment."

In a special Board meeting held on August 14, the Board requested a continued review of two alternatives to the insource model: Either contracting out through a competitive solicitation (Requests For Proposals, or RFP) or contracting out based upon a sole source negotiation for these operating services.

In doing so, the Board asked whether a short term extension to the Operating Contract beyond June 30, 2010 would be required for any of the alternatives.

Staff later concluded that negotiating a contract with Amtrak, requested by the Board as an alternative to direct in-house hiring of crews, would not require an extension of the current contract with Connex Railroad beyond its termination date of June 30, 2010, due to the experience and capabilities of Amtrak.

The Board concluded at the August 28 meeting that entering into negotiations with Amtrak was the best option. Amtrak previously operated trains for Metrolink from 1992 through 2004.

Metrolink has announced that it will continue on a parallel path of developing its capability to have in-house operating services (hiring and training personnel directly), at least until negotiations with Amtrak are successfully concluded. The Board Executive Committee will serve in an advisory role to the Metrolink negotiating team.

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MAKING AB 32 MATTER

Coast Observations



Russell, Marin Independent Journal

In 2006, California enacted AB 32, the landmark Global Warming Solutions Act. The purpose of the Act is to avoid harmful consequences of a hotter climate: increased wildfires, threats to our water supply and inundation of coastal areas by a rise in sea level.

California, together with governments across the planet, will need to substantially reduce emissions of carbon dioxide and other greenhouse gases in order to avoid the worst effects of climate change.

Fuel-efficient train services like Marin and Sonoma Counties' SMART will be an important part of the implementation of AB 32, but the law won't have any positive effect if public agencies are permitted to pretend it does not exist.

As it did in Sacramento County's Folsom Corridor, Caltrans wants to build new carpool lanes on Highway 101 just prior to construction of competing rail service. Caltrans wants to spend \$745 million on its 16-mile Marin-Sonoma Narrows carpool lane project, more than the capital cost of 70 miles of SMART.

In its environmental impact report (EIR) for the project, Caltrans admitted that new carpool lanes in the 101 corridor will increase the highway's greenhouse gas emissions by 27 percent.

However, the EIR failed to analyze this effect of the project in the context of climate change, as is required by the California Environmental Quality Act. This is why the Transportation Solutions Defense and Education Fund, TRANSDEF, headed by David Schonbrunn of Sausalito, filed suit against Caltrans.

In Marin and Sonoma Counties, over 60 percent of greenhouse gases come from motor vehicles. If we are going to significantly reduce greenhouse gas emissions here, reducing auto emissions will have to be a major component. However, with this highway project, Caltrans shows it doesn't care about climate change. This is not only irresponsible, it is illegal.

TRANSDEF wants Caltrans to do the legally required environmental analysis, including the consideration of alternatives to highway widening that would avoid climate change impacts. One of those that should be studied is putting the funding for widening into the SMART project.

Adding highway lanes to "eliminate" congestion is a failed strategy — one that works only in the short term. Newly widened highways typically fill up and

become congested again, as people find it easier to make more or longer trips. Whether this process takes months or years, the congestion eventually comes back, along with sharply increased greenhouse gas emissions.

The long-term implications are clear: We can't expect getting around in the future to be like the present, where we "just jump in the car." Studies show that converting our automobiles to hybrids and electric vehicles will not reduce our fossil fuel consumption enough to meet the state's emissions goals.

We will also need to drive less.

This will require a convenient transit system connecting major activity centers. Instead of battling against SMART for traffic with new competing carpool lanes, Caltrans should limit its Marin-Sonoma Narrows project to safety and flood protection improvements, and consider spending the remainder of the \$745 million on transit enhancements.

As climate change begins to shape our lives, we need an EIR that responsibly considers our long-term infrastructure needs. Caltrans needs to stop making climate change worse, and become part of the solution.

California Rail News

Published September 25, 2009.
Published 4 times annually by the
California Rail Foundation
in cooperation with the
Train Riders Association of California

William McGeehan, TRAC President

Signed articles represent the views of their authors, not necessarily those of the above organizations.

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BRITISH-BASED CONSTRUCTION giant Balfour Beatty plc announced on Sept. 17 it would buy Parsons Brinckerhoff for \$626 million. PB was a distressed property, partly because of the \$399 million settlement its joint venture with Bechtel had to make last year with the Commonwealth of Massachusetts over its missteps in specifying tunnel materials in underwater segments of the Boston Big Dig. The purchase deal is still subject to approval by shareholders of both BB and PB... **TAIWAN'S HIGH-SPEED** \$18 billion HSR line is bankrupt, and service will have to be rescued by taxpayers, after the private Taiwan HSR Consortium collapsed. Operating and financial costs exceeded income by about \$1 billion annually, a far cry from the projected profitability of the project... **LOSSAN CORRIDOR** agencies, boosted by participation of Will Kempton of OCTA and Art Leahy of LACMTA have announced plans Sept. 9 to reform competing commuter and intercity trains on LOSSAN into a seamless unitary service with timed connections through the region. The model for the integration is still to be determined, but the old Portland-Seattle pool train concept, in which ticket prices are standardized and operators each receive equal revenue per train-mile for trips within the zone, should receive serious consideration... **THE TOP PRIORITIES** in the California Track 1 ARRA list are for Positive Train Control, with projects from Moorpark to San Diego and Port Chicago (Concord) to Bakersfield recommended for \$136 million of federal funding. \$400 million for a SF Transbay Terminal "trainbox" is 13th priority and approximately \$600 million of other conventional rail capital projects are on the list, primarily trackwork. High-speed rail projects are not eligible for track 1 funding... **GENE SKOROPOWSKI** of the Capitol Corridor Joint Powers Agency will retire from the BART staff as of the end of November. Skoropowski will be remembered for his effective activism on behalf of Amtrak funding and his expansion of the Capitol Corridor to 16 weekday trips in each direction, a higher level of service than any other intercity corridor west of the Potomac. Skoropowski also was courageous in advocating for timely train operation and good on-board service. He leaves just months ahead of the threatened relocation of the Sacramento Amtrak platforms and removal of Amtrak's light rail connection, projects he helped advance... **WE SADLY NOTE** the passing of Sue Olive, who worked tirelessly on Bay Area transit and liveability issues. She was co-founder of Urban Ecology, an early champion of economic justice, and a TRAC board member. She helped promote a citizen proposal to reintroduce tracks on the Bay Bridge, worked to oppose the rebuilding of the Cypress Freeway through residential neighborhoods of West Oakland, and spearheaded S.F.'s 3rd Street Light Rail, the city's first streetcar line in a low-income neighborhood, which opened in 2007...

EUROPEAN HIGH-SPEED TRAINS DON'T INVADE NEIGHBORHOODS

HSRA'S DISTORTED IDEAS ON RAIL IMPROVEMENTS DON'T RESEMBLE EUROPE'S HIGH-SPEED RAIL AT ALL HSRA'S REAL MODEL: 1960'S DRIVE FOR ELEVATED URBAN FREEWAYS

by Richard F. Tolmach

California cities expecting fast trains to revive their downtowns may get the opposite, with plans for 217 mph operation through at least 12 cities revealed by California's High-Speed Rail Authority (HSRA). The politically volatile plan was unveiled at a workshop in Sacramento August 6.

Project Manager Tony Daniels, the Authority's lead Parsons Brinckerhoff (PB) employee, showed a train performance table with 217 mph speeds through Morgan Hill, Gilroy, Chowchilla, Madera, Fresno, Hanford, Corcoran, Shafter, Wasco, Bakersfield, Lancaster and Palmdale, and indicated it was the basis for the 2 hour 40 minute San Francisco-Los Angeles schedule.

217 mph trains produce 95 to 100 dB impacts almost as loud as noise at the end of a runway, one reason why European and Japanese railroads avoid operation above 165 mph within cities of any size. Even 125 mph rail operation is a major source of blight. Cities with any environmental sense do not consent to become Thunder Alley, but affected cities are largely unaware of noise impacts, because HSRA failed to disclose them in the Program EIR process.

Environmental concerns about the project were originally limited to a swath of the Peninsula where HSRA announced after the November 2008 vote its plans to demolish and reconstruct on an elevated structure or berm a 40-mile swath of Caltrain tracks. This would destroy two decades of station improvements at all intermediate stops, remove thousands of mature trees through upper income neighborhoods, and install a permanent source of urban blight.

HSRA ARROGANCE INVADES EAST LA

HSRA has recently broadened concerns about environmental issues to about 20 other cities via its August 6 speed disclosure and similar heavy-handed tactics in Southern California. Since July, HSRA has unveiled a new route through residential areas between Anaheim and Los Angeles without advance notice or specific details. It also tried to pressure cities to respond by an arbitrary August 31 deadline.

"None of these plans have been engineered enough for us to articulate about it," Steve Forster, director of public works for La Mirada was quoted in the Whittier Daily News. "Will there be two, three or four new tracks installed? Will they be at grade or 80 feet in the air?" La Mirada officials indicated they thought the line should be adjacent to the Santa Ana (I-5) Freeway instead of BNSF tracks in order to be further away from residents.

Santa Fe Springs City Manager Fred Latham echoed the sentiment, indicating the train "will go through a lot of residential neighborhoods." Latham said, "The cities aren't willing to compromise their interest or abandon them to the fast-track process."

Behind the scenes, HSRA staff has reportedly told Fullerton and Norwalk city officials that both cities will lose their existing Metrolink stations, and that they will have to decide which city will get one new replacement stop, a coercive and destructive position counter to the interests of both cities.

City officials indicate they may put together a joint powers authority to negotiate with the rail authority, or may use the existing JPA formed to work on the I-5 widening. Corridor residents have long experience with bad public works projects, and impacts of I-5 and BNSF trains on the corridor are already severe. The heavily Hispanic neighborhoods look like they may become the next flashpoint in the high-speed battle. This is needless, because BNSF triple-tracking is capable of producing sufficient rail capacity.



Photo © Deutsche Bahn AG

EUROPE TARGETS RAIL INVESTMENT TO HIGH-SPEED BYPASSES FRANCE BUILDS 5 MILES FOR THE COST OF 1 CALIFORNIA MILE

NO CREDIBLE PLAN FOR COMPLETION

Goldman Sachs' report at the September 3 HSRA meeting revealed there is no credible plan to stretch \$7.5 billion of remaining funding to cover the 500-mile SF-Anaheim starter line via private sector involvement. The shortfall is at very least \$32 billion, and may be as much as \$80 billion. In such straits, HSRA does not have capital to waste on goldplating existing urban lines with elevated structures, the sort of project where \$1 billion won't stretch to 10 miles of track.

Financial reality dictates that first priority is to close California's two major track gaps: Peninsula to Modesto and Bakersfield to Santa Clarita. Closing these gaps would create productive regional service as a first stage and enable private capital to define an affordable Central Valley high-speed link. Only by focusing on cost-effectiveness and allowing private capital a role can California complete this project.

HSRA's stated priority instead is to replicate existing tracks at a much higher capital cost, and fill no track gaps at all. HSRA wants to spend \$9 billion (half in Federal ARRA funds) for four projects to gold-plate facilities from SF to San Jose, Merced to Fresno, Fresno to Bakersfield, and Los Angeles to Anaheim. Redundant overbuilt facilities on these segments have no economic value to California. The Merced to Fresno line is California's own "bridge to nowhere," with no BNSF rail connection on either end and no traffic. These lines would not produce substantial increases in passengers, and provide no practical benefit. Worst of all, the same gaps in California's rail network would persist, and most of the bond money would be gone.

Consider how frugally the Europeans use capital. In 2007, \$5 billion built 186 miles of 200 mph tracks in France, about half the distance from the Bay Area to Los Angeles. The new TGV-Est pointedly avoids every urbanized area along the way, and has only three stops along its spine: two exurban park-and-rides and a station with future tram service on Reims' southern fringe. TGV-Est acts as a high-speed link between conventional tracks. It allows direct trains from Paris to Metz, Luxembourg, Strasbourg, Frankfurt and Stuttgart, cutting travel time by up to two hours.

HSRA plans to spend \$4 billion to obtain just 28 miles, by condemning land, demolishing houses, and trashing neighborhoods from Los Angeles to Anaheim. The line would attain an average speed of only 75 mph, saving about 15 minutes over Amtrak service. Private capital would never consider such a

project because adequate capacity already exists, and the minor time-savings in the Anaheim market don't justify a multi-billion-dollar expenditure.

California's HSR project wastes its capital on political pork. If California were to adopt the French policy of prioritizing investment to rural track segments that can save hours of travel time, our network might cost \$15 to \$20 billion, instead of the \$45 to \$80 billion now projected.

HSR REDEFINED AS BLIGHT RAIL

Caltrain's 47-mile San Francisco-San Jose track has top speeds of 79 mph, and serves cities on the corridor very well. Turning it into a quadruple-track elevated railroad is a wet dream for the Authority, but a nightmare for residents. Trains would have to be shut down for years while a demolition and construction project removes tracks and trees from a swath of the Peninsula and mile by mile erects elevated structures. Once reopened, there would be 300 trains daily, in place of the current 100 Caltrain trips.

Why did Europe stop building elevated trains by about the 1930's? The same reason California stopped building elevated freeways in the 1970's. The model of going into a community, condemning

a right-of-way, and building a noisy, blight-producing facility through its heart is dead. No European railway has dared to do this for years, and even most state highway departments now agree that elevated facilities through neighborhoods are destructive.

I challenge anyone who reads this to provide us a single instance of a 40-mile elevated railroad built since the 1960's through any European urban area. Quadruple-tracking and elevating Caltrain is not only a bad plan, it has nothing to do with modern rail, let alone high-speed rail.

Europe's high-speed railroads are cost effective because they are on the ground. They bypass most intermediate cities instead of blasting through them. They use timed connections or trains that divide, instead of trying to connect every city with a single line. California's project should adopt European methods, not build outmoded elevated railroads.

WASTEFUL DETOURS FOR DEVELOPERS

The excuse for all those expensive elevated structures in cities is that trains have to run so fast. Higher speeds are only required because Authority officials gerrymandered the Bay Area-Los Angeles route, making it nearly 100 miles longer than highway mileage. The extra miles made it impossible to meet the 2 hour 40 minute run time without raising speeds all the way up the line.

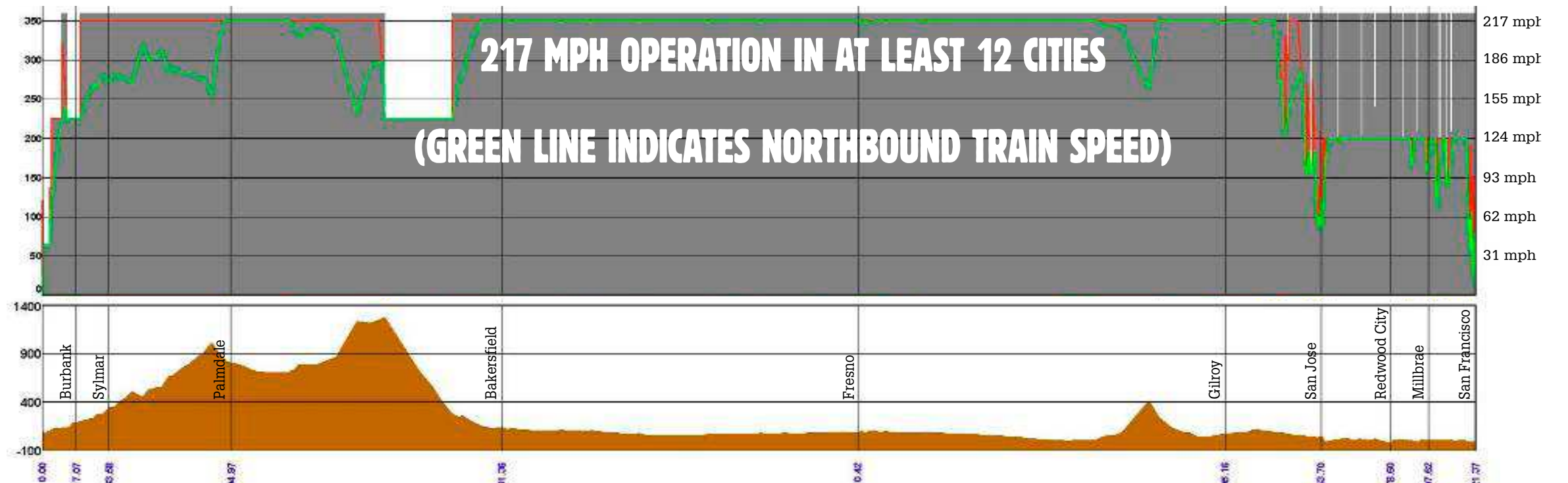
Both the Los Banos detour and the Mojave detour also add unnecessary grades and difficult mountain terrain. The grade from Tehachapi to Bakersfield apparently forces a 140 mph safety speed limit for an unbroken 3600 foot descent, which Tony Daniels candidly calls "no mean feat for a high-speed train."

The obvious question is why trains should run via Tehachapi's tough gradients, with tunnels totaling over 13 miles. Shorter tunnels parallel to the California water project would save about 2000 feet of rise and fall, plus over 20 miles of track and train operating expense. One interpretation of Daniels' statement is that he is calling Tehachapi the Achilles' heel of the project. This idea is underscored by the grade's long impact on train speeds shown on the chart below, and its effect on project costs.

217 mph speeds, grades, and extra miles also undermine claims that HSR saves energy compared to driving. The California project is likely to increase, not reduce, energy waste and greenhouse gases because its route is 20 percent longer than highways and 217 mph trains consume more energy per passenger mile than conventional trains or autos do.

HSRA's high-speed plan wastes scarce funds to goldplate 80 miles of urban track, wastes mileage on detours for developers, and ignores modern European design practice. It eliminates participation of private capital in project risk, creating a funding gap instead of a buildable project. It is time for California leaders to give the project to competent rail engineers who have implemented high-speed rail. It is time to pull the plug on the out-of-control Authority.

PB Train Performance Chart CRN City and MPH annotations. Also see video at http://www.cahighspeedrail.ca.gov/images/chsr/20090814132007_August6thWorkshop.mp4



217 IN CITIES?

PARSONS BRINCKERHOFF'S TONY DANIELS REVEALS 217 MPH HSRA OPERATIONAL PLAN WITH CHART ROD DIRIDON PRETENDS TABLE IS A THEORETICAL DEMONSTRATION

On August 6, HSRA Board Member Rod Diridon and Chair Curt Pringle collaborated to try to deny the reality of the Parsons Brinckerhoff charts and timetables presented by Tony Daniels showing how the 2 hour, 40 minute run time could be achieved on the circuitous route only by running at 217 mph speeds through 12 California cities.

Diridon: "I think that we have to stress that these are demonstration diagrams for our own experience. They're not proposed speed limits or operational characteristics because we haven't done the studies to determine how we're going to operate the trains yet. So they're just demonstrations to try to give us some background."

Daniels had just finished a five minute talk detailing the studies the Authority had done to determine required operating speeds, and asked the board if they had any questions.

"The point," said Diridon, "is that I wouldn't want someone to say, 'oh, it's going to go 200 mph through Morgan Hill.' Well, that's not the case. And we want to make sure that ... everybody knows that these are examples. They're not actual situations, they're not proposed situations."

Daniels gently tried to tell Diridon the speeds were real: "It's against the best information we have. The traction motor curves are real. The alignment is the best alignment we have to date. We will continue to evaluate those, you're correct, as we move forward. But we've used this, and you'll see in the next couple slides, as the basis upon which we've drawn a very detailed timetable and operational plan from which we got the ridership. Okay?"

HSRA Chair Curt Pringle weighed in on Diridon's side, to try to protect HSRA from charges it has predetermined its plan before project EIRs are complete: "Okay, we understand that this is a maximum speed defined by physical conditions but not an operational plan. You're just suggesting that this is what things to consider in terms of what could physically occur but it's not the operational plan of the system. Got it."

Daniels' jaw visibly dropped at the willful misinterpretation, but he still continued to try to explain: "It's likely to be. It's close. You'll see when we go to the timetable and then the operational plan ... it IS close—"

Pringle interrupted him at this point, clearly perturbed at his refusal to endorse Diridon's cover story: "—could you just proceed with your presentation as you've prepared it. Thank you."

REACTIONS TO RULING ON PACHECO EIR

A CHANCE TO RETHINK PLAN

By Stuart Flashman

Sacramento County Superior Court Judge Michael Kenney's decision rejecting the environmental work for the Bay Area high-speed rail project is an opportunity. The judge found that the environmental studies were defective in several respects, most notably in failing to consider what it meant that Union Pacific (UP) is refusing to allow its right-of-way to be used. Now the question is how the High-Speed Rail Authority (HSRA) will respond.

Former Board Chair Quentin Kopp was at his arrogant best as he described the decision against the Authority as nothing more than a bump in the road. Of course, this could be a very large bump, which could not only slow the Authority down but maybe force it to rethink its decision. Certainly that was the intent of the Court's ruling.

Underlying this decision is a major choice for the Authority. There are two major options for high-speed rail to get from the Central Valley to San Francisco: one way, the Pacheco Pass alignment, would head west from Merced, come across Pacheco Pass following Highway 152, and then head north past Gilroy into San Jose using the right-of-way now used by Caltrain and Union Pacific. The other option, the so-called Altamont alignment, would go further north past Modesto before turning west and coming across the Altamont Pass into Livermore.

While the right-of-way between San Francisco and San Jose is owned by the Peninsula Rail Joint Powers Authority, that south of San Jose belongs to UP. If UP sticks to its guns in refusing to allow its right-of-way to be used for high-speed rail, HSRA has a major problem on its hands. The UP right-of-way is closely bordered on one side by the Monterey Highway, and on the other side by many homes and businesses. Putting through a new right-of-way would disrupt and/or displace one or the other — a major impact that the Authority hasn't considered.

The Authority will probably point to the fact that the Court did not reject the Authority's conclusion that the Altamont alignment was infeasible. However, all the Court actually said was that there was enough evidence to allow the Authority to find Altamont infeasible. It certainly did not find that an Altamont route was necessarily infeasible.

Feasibility, in environmental review, is relative. What in one context is considered infeasible, in a different context may be found the preferable choice. By forcing the Authority to take UP's opposition into account, the Court is asking the Authority to re-evaluate its weighing of the various alternatives. Under these new conditions, Pacheco is likely to look much less feasible and Altamont a lot more feasible.

One other factor that the Court never even considered has now been raised in a second lawsuit. While Caltrain owns the San Jose to San Francisco right-of-way, there is a binding agreement between Caltrain and Union Pacific that gives UP total control over intercity passenger rail along the right-of-way. It seems unlikely that UP will be any happier to allow the high-speed rail line access to this segment. If that's the case, the entire Pacheco alignment could become an enormous headache for HSRA.

Let us hope that HSRA takes seriously the judge's order telling it to reconsider its decision to choose Pacheco. Hopefully, with Kopp and Diridon no longer at the helm, the HSRA's board may open its eyes and realize that the "bump in the road" is pretty significant.

WILL PACHECO SUIT REFORM THE RUNAWAY HSR PROJECT?

by Thomas A. Rubin

I congratulate TRANSDEF, CRF, PCL and the other plaintiff organizations for their victory over the High Speed Rail Authority (HSRA) on the Pacheco Lawsuit, both in the narrow legal sense of overturning an extremely poor EIR, and in the larger sense of attempting to get HSRA back towards some semblance of technical and fiscal reality -- and towards concepts like truth and morality in government and in dealing with the taxpayers, neighbors, riders, and residents.

The basic underlying problem is that the HSRA is a totally out of control agency that does not recognize that it must live within the limits of law and fiscal reality and that, further, it is not bound by any moral limits, such as truth. Until this basic problem is resolved, what we are doing is wasting a lot of money on the planning, design, and sale of some really poor and unrealistic transportation concepts that, eventually, will be going nowhere.

This lawsuit is a most important step in that process because judicial notice has been taken of the HSRA's total disregard of both law and common sense in its key decision as to the routing of HSR to the Bay Area and will force it to redo that EIR before it can proceed.

Many of us anticipate that the speed of the Authority in revising its EIR may exceed that of the proposed trains and that any major change in the major route conclusion — which, I believe, was reached long before the EIR was begun — is very unlikely, given the current makeup of the CHSRA Board. However, at a minimum, there will have to be a significant increase in the cost of this route, which will have many downstream impacts.

Uncritical supporters of the project appear to believe HSRA and UP will eventually come to some kind of agreement. I see very little reason why this would happen under existing conditions, particularly as UP, not being fools, see no reason to negotiate with an entity that they have absolutely no respect for, except on terms that are extremely favorable to UP.

Given that UP is under the impression — one shared by many, including myself — that HSRA cannot be trusted, the guarantees and protections that it would demand in any agreement would have staggering consequences for us taxpayers.

However, until very recently, when the court order gave it a tremendous bargaining advantage, UP has evidently been unwilling to negotiate on even that type of basis. What I see is UP not being willing to even enter negotiations with a rogue governmental agency except under a position of great bargaining strength — which, again, would argue strongly for major changes at HSRA as a pre-condition for any substantial action going forward.

One of the reasons that this legal order is so important is that it will delay or stop many other HSRA actions from going forward, such as applying for ARRA HSR funds, because a project without an EIR is difficult to classify as "shovel-ready" -- as well as bringing up the question of the moral, as well as technical, qualification of the entity.

Is this court action the turning point that will cause HSRA to change its behavior? Unlikely, in my opinion, but it will certainly help move along that path. It is a very good start - and there is reason to believe that there will be more such events coming, some legal, some otherwise.

It has been asserted that the "UP decision [to withhold its right of way] came very late in the EIR process." I respectfully disagree.

The EIR was based on the unsupported assumption that the UP alignment would be available for high-speed trains. UP never accepted this premise and, in fact, to the best of my knowledge, never came remotely close to giving HSRA reason to believe that it was ever going to be accepted.

On something as basic as having the ground to build high-speed tracks on, it was improper for CHSRA to base its EIR on a wish and a prayer, given UP's extensive rights to protect its interests. This is NOT equivalent to a case of a school board assuming it can utilize its eminent domain powers to buy three homes it needs to build a new school. Railroads have their own rights of eminent domain, which often trump those of government agencies.

UP believes that its property rights to keep what it has now and to dictate the uses of what it has now are stronger than HSRA's rights to force changes through eminent domain or otherwise, other than by mutual agreement, and UP had, quite literally, responded to HSRA's threat to utilize eminent domain by saying, we'll see you in court and see who's eminent domain rights are stronger - with what I am informed is a strong basis in statutory and case law to back up that belief.

UP gave HSRA formal and final notice that it wasn't going to be able to utilize the UP alignment prior to the adoption of the FPEIR. If this isn't a significant change in conditions that must be addressed in the EIR, I don't know what would be - and this is exactly what the court found.

Of course, I do not know of the details of what has been discussed between HSRA and UP, but there has been reporting of many significant components of what has occurred; it is rather obvious that talks had been underway for quite a while. From what has been made public in the correspondence from UP, it is not improper to speculate that UP doesn't have a whole lot of respect for HSRA leadership.

I believe that a wholesale change in HSRA is necessary for many reasons or the project will wind up going nowhere - after spending hundreds of millions of dollars of taxpayer funds. From my past involvement with freight railroads, including UP, I doubt very much that they will spend much time dealing with HSRA under its present leadership unless the HSRA negotiating position is one of throwing money at the railroad with both hands. Even then, UP will be very conscious of the bad PR consequences of accepting hugely profitable terms from a questionable HSRA governing board and management making questionable decisions.

Will UP negotiate with HSRA if it cleans up its act? I believe that the chances would be better - but I wouldn't guarantee, even with major changes in HSRA legislation and personnel, that UP would provide rights of way.

Is high-speed rail dead without UP changing its mind? I don't agree that lack of UP rights-of-way will kill the project, but I believe that it would be far, far easier to get something going with UP than without it. As we can definitively determine from HSRA announcements, the governing board most certainly will not admit reality and is going forward full speed ahead after UP has told them they are getting off the train.

I do not know if the HSRA Board and management actually believes that this is the case — which, given what I know about the individuals and have seen from this entity over the past few years, appears to be a real possibility — or if it believes that it is not and

(continued on Page 7)

REACTIONS

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is maintaining this position for purposes of trying to convince everyone else in the State that it is still possible and/or is positioning for potential later negotiations with UP.

What I do know is that there is NO combination of technical, fiscal, legal, judicial, moral, or public outrage conditions that would cause this HSRA Board to announce that high-speed rail is not possible. As long as the "dream is alive," and there is funding, the Board and its individual members have a great deal of power and of notice. The only way that this condition will change is if the legislature, governor, and/or our courts change the legal underpinnings of the HSRA or if there is a massive change in the make-up of its board.

Stuart Flashman is the attorney for PCL, Transdef, CRF, Bay Rail Alliance, Town of Atherton and City of Menlo Park in the Pacheco lawsuit.

Thomas A. Rubin is a mass transit consultant in Oakland, California. He served as Controller-Treasurer of the SCRTD District from 1989 until 1993.

Clockwork Links Invented on Dutch Canals in 1600's

The Pursuit of Glory, Cambridge professor Tim Blanning's 2007 study of baroque to modern Europe (Viking Press 2007, \$39.95) provides revealing insight on timetable innovations and passenger amenities which predate railroads by over two centuries. Here are some choice excerpts:

"The Dutch economic historian Jan de Vries has reconstructed a journey undertaken in the mid-seventeenth century from Dunkirk, in ... the Spanish Netherlands, to Amsterdam in the Dutch Republic."

De Vries describes regular scheduled departures for most of the way. The barge pulled by four horses on the Bruges-Ghent canal, according to the contemporaneous British tourist Thomas Nugent was "the most remarkable boat of the kind in all of Europe; for it is a perfect tavern divided into several apartments, with a very good ... [meal] at dinner of six or seven dishes,

and all sorts of wine at moderate prices."

Following a coach segment to Antwerp and two sailing segments onward toward Rotterdam, "on the following day he could once again benefit from fixed timetables. He took the 5 a.m. barge, the first departure of a scheduled service which left every hour on the hour for Delft, changed there for Leiden ... finally reaching Amsterdam at 6:15 in the evening." ...

Blanning opines, "Once established, the idea that 'time is money' meant that coach or barge companies with an attitude of 'we'll start when I feel like it' were doomed. Travelling by passenger-barge in the Dutch Republic in 1670, Sir William Temple wrote: 'by this easie way of travelling, an industrious man loses no time from his business, for he writes and eats, or sleeps while he goes; whereas the time of laboring or industrious men is the greatest native commodity of any country.'"

Hitachi Develops Diesel Hybrid Solution

By Richard F. Tolmach

Diesel-electric locomotives have been standard on American railroads for sixty years, but no use has ever been made of the storage or regeneration potential available from their use of electric traction.

Hitachi, the train builder and traction motor specialist, parlayed its collaboration with Toyota on Prius to become the leading developer of hybrid auto components worldwide. Following several years of research on diesel passenger trains, Hitachi recently has begun promoting hybrid trains in the US.

Locomotives are typically very wasteful of energy because their engines are sized for peak demand, and passenger trains rarely need their full power. The problem is most severe on corridor runs, typically with five cars or fewer, meaning massive diesels with 3200 horsepower underutilize their horses almost all the time. Except when accelerating to speed, the engines idle, and all braking power is wasted as well.

As a step toward producing environmentally friendly transportation, Hitachi developed a hybrid propulsion system that combines an engine, generator, traction motors, and storage batteries. The system enables regenerative braking, not previously possible on diesel trains, and saves

both energy and emissions.

Hitachi's first rail hybrid project was a propulsion system developed jointly with the East Japan Railway Company (JR-East) for application to new diesel multiple unit (DMU) trains. Hitachi and JR-East carried performance trials of test vehicles with this hybrid system, called the New Energy Train on the Koumi Line in Nagano Prefecture, Japan.

Based on successful trials, three Ki-Ha E200 DMUs began the world's first commercial operation of rail diesel hybrids with lithium-ion batteries in July 2007. The trains achieved the following performance on the Koumi Line compared to already-efficient conventional DMUs:

- 10% improvement of fuel consumption
- 60% reduced particulates and NOx
- 30db reduced station braking noise

Hitachi subsequently collaborated with British track operator Network Rail to modify an Intercity 125 power car and trailer coach to demonstrate the world's most powerful diesel/battery hybrid train. The power car's four traction motors were upgraded with new Hitachi AC replacements. 48 batteries with a total capacity of 48 kWh were installed in the trailing vehicle, adding 1 megawatt of peak power to the vehicle's existing 1.6 megawatts.

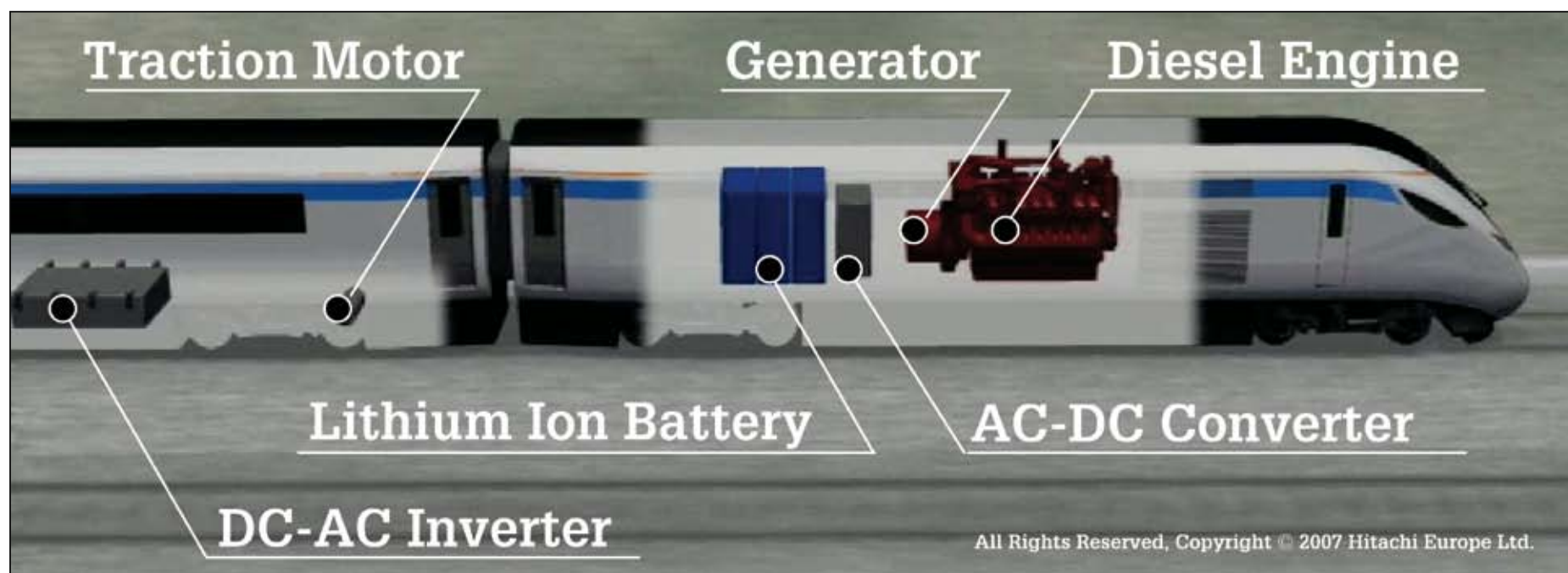
Fuel savings of approximately 20 per-

cent are considered possible on typical long-distance assignments, but corridor and commuter train fuel savings could be even higher, because braking energy from frequent stops could be captured and reused. It is projected that CO₂ emissions would also be 20 percent lower and that NO_x, particulate and hydrocarbon emissions could be halved.

Subsequent to these demonstrations, a new joint venture, Agility Trains, was formed in 2009 uniting Hitachi Ltd., John Laing Projects, and Barclays Private Equity, to bid for the British Intercity Express program. The Super Express train concept merges the DMU and Power Car programs, to offer an array of vehicles with five to ten units per train.

The most fascinating iterations of the Super Express are the bi-modal 5-car and 10-car sets featuring distributed power. These enable through operation between electrified and unwired terminals, useful for the future California intercity network.

Hitachi trains have had a fine reputation for design innovation and quality in Japan, but their merits have just begun to be appreciated in Europe. By furthering the hybrid mode, and popularizing its advantages (nearly silent station stops, downsizing of engines, regeneration and possibility of distributed power), Hitachi may build itself a worldwide role in trains.



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Cal Rail 2020 in Ventura



Nov. 6, 7 & 8

Please join TRAC and the California Rail Foundation for our annual California Rail 2020 conference Nov. 6th to 8th, 2009, at the Crowne Plaza, Ventura's most elegant beachfront hotel, 2 blocks east of the Amtrak station at 450 E. Harbor Blvd. This year's agenda will include:

FRIDAY, November 6: 6:30 PM-onward: No-host Happy Hour. Meet and Greet at the Crowne Plaza Bar. Come and get to know your fellow TRAC members.

SATURDAY, November 7: 9:00 AM (registration), Meeting 10:00 AM to 5:30 PM with the following sessions:

High-Speed Becomes Relevant - Two new Southern California members of the High Speed Rail Authority, an energized DesertXpress proposal, and prospects of SoCal federal projects change the landscape.

SoCal Rail Reinvention - How to finally break down barriers between Metrolink, Amtrak, Coaster, and bus operators to improve regional mobility by transit.

Tight Transit Budgets and What We Can Do - Our panel will focus on operating budget problems faced by commuter and intercity rail, and possible efficiency improvements and opportunities for legislative action to address the shortfalls.

Looking Forward on the Coast - Possible early action to boost North/South California service.

Luncheon will be provided onsite at the Crowne Plaza. Vegetarian options available (indicate on form if you have special needs).

Saturday Conference Rates (includes continental breakfast and luncheon): Day-of-event rates for members will be \$100, but you can save significantly by being an early bird! Mail us your check before October 25 the rate will be \$89. (Non-members pay a \$25 surcharge and

get TRAC membership at a promotional rate). Make your checks out to **Train Riders Association of California.**

Saturday 7 PM No-host dinner at the Sportsman, one of Ventura's oldest and finest chop houses, 53 S. California St. A tradition for over 56 years in downtown Ventura, the Sportsman is known for excellent service and the best steaks and seafood specialties in town. Talk to conference staff on Saturday to sign up.

SUNDAY, November 8: 9:00 AM-4:00 PM We are planning an excursion on the Fillmore and Western, using the rare-mileage Santa Paula Branch. Bus shuttle and buffet luncheon onboard the F&W are included. **Register early:** \$99 including bus access, make check payable to TRAC.

Lodging: We have worked out a special \$99 room rate at the Crowne Plaza. This rate is good for Friday or Saturday night. To reserve, call (877) 227-6963 and mention the TRAC conference rate. Note direct link at trainriders.org

Transportation to the Conference: On Friday, Train 775 arrives Ventura at 4:49 PM, in time for the Crowne Plaza's happy hour at 5 PM. It leaves San Diego at noon, L.A. at 2:55 PM. On Saturday, Train 799 gets to Ventura at 9:35 AM. From S.F. Ferry Bldg, Surfliner buses leave 8:20 AM, 10:05 AM and 10:45 PM, with trains arriving Ventura 5:08 PM, 7:37 PM and 7:23 AM.



Sunday excursion is planned on the Fillmore and Western

SIGN UP TODAY Checks to: **TRAC**, 1025 Ninth St. #223, Sacramento, CA 95814-3516

| CONFERENCE RATES | Before Oct. 25 | Late Price |
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| CAL RAIL 2020 | \$89* | \$100* |

REJOIN TRAC TODAY!
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NOTE: For TRAC membership, please use separate check and separate page 2 form!

SIGN ME UP NOW!

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