



Californians Advocating
Responsible Rail Design

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January 14, 2011

Mr. Jeffrey Barker
Deputy Director, California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Mr. Barker,

This is in follow-up to CARRD’s letters of December 10 and December 31, 2010, in which we made a public records request for the “Technical Memos” which we first requested in July, 2010. What is the status for releasing the remainder of the “Technical Memos”?

Considering that you released some of the documents to us in December, it’s unclear what the hold-up is with releasing the remainder. If it’s the earlier arguments which continue to be a sticking point, we remind you that the California Public Records Act, Government Code Sections 6250 et seq., supports releasing these documents. In addition to the points made in our December 10 letter (attached), we add:

- a. Avoiding public confusion or misperception as a rationale for withholding government documents was rejected by the California Supreme Court long before the enactment of the California Public Records Act.
- b. The high court in *Coldwell v. Board of Public Works*, 187 Cal. 510, 520 (1921) concluded that if draft versions of government records “were writings of public interest, disclosure could not be impeded with the claim that they were preliminary in nature, ‘tentative and...liable to error or alteration...’”.
- c. “If preliminary materials are not customarily discarded or have not in fact been discarded as is customary they must be disclosed.” – *California Court of Appeal in Citizens for a Better Environment v. Department of Food & Agriculture*, 171 Cal. App. 3d (3d Dist. 1985).
- d. As the *Citizens* case dictates, factual information in even otherwise exempt drafts is not exempt from disclosure.

The documents which we believe to be outstanding are:

Document Title	Target Completion
TM 0.0 CHSTP Tech Memo Style Guide	Completed
TM 0.2 Tech Memo Review Protocol	Completed
TM 0.3 Basis of Design Policy	30-Jun-09
TM 0.4 Project Development Process – R0	Completed
TM 0.8 Programmatic Cost Update Methodology and Back-up – R0	Completed

TM 0.9 Draft RPA Protocol	30-Jun-10
TM 1.1.7 Shared Use Corridor HST Criteria – Caltrain Corridor	30-Jun-10
TM 1.1.9 Flooding and Drainage	30-Jun-10
TM 1.1.16 Shared Use Corridor HST Criteria	Completed
TM 1.1.22 Cost Estimating 30% Methodology – R0	30-Jun-10
TM 2.1.5 Track Design	31-Mar-10
TM 2.1.6 Ballastless Track	31-Dec-09
TM 2.3.1 Aesthetic Guidelines for HS Aerial Structures	30-Jun-09
TM 2.6.3 Hydrology	31-Dec-09
TM 2.6.4 Floodplain	30-Sep-09
TM 2.8.1 Safety and Security	30-Sep-09
TM 2.9.4 prelim Active/Capable Fault Locations and Design Considerations	30-Sep-09
TM 2.9.5 Prelim Design Earthquake Guidelines for 30% Design	31-Mar-10
TM 2.9.7 Acceleration Response Spectra for Final Design	31-Dec-10
TM 2.9.9 Final Ground Motions for MCE, DBE & LDBE for Final Design	31-Dec-10
TM 2.10.1 Seismic Performance Criteria and Design Basis	30-Jun-09
TM 2.10.2 Technical Advisory Panel Work Plan	30-Jun-09
TM 2.10.3 Technical Advisory Panel Summary	30-Jun-10
TM 2.10.7 Final Seismic Design Criteria	30-Sep-10
TM 2.10.8 Structures Type Selection Level Studies Development Procedures	30-Sep-10
TM 2.10.9 Final Fault Crossing Design Criteria and Guidance (30% Design and Final Design)	31-Dec-10
TM 2.10.11 Passenger Comfort Design Criteria for Structures (30% Design and Final Design)	31-Dec-10
TM 3.1.1.5 OCS/NF Feeds	30-Jun-09
TM 3.1.3.1 Initial Segment	Completed
TM 3.1.3.2 Full System	30-Sep-09
TM 3.4.1 Topology	31-Dec-09
TM 3.4.3 Network Management System	31-Mar-10
TM 3.4.4 Communications Backbone Technology and Communications Protocol	30-Jun-10
TM 3.4.10 Electromagnetic Compatibility Design Criteria	30-Jun-09
TM 3.4.12 SCADA Requirements for Traction Electrification System and Equipment	31-Mar-10
TM 4.4 OEM Cost Model – R0	30-Sep-09
TM 5.2 MOW Maintenance Plan and Facility Requirements	30-June 09
TM 6.2 Intro f Euro/Asian Rolling Stock to California	30-Sep-09
Start of Revenue Service Flowchart (included with TM 0.4 Project Development Process R0)	Completed
TM 7.2 FRA Criteria Applicability Memo	30-Jun-09
TM 7.4 Hazard Identification and Mitigation	30-Sep-09
TM 7.5 FRA System Overview	31-Dec-09

TM 7.6 Product Safety Plan Outline	30-Jun-09
TM 7.7 RSPP Safety Plan Outline	30-Jun-09

We also reiterate our other request of December 31, 2010, to which we've also not heard a response:

*[W]e request the latest “**Technical Report & EIR/EIS Deliverables Checklist**” prepared by the Program Management Team. According to the May 2010 Program Management Team Monthly Progress Report To the CAHSRA Operations Committee, <http://www.cahighspeedrail.ca.gov/WorkArea/DownloadAsset.aspx?id=6729>, deliverables checklists are being maintained and updated every two weeks.*

We again request that you release these documents promptly and voluntarily.

Sincerely,

Rita Wespi
Co-founder, CARRD

cc: CHSRA CEO Roelof van Ark
Senator Joe Simitian
Assemblymember Rich Gordon

Attachments:
CARRD's December 10, 2010 public records request for the Technical Memos
CHSRA 2009 Program Summary Report – “PMT Deliverables Checklist: Engineering Technical Memoranda”