

Submission 954 (Michael Naito, October 13, 2011)

October 7, 2011

Merced to Fresno Draft EIR/EIS Comments  
California High Speed Rail Authority  
770 L Street, STE#800  
Sacramento, CA 95814  
Merced.Fresno@hsr.ca.gov

RECEIVED  
10-17-11P04:46 RC10

I am a third generation farmer and an interested citizen of Madera County, who has a stake in the route placement for California High Speed Rail (HSR). There are a number of impacts that this project will have on the agricultural community of Madera county that are not adequately accounted for within the draft EIR/EIS.

954-1

The increased costs for farmers due to the closure of roads and lack of rail crossings is extremely underestimated. The travel times will increase due to the congestion in the few rail crossing that are available. Additionally, during the peak harvest months when many different crops are harvested the amount of truck traffic on the roads is not taken into account.

954-2

Pesticide application and use strictly is controlled by the California Department of Pesticide Regulation. Buffer zones are usually required near highways and railways. The EIR/EIS does not adequately address how pesticides can be applied adjacent to the railways in a timely matter. During the growing season pesticides might have be applied at any time depending on pest pressure.

954-3

Lastly, the increased costs incurred by irrigation districts is not addressed. The increases in travel time for irrigation district personnel would be due to access issues caused by loss and/or closure of roads. Additionally, the cost of realignments of major irrigation district infrastructure will be enormous not to mention the time element associated with completion of such projects.

Sincerely,

Michael Naito  
6233 Road 30 1/2  
Madera, CA 93637  
(559)-908-5942

Merced to Fresno Draft EIR/EIS Comments  
California High Speed Rail Authority  
770 L Street, STE#800  
Sacramento, CA 95814

Michael Naito  
6233 Road 30 1/2  
Madera, CA 93637

FRESNO CA 937  
13 OCT 2011 PM 11



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Response to Submission 954 (Michael Naito, October 13, 2011)

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**954-1**

See MF-Response-AGRICULTURE-2.

**954-2**

See MF-Response-AGRICULTURE-5.

**954-3**

See MF-Response-WATER-1 and MF-Response-TRAFFIC-2.

Submission 470 (Yvonne Nannini, October 3, 2011)

Comment Period Extended to  
October 13, 2011

El periodo a hacer comentarios  
está prolongado hasta del  
13 de octubre de 2011

10-03-11P03:00 RCVD



CALIFORNIA  
High-Speed Rail Authority

Comment Card  
Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section  
Draft Environmental Impact Report/  
Environmental Impact Statement (EIR/EIS) –  
Public Hearings  
September 2011

Tren de Alta Velocidad Sección Merced a Fresno  
Anteproyecto del Informe de Impacto  
Medioambiental/Declaración de Impacto  
Medioambiental (EIR/EIS) - Audiencias Públicas  
Septiembre 2011

Please submit your completed comment card at the end of the meeting, or mail to: Por favor entregue su tarjeta al final de la reunión, o envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins August 15, 2011 and ends September 28, 2011. Comments received after 5:00 p.m. on September 28, 2011 will not be addressed in the Final EIR/EIS. El periodo a hacer comentarios empieza a 15 de agosto y termina a 28 de septiembre. Comentarios recibidos después de 5:00 p.m. a 28 de septiembre no se responderá en el EIR/EIS final.

Name/  
Nombre: Yvonne Nannini Organization/  
Organización: U.S. Citizen

(Optional/Opcional)  
Address/Domicilio: 407 S. I Street Phone Number/  
Número de teléfono: (559) 674 0881

City, State, Zip code/  
Ciudad, estado, código postal: Madera, CA 93637 Email address/  
Correo electrónico:

470-1

I was in favor of a high speed rail, but now is not the time. Both California & The Federal government are broke due to bad management.

The high speed rail will not pay for itself & will be another drain on tax payers - just like Amtrak.

I am against any of the U.S. infrastructure renovation projects or new projects, being awarded to foreign owned firms

*[Signature]*

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Response to Submission 470 (Yvonne Nannini, October 3, 2011)

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**470-1**

See MF-Response-GENERAL-18

See MF-Response-GENERAL-19



Submission 981 (Rafael Nevarez, September 15, 2011)



**Comment Card**  
 Merced to Fresno High-Speed Train Section  
 Environmental Review  
 Alternatives Analysis Public Meetings  
 Spring 2010

Please submit your completed comment card at the end of the meeting, or mail to:  
 Merced to Fresno HST Environmental Review, 2020 L Street, Suite 300 Sacramento, CA 95814

Name: Rafael Nevarez Organization: MADERA Resident  
 (Optional) Address: 17864 Seabright Phone Number: (559) 673-1686  
 City, State, Zip code: MADERA CA 93638 Email address: RAFANEVAREZ@A-Z Route

Stakeholder Type	First Name	Last Name	Organization	Street Address	Mail City	State	ZIP	Phone	Email
Part 1									
California Resident	Rafael	Nevarez		17864 Seabright	Madera	CA	93638	(559) 673-1686	rafael

981-1

I, as a resident of MADERA, AM  
 IN FAVOR OF HAVING THIS HIGH SPEED RAIL  
 COME THROUGH MADERA IN THE A-Z ROUTE.  
 I FEEL THIS WOULD HELP MADERA WITH THE  
 MANY NEEDED JOBS & MONEY THE WOULD  
 LEAD MADERA TO RECEIVE FROM THE GOV.

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Response to Submission 981 (Rafael Nevarez, September 15, 2011)

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**981-1**

See MF-Response-GENERAL-10, MF-Response-GENERAL-19



Submission 660 (Trudie Nieuwkoop, October 12, 2011) - Continued

660-1

This will affect everyday life for our elderly in the area who struggle to get around already. Causing shorter lives due to stress on their lives. Response times for emergency services would be greatly affected due to road closures and longer commutes.

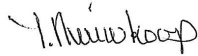
The distances to travel to services is already an impact and will become even more of an impact with high and more fuel costs. There will be everyday disruptions due to road closures. Noise levels and vibrations will be high and on going from the HST and not to mention the construction. This is going to disrupt our lives where we live and our schools in the area.

Jobs will be lost due to farm ground and dairies being forced out of business due to the HST consuming their property. The houses/homes in the area will lose their values. What an impact all this will have on our business owners, farmers, dairyman and schools.

This HST will be a disruption to our families well being and our everyday lives.

DO YOU SEE WHAT YOU ARE DOING TO OUR LIVES? DO YOU CARE?

Concerned,



Trudie Nieuwkoop

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Response to Submission 660 (Trudie Nieuwkoop, October 12, 2011)

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**660-1**

See MF-Response-GENERAL-1, MF-Response-GENERAL-14, MF-Response-GENERAL-8, MF-Response-GENERAL-10, MF-Response-GENERAL-4, MF-Response-AGRICULTURE-1, MF-Response-AGRICULTURE-5.

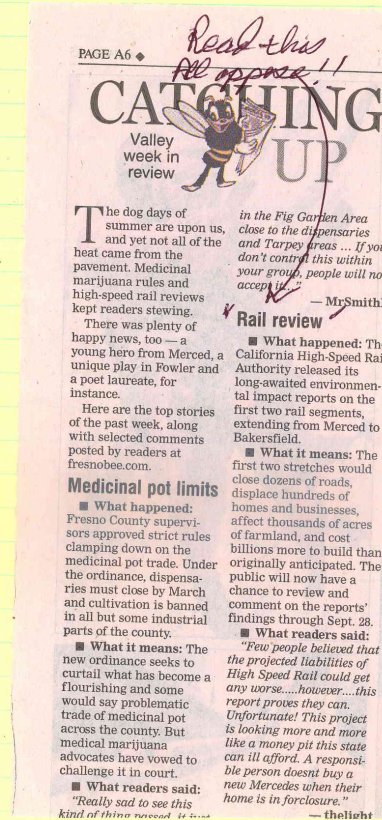
Submission 1085 (No Name No Name, November 7, 2011)

1085-1

stop!!

AUG 16 2011

all this non-sense - you may  
save your job but how many are you  
displacing in the future - you people  
are too selfish!!





Submission 1085 (No Name No Name, November 7, 2011) - Continued



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Response to Submission 1085 (No Name No Name, November 7, 2011)

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**1085-1**

See MF-Response-GENERAL-11



Submission 41 (Jennifer Noble, August 18, 2011)

Merced - Fresno - RECORD #41 DETAIL

Status : Action Pending  
Record Date : 8/18/2011  
Response Requested :  
Stakeholder Type : CA Resident  
Submission Date : 8/18/2011  
Submission Method : Website  
First Name : Jennifer  
Last Name : Noble  
Professional Title :  
Business/Organization :  
Address :  
Apt./Suite No. :  
City :  
State : CA  
Zip Code : 93727  
Telephone :  
Email : jenninoble@ymail.com  
Cell Phone :  
Email Subscription : Merced - Fresno  
Add to Mailing List : Yes  
Stakeholder Comments/Issues : What might the typical one-way and round-trip price be looking like?  
EIR/EIS Comment : No

41-1 |

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## Response to Submission 41 (Jennifer Noble, August 18, 2011)

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### 41-1

While ticket fares would not be determined until the high-speed trains (HST) are ready for service some years from now, these fares will likely be dependent upon a number of factors, including gasoline prices and airfare costs at the time of operation. The November 2011 Draft 2012 Business Plan employs a scenario of fares being set at 83% of anticipated airline fares. This illustrates the strategy of HST systems worldwide to set fares that are competitive to those of airlines serving the same market. The ticket pricing structure is expected to be similar to that of an airline, with different classes of ticket as well as different price points depending upon the time and day of travel, how long travel is purchased before departure date, how many stops the train makes, etc.

Submission 384 (Verdell Ocampo, September 29, 2011)

Merced - Fresno - RECORD #384 DETAIL

Status : Action Pending  
Record Date : 9/29/2011  
Response Requested :  
Stakeholder Type : CA Resident  
Submission Date : 9/29/2011  
Submission Method : Website  
First Name : Verdell  
Last Name : Ocampo  
Professional Title :  
Business/Organization :  
Address :  
County : Riverside  
Apt./Suite No. :  
City : Banning  
State : CA  
Zip Code : 92220  
Telephone :  
Email : verdell0@msn.com  
Fax :  
Cell Phone :  
Email Subscription : Merced - Fresno  
Add to Mailing List : Yes  
Comment Type : Issue (concern, suggestion, complaint)  
Stakeholder Comments/Issues : Need to know why route will go east of downtown Madera?  
Subscription Request/Response : URL:  
[http://sites.activatedirect.com/chsra.gov/pb\\_commentSubmit.php?fn=Verdell&ln=Ocampo&em=verdell0%40msn.com&city=Banning&state=CA&zip=92220&interest=CA+Resident&sections\[\]=Merced++Fresno](http://sites.activatedirect.com/chsra.gov/pb_commentSubmit.php?fn=Verdell&ln=Ocampo&em=verdell0%40msn.com&city=Banning&state=CA&zip=92220&interest=CA+Resident&sections[]=Merced++Fresno)  
Response:  
"OK"  
EIR/EIS Comment : Yes  
General Viewpoint on Project :

384-1 |

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Response to Submission 384 (Verdell Ocampo, September 29, 2011)

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**384-1**

See MF-Response-GENERAL-2.

Submission 701 (Edward O'Neill, October 13, 2011)



Edward W. O'Neill  
Suite 500  
505 Montgomery Street  
San Francisco, CA 94111-6533  
  
415-276-6500 tel  
415-276-6599 fax  
[edwardoneill@dst.com](mailto:edwardoneill@dst.com) email

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October 13, 2011

VIA EMAIL AND US MAIL

California High-Speed Rail Authority  
Merced to Fresno Draft EIR/EIS Comment  
770 L Street, Suite 800  
Sacramento, CA 95814

Re: Draft EIR/EIS Comment - Merced to Fresno Project Section

701-1

This letter provides comments on behalf of T-Mobile USA, Inc. ("T-Mobile") on the September 8, 2011 project-level Draft Environmental Impact Report / Environmental Impact Statement ("DEIR/EIS") for the proposed California High-Speed Rail Project, Merced to Fresno Section ("the Project"). T-Mobile only recently became aware that all of the route alternatives currently under consideration for the Merced to Fresno Section of the Project would have very severe adverse effects on facilities that are essential for the telecommunications services T-Mobile provides in Fresno and throughout the surrounding area. The proposed routes could potentially have very significant adverse effects on all of the telecommunications services T-Mobile provides to the public in this large and important part of California. It may also have potentially significant additional adverse effects on the environment due to additional construction that would be required if T-Mobile is forced to relocate its facilities. Neither the potentially significant adverse effects on T-Mobile's facilities and telecommunications services nor the environmental impacts that may result if T-Mobile must relocate its affected facilities have been adequately addressed in the DEIR/EIS. As a result, the DEIR/EIS is legally inadequate under CEQA and must be revised to address these potential additional impacts and feasible alternatives and mitigation measures that may avoid or reduce them.

T-Mobile

T-Mobile USA, Inc. is a national provider of wireless voice, messaging, and data services and currently provides such services to over 33 million customers in the United States, including a very large number of customers in California. T-Mobile provides such services through a network of telecommunications facilities, including cell towers, switching offices and fiber optic cable circuits that interconnect its facilities and customers with those of other telecommunications service providers. Among the most important components of its wireless network are its regional switching offices. These offices serve as the central location for core telecommunications equipment that controls the T-Mobile network in each regional area.

Anchorage  
Bellevue  
Los Angeles  
New York  
Portland  
San Francisco  
Seattle  
Shanghai  
Washington, D.C.

[www.dst.com](http://www.dst.com)

701-1

Switching offices house the equipment necessary for routing calls, messages and other data from one system user within the regional area to others within or outside the region.

Potential Impact on T-Mobile's Fresno Switching Office

T-Mobile owns and operates a nationwide wireless telecommunications network. T-Mobile's regional switching office, located at 5525 N. Golden State Avenue, serves as the central location for all of the core telecommunications equipment that controls T-Mobile's network in the Fresno area and surrounding rural areas from Chowchilla to Visalia. Essentially, it is the heart of T-Mobile's regional wireless network. This switching office provides essential communication services for an area of approximately 13,270 square miles, including 288 cell sites. It handles approximately 6 million voice calls and 33 million data sessions per day. It also provides essential E911 emergency services. In Fresno alone, it handled over 71,000 E911 calls last year. Approximately 2000 different circuits interconnect this facility with hundreds of T-Mobile cell sites, other T-Mobile switching facilities and the network facilities of other telecommunications carriers throughout the State.

According to the route maps included in the DEIR/EIS, all of the Project route alignments currently under consideration would run directly through T-Mobile's Fresno switching office. This appears to be indicated by the red lines demarcating "the project footprint" at DEIR/EIS, Appendix 3.1-A, Page 077. According to this map, all three routes currently under consideration, the UPRR/SR 99 Alternative, BNSF Alternative, and Hybrid Alternative, would be located within the very same "project footprint" in this area and the project footprint would bisect the building at parcel number 508-02-023 in which T-Mobile's Fresno switching office is located.

If the Project footprint is accurately depicted by this map, then all of the routes under current consideration would result in the loss of land and a large portion of if not the entire existing building housing T-Mobile's existing Fresno switching office and would require T-Mobile to relocate its existing Fresno switching office and related facilities.

Potential Adverse Impacts on Telecommunications Services

Relocating a regional telecommunications switching office of this type would be exceptionally complicated, difficult, time consuming and expensive and could potentially disrupt T-Mobile's existing telecommunications services to the public, including E911 emergency services, to a completely unacceptable extent.

Relocating a telecommunications switching office, such as T-Mobile's Fresno switching office, is a much more difficult and complex undertaking than the relocation of a typical business. The Fresno switching office is the very heart of T-Mobile's regional wireless network

Submission 701 (Edward O'Neill, October 13, 2011) - Continued

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that provides wireless voice, data and E911 service to Fresno and its vicinity. Relocating this facility would not only require constructing a duplicate switching office at a suitable alternative location, but also constructing the numerous fiber optic cables and circuits necessary to interconnect the switching facilities at the new location with all of T-Mobile's cell sites, other T-Mobile switching facilities and networks of other telecommunications carriers with which the existing office is interconnected.

All of this construction would have to be completed and the new equipment and facilities fully tested before any of the facilities at the existing switching office are impacted, or there would be severe adverse effects on T-Mobile's services to the public, including potentially unacceptable degradations to or interruptions in such service.

Finding a suitable alternative location for a replacement switching office may also be difficult and time consuming. Special characteristics required for a telecommunications switching office limit the availability and suitability of alternative sites. These requirements include: space, electric power, flood, seismic, and structural requirements, as well as reasonably close proximity to existing vendor fiber optic cable routes. Electric power, for example, may pose particular challenges in relocating a switching office because the electric power demand of such facilities is not only high, but the power supply must be particularly "clean." Locating sites with such clean power tends to be difficult in more rural areas such as Fresno.

As a result of these requirements, relocating the Fresno switching office would likely require significant lead time and cost 10s of millions of dollars. If the necessary lead time is not available, T-Mobile's services to the public could be severely impacted and service degraded or disrupted to an unacceptable extent.

Potentially Significant Impacts of Additional Construction

It is highly unlikely that a suitable alternative location could be found that would provide the necessary physical facilities and connectivity without requiring significant additional construction to duplicate and replace the existing high capacity fiber optic cables that currently interconnect T-Mobile's existing switching center to T-Mobile's cell sites, other T-Mobile switching offices in California and other telecommunications carrier networks in California. As a result, relocating the Fresno switching office would create a "ripple effect", requiring significant additional construction to replace existing interconnection facilities in numerous locations throughout the Fresno area. Many miles of additional construction could be required which, depending upon the location of the relocated switching office and new interconnection facilities could have potentially significant adverse impacts on the environment.

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Deficiencies in DEIR/EIS

CEQA has two important and complimentary purposes. The first is to inform decisionmakers and the public about the potentially significant environmental effects of proposed projects.<sup>1</sup> In order to do so, the discussion of the potential impacts of proposed projects in an EIR must be thorough and complete and must contain facts and analysis that "reflect a good faith effort at full disclosure"<sup>2</sup> and not just an agency's conclusions.<sup>3</sup> In addition, CEQA requires that EIRs disclose all potentially significant indirect as well as direct environmental impacts of proposed projects,<sup>4</sup> including reasonably foreseeable future construction that may be required if the proposed project is approved.<sup>5</sup> The second purpose is to require public agencies to avoid or reduce potentially significant adverse environmental impacts when reasonably feasible.<sup>6</sup> CEQA does so by requiring consideration of alternatives and mitigation measures that may avoid or reduce potentially significant environmental impacts and also by imposing an affirmative obligation on public agencies to adopt such measures where reasonably feasible.<sup>7</sup> The alternatives and mitigation measures that must be considered include alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the Project, even if the alternatives would impede to some degree the attainment of the Project objectives, or would be more costly.<sup>8</sup>

The relocation of T-Mobile's Fresno switching center would be a direct and foreseeable result of the proposed Project and would have potentially significant adverse indirect effects on telecommunications services, including essential E911 emergency services. As a result, under CEQA Guideline section 15064(d) and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, the potentially significant adverse effects of such relocation on public utility services must be considered in the DEIR/DEIS.

The DEIR/EIS fails to adequately discuss or consider these effects. Section 3.6 of the DEIR/EIS discusses potential impacts on public utility facilities and services but fails to even

<sup>1</sup> 14 Cal. Code Regs. ("CEQA Guidelines") § 15002, subd. (a)(1); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

<sup>2</sup> CEQA Guidelines § 15151.

<sup>3</sup> *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568.

<sup>4</sup> Pub. Res. Code § 21100, subd. (b)(1); CEQA Guidelines § 15126.2, subd. (a).

<sup>5</sup> *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 393-399.

<sup>6</sup> CEQA Guidelines § 15002, subd. (a)(2)-(3); and see *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; and *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400.

<sup>7</sup> Pub. Res. Code § 21002-21002.1.

<sup>8</sup> CEQA Guidelines § 15126.6 subd. (b); and see *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184, 1213.

Submission 701 (Edward O'Neill, October 13, 2011) - Continued

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mention, much less discuss, T-Mobile's facilities or its Fresno switching office.<sup>9</sup> At 3.6-30, the DEIR/EIS acknowledges that there are many utility facilities within the study area for the Project and concedes that "the Project would not be compatible with most of these existing utilities."<sup>10</sup> but claims that the effect of the Project on utility service providers and their customers "would be negligible under NEPA and the impact would be less than significant under CEQA."<sup>11</sup> The basis for this conclusion is the commitment of the California High-Speed Rail Authority to, "work with utility owners during final engineering design and construction of the Project to relocate utilities or protect them in place" and to "coordinate schedules for utility relocations and protection-in-place with the utility owner to ensure the project would not result in prolonged disruption of services."<sup>12</sup> This discussion does not appear, however, to pertain to T-Mobile or its facilities since the DEIR/EIS makes no mention of T-Mobile. It is correct that the Project would not be compatible with T-Mobile's facilities, but incorrect to the extent that it may imply that working with T-Mobile "during final engineering design and construction of the project" to "coordinate schedules for utility relocations and protection-in-place with the utility owner" will be sufficient to ensure that the Project impacts on T-Mobile and its facilities would be "negligible under NEPA and the impact would be less than significant under CEQA."<sup>13</sup> Such measures would not be sufficient to ensure that there are no significant adverse effects on T-Mobile's facilities or services to the public, or to ensure that the impacts of the Project would be less than significant.

There are several reasons for this. Most importantly, if the Project were to require the relocation of T-Mobile's Fresno switching office, T-Mobile estimates that this could easily require 18 to 36 months.<sup>14</sup> Coordinating with T-Mobile only "during the final engineering

<sup>9</sup> See DEIR/EIS at 3.6-11, which briefly mentions "aboveground and belowground" telecommunications facilities of AT&T, Sprint and Quest "generally within the UPRR and SR 99 rights-of-way between the cities of Merced and Fresno," but contains no reference to or discussion of T-Mobile's facilities; and see also Figure 3.6-6 which depicts "High-Risk Utilities in the Fresno Project Vicinity," but fails to identify T-Mobile's facilities.

<sup>10</sup> DEIR/EIS at 3.6-30.

<sup>11</sup> DEIR/EIS at 3.6-30. And see also 3.6-30, which states, "[w]here the alignments would conflict with existing electrical substations, there is a potential for a substantial impact under NEPA and a significant impact under CEQA." The DEIR/EIS fails to acknowledge, however, that the conflict between the proposed Project alignment and T-Mobile's Fresno switching office and related telecommunications interconnection facilities is also potentially significant impact under NEPA and CEQA.

<sup>12</sup> DEIR/EIS at 3.6-30.

<sup>13</sup> DEIR/EIS at 3.6-30.

<sup>14</sup> Relocating an existing switching facility would require the successful completion of numerous different steps many of which by their nature would have to be done in sequential fashion, including: identifying a suitable and available property and building, acquiring legal rights to the property, engineering/design of the new switching office, permitting, environmental review, procurement of duplicative telecommunications switching equipment, building facility remodeling/construction, installation of telecommunications switching equipment and facilities,

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design and construction" of the Project, as the DEIR/EIS suggests, could not possibly provide enough lead time to avoid significant adverse impacts on and potential disruptions to T-Mobile's service to the public, including potentially E911 emergency services. It would be virtually impossible for a replacement switching office to be constructed and brought into service, and the existing facility decommissioned, in time to avoid service disruptions if other measures are not taken to avoid such impacts. As a result, the conclusion in the DEIR/EIS that the impact on utility services will be negligible under NEPA and less than significant under CEQA is simply not true with respect to T-Mobile's facilities and services. The impacts will be significant unless the Project is revised to include additional alternatives and/or mitigation measures that will avoid or substantially mitigate the impacts on its Fresno switching office and related facilities.

The DEIR/EIS also fails to adequately consider feasible alternatives, including potential minor adjustments to the proposed Project route or "footprint" that could avoid the necessity of relocating T-Mobile's existing Fresno switching center and related interconnection facilities. At 3.6-30 to 3.6-31, in discussing potential conflicts with existing electrical substations, the DEIR/EIS states, "[w]here possible, portions of the HST alignment would be redesigned to avoid impacts; this would reduce the impact to negligible under NEPA and less than significant under CEQA."<sup>15</sup> The DEIR/EIS fails to consider or make the same commitment, however, to redesign portions of the Project route alignment to avoid impacts on essential telecommunications facilities generally, or T-Mobile's Fresno switching office in particular.

The DEIR/EIS also fails to adequately consider potential measures which may mitigate the adverse impacts on T-Mobile's facilities. At 3.6-46, the DEIR/EIS discusses potential mitigation measures to avoid or reduce conflicts between the proposed Project alignment at two electric substations, including "refinements of project features"<sup>16</sup> in final project design that "would avoid these conflicts."<sup>17</sup> The DEIR/EIS fails to discuss or consider, however, any potential measures to mitigate, avoid or reduce the conflict between the proposed Project alignment and T-Mobile's Fresno switching office.

The DEIR also fails to consider or evaluate the additional construction at numerous locations that would be required to relocate T-Mobile's existing switching office. Such additional construction could have a potentially significant adverse impact on the environment depending upon the availability and locations of suitable alternative sites for relocating the switching office and the routes and locations for the many different new interconnecting facilities that would have to be constructed as a result of the relocation. The DEIR fails to

construction and installation of new fiber optic conduit and cable for necessary interconnections, and testing and commercial cut over of service to the new location.

<sup>15</sup> DEIR/EIS at 3.6-30 to 3.6-31.

<sup>16</sup> DEIR/EIS at 3.6-46.

<sup>17</sup> DEIR/EIS at 3.6-46.

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consider alternatives or mitigation measures that could avoid or reduce the environmental impacts of such additional construction, including potential adjustments to the proposed Project route alignment that could avoid the necessity of relocating the existing Fresno switching center.

As a result of these deficiencies, the DEIR/EIS is inadequate to comply with CEQA and must be revised to address these additional issues and potential alternatives and mitigation measures that may avoid or reduce such impacts.

Conclusion

T-Mobile only recently became aware that its Fresno switching office would be impacted by the proposed High-Speed Rail Project. As a result, it has had insufficient time to thoroughly explore potential means for avoiding or mitigating the potentially significant adverse impacts on its facilities and services. T-Mobile believes, however, that there are likely to be feasible alternatives and mitigation measures that could avoid or mitigate such impacts, including minor adjustments to the Project route alignment.

T-Mobile appreciates your consideration of its comments on the DEIR/EIS for the Merced to Fresno Section of the California High-Speed Rail Project and looks forward to working further with California High-Speed Rail Authority staff to explore opportunities to avoid or mitigate the potentially significant adverse effects on its facilities, services and on the environment. Should you require any additional information or have any questions regarding the issues discussed in these comments, please contact Kevin Brinkley, Corporate Counsel at T-Mobile, 1855 Gateway Boulevard, 9th Floor, Concord, CA 94520, (925) 521-3843, or me at the address and number noted above.

Davis Wright Tremaine LLP  
For T-Mobile USA, Inc.

/s/ Edward W. O'Neill

Edward W. O'Neill

cc: Kevin Brinkley, T-Mobile



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## Response to Submission 701 (Edward O'Neill, October 13, 2011)

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### **701-1**

Realignment of Golden State Boulevard in Fresno to accommodate the HST would require the acquisition of several properties, including T-Mobile's switching station on Golden State Boulevard. Refer to MF-Response-SOCIAL-1 for information regarding acquisitions, displacements, and relocations. The Authority plans to meet with T-Mobile to develop a Memoranda of Agreement that would define terms and conditions to resolve utility conflicts, including funding by the Authority to reimburse costs incurred as a result of the HST project. The indoor telecomm equipment and facilities present in the switching station on North Golden State Boulevard are considered a property attribute, and would be addressed in the process of right of way acquisition. A separate environmental review would be conducted for this facility if additional utilities would be required outside of the HST right-of-way to properly connect an alternative switching station site to existing infrastructure and the action is determined to constitute a project under CEQA.

The Authority and FRA would make relocation of regionally-important utility facilities a priority, with the goal of establishing a replacement before the affected facility is taken off line, and would work with T-Mobile to identify a suitable spot for such relocation. As a priority conflict, the Authority would begin consultation with T-Mobile at the earliest time prudent. As a result, there should not be any interruption to the 911 emergency services provided by T-Mobile.

The alternative HST alignments analyzed in the EIR/EIS were identified through an alternatives analysis process, and in consideration of a larger set of alignment alternatives and station location options described in the 2005 Statewide Final Program EIR/EIS. At this stage of design, only a major modification to one of the already identified reasonable alignment alternatives would avoid conflicting with the established T-Mobile facility. Please refer to MF-Response-GENERAL-2 for more information on past alternatives analysis. The alternatives studied in detail in the EIR/EIS were determined to represent the reasonable range of alternatives and are likely to have the least environmental consequences overall. Although the potential conflict with T-Mobile's switching facility is unfortunate, the Authority finds these impacts less than significant with implementation of their commitment to work with the utility owner to resolve the conflict.

Submission 576 (Dale Overbay, October 12, 2011)

**Merced - Fresno - RECORD #576 DETAIL**

**Status :** Action Pending  
**Record Date :** 10/12/2011  
**Response Requested :**  
**Stakeholder Type :** Business  
**Submission Date :** 10/12/2011  
**Submission Method :** Website  
**First Name :** Dale  
**Last Name :** Overbay  
**Professional Title :** Land Agent  
**Business/Organization :** Pacific Gas & Electric Co.  
**Address :**  
**Apt./Suite No. :**  
**City :** Fresno  
**State :** CA  
**Zip Code :** 93710  
**Telephone :** 559-263-7372  
**Email :** dwo4@pge.com  
**Cell Phone :**  
**Email Subscription :** Merced - Fresno  
**Add to Mailing List :** Yes

576-1

576-2

**Stakeholder Comments/Issues :**

Dear California High-Speed Rail Authority:

Thank you for the opportunity to review the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed High-Speed Train Project for the Merced to Fresno Section. Pacific Gas and Electric Company (PG&E) has the following comments to offer regarding the proposed project.

**Cost and Planning**

The California High-Speed Rail Authority (Authority) would be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because PG&E utility relocations require long lead times and are not always feasible, the Authority is encouraged to consult with PG&E early and often during the planning and design phases of the High-Speed Train project.

**California Public Utilities Commission**

Section 3.6 (Public Utilities and Energy) of the Draft EIR/EIS should include General Order 131-D mandated by the California Public Utilities Commission (CPUC) for the proposed rail project.

**General Order 131-D**

PG&E is subject to the jurisdiction of the CPUC and must comply with CPUC General Order 131-D on the construction, modification, alteration, or addition of all electric transmission facilities (i.e., lines, substations, switchyards, etc.). In most cases where PG&E's electric facilities are under 200 kV and are part of a larger project (e.g., electric generation plant), G.O. 131-D exempts PG&E from obtaining an approval from the CPUC provided its planned facilities have been included in the larger project's California Environmental Quality Act (CEQA) review, the review has included circulation with the State Clearinghouse and review by the CPUC, and the project's lead agency (e.g., Authority) finds no significant unavoidable environmental impacts. PG&E or the Authority may proceed with construction once PG&E has filed notice with the CPUC and the public on the project's exempt status, and the public has had a chance to protest PG&E's claim of exemption. If PG&E facilities are not adequately evaluated in the larger project's CEQA review, or if the project does not qualify for the exemption, PG&E may need to seek approval from the CPUC (i.e., Permit to Construct), taking as much as 18 months or more since the CPUC would need to conduct its own environmental evaluation (e.g., Environmental Impact Report).

When PG&E's transmission lines are designed for immediate or eventual operation at 200 kV or more, G.O. 131-D requires PG&E to obtain a Certificate of Public Convenience and Necessity (CPCN) from the CPUC unless one of the following exemptions applies: the replacement of existing power line facilities or supporting structures with equivalent facilities or structures, the minor relocation of existing facilities, the conversion of existing overhead lines (greater than 200 kV) to underground, or the placing of new or additional conductors, insulators, or their accessories on or replacement of supporting structures already built. Obtaining a CPCN can take as much as 18 months or more if the CPUC needs to conduct its own CEQA review, while a CPCN with the environmental review already done would take an average of four to six months.

In summary, regardless of the voltage of PG&E's facilities that must be relocated, PG&E recommends that the Authority include a description

Submission 576 (Dale Overbay, October 12, 2011) - Continued

576-2

and environmental evaluation of the relocations in its CEQA review so that permitting for the relocation of PG&E facilities does not delay the Authority's project. The proposed project's potential relocations, modification, alteration, or addition of PG&E's electric transmission facilities and substations should be coordinated with PG&E prior to the finalization of the proposed project's EIR/EIS. According to the Public Utilities and Energy Section of Final EIR/EIS, it only states that the Authority "would work with utility owners during the final engineering design and construction of the project to relocate utilities or protect them in place" and not during the environmental document phase of the project. Instead, PG&E recommends that the Authority consult with PG&E on specifically identifying, evaluating, and describing in the proposed project's Final EIR/EIS the proposed work, locations, and impacts to these transmission facilities and substations. This would include but not be limited to the following:

- Footprint of such facilities and substations with proposed construction to be included in the habitat and wetland total affected acreages of the Biological Resources and Wetlands Section (Section 3.7).
- Historical resources 45 years and older impacted by construction of such facilities and substations to be included in the Cultural Resource Section (Section 3.17).
- Visual simulations of such facilities and substations after construction to be included and evaluated in the Aesthetic and Visual Resources Section (Section 3.16).
- A commitment that the work and impacts of such facilities and substations to be included as appropriate in the permits and authorizations required by resource agencies which includes the Biological Opinion (U.S. Fish and Wildlife Service), 401 (California Regional Water Quality Control Board), 404 (U.S. Army Corps of Engineers), Streambed Alteration Agreement (California Department of Fish and Game), and the concurrence with the cultural resource findings by the California State Historic Preservation Officer.

These actions could potentially reduce the project's cost and schedule by eliminating the need for additional environmental evaluation for the modification of the electric transmission and substation facilities. The Public Utilities and Energy Section does not identify all or evaluate potential impacts to specific PG&E facilities. The Authority should consult with PG&E for additional information and assistance in the development of potential impacts to PG&E facilities to make this a legally-adequate environmental review.

576-3

Planned and Unplanned PG&E Projects

PG&E also recommends that the Authority consult with PG&E on planned and potential future PG&E facility improvements and expansion plans. It is recommended that the Authority should identify and evaluate early on with PG&E potential future impacts to PG&E facilities and the potential for those facilities to accommodate future electricity and gas demand.

576-4

Access and Maintenance

The Public Utilities and Energy Section (Section 3.6), states the High-Speed Train "right-of-way would be fenced and secured after construction, and maintenance access for utilities that remain within the right-of-way would be limited." PG&E owns and operates electric and gas transmission lines and distribution facilities, substations and other

576-4

PG&E facilities and properties along the proposed project boundaries. To promote the safe and reliable maintenance and operation of utility facilities, the CPUC has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, the Authority should coordinate with PG&E early in the development of their project plans. Any proposed development should provide for unrestricted utility access and prevent easement encroachment where possible that might impair the safe and reliable maintenance and operation of PG&E's facilities.

Utility Coordination

According to the Public Utilities and Energy Section, it states that the Authority "would work with utility owners during the final engineering design and construction of the project to relocate utilities or protect them in place." PG&E recommends for the Authority to coordinate with PG&E during all project phases including the environmental document/project report, permitting, engineering and design, right-of-way acquisition, and construction phases.

Permitting

PG&E recommends that the Authority coordinate with PG&E on the development and review of agency permits and authorizations required. Construction work and design of utility facilities should be included as appropriate in the permits and authorizations required by resource agencies which includes the Biological Opinion (U.S. Fish and Wildlife Service), 401 (California Regional Water Quality Control Board), 404 (U.S. Army Corps of Engineers), Streambed Alteration Agreement (California Department of Fish and Game), and the concurrence with the cultural resource findings by the California State Historic Preservation Officer.

Engineering and Design

PG&E recommends that the Authority coordinate with PG&E on potential utility design and high-speed rail design adjacent to PG&E facilities during and prior to the design phases including the environmental document phase. Conceptual designs should be discussed early so that potential utility impacts could be adequately detailed in the Final EIR/EIS (See above, General Order 131-D). Early coordination would also avoid and minimize utility impacts such as ensuring proper rail facility vertical clearances for utility towers.

Right-of-Way

PG&E recommends that the Authority coordinate with PG&E during the right-of-way phase to ensure PG&E utility right-of-way rights are properly negotiated and terms satisfactory to PG&E requirements.

Electricity Demand

The Public Utilities and Energy Section, states that "Although it is not possible to predict supplies for 2035, provided the planning period available and the known demand from the project, energy providers have sufficient information to include the HST (High-Speed Train) in their demand forecasts." The Final also shows a prediction that the Merced to Fresno Section would require approximately 50 MW of additional peak capacity by 2020. PG&E recommends that the Authority consult with PG&E on determining the forecasted electricity demand of the Merced to Fresno Section.

Construction

Submission 576 (Dale Overbay, October 12, 2011) - Continued

576-4

The Public Utilities and Energy Section did not provide specifics of planned and accidental disruptions to PG&E utility services due to construction impacts. The Final EIR/EIS should include specific plans to alleviate these disruptions and that the Authority would coordinate with PG&E on these plans.  
 In addition, Table S-3 in the Summary of the Draft EIR/EIS, the document shows no mitigation required for public utilities and energy due to construction impacts or project impacts. PG&E recommends that this should be reevaluated and that the Authority should correspond with PG&E concerning potential mitigation measures prior to the finalization of the EIR/EIS.

576-5

**Growth and Development**  
 The Regional Growth Section (Section 3.18) asserts that "Because existing urban spheres of influence could accommodate the growth, physical extension of utilities such as electrical transmission, natural gas, water supply, and wastewater lines would not be any greater than already planned under the current city and county policies." However, PG&E is concerned that the project may require further expansion of electrical transmission and gas facilities beyond what is presently anticipated to accommodate expected growth. The proposed project would have potential direct and indirect consequence on growth and development, which includes local and regional populations to be redistributed and expected growth trends to alter, thus changing the electricity demand profile. Expansion of distribution and transmission lines and related facilities is a necessary consequence of this growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate build-out capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, and distribution and transmission lines.

576-6

**Cumulative Impacts**  
 The Cumulative Impacts Section (Section 3.19) did not identify and evaluate all PG&E facilities that would be impacted by the proposed project in order to determine that there would not be "...cumulatively considerable under CEQA." PG&E requests that the Final EIR/EIS include adequate evaluation of cumulative impacts to utility systems including impacts to the utility facilities needed to serve the proposed project and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and G.O. 131-D and reduce potential delays to the project schedule.

576-7

**Utility Locations**  
 Appendix 3.1-A (Project Footprint) of Volume II does not include all PG&E facilities within or adjacent to the project area. The Authority should coordinate early with PG&E on identifying and evaluating these locations and designating them in the mappings prior to the finalization of the EIR/EIS.

**Substation Impacts**  
 Section 3.6 (Public Utilities and Energy) does not identify in detail or show any level of impact to PG&E substations. There are at least three substations (not one to two as shown in Tables 3.6-12, 3.6-14, and 3.6-

576-7

16) impacted by the project. The substations potentially impacted are the Borden Substation in Fresno County (page 163, Project Footprint, Appendix 3.1A), and the Storey and Dairyland Substations in Madera County (pages 152 and 210 respectively, Project Footprint, Appendix 3.1A). The Final EIR/EIS should include the identification and locations of the Preferred Alternative impacts to these PG&E substations and the work required. This would include the proposed connections from the proposed project to PG&E substations. The Authority should coordinate early with PG&E on identifying and evaluating the potential substation impacts.

Conclusion

PG&E is committed to working with the California High-Speed Rail Authority on the proposed rail project from Merced to Fresno while maintaining its commitment to provide timely, reliable and cost effective gas and electric service to its PG&E customers. Please contact me by telephoning (559) 263-7372 or emailing me at DWO4@PGE.COM if you have any questions concerning our comments. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

Sincerely,

Dale Overbay, PLS  
 Land Agent  
 Yes

EIR/EIS Comment :

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## Response to Submission 576 (Dale Overbay, October 12, 2011)

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### **576-1**

The Authority recognizes its responsibility to pay for costs associated with project construction and the necessary relocation of electrical and other public utilities.

The Authority will work with Pacific Gas & Electric (PG&E) as well as other utility owners during final engineering design and project construction to relocate utilities or protect them in place. In general, where overhead transmission lines cross the HST alignment, the Authority and the utility owner may determine that it's best to place the line underground. In this case, the transmission line would be placed in conduit so that future maintenance of the line could be accomplished outside the HST right-of-way. Where existing underground utilities such as gas, petroleum and water pipelines cross the HST alignment, the utilities would be placed in a protective casing so that future maintenance could be accomplished outside the HST right-of-way. The project construction contractor would coordinate schedules for utility relocations and protection-in-place with the utility owner to ensure the project would not result in prolonged disruption of services.

### **576-2**

See MF-Response-PUE-1.

The project team has been actively coordinating with PG&E during the early design phases of the project to identify, describe, and evaluate the HST's potential impact on existing electrical and gas infrastructure. As appropriate and commensurate to the early stage of engineering design, modifications have been made to the EIR/EIS to reflect the comments provided (see Section 3.6.2 Laws, Regulations, and Orders). Where the project would require modification of any electrical substation or electrical transmission, power, or distribution line, such modifications would be conducted in compliance with the California Public Utilities Commission's General Order 131-D.

### **576-3**

See MF-Response-PUE-5

### **576-4**

See MF-Response-PUE-5, MF-Response-PUE-1, and MF-Response-PUE-3.  
Within Section 3.6 Public Utilities and Energy of the EIR/EIS, Section 3.6.5.3 High-

### **576-4**

Speed Train Alternatives discusses potential conflicts with existing utilities. The Authority will work with utility owners during final engineering design and construction of the project to relocate utilities or protect them in place such that safe and reliable maintenance of the facilities is not impaired. For example, where overhead transmission lines cross the HST alignment, the Authority and the utility owner may determine that it is best to place the line underground. In this case, the transmission line would be placed in a conduit so that future maintenance of the line could be accomplished outside the HST right-of-way.

The project team will continue to coordinate with PG&E to identify, describe, and evaluate the HST's potential impact on existing electrical infrastructure. Section 3.6.5.3 of the EIR/EIS discusses the specific actions that will be implemented to minimize planned service interruptions and reduce the potential for accidental disruptions in service. Potential impacts to electrical power supply and electrical utility operations during construction and operation of the HST have been alleviated through project design. No additional mitigation is required.

### **576-5**

See MF-Response-PUE-3 and MF-Response-PUE-5.

Growth is forecasted in the Central Valley under the No Project Alternative and HST Project. As shown in Table 3.18-2 in Section 3.18, Regional Growth, the population of the three counties in the study area is projected by about 68-percent which over double then projected for California as a whole. The population growth is going to require the physical extension and expansion of utilities even under the No Project Alternative. Compared to the projected growth without the project, the HST Project would not induce growth substantially beyond what is projected. The HST alternatives would encourage more compact, efficient land use in the region and would generate higher-density infill development around HST stations which would minimize some of the need for expansions to new areas. Section 3.13, Station Planning, Land Use, and Development, provides additional information on the development of the station areas. Additionally, text in Section 3.19, Cumulative Impacts, under Public Utilities and Energy, addresses the new power that would be required under the No Project Alternative. Because of the new power requirements as a result of growth in the study area under the No Project Alternative, the HST Project would not contribute cumulatively to the overall demand for

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Response to Submission 576 (Dale Overbay, October 12, 2011) - Continued

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**576-5**

utility services.

**576-6**

The impacts of the HST project on PG&E facilities, including the need for additional facilities to serve the project, are direct impacts and are analyzed in Section 3.6, Public Utilities and Energy, in the Final EIR/EIS. Proposed modifications to electrical facilities, including transmission line upgrades and additions, are discussed for each HST alternative in Chapter 2 Alternatives of the Final EIR/EIS, which describes the project elements.

The Authority is actively assimilating information on existing and planned utilities. The designs presented in the EIR/EIS are preliminary (15% complete). The Authority will coordinate with utility owners to refine this information, identifying and evaluating all known facilities within the footprint during future design phases. The Authority will also be meeting with local districts, municipalities, and other entities (e.g., Kinder Morgan) to develop Memoranda of Agreement that will define terms and conditions to resolve utility conflicts, including funding by the Authority to reimburse costs incurred as a result of the HST project. As necessary, the Authority will coordinate with the appropriate state agencies to facilitate oversight of these activities.

**576-7**

See MF-Response-PUE-1 and MF-Response-PUE-5.

Submission 38 (Savita Patel, August 17, 2011)

**Merced - Fresno - RECORD #38 DETAIL**

**Status :** Action Pending  
**Record Date :** 8/17/2011  
**Response Requested :**  
**Stakeholder Type :** Business  
**Submission Date :** 8/17/2011  
**Submission Method :** Website  
**First Name :** Savita  
**Last Name :** Patel  
**Professional Title :** Owner  
**Business/Organization :** Fresno Motel  
**Address :**  
**Apt./Suite No. :**  
**City :** Fresno  
**State :** CA  
**Zip Code :** 93728  
**Telephone :** 714-814-5371  
**Email :** spatel559@hotmail.com  
**Cell Phone :**  
**Email Subscription :** Merced - Fresno  
**Add to Mailing List :** Yes  
**Stakeholder Comments/Issues :** I would like to understand what the impact will be to the properties on North Motel Drive in Fresno, there is a stretch of Motel Properties along this street. I own property just north of Roeding park and West of the UPRR on Golden State Blvd. Thus far, the EIR/EIS has been very vague regarding this stretch of the Merced-Fresno section. Will the properties on this corridor be closed down as Golden State Blvd is pushed west? Are the properties going to be partially taken or completely is a sound wall going to be produced as two rail corridors will be very loud. This movement and closure of Golden State Blvd is going to be very impactful to the businesses along the western side of the UPRR. Please advise!  
**EIR/EIS Comment :** Yes

38-1

38-2

38-3

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Response to Submission 38 (Savita Patel, August 17, 2011)

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**38-1**

See MF-Response-SOCIAL-1.

**38-2**

See MF-Response-NOISE-6.

**38-3**

See MF-Response-SOCIAL-3.



Submission 128 (Nick Patel, September 20, 2011)

Merced - Fresno - RECORD #128 DETAIL

Status : Action Pending  
Record Date : 9/20/2011  
Response Requested :  
Stakeholder Type : Business  
Submission Date : 9/20/2011  
Submission Method : Website  
First Name : Nick  
Last Name : Patel  
Professional Title : Owner  
Business/Organization : Holiday Motel  
Address :  
Apt./Suite No. :  
City : Fresno  
State : CA  
Zip Code : 93728  
Telephone : 5592137189  
Email : nrupen.patel@yahoo.com  
Cell Phone :  
Email Subscription : Merced - Fresno  
Add to Mailing List : Yes  
Stakeholder  
Comments/Issues :  
I am the owner of Holiday Motel on 1407 N. Golden State Blvd. in Fresno. First of all I am not opposing nor agreeing to this project. However, from our research this project effects our property. We live here and manage the property for the past 10 years. Fresno's average occupancy is roughly at 60% and lower in recent years. Wouldn't you want to stay at the 40% of the vacant properties instead of sleeping across two railway tracks?  
Our property value will also hit rock bottom because of the added High speed railway track. It is already at its lows since there is already a UPR track there. Nobody would buy this property after the next one is added.  
Thank you  
EIR/EIS Comment : Yes

128-1

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Response to Submission 128 (Nick Patel, September 20, 2011)

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**128-1**

See MF-Response-SOCIAL-2.

Submission 359 (Savita Patel, September 26, 2011)

Merced - Fresno - RECORD #359 DETAIL

Status : Action Pending  
Record Date : 9/26/2011  
Response Requested :  
Stakeholder Type : Business  
Submission Date : 9/26/2011  
Submission Method : Website  
First Name : Savita  
Last Name : Patel  
Professional Title : Owner  
Business/Organization : Fresno Motel  
Address :  
Apt./Suite No. :  
City : Fresno  
State : CA  
Zip Code : 93728  
Telephone : 714-814-5370  
Email : spatel559@hotmail.com  
Cell Phone :  
Email Subscription : Merced - Fresno  
Add to Mailing List : Yes  
Stakeholder  
Comments/Issues :  
EIR/EIS Comment : Yes

359-1

The plan for the Golden State Blvd corridor, in Fresno between Olive and McKinley does not take into account the change in business atmosphere as the closure of Golden State Blvd. limits the traffic that will pass by the Motels on this corridor. You are also turning a four lane street into two and pushing the entire street onto the properties. This impact is significant to the businesses on this street as property frontage and signage will be destroyed. Why not simply purchase the properties as they will not be profitable at the end of this project?

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## Response to Submission 359 (Savita Patel, September 26, 2011)

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**359-1**

See MF-Response-SOCIAL-1 and MF-Response-SOCIAL-3. Golden State Boulevard would only be closed between Olive Avenue and Belmont Avenue. North of Olive Avenue the roadway would be narrowed. Refer to Volume III: Alignment Plans and Other Appendices for detailed information.

Submission 176 (Tyler Patel, September 14, 2011)

Comment Period Extended to  
 October 13, 2011

El periodo a hacer comentarios  
 está prolongado hasta del  
 13 de octubre de 2011



**CALIFORNIA**  
**High-Speed Rail Authority**

**Comment Card**  
**Tarjeta de Comentarios**

**Merced to Fresno High-Speed Train Section**  
 Draft Environmental Impact Report/  
 Environmental Impact Statement (EIR/EIS) –  
**Public Hearings**  
 September 2011

**Tren de Alta Velocidad Sección Merced a Fresno**  
 Anteproyecto del Informe de Impacto  
 Medioambiental/Declaración de Impacto  
 Medioambiental (EIR/EIS) - **Audiencias Públicas**  
 Septiembre 2011

Please submit your completed comment card at the  
 end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o  
 envíela a una de las siguientes direcciones:

**Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814**

The comment period on the Draft EIR/EIS begins August 15, 2011 and ends September 28, 2011. Comments received after 5:00 p.m. on <b>September 28, 2011</b> will not be addressed in the Final EIR/EIS.	El periodo a hacer comentarios empieza a 15 de agosto y termina a 28 de septiembre. Comentarios recibidos después de <b>5:00 p.m. a 28 de septiembre</b> no se responderá en el EIR/EIS final.
--	--

Name/  
 Nombre: Tyler Patel

Organization/  
 Organización: \_\_\_\_\_

(Optional/Opcional)  
 Address/Domicilio: \_\_\_\_\_

Phone Number/  
 Número de teléfono: (888) 776-4774

City, State, Zip code/  
 Ciudad, estado, código postal: \_\_\_\_\_

Email address/  
 Correo electrónico: tpatel8@ucmerced.edu

176-1

*A California High Speed Rail System would only be beneficial to the well being of the state. It would provide many jobs and economic development. The rail way would promote sustainable transportation by allowing citizens to use efficient and viable means of getting from point A to point B. A more green alternative to using fossil fuel burning.*

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\_\_\_\_\_

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\_\_\_\_\_

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Response to Submission 176 (Tyler Patel, September 14, 2011)

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**176-1**

See MF-Response-GENERAL-9

Submission 698 (Rene Perez, October 13, 2011)

<b>Merced - Fresno - RECORD #698 DETAIL</b>	
<b>Status :</b>	Action Pending
<b>Record Date :</b>	10/14/2011
<b>Response Requested :</b>	
<b>Stakeholder Type :</b>	Government
<b>Submission Date :</b>	10/13/2011
<b>Submission Method :</b>	Project Email
<b>First Name :</b>	Rene
<b>Last Name :</b>	Perez
<b>Professional Title :</b>	President
<b>Business/Organization :</b>	Planada Community Services District Board of Directors
<b>Address :</b>	103 Live Oak Street
<b>Apt./Suite No. :</b>	
<b>City :</b>	Planada
<b>State :</b>	CA
<b>Zip Code :</b>	95365
<b>Telephone :</b>	(209) 382-0213
<b>Email :</b>	laura.saldana@planadacsd.com
<b>Cell Phone :</b>	
<b>Email Subscription :</b>	Merced - Fresno
<b>Add to Mailing List :</b>	Yes
<b>Stakeholder Comments/Issues :</b>	
From: Laura Saldana [mailto:laura.saldana@planadacsd.com] Sent: Thursday, October 13, 2011 4:30 PM To: 'MercedFresno@hsr.ca.gov' Subject: Draft EIR/EIS Comment	
<b>EIR/EIS Comment :</b>	Yes
<b>Attachments :</b>	hppsca5.pdf (3 mb)



**Planada Community Services District**

103 Live Oak St. • P.O. Box 905  
Planada, Ca. 95365  
(209) 382-0213 Fax # (209) 382-0214

October 13, 2011

California High-Speed Rail Authority  
Merced to Fresno Draft EIR / EIS Comments  
770 L Street, Suite 800  
Sacramento, CA 95814

Submitted via Email and by U.S. Postal Service

RE: California High Speed Train - Merced to Fresno Section Draft EIR / EIS Comments

Dear California High-Speed Rail Authority Board Members:

The Planada Community Services District (District) has reviewed the Draft Environmental Impact Report / Environmental Impact Study (Draft EIR / EIS) for the California High Speed Train- Merced to Fresno Section Project (herein referenced as the HST Project). The District is concerned with the California High Speed Rail Authority's (HSRA) and Federal Railroad Administration's proposed BNSF Merced Connection Alternative - Mission Way Design Option. Based on detailed plan and profile sheets provide in Volume III - Alignments and Other Plans of the HST Project Draft EIR /EIS, the Mission Way Design Option alignment would traverse the District's Wastewater Treatment Plant Improvement Project (herein referenced as the District Project) site south of Owens Creek.

The District provides sewer and water services for the unincorporated community of Planada in southeast Merced County. The District's service area covers approximately 1.5 square miles and includes the community of Planada as well as land outside the community of Planada. The District is responsible for providing current as well as project water and sewer service needs within its service area. The Community of Planada is a low-income, minority agricultural based community. The State of California Water Resources Control Board has designated Planada as a "small community with a financial hardship".<sup>1</sup>

<sup>1</sup> A small community with a financial hardship is defined as a municipality with a population of less than 10,000 with a median household income of less than 80 percent of the State of California's median household income. Planada's financial situation is much worse. For example, the most recent data available indicates that Planada has an unemployment rate of approximately 40% and a median household income of only \$24,286.

Submission 698 (Rene Perez, October 13, 2011) - Continued

California High Speed Rail Authority  
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The District owns and operates a wastewater treatment plant (WWTP) located approximately one-half mile southwest of the community of Planada. The WWTP is located south of East Toews Avenue, roughly equal distance between two north-south trending roads – Plainsburg Road to the east and Whealan Road to the west. The District is under order by the State of California’s Central Valley Regional Water Quality Control Board (Central Valley Water Board) to improve the quality of treated effluent discharged from its WWTP or provide an alternative method of effluent disposal. The District is also required to comply with a Time Schedule Order issued by the Central Valley Water Board to improve the quality of treated effluent discharged or implement an alternative method of effluent disposal by November 2013.

In response to the Central Valley Water Board orders, the District has been working with the Central Valley Water Board and the California State Water Resources Control Board (State Water Board) since 2004 to improve its wastewater treatment process to comply with state and federal regulations. As result of these efforts, the District is proposing to upgrade its existing WWTP and change the method of wastewater treatment and disposal to comply with the Central Valley Water Board’s requirements. The District has filed a “Petition of Change” with the State Water Board to discontinue its surface water discharge and instead direct its wastewater discharge to land disposal – undisinfecting secondary treated effluent (reclamation water) to be stored in ponds during the winter months and used for agricultural irrigation during the spring and summer months. The District’s proposed WWTP improvements would be constructed within the boundaries of its existing WWTP and on 13.6± acres south and adjacent to the existing WWTP. The District is also proposing to acquire 164± acres of property for the purpose of wastewater reclamation. The 164± acres include properties to the north and south of Owens Creek between Plainsburg and Whealan Roads, including the possibility of extending as far south as Kadota Avenue (refer to attached Project Location exhibit). At this time, the District has secured an agreement to purchase land north of Owens Creek and is presently negotiating an agreement to purchase land south of Owens Creek to support the Phase 1 District Project’s wastewater reclamation needs.

The District’s Project has been subject to several planning, fiscal and environmental studies since 2004. The District first released an Initial Study on the Project in April 2006. Since then, the Project has been revised and subject to additional fiscal and environmental studies. A Draft EIR on the Project revisions was released for public review and comment on September 19, 2011. The District’s Project has and continues to be tracked under California’s Office of Planning and Research, State Clearinghouse (SCH) environmental reporting identification number – SCH No. 21006041048. The District is the lead agency for the Project under CEQA and the United States Department of Agriculture – Rural Development is the lead agency for the Project under NEPA.

698-1 | The HST Project Draft EIR / EIS does not acknowledge or reference the District’s Project or analyze the potential impacts the HST Project may have on the District, the District’s Project or on the community the District serves. The District’s Project is not listed in Technical Appendix 3.19.A (Planned and Potential Projects and Plans) of the HST Project Draft EIR / EIS. In order to adequately assess any potential HST Project-related impacts on the District, the District’s Project or on the community it serves of Planada, additional detailed and focused analysis needs to be provided in the HST Project EIR / EIS. The Board of Directors of the District believes that the HST Project would

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698-1 | result in significant impacts, both physically and financially, to the District and to the District’s Project as well as a potential fiscal impact to the District’s ratepayers. The failure to recognize or analyze the HST Project impacts (physical and fiscal) on the District, the District’s Project, or on the community the District serves is a major inadequacy of the HST Project EIR / EIS.

The following comments, based on the information provided in the Draft EIR / EIS, clearly indicates that the HST Project Draft EIR / EIS did not address the impacts (quantitatively or qualitatively) the BNSF Merced Connection Alternative - Mission Way Design Option would or could potentially have on the District or on the District’s Project. In general, the HST Project Draft EIR / EIS lacks site-specific data typical of a “project-level” EIR that would be relevant and necessary to address potential site specific direct, indirect and / or cumulative impacts and, if necessary, identify meaningful and measurable mitigation measures.

698-2 | **Section 2 Alternatives**  
The Draft EIR / EIS provides an inadequate Project description – the disclosure of the HTS Project setting is inadequate and incomplete. The Draft EIR / EIS description of the HTS Project setting is deficient as it fails to disclose the District and the community which it serves. Section 2 should include a sub-section that identifies and addresses special purpose districts such as the Planada Community Services that would or could be impacted by the HTS Project. This sub-section should list which alternatives would or could potentially affect the utility services provided by local governmental entities such as special purpose districts.

**Section 3 Affected Environment, Environmental Consequences, and Mitigation Measures**  
As applicable, all sub-sections of Section 3 need to analyze the potential impacts the HST project would have on the District, the District’s Project and on the community of Planada.

698-3 | **Section 3.2 Transportation**  
The HST Project BNSF Merced Connection Alternative - Mission Way Design Option proposes to close Whealan Road as a through road at the HST corridor south of Owens Creek. The closure of Whealan Road coupled with the HST Project Mission Way Design Option corridor would have a negative impact on the district’s ability to operate and maintain the District’s Project in that there would be no direct access to the reclamation areas between Owens Creek and the HST Mission Way Design Option corridor and to the reclamation areas south of the HST from the District’s wastewater treatment plant. The District would be required to use an alternate route to operate and maintain the reclamation area south of the HST Mission Way Design Option corridor. This section of your environmental document needs to address how these impacts will be mitigated.

698-4 | **Section 3.6 Public Utilities and Energy**  
Section 3.6.4.1 Public Utilities, which identifies affected public utilities affected by the HST Project, fails to identify and address the Planada Community Services District. This section should include the discussion of the District’s current conditions as well as the District’s Project that is now undergoing review, and that the District’s Project is within the path of the HST Project BNSF Merced Connection Alternative - Mission Way Design Option. Sections 3.6.5.1 and 3.6.5.2 need to identify and address the physical and fiscal impacts the HST Project BNSF Merced Connection Alternative - Mission Way



Submission 698 (Rene Perez, October 13, 2011) - Continued

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698-4 Design Option will have on the District as well as on the District's Project and how these impacts will be mitigated.

698-5 **Section 3.8 Hydrology and Water Resources**  
The HTS EIR / EIS needs to identify site-specific flood impacts as well as address the effects of constructing a HTS Project within identified floodplains and how these impacts would be mitigated. Clearly, the HTS Project would significantly alter the existing floodplain conditions in the vicinity of the District's WWTP. The construction of an elevated rail bed would impede the movement floodwater and likely increase the depth floodwaters. The HTS EIR / EIS only superficially addresses the potential permanent impacts on floodplains resulting from HTS Project and suggests that "hydrologic modeling would be necessary to demonstrate that proposed mitigation measures,... would maintain existing channel capacity." However, no mitigation measures with respect to flood impacts are presented in this section. Rather this section concludes on page 3.8-35 that floodplain "impacts would be negligible under NEPA and less than significant under CEQA."

Executive Order 11988, "Floodplain Management" guidelines require federal agencies apply the 0.2 percent or 500-year flood occurrence standard to the location of critical facilities. Critical facilities include wastewater treatment facilities. The District's Project is a federally funded project and thus subject to this criteria. The HTS EIR / EIS needs to address, quantify flood depth resulting from the HTS Project and mitigate potential direct and indirect flood impacts to the District's existing and planned WWTP improvements pursuant to 500-year flood occurrence standards.

The area between Owens Creek / Dibblee Lateral and Duck Creek is within the California Department of Water Resources Central Valley Flood Protection Board's adopted "Plan of Flood Control" and falls within a designated San Joaquin River Basin Levee Flood Protection Zone. The designated zone is protected by a state -federal project levee. The HTS EIR / EIS needs to quantify the impacts of constructing the HST Project BNSF Merced Connection Alternative - Mission Way Design Option within this designated flood protection zone and what, if any direct and indirect impacts there will be on the District's Project from constructing the HTS Project within this zone.

698-6 **Section 3.12 Socioeconomic, Communities, and Environmental Justice**  
Section 15131(b) of the CEQA Guidelines states "economic or social effects of a project may be used to determine the significance of physical changes caused by the project." The District is responsible for providing water and wastewater services to a low-income, minority community. In the case of HSRA's BNSF Merced Connection Alternative - Mission Way Design Option, the economic effects on the District and ultimately, the District's ratepayers would be significant. Therefore, Section 3.12 of the HTS Project EIR / EIS needs to identify and address the potential socioeconomic impacts the BNSF Merced Connection Alternative - Mission Way Design Option would have on the District and the community of Planada. The Community Impact Assessment prepared in support of the HTS Project EIR / EIS also lacks any information or discussion regarding the implications of the HTS Project BNSF Merced Connection Alternative - Mission Way Design Option would have on the District or on the Community of Planada for which the District serves.

698-6 Implementation of the BNSF Merced Connection Alternative - Mission Way Design Option could potentially preclude the District from moving forward with applying undisinfected secondary treated effluent onto agricultural land in the vicinity of their WWTP. Such a move would significantly increase the District's Project capital costs as well as operational and maintenance costs. If the District is unable to apply undisinfected secondary treated effluent onto agricultural land in the vicinity of their WWTP, the District would incur an additional cost of \$1.8 to \$7.8 million to construct a wastewater treatment and disposal system that would comply with state and federal regulations. The District's annual operational and maintenance costs would increase approximately \$225,000. This would necessitate such a significant increase in the rate the District would have to charge its customers so as to make the utility service unaffordable.

698-7 **Section 3.14 Agricultural Lands**  
The HTS EIR / EIS needs to identify, address and mitigate the effects of wind from a passing train will have on the District's application of undisinfected secondary recycled water on agricultural land. Title 22, California Code of Regulations regulates the use and application of undisinfected secondary recycled water treated effluent. In particular, undisinfected secondary recycled water is not permitted to be airborne - "spray, mist or runoff not enter dwellings, designated outdoor eating areas..." Furthermore, undisinfected secondary recycled water may not come into contact with the edible portion of a crop or into contact with fodder and fiber crops and pastures for animals producing milk for human consumption. Trains traveling 220 miles / hour would cause recycled water applied to agricultural fields via flood irrigation in the vicinity of the HST Project BNSF Merced Connection Alternative - Mission Way Design Option corridor to become airborne (e.g., spray, mist particles) that could ultimately enter dwellings. Airborne water spray or mist would also come into contact with edible crops or fodder and fiber crops that are grown in the vicinity of the District's Project site and the HST Project BNSF Merced Connection Alternative - Mission Way Design Option corridor.

The HTS Project BNSF Merced Connection Alternative - Mission Way Design Option would also result in a parcel severance that would affect the operational and maintenance that would be required of the District Project's wastewater agricultural reclamation areas. The parcel severance would result in an economic hardship on otherwise viable reclamation site. The HTS EIR / EIS needs to address, quantify and mitigate direct and indirect parcel severance impacts to the District from constructing the HST Project BNSF Merced Connection Alternative - Mission Way Design Option

**Conclusion**  
The HTS Project BNSF Merced Connection Alternative - Mission Way Design Option described in the HTS EIR / EIS may result in significant impacts to the District. For the reasons enumerated above, the HTS EIR / EIS is inadequate. We urge the HSRA and Federal Railroad Administration to correct these deficiencies and to ensure that the HTS Project BNSF Merced Connection Alternative - Mission Way Design Option impacts are fully disclosed, analyzed and mitigated before the HTS Project EIR / EIS is allowed to proceed to the Final EIR / EIS stage. Pending HSRA and Federal Railroad Administration's identification and analysis of the potential impacts and mitigation measures warranted to avoid or reduce potential impacts to District, we may have additional comments and recommendations regarding the avoidance, minimization, and mitigation of HTS Project BNSF Merced Connection Alternative - Mission Way Design Option impacts may have on the District.

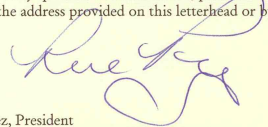
Submission 698 (Rene Perez, October 13, 2011) - Continued

California High Speed Rail Authority  
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The District thanks the HSRA and the Federal Railroad Administration for the opportunity to provide comments on the Draft EIR / EIS and reserves the right to submit any additional comments during the process and review of HTS Project by the HSRA and the Federal Railroad Administration.

If you have any questions on these issues, please contact the District Office Manager, Ms. Martha Mayo, at the address provided on this letterhead or by telephone at (209) 382-0213.

Sincerely,



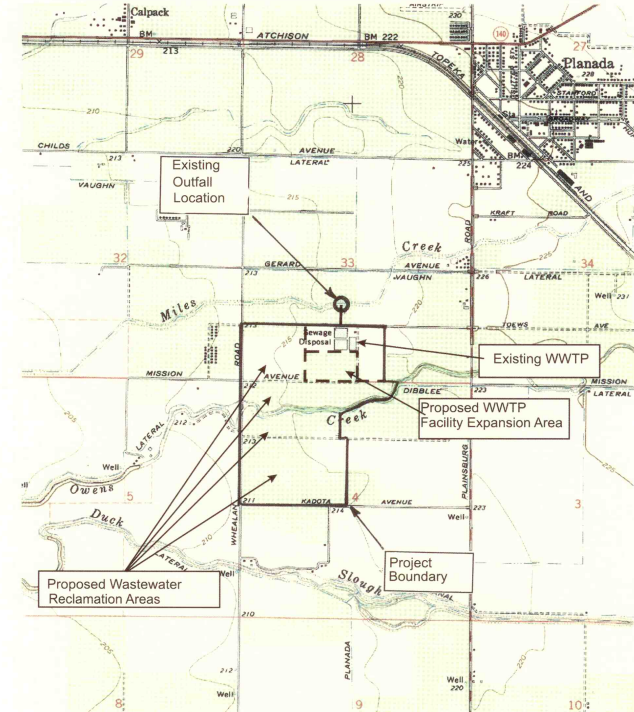
Rene Perez, President  
Planada Community Services District Board of Directors

Encl.

- cc: Planada Community Services District Board of Directors
- Ms. Martha Mayo, Planada Community Services District
- Mr. Stan Rodriguez, Planada Community Services District
- Mr. Thomas Keene, Linnerman, Burgess, Telles, Van Atta, Vierra, Rathmann, Whitehurst &

Keene

- Mr. Jose Guardado, United States Department of Agriculture – Rural Development
- Mr. Lee Fremming, Fremming Parsons and Pecchenino, Inc.
- Mr. Gary Conte, Valley Planning Consultants, Inc.
- Mr. Alfonso Manrique, AM Consulting Engineers
- Mr. Paul Boyer, Self-Help Enterprises



Scale: 1 inch = 2,000 feet  
Source: USGS 7.5 Minute Topographic Map, Planada Quadrangle, California

Planada Community Services District Wastewater Treatment Plant Improvement Project

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## Response to Submission 698 (Rene Perez, October 13, 2011)

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### **698-1**

See MF-Response-GENERAL-1. The Planada Wastewater Treatment Plant Improvement Project has been added to the cumulative impacts analysis as requested.

### **698-2**

Chapter 2 does not provide a general project setting. Rather, the resource sections in Chapter 3, Affected Environment and Environmental Consequences, provide this information as it pertains to each resource. Location descriptions in Chapter 2 are specific to each alternative. No alternative travels through Planada, and therefore, it is not discussed[CSVN1]. Impacts are disclosed by location in the EIR/EIS, as pertinent. Regional impacts that could affect Planada, such as transportation, growth and air quality, are discussed in regional terms in their respective sections of Chapter 3. Special district boundaries are not determinants of environmental impacts, therefore, the boundaries themselves they need not be disclosed in order to adequately disclose the project's potential impacts.

[CSVN1]Where any impacts to Planada considered? If so, it is appropriate to state that here as a showing that the document considered the potential impacts to the community.

### **698-3**

See MF-Response-TRAFFIC-2. The District would still have access so there is no environmental impact.

Current design assumes removed north/south travel along Whealan Road to be relocated to nearby Plainsburg Road via E. Toews Ave and/or E. Kadota Ave. However, further study and consideration of incorporating grade separation along Whealan Road will take place at 30% design.

### **698-4**

Section 3.6 Public Utilities and Energy focuses analysis on utility providers that serve the study area, and the Planada Community Services District is not known to serve the areas impacted. For this reason, a description of the Planada Community Services District is not included in Section 3.6.

### **698-4**

The Planada Community Services District published a DEIR in September 2011 on the proposed expansion of their Waste Water Treatment Plant (WWTP) that includes acquiring land to use for effluent disposal. The expansion is scheduled to be completed by 2013. The BNSF Mission Way Alternative would transect the "Proposed Phase 1 Reclamation Area" at approximately the southern study boundary. However, the EIR analyzes a potential effluent area roughly twice the acreage of the project's effluent disposal requirements, permitting design flexibility.

Potential conflicts with the proposed expansion of the wastewater treatment plant have been added to the discussion in Section 3.19 Cumulative Impacts. As necessary, the Authority will consult with the district and develop design modifications to the HST or changes to the proposed effluent disposal area, or both, to accommodate both projects. Note, however, that the preferred alignment is the Hybrid Alternative, which would avoid impacts to the district's proposed water treatment facilities, as mentioned in MF-Response-GENERAL-8.

### **698-5**

See MF-Response-WATER-3. Site specific drainage design has not been completed at this stage, however, the project design will be designed to avoid not adversely affecting adjacent and downstream properties. The EIR/EIS contains a description of a Project Design feature that is specifically focused on flood protection. Please see Section 3.8.6 for further detail. In addition, it will be constructed in accordance with all state and local regulations in regard to the floodplain.

Note that the proposed use of treated effluent from the upgraded Planada WWTP is now discussed in the analysis of cumulative effects in Section 3.19.2.3.

### **698-6**

See MF-Response-SOCIAL-7, MF-Response-PUE-5, MF-Response-GENERAL-8 and MF-Response-GENERAL-1.

### **698-7**

As discussed in MF-Response-AGRICULTURE-5, the HST will generate minimal wind effects beyond the right-of-way area. All liquid waste disposal ponds will be outside the HST right-of-way. Therefore, train passage will not cause liquid effluent to enter the air or take an aerosol form. See MF-Response-AGRICULTURE-4.



Submission 960 (Ralph Pistorosi, October 13, 2011)

DEAR SIR,

RECEIVED Oct 10, 2011

10-17-11P04:49 RCVD

Regarding Security Issues for the Protection of a High Speed  
RAIL Project.

960-1 | The United States has for the last 10 years been what is described as a War on TERROR. Daily we read in the newspaper of roadside bombs, car bombs, rocket grenade attacks used against our soldiers and nation. The attack on the Twin Towers, the Pentagon and the attempted attack on the Capital speak of the high profile targets such as Al Qaeda look for. A high speed rail system that extends for hundreds of miles is indefensible. It is my opinion that they could be derailed at will. With speeds of 225 mph the resulting carriage would be horrific. Damage need not be done directly to the train but to the supporting systems that control the workings of the train, as what may have happened with the wreck in China. ONE OR TWO such attacks, or even attempted attacks would diminish the ridership to unsustainable low levels. The costs to maintain the system would warrant higher fees reducing ridership even more.

We need to be WISE and screwed before we embark on costly projects that we have no knowledge or experience at. The learning curve and mistakes in this endeavor or any such business endeavor would be overwetting. Just because these RAIL systems exist in other parts of the world does not mean they are a good fit for us.

Any ~~terrorist~~ terrorist attack on the California transportation system as per say taking out of an overpass in busy Los Angeles can be rerouted using other freeways to keep people and commerce moving. All of our eggs with our current transportation system are not in ONE basket.

An attack on the rail system of high speed would be a high profile attack that a terrorist group would seek. To boast of how one rocket propelled grenade undermined years of planning, billions of dollars of money those stupid Americans should never have spent. I bet they are just waiting and hoping you build this fiasco.

- 1 -

- 2 -

Submission 960 (Ralph Pistorosi, October 13, 2011) - Continued

I am sure the biblical story of how the shepherd boy DAVID slew the giant Goliath with a STONE to cut his head off will be used. WE better think this thing carefully through while we still have a head.

Of course much of what terrorist groups would try to do would be accomplished by the High Speed Rail Authority itself.

Here in California our roads are a shameful mess. Though taxes dollars from fuel taxes has been collected and fees extracted the freeways are deteriorating. We Californians have forgotten what a proper freeway is suppose to be unless we have traveled to other states or overseas to Europe. Talk to any trucker in California and he will tell you. It is a vigilant effort to keep these big rigs where they need to be running on the road.

For a state that is the fifth richest economy in the world for what it produces the money that I believe would be wasted on High Speed Rail would better service more people and commerce if spent on traditional roads.

- 3 -

960-3

The construction would crisscross establish farmland with many permanent crops and undermine the ability to economically farm most of these properties. That is an act of terrorism in and of itself. These farms, ~~are~~ small and large, may affect the financial obligations that these farmers have to lending institutions and will without doubt the untold numbers of workers tied to the productiveness of these operations.

This Calif. High Speed Rail project would require Redoing at least 30 to 40 overpasses how is this possible when we do not even patch holes in our freeways, Hwy 99 as ~~an~~ an example. Have all the politicians gone nuts? Did they fall and bump their heads somewhere? Where is all this funding coming from? How much financial impact in the negative sense is going to effect trucking and commerce? In my opinion a great deal.

This endeavor has too many unknowns that can never be fully addressed in an EIR. This project is too large there is no piece meaning it if it show fall short for

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Submission 960 (Ralph Pistorosi, October 13, 2011) - Continued

960-3

example in funding. All would be totally lost. Our image would be that of a fool and rightly so.

This project would adversely effect all of our farming operations of permanent crops by crossing through a half dozen properties. I'm talking miles of tracks cutting through some of it diagonally. Pumps, irrigation systems, our ability to spray, or ability to possibly get permission to spray because of buffers. It would significantly diminish the value of the entire affected property. Access would be problematic, the ability to move harvesting equipment would be impacted.

960-4

Wind turbulence would cause a dust issue a problem with our nut problem on trees & vines. Issues with the San Joaquin Valley Air District. We currently sand, gravel and water all of our farm avenues to reduce dust. We have installed gates to prevent unnecessary trips down those avenues. Now High Speed Rail wants to blast many trains and many trips a day at 225 mph through our many ranches.

-5-

960-5

An issue that is of concern to me is the unsightliness of trains cutting through the vistas of our beautiful valley. It would be like a <sup>huge</sup> ASCAR on the face of a beautiful model.

960-6

This project may have an adverse effect on our water supply for agriculture. I am told that the electricity to operate this project is equal to 463,000 households daily. This extra burden on an electrical grid that cannot be easily enlarged may cause brown outs and blackouts to agricultural areas affecting the use of electrical deep wells. This could be disastrous in the heat of summer when irrigation is critical. The inability to irrigate timely could cost millions to just our operation. Who gets first dibs on the power grid Agriculture or High Speed Rail?

Has the EIR properly addressed land subsidence issue, and how they would effect the longevity of the tracks. If such problems arise how might you solve them. For us to discontinue pumping underground water cannot be one of them. Hundred of thousands of jobs would be lost in Agriculture and Ag related businesses.

Submission 960 (Ralph Pistorosi, October 13, 2011) - Continued

960-7

I also believe the EIR needs to more adequately address the issue of emergency services and how they might be impacted by their many changes to the current road access and configuration. Response times to medical facilities may be adversely affected. Also medical emergencies that may occur on the train. What would be the protocol in many different scenarios. How would all this coordination occur? Where would the trains stop, how about trains behind the affected train. What might be the extent of the delays?

960-8

What if people buy bonds, I would not invest one cent in this project, and it failed. What repercussions would this have on our fragile economy? This scenario needs to be addressed. Can this money be better invested in other projects that are a safer surer bet for the benefit of more Californians?

We don't have the money or the need to build this. We, California, don't have the money to pay it's employees. How are we going to build and run this stupid train?

-7-

Ralph Pistorosi

ONE of our properties on Peterson Rd and Hwy 43, and Magnolia and Garza Hwy is proposed to be cut diagonally with 2 1/2 miles of track. This would ruin this ranch and because they don't want to go through Allensworth, a state ghost town. Because of this they say they can not proceed down existing Hwy 43 corridors. Now does that make sense? Ruin miles upon miles of agricultural land because the State doesn't want the train on their land.

This letter impacts properties in Merced, Madera, and Kern Counties.

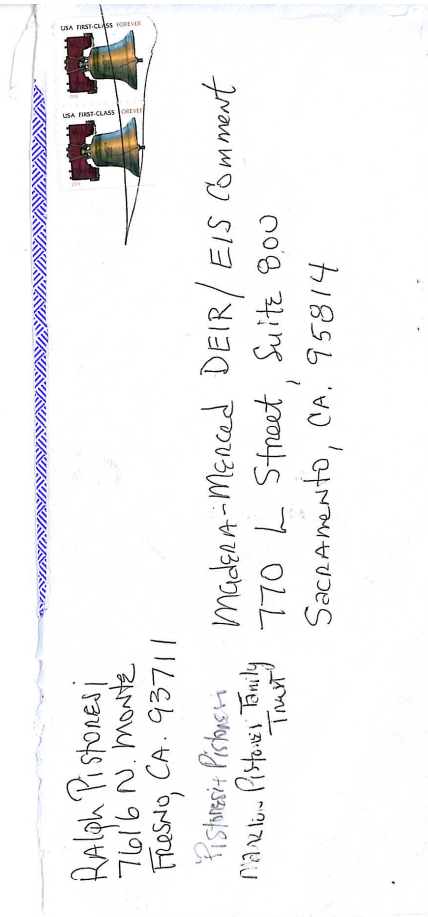
Ralph Pistorosi  
7616 N. Monte  
Fresno, Calif 93711

Phone 559-352-8829  
559-439-4750

-8-



Submission 960 (Ralph Pistorresi, October 13, 2011) - Continued





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## Response to Submission 960 (Ralph Pistoiresi, October 13, 2011)

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### 960-1

See MF-Response-S&S-5 and MF-Response-S&S-8.

### 960-2

See MF-Response-GENERAL-18

California road construction and maintenance funding is not a part of this project and does not meet project objectives. Therefore, by itself, it is not a viable alternative for consideration in the EIR/EIS. Continued road construction and maintenance is one facet of the No Project Alternative described in Chapter 2, Alternatives of the EIR/EIS.

### 960-3

See MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-4, MF-Response-AGRICULTURE-5, MF-Response-GENERAL-4, and MF-Response-GENERAL-18.

### 960-4

See MF-Response-AQ-1.

### 960-5

MF-Response-VISUAL-2

### 960-6

With regard to electricity demand and supplies, see Draft EIR/EIS Section 3.6, which describes how project power demands would be met from the power grid. As a result of the analysis described in Section 3.6, showing that the existing electrical grid has the necessary capacity to support the addition of the HST system, blackouts and brownouts are highly unlikely to occur. With regard to “who gets first dibs...agriculture or High Speed Rail,” the details of the electricity supply are still being developed with the California Public Utilities System and CalISO, but the Authority is not requesting special privileges.

With regard to regional water supply impacts, see MF-Response-WATER-4, which states that regional groundwater impacts would be negligible (and potentially beneficial[CSVN1]).

With regard to soil settlement (including the effects of regional subsidence), see the discussion of negligible impacts and design standards in Chapter 3.9 (Geology, Soils,

### 960-6

and Seismicity). The EIR/EIS evaluates whether the project is located on a geologic unit or soil that is unstable, or that would become unstable, as a result of the project. One of the considerations is subsidence from groundwater or petroleum withdrawal. The EIR/EIS (see Section 3.9.4.4, Geologic Hazards) states that substantial subsidence has occurred in the San Joaquin Valley, primarily due to groundwater extraction; however, the areas with greatest land subsidence are in the western portion of the San Joaquin Valley, where subsidence of more than 28 feet was recorded between 1926 and 1970. In the area of the HST alternatives, including the north-south alignments, wyes, stations, and HMF, subsidence has been far less dramatic than on the western side of the valley, with subsidence measured at less than 1 foot between 1926 and 1970 (Faunt 2009; Galloway and Riley 1999). Over the last several decades, the use of pipelines and aqueducts for surface water deliveries from other parts of California has reduced dependence on groundwater for agricultural use, and land subsidence has slowed or reversed in some areas of the San Joaquin Valley. During drought conditions, however, increased reliance on groundwater may result in increased subsidence rates.

Construction and operation of the Merced to Fresno HST project would not change subsidence rates compared to existing conditions. The project does not include features (e.g., major new sources of groundwater extraction) that would contribute to subsidence. In fact, as described in Section 3.8, the project would cause up to 1,420 acres of land (under the preferred alternative) to be removed from agricultural production. Some of these lands are irrigated with groundwater, and therefore localized groundwater withdrawals would likely be reduced.

The project will be designed so that geotechnical constraints (e.g., subsidence from groundwater withdrawal, soil settlement from new earth loads, etc.) do not result in premature degradation of the alignment such that speeds are reduced or operation and maintenance (O&M) costs are unacceptably high. Prerequisite geotechnical and geologic evaluations, design features, and management measures to reduce or eliminate risk from poor or unexpected geologic conditions or from long-term effects of the project on geology are described in the EIR/EIS.

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Response to Submission 960 (Ralph Pistoresi, October 13, 2011) - Continued

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**960-7**

See MF-Response-S&S-3 and MF-Response S&S-9. Specific procedures for train operations, such as responding to passenger's medical emergencies, have not been established. These will be established prior to the start of HST passenger service. They are assumed to be similar to those in place for Amtrak and commercial airlines which typically rely on staff for immediate response and notification of emergency teams at the next stop for assistance and transfer of the passenger, if needed. In the event of an accident, such as a derailment, or natural disaster, such as an earthquake, the HST control system would rapidly bring the HST to a controlled stop (see Section 3.11.5.3). That would include all trains on that track, including following trains.

**960-8**

See MF-Response-GENERAL-14, MF-Response-GENERAL-18



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Response to Submission 196 (Scott and Kim Porter, September 14, 2011)

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**196-1**

See MF-Response-GENERAL-10. Also see Chapter 7 Preferred Alternative of the EIR/EIS which summarizes the relative differences between the alternatives and identifies the Hybrid Alternative as the preferred alternative for the Merced to Fresno Section.

Submission 582 (Robert L. Poythress, October 12, 2011)

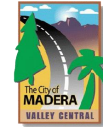
**Merced - Fresno - RECORD #582 DETAIL**

**Status :** Action Pending  
**Record Date :** 10/12/2011  
**Response Requested :**  
**Stakeholder Type :** Government  
**Submission Date :** 10/12/2011  
**Submission Method :** Project Email  
**First Name :** Robert L.  
**Last Name :** Poythress  
**Professional Title :** Mayor  
**Business/Organization :** City of Madera  
**Address :** 205 W. 4th Street  
**Apt./Suite No. :**  
**City :** Madera  
**State :** CA  
**Zip Code :** 93637  
**Telephone :** (559) 661-5400  
**Email :** dmerchen@cityofmadera.com  
**Cell Phone :**  
**Email Subscription :** Merced - Fresno  
**Add to Mailing List :** Yes  
**Stakeholder Comments/Issues :** HSR Project Team,  
 The City of Madera's comment letter on the Merced-to-Fresno Draft EIR/EIS is attached. Please confirm receipt of our comment letter with an emailed response.  
 Thank you.  
 David Merchen, Community Development Director  
 City of Madera  
 205 W. 4th Street  
 Madera, Ca 93637  
 (559) 661-5430

**EIR/EIS Comment :** Yes  
**Attachments :** City of Madera - Fresno to MercedDEIR-DEIS \_ FINALComment Letter.pdf (758 kb)

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582-2



October 12, 2011

California High-Speed Rail Authority  
 Merced to Fresno Draft EIR/EIS Comments  
 770 L Street, Suite 800  
 Sacramento, CA 95814

RE: City of Madera Comments on Merced to Fresno Draft EIR/EIS

Dear Sir or Madam,

The City of Madera appreciates the opportunity to comment on the Draft EIR/EIS for the Merced to Fresno section of the California High Speed Rail Project ("the Project"). We recognize the tremendous scope of the Project and the difficulty in attempting to analyze and address all potential impacts. The City of Madera understands that the Draft EIR/EIS is intended to serve as a project-level document, and that additional environmental review will not be required in order to construct the Project after the Final EIR/EIS and Record of Decision are certified.

Each of the three alternative alignments would affect the community of Madera. However, we believe that the BNSF and Hybrid Alternatives present the least impacts to Madera community while continuing to meet all Project objectives. These options would avoid severe disruption to the heart of the Madera community and the impacts such disruption would create. Further, we understand that substantial cost savings to the Project would be realized with the selection of either of these routes in comparison to the UPRR/SR 99 Alternative.

As the City has previously described in comments and correspondence on the Project, we believe that development of the UPRR/SR 99 alignment will result in detrimental impacts to the community which cannot be fully mitigated. Loss of businesses and employment opportunities, loss of sales and property tax revenue, reduced development and redevelopment potential, visual impacts, community division, noise impacts, etc. will be the lasting effects on the Madera community should the UPRR/SR 99 Alternative be selected. Our review demonstrates that the Draft EIR/EIS not only failed to identify feasible mitigation measures that would lessen the severity of these impacts, but concluded that little or no impact to the Madera community would occur despite the massive disruption the Project would entail. Our comments on the Project are outlined below.

**General Comments**

1. Inadequate Review Period. The burden of reviewing and commenting on the Draft EIR/EIS within the designated comment period is unreasonable and disproportionate to small agencies with limited staff, including Madera. Volume 1 of the Draft EIR/EIS alone is comprised of several hundred pages of text. However, that volume tends to contain summary information with references to thousands of additional pages of text and graphics in separate documents, some of which are included as appendices and some are not. While we remain concerned that the methodology and approach utilized to prepare the EIR/EIS is inadequate to fully disclose impacts to the Madera community, it has not been possible to develop a complete understanding of how the technical studies and supporting documents were utilized to reach the conclusions presented in the Draft EIR/EIS. This

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dilemma is magnified by the fact that an already small staff typical of medium and small cities like Madera has shrunken due to economic conditions. A revised Draft EIR/EIS, when completed, should be circulated for at least a 90 day period.

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2. Mitigation Measures. Many mitigation measures identified in the document (including those related to noise, aesthetics, and physical deterioration, as examples) fail to identify specific measures that will be taken to reduce significant or potentially significant impacts to less than significant levels. Measures calling for "consideration of" or "cooperation with", for instance, appear to be based on the hope that they will have a beneficial effect and are not supported by any evidence that the impacts will actually be reduced to less than significant levels. These measures do not appear to be enforceable through legally binding instrument, nor do they appear to incorporate performance criteria which would demonstrate how the significance of impacts would be reduced.

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3. Existing Transportation Corridor. Reference is made throughout the document, particularly in relation to the UPRR/SR 99 Alignment Alternative, as to the addition of HST facility to an existing transportation corridor. This reference is frequently made as the sole justification to consider the impacts of the HSR Project less than significant because "the impacts have already been created by the existing transportation corridor." This justification is inaccurate and a major flaw in the document. It is correct that Freeway 99 and the existing UPRR tracks traverse through the community. However, there is little or no similarity between those existing at or below grade facilities and the elevated viaduct that is proposed with the UPRR/SR 99 Alternative. That alignment would place elevated tracks at more than 50' above the existing ground surface, supported by more than 400 columns, each 10' diameter and more than 40' tall, through the existing city limits. The Project would run 272 trains at 220 miles per hour through the community each day. Nothing resembling that facility is presently in place. The impacts that would be created by HSR on the UPRR/SR 99 Alignment are new and unique, and the conclusion that the impacts of the HSR facility are somehow less significant because of the presence of the existing facilities is false and misleading.

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**Alternatives**

4. Project Alternatives – At-Grade and Below-Grade Options for UPRR/SR 99 Alternative. The Draft EIR/EIS does not consider the potential for at-grade or below-grade (trench) options for the UPRR/SR 99 Alternative that may have the potential to lessen impacts in Madera. It appears as though these alternatives have been or are being considered in various sections (or parts of sections) of the Statewide HST project. The EIR/EIS needs to fully evaluate both at-grade and below-grade alternatives, including all design features and community improvements necessary to implement each of them. The impacts and mitigation measures associated with each alternative should be analyzed and disclosed.

5. Project Description – Amtrak Connection. The Authority has selected the initial phase of construction for the HSR Project with the community of "Borden" as its southern limits, with the potential for the initial construction to extend south of Borden if sufficient funding is available. At least a portion of the initial construction would occur within the Merced-to-Fresno segment. The Authority has also publicly described the potential for the "Independent Utility" requirement to be met by utilizing the new rail corridor for Amtrak facilities. In light of information provided to the Authority, and the Authority's acknowledgement of funding uncertainties for the remainder of the

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Statewide Project, the need to utilize HST facilities for Amtrak in order to maintain the independent utility requirement is reasonably foreseeable. How is this connection reflected in the project description, and how are the unique impacts of Amtrak traffic on HST corridor analyzed in the document? Would service at Madera's existing Amtrak station be affected?

6. BNSF (and Hybrid) Alternative. The BNSF alternative is described as following the existing BNSF transportation corridor. Just south of Madera, the BNSF Alternative (and the Hybrid) deviates from the existing transportation corridor and traverses through agricultural land before paralleling the UPRR tracks. It is unclear why this alternative leaves the BNSF corridor just south of Madera, when it appears that it could follow the alignment south towards Fresno for some additional distance, thereby minimizing agricultural impacts and maximizing dual facility - road and rail corridor - overcrossings.

7. Section 2.2.1 System Design. The system design notes that the guideway would be designed to keep persons, animals, and obstructions off the tracks, and would include an intrusion monitoring system. What would these features be comprised of for the at-grade (BNSF) and elevated (UPRR/SR 99) alternatives? Have the environmental effects of those features been analyzed in the EIR/EIS?

8. Table 2-1. System Capabilities. The discussion notes that the system is capable of operating parcel and special freight service as a secondary use. How would that "secondary use" be incorporated into system operations? For instance, would overnight-use be allowed? Have potential impacts from such secondary uses been analyzed, or would they be prohibited?

9. Section 2.2 – Top of Page 2-6. The description of Project features notes that "communication towers" would be located every 2-3 miles, including 100 foot tall communications poles. The locations of those communications poles could not be identified. As the presence of even a single 100' tall communications pole would present unique impacts in addition to the impacts of the tracks themselves, the specific locations should be identified and the impacts of their placements disclosed.

10. Section 2.2.3. Stations. During Technical Working Group meetings, the potential for HSR maintenance facilities to accommodate passengers on a modified basis was discussed. That potential would apply to maintenance facilities not within close proximity to a full station. While no such features are currently planned, the potential for passenger accommodations at maintenance facilities should be identified, in order to remove a barrier to their occurrence if ultimately proven to be feasible and beneficial.

11. Section 2.2.7. Traction Power Distribution. The need for additional power distribution facilities is identified, including but not limited to track power substations (2.2.7.1), switching and paralleling stations (2.2.7.2), and signaling and train control elements (2.2.7.4). It is unclear where within the Madera planning area each of these features would be placed. As they present the potential for unique impacts, their specific locations should be identified and the impacts of their placements disclosed.

12. Power Lines. All references within the document, including each of its various sections, to new or replaced power lines should reflect Madera's policy that all utility lines be placed underground. This policy should be implemented within City of Madera's General Plan growth boundary, which extends from Avenue 11½ on the south to roughly Avenue 19 on the north.

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13. Figures 2-47 and 2-50. These figures show general locations of road modifications and reference numbers are listed for each modified road (presumably). We were unable to locate the corresponding data which relates to these reference numbers and describes what road/street would specifically be modified and what actual modification may occur. We are uncertain how to evaluate potential impacts of these modifications when the Draft EIR/EIS does not make it clear what changes are proposed.

14. Section 2.6.2 First Bullet Point - Maintenance. This section describes maintenance activities on the tracks that would occur between midnight and 5:00 a.m. These activities would occur during the time most sensitive to disruption from noise. Has the maintenance train noise, as well as any additional noise created by maintenance activities, been incorporated into the noise analysis? If so, where specifically would we see that information?

Additionally, related to maintenance, we cannot find a specific discussion of maintenance responsibilities for features associated with the HSR corridor, such as landscaping within the corridor and graffiti removal.

15. Section 2.7.1 Land Use Patterns. The discussion beginning on page 2-94 describes goals, policies, and objectives related to discouraging sprawl and positively affecting land use patterns by stimulating infill. This discussion focuses on the benefits of station area planning and the potential for new stations to generate or stimulate infill development. The discussion does not evaluate these goals, policies and objectives as they relate to the alignment alternatives away from stations. Later in the document (Chapter 3.12), the EIR/EIS identifies the potential for the UPRR/SR 99 alignment (in the City of Madera) to generate impacts that would discourage infill:

For communities that are farther from the HST station areas [...including Madera...] there is a potential for physical deterioration adjacent to the HST corridor that could result in negative impacts. .... the presence of HST may reduce interest in new development and cause land to be underused, perpetuating a void in these communities. Page 3.12-39.

To the extent HST causes direct physical impacts which limit or hinder development within Madera's core, or indirect impacts which create the stigma of living "under the tracks," the potential for infill development will be severely hampered by the selection and development of the UPRR/SR 99 Alternative. This negative outcome should be described alongside the potential for the positive affects around HST stations.

16. Page 2-96. Section 2.71. The concluding paragraph of Section 2.71 (Page 2-96) makes an overly broad statement that the Project "would serve to reinforce cities as hubs of the economy and future growth and would save land and water, reduce energy use, improve air quality and save money." It is unclear how the Project would reinforce Madera as a hub of the economy. It is more accurate to say that some cities (with stations) may experience that affect, while others may experience negative impacts.

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Transportation

17. Section 3.2.2.3 Regional and Local Plans. Table 3.2-1 is described as listing regional and local plans and policies that were identified and considered in the preparation of the analysis. The table itself provides a "Summary". It is unclear whether just the goals listed in the summary were considered, or whether all of the goals and policies in the identified plans were considered. The City of Madera General Plan contains many more goals and policies than were identified in this table. Later in the

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chapter (Page 3.2-29) the discussion notes that the Project is consistent with the plans and policies in this table. Because the City of Madera General Plan Circulation Element contains at least one policy that specifically directs the HST away from the UPRR alignment, it is clear that the UPRR/SR 99 Alternative is not consistent with all of the plans identified. This discussion is confusing and potentially misleading.

18. Section 3.2.5.3 Construction Period Impacts (Page 3.2-30). The discussion of construction period impacts does not identify construction-related conflicts or disturbances in the City of Madera. These effects are only described generally, with the analysis indicating that such affects are temporary and are not considered impacts. Because CEQA requires an evaluation of construction related impacts, it is unclear why the analysis would make a blanket statement that the temporary nature of construction effects precludes the occurrence of impacts? Additionally, in light of the blanket description of construction effects, it is unclear why numerous and specific "Construction Impacts on Circulation" are then identified and discussed for the Merced and Fresno HST stations?

19. Section 3.2.5.3 Construction Period Impacts. The general discussion of construction disturbances notes that a construction access plan would be developed prior to construction and would be reviewed by cities. Such plan must be subject to the approval of the affected local agencies, not simply the review of those agencies.

Is the description of the construction access plan on page 3.2-30 intended to be the same document as the construction transportation plan described on page 3.2-107? If so, these should be consistently described, and must require the approval of the local agency.

20. Page 3.2-35. Changes in Conventional Passenger Rail Service. The meaning of this paragraph is unclear. While the initial sentence suggests that the Amtrak San Joaquin may be adjusted to function as a feeder service, the next sentence suggests that Amtrak service may be discontinued in Madera. What is the intended meaning of this paragraph? If an impact of the Project is the loss of Madera's only passenger rail service, which also serves the broader Madera County community, mitigation should be identified which provides a public transit link between the community and one or more HST stations.

21. Page 3.2-35. Pedestrian and Bicycle Impacts. This paragraph describes "the corridor" and we presume that it refers to the UPRR/SR 99 potential alignment? Does this analysis consider the disruption to local linear parks and trails which function as bicycle and pedestrian facilities? Does the analysis include a determination that the noise and vibration created by the HST will be conducive to bicycle and pedestrian use underneath and adjacent to the tracks? If so, where specifically is that information in the document found?

22. Page 3.2-36. Altering Freight Rail Transportation. As described by City of Madera during Technical Working Group meetings, the City's 2009 General Plan established an industrial land use cluster on the eastern edge of the growth boundary to diversify the City's employment centers and to take advantage of rail frontage along the BNSF tracks. Land use and circulation patterns have been planned to support the eventual development of that industrial area. General Plan Policy CI-39 identifies the need for rail access to this area:

The City supports the timely extension of rail service to the industrial area east of Highway 99 to provide an incentive to development in this area.

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The design of the BNSF Alternative for this segment should incorporate the potential to add rail access to this area as called for in the Madera General Plan. While the City would not expect the HSR project to physically construct a spur or similar feature (unless future construction would be infeasible) it is the City's belief that the HSR design should not preclude its eventual development, or make it so expensive as to make it cost prohibitive. If the Project will preclude future rail access, that impact should be disclosed in the EIR/EIS Sections on transportation, economic impacts, and land use impacts. Mitigation should be included.

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23. Additional Transportation Concerns Not discussed in Transportation Section. The City has additional concerns regarding how the Project will impact existing and future street improvements.
- a. While it is not likely that the City will seek to grade separate all crossing of the UPRR in the future, there are several key locations that may warrant separation as growth within the City continues. In particular, projections for growth in the number of freight trips on the UPRR corridor suggest that long-term plans may require the consideration of grade crossings. These grade separations may need to occur for safety or capacity concerns regardless of the obstacles that may currently exist. For those locations, the HST significantly increases the cost of any grade separation, and removes the potential for an overpass. The cost of constructing an underpass is typically much more expensive than constructing an overpass. These increased costs should be recognized and identified as an impact to the community and mitigation should be included. Potential grade crossings could include Olive Avenue, 9th Street, Yosemite Avenue, 4th Street and Cleveland Avenue.
  - b. Spacing of columns on elevated segments should not preclude future road widening to 9 lane sections on arterial roads and 7 lane sections on collectors. While the need for these sections will likely occur beyond the typical 20 plus year horizon year, it is clear the guideway will be in place well beyond 50 years. An April 2, 2011 memorandum to city indicated HSRA is developing engineering guidelines for roadway spacing. Have these been completed?
  - c. The existing interchange at Gateway & Cleveland will need to be rebuilt at some time in the future. At this time, a concept for reconstruction does not exist. The HST design must allow for this future modification. The City has requested on several occasions that the HSRA Project Team provide concepts to show how the interchange can be constructed following possible construction of the HST along the UPRR/SR 99 Alternative. The EIR/EIS does not show how this might be accomplished. An April 2, 2011 memorandum to city indicates HSRA acknowledgement of this concern.
  - d. This comment is related to new and/or modified grade crossings to be constructed with the BNSF Alternative. Due to the unique grade separation right-of-way requirements where the roadway is taken off the historical alignment or the right-of way is expanded due to the longer crossing of HST and BNSF, the HSRA should acquire the ultimate right-of-way for either the full width collector or arterial crossing at all locations per current City standards at time of acquisition. This action will also assist in offsetting additional costs for anticipated increased protection of the HST right-of-way from objects from above, the increased structure height and the longer span when widening bridges or underpasses.
  - e. The HST STR designation on the profiles indicates 12.5 feet but the typical sections (where found) seems to indicate this is 13.5 feet. Please clarify.

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- f. On the UPRR/SR 99 Alignment at Avenue 17, a generic clearance envelope has been assumed showing minimum road clearance of 16.5 feet and the HST STR designation of 12.5 feet in contact with the road clearance envelope. Due to planned and approved development in this area, a new or substantially expanded interchange will be required in the foreseeable future. The HST profile appears to assume that any future improvements proposed at this location will follow the original grades of an obsolete design. Please indicate how the HST profile will ensure adequate clearance for the interchange when it or the approach profiles are re-constructed to current design standards with a 50 MPH design speed.
- g. Ellis Overcrossing. The Ellis Overcrossing of SR 99 and the UPRR tracks is currently under construction. The drawings for this structure were previously provided to the HSR Authority designers but the road profile is not shown on the HST profile. Please confirm the HST does not impact the required 16.5 feet of clearance.
- h. The City of Madera is in the final stages of an infrastructure plan which also defines a plan line for future construction of Sharon Boulevard and associated utilities between Ellis Street and Avenue 17. The planned UPRR/SR 99 alignment would conflict with the plan line and existing utility easements. Either the HSR Authority will be required to modify impacted portions of this effort or reimburse the City for such work, at a cost of more than \$300,000, plus staff time. Please acknowledge this requirement and provide for the option of either HSR Authority or City staff to complete at City's discretion.
- i. Northerly Terminus of Sharon Boulevard. The configuration of the UPRR/SR 99 Alternative appears to limit the northerly extension of Sharon Boulevard from its existing terminus. The Project should disclose how the extension of Sharon will be provided to ensure continued access to a large highway commercial parcel, as well accommodate a connection to Ellis Street and the local street network in this area.
- j. The impact of the UPRR/SR 99 alignment on E Street is not clearly defined north of 4<sup>th</sup> Street. Is the full right-of-way for E street protected, or is a portion of the right of way absorbed by the HST corridor? Does the design anticipate that City improvements are located within the HST right of way, or underneath the HST structure? It is not clear whether the anticipated design of the corridor would require the acquisition and demolition of buildings on the east side of E street, or whether, if retained, the parking and pedestrian access to those buildings would be affected.
- k. Between Almond Avenue and Tozer Street, the HST appears to shift Knox Street sufficiently into an undeveloped commercial parcel to the degree the parcel would have no commercial value. What is the intent of this remainder parcel?
- l. Avenue 13 (Pecan Avenue) – A generic clearance envelope is shown which indicates construction of a new overcrossing which meets current sight distance standards would not be negatively impacted by the HST. Should the HST profile be lowered, please ensure adequate clearance for a new interchange with a 50 MPH design speed be accommodated.
- m. There have been proposals to reconstruct SR 99 to interstate standards. Has the HST considered the impacts of such a proposal and does it play a part in the design?



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n. An encroachment permit will be required for all construction within the public right-of-way. The permit will, at a minimum, address demolition, construction or re-construction of all public facilities, traffic control around HST construction operations, etc. As part of this permit, the City will review plans of all proposed improvements and provide inspection services throughout construction. Fees will be based on the engineer's estimate of the value of construction.

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**Noise**

24. Section 3.4.2.3. In what way were city and county general plans considered? Was the Project reviewed for consistency with the noise policies in each general plan?

25. The discussion indicates that the Typical 24-hour Ldn Noise level for an HST at 220 mph would be approximately 94 dBA at 100 feet. The City's General Plan Noise Element states that the City will ensure that transportation projects include mitigation measures to maintain at least "tentatively compatible" noise levels. These levels are as follows:

- All Residential 60-70 dBA
- All Commercial 70-75 dBA
- Public Parks 65-70 dBA

It appears that even with the addition of sound walls on the elevated guideway, built to the maximum height allowed (14 feet), the noise impacts would not be reduced to levels required by the City's General Plan. Based on the information provided in the draft document the noise levels at the very most would be reduced by approximately 15 dBA. The result being noise levels that would exceed the City's requirements by about 5 to 10 dBA depending on use. It is not clear from the information provided whether a solid 14 feet sound wall would actually be feasible due to structural limitations. The document states that sound barriers should also be built as low as possible. It does not state what height of sound wall is currently being considered by the HSR Authority as appropriate for HST alignment for UPRR/SR99 alternative through the City of Madera.

26. Train Operation Noise and Vibration Methodology – Page 3.4-13. Study methodology is outlined in this section and assumptions are made relative to track type and speed. We have the following questions regarding this methodology:

- a. Will the construction and operating characteristics for the Project be limited to these assumptions?
- b. For instance, could slab track be substituted for ballast and tie track?
- c. Because design speed will be higher than 220 mph, could operating speeds eventually exceed the assumed velocity? If that is a possibility, have speeds in excess of 220 been analyzed?
- d. Will the multi-year testing period include speeds higher than 220 mph?
- e. Have maintenance activities been incorporated into the noise analysis?

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f. Because buildings within the footprint were not include in the impact assessment, is there any basis to understand what the impact of placing buildings under the elevated structure is? Elsewhere in the document, reference is made to the potential allowance for buildings under the elevated structure.

27. The draft document does not appear to include data on noise levels created by the HST system when it is located less than 100 feet from a noise receptor. There are commercial buildings on the east side of "E" Street that appear to be less than 100 feet from the HST rails on the UPRR/SR 99 Alternative. There also appears to be homes near both the Sharon linear park and the Knox linear park (referenced as Avenue 27 $\frac{1}{2}$  linear park in document) that will be located less than 100 feet from the HST rails.

28. The draft document does not provide any information regarding actual noise levels beneath the elevated guideway on the UPRR/SR 99 Alternative. This information should be provided, and the analysis should determine the level of noise pedestrians and bicyclists would be exposed to along existing pedestrian trails and linear parks within the UPRR/SR 99 affected area, and whether that noise level presents a safe and comfortable environment for those users. The analysis should make the same determinations for trails or pathways which may be developed underneath the new guideway structure.

29. The draft document does not speak to the impacts to pedestrians and other persons interacting in the outdoor environment in proximity to the HST alignment. As discussed above, it appears that even with addition of sound walls at the maximum height possible the HST would still generate noise level of approximately 80dBA at 100 feet. The City's General Plan indicates that noise levels above 75dBA are considered "Completely Incompatible" in residential areas or in areas utilized for open space such as existing or planned parks. The impacts to outdoor functions such as plazas and eating establishments have not been analyzed and should be included. The City of Madera General Plan heavily emphasizes the use of outdoor features which may not be feasible with HST noise. This should be included in the analysis.

30. The draft document does not address the noise impacts created by the acquisition of properties and demolition of existing buildings and structures that currently act as noise barriers between the City's downtown core and the existing noise generated by UPRR freight trains. While the noise generated by UPRR trains is existing, the removal of the existing buffer will create additional exposure to UPRR freight noise, including increased noise from projected increases in freight traffic on this line. The Project will therefore increase the noise impacts from the existing UPRR corridor affecting both commercial and residential uses east of the rail corridor. This impact should be included in the analysis and appropriate mitigation measures should be identified. The placement of sound walls at ground level is unacceptable, as it would create an additional physical division in the community and present unavoidable visual impacts. Mitigation should occur through design treatments and use of appropriate building materials at the properties where the additional noise exposure will create significant impacts. The affected parcels and buildings should be identified individually, consistent with standard practices for project-level EIRs.

31. Figure 3.4-1 indicates the noise levels for HST Typical 24-hour Ldn Noise levels. What does not seem to be indicated is the SEL (primary descriptor of a single noise event). This should also be made available to accurately describe the actual noise impact per event or a clarification on where this data is provided in the draft document.

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32. The noise and vibration discussion in many cases defers consideration and determination of actual mitigation measures to be applied to the Project in the City of Madera to a future date. This is prohibited by CEQA.

It is not possible to tell from the analysis precisely where sound walls would be required, and at what height those walls would need to be constructed to mitigate impacts to less than significant levels. As described in our comments above, the analysis describes the potential that sound walls atop the elevated guideway may not be feasible in some cases. The discussion further indicates that the City may have to choose between mitigating some uncertain impact, and ignoring that impact in order to minimize visual impacts. The proposed mitigation measure suggests that these issues would be worked out later. This approach simply does not allow the City to gain a reasonable understanding of what actual noise impacts are being created and how they will be mitigated.

33. Figure 3.4-16. The illustration of potential mitigation locations in the Madera Project vicinity appears to show the need for sound walls through the core of Madera. No sound walls are shown south of the core, where large residential projects have already been approved on both sides of Freeway 99, as far south as Avenue 12½. It is not clear whether the noise analysis acknowledged the presence of these approved projects.

In general, the HSR project should identify the need for mitigation wherever planned land uses would be impacted by the Project. Because it is infeasible for any future development project to add sound walls to the elevated viaduct at any point in the future, any potential development area that would be negatively impacted should be included in the area receiving noise mitigation. The alternative is to identify where noise impacts would make certain planned uses impractical, which would trigger amendments to the land use plan and/or acquisition of the affected properties, depending on the severity of the impact.

582-9

Utilities and Energy

34. City of Madera References. Most or all of the references to city of Madera policies and infrastructure systems appear to utilize the 1992 General Plan instead of the 2009 General Plan. These references, including the content in each relevant section, should be modified to reflect the current general plan. The discussion of the Madera General Plan in Table 3.6-1 does not reflect the range of goals and policies from the 2009 General Plan

35. Table 3-6.3. It is unclear whether the discussion of solid waste intends to refer to solid waste disposal service, or to the operation of a landfill. To the extent it intends to describe service, the City of Madera provides curb-side solid waste and recycling service through a contract with Allied Waste.

36. Page 3.6-30 - Conflicts with Existing Utilities – Overhead Transmission Lines. First paragraph suggests states that “where overhead transmission lines cross the HST alignment, the Authority and the utility owner may determine that it is best to place the line underground.” The City of Madera has in place a policy which requires the undergrounding of all new utilities. The HSR construction protocol should conform with the City policies.

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37. Page 3.6-30 - Conflicts with Existing Utilities – Storm Water Basin. The second paragraph in this section describes potential conflicts with storm water basins. The discussion notes that conflicts would occur with existing basins. Several existing basins in Madera would be affected by the UPRR/SR 99 alternative. Has the analysis been done to determine whether the proposed remedy to these conflicts is actually implementable?

38. Additional Storm Water Conflicts. Additional conflicts will occur between the UPRR/SR 99 Alternative and two critically important basins that have been approved but not yet constructed:

a. Town Center Basin. A basin has been approved on property at the northeast corner of Avenue 17 and SR 99. The basin will be developed in conjunction with an approved shopping center on a 100 acre commercially designated parcel. The basin, in addition to accommodating storm water runoff from the shopping center and street, is integral to an engineered system that will remove the shopping center from a designated flood zone. The proposed UPRR/SR 99 Alignment will bisect the basin. The impact of the HSR corridor on the basin must be evaluated at the project level, and the resulting impacts on the remainder of the project site disclosed. The effect of the Project on this basin must be described, and mitigation must be identified consistent with the severity of the impact that is being created.

b. Southeast Madera Development Basin. A basin has been approved on the property south of Avenue 13 on the east side of SR 99. The basin has been approved as part of the Southeast Madera Development Specific Plan. In addition to accommodating runoff from the Project, the basin has been designed as part of an engineered system that will remove the development area from a designated flood zone. The proposed UPRR/SR 99 Alignment will bisect the basin. The impact of the HSR corridor on the basin must be evaluated at the project level, and the resulting impacts on the remainder of the project site disclosed. The effect of the Project on this basin must be described, and mitigation must be identified consistent with the severity of the impact that is being created.

39. Page 3.6-37. Reduced Access to Existing Utilities in the HST Right of way. While the analysis describes the potential for reduced access to utilities, the analysis does not appear to address the increased cost burden to local agencies of having to work within the HST right-of-way. All local agencies are familiar with the increased time and costs associated with working within state and railroad rights-of-way. Increased engineering costs, time delays, heightened and elongated environmental review requirements, special training requirements for contractors and employees, etc. are the reality. The elevated tracks associated with the UPRR/SR 99 Alternative may also preclude the use of heavy equipment, including cranes, in the vicinity of the HST. These increased costs are not factored into existing utility rate structures and capital improvement plans, and may limit local agencies’ ability to continue to perform its current level of service. This impact should be analyzed and defined mitigation measures should be developed.

582-14

Hydrology

40. Page 3.6-40. Stormwater Generation. Where the Project proposes to convey stormwater to a facility operated by the City of Madera, it will responsible to pay its fair share towards the development of such facility in the form of the City of Madera stormwater development impact fee.

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582-15

41. City of Madera References. Most or all of the references to City of Madera policies and infrastructure systems appear to utilize the 1992 General Plan instead of the 2009 General Plan. These references, including the content in each relevant section, should be modified to reflect the current general plan.

582-16

**Safety and Security**

42. Introduction. The introductory sentence indicates that the safe operation of the HST is of highest priority. By definition, is the placement of the HST facilities in rural, unpopulated areas where available, versus urban populated areas, the safest alternative?

43. Page 3.11-19. High Risk Facilities and Fall Hazards. The discussion regarding high risk facilities suggests there is significant overlap between hazards on each of the 3 potential alignments. This is confusing, as with the UPRR/SR 99 and BNSF Alternatives, the same hazards are not likely to affect both routes. Please clarify, which hazards apply to which routes?

44. Fire, Rescue & Emergency Services. The City of Madera does not have a ladder truck sufficient to provide access or emergency services to the elevated guideway which would be constructed with the UPRR/SR 99 Alternative. In the event of accident or other disruption to service, the City of Madera may not have the potential to act as first responder.

45. Comparison of Alignment Alternatives. The analysis of both construction and operational impacts to public safety fails to identify the comparative exposure to public safety hazards associated with each of the potential alignments.

The discussion summarily describes that systems are in place to prevent hazards from occurring and thus the potential impacts are less than significant. However, accidents or intentional acts of violence are unpredictable by nature and certainly create exposure to hazards that do not presently exist. Accidents on traditional freight lines are relatively common in the United States, and an accident on a high speed line in China in the recent past suggests that systems put in place to prevent accidents are subject to failure. The Project features described in the EIR/EIS describe facilities where accident damage will be repaired. Because it is not possible to control when or how an accident or intentional act of violence might take place, it is not appropriate to simply label the risk as insignificant.

582-9

**Socioeconomics, Communities and Environmental Justice**

46. Section 3.12.3.5. Environmental Justice Outreach and Interest Groups. The description of public outreach to communities of interest in Madera demonstrates that insufficient efforts were made to invite and encourage the informed participation of minority and low income populations. It appears that the only specific outreach directed to these communities in Madera was a single event where information was handed out to 65 people. It does not appear that efforts were made to work through local organizations that frequently work with communities of interest, nor were efforts made to invite participation at locations where low income and minority populations congregate. Relying on mass-marketing and attendance at public meetings to gain feedback from members of the public who frequently feel disenfranchised is clearly inadequate. Review of public information materials provided during public events also reveals that incomplete and inaccurate information was provided relative to the design of the UPRR/SR 99 Alternative and its potential impacts to the members of the community who would be impacted the most.

582-9

47. Page 3.12-8. First paragraph. The discussion indicates that because many Fairmead residents do not receive the paper, flyers were distributed to advertise the meeting. Was it determined that the minority populations in Madera receive the paper?

48. Page 3.12-9 & 10. Regional Population Characteristics. The discussion of regional population characteristics appears to utilize a regional figure of 3.2 persons per household. That number varies considerably by community, as Madera's persons per household is nearly 3.6.

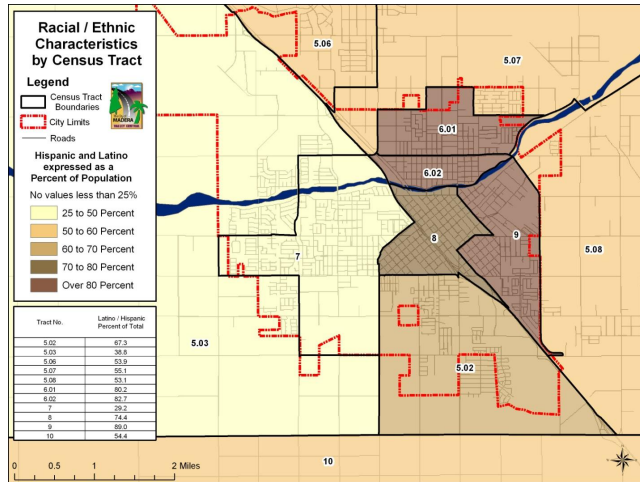
49. Page 3.12-11. BNSF Alternative. In the second paragraph, the discussion notes that the BNSF Alternative study area contained a higher percentage of minorities (67%), including a higher percentage of Hispanic population, than the cities and counties in the region. How can this be the case, when the discussion of the UPRR/SR 99 Alternative describes that the City of Madera has a minority population above 69.7%? The same concerns exist relative to the statements in the second paragraph of the Hybrid route discussion on page 3.12-12.

50. Page 3.12-31. Fourth complete paragraph. The discussion indicates that disproportionately high and adverse effects would occur for communities of concern in several communities, but not in Madera. This conclusion, and the related analysis and discussion in Chapter 3.12, does not seem to consider readily available socioeconomic data and how it relates to the Project Alternatives.

The EIR/EIS includes information which demonstrates that Madera has the highest population of Hispanic residents within the Merced to Fresno communities. That was true based on previously available information, and the 2010 Census now shows the City of Madera with more than 76% of its population as being Hispanic. Analysis completed in conjunction with the City of Madera's 2010-2015 Consolidated Plan determined that the Hispanic population was mostly concentrated within Madera's core, including Census Tracts 8, 9, 6.01 and 6.02 (see graphic below). Within these Tracts, Hispanic population ranges from 74 to 89 percent.

As illustrated in the graphic on the following page, outside these core Tracts, the Hispanic population is still high east of Freeway 99, but much lower than in the core areas. Furthermore, because these outlying Census Tracts are outside the urban area, the number of actual persons living in them is much lower. The City of Madera 2010-2015 Consolidated Plan also describes that, in addition to the high minority populations, these tracts have the lowest household incomes.

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Within the Madera City limits, the UPRR/SR 99 Alternative lies within the Tracts with the highest minority populations and lowest household incomes. Selection of the UPRR/SR 99 Alternative would disproportionately burden Madera’s communities of concern. Impacts that would occur disproportionately include, but are not be limited to, the following:

- Construction impacts of all types
- Street shifts and reconfigurations
- Noise
- Visual Changes, glare, and shadow
- Displacements of businesses providing walkable shopping and service commercial opportunities
- Loss of walkable employment opportunities
- Degradation of existing neighborhoods
- Degradation of pedestrian environment due to noise increases in a community where pedestrian activity is otherwise very high
- Reductions to property values

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Any suggestion that these impacts are less than significant due to the presence of the existing transportation facilities (such as on Page 3.12-39) is inaccurate and fails to acknowledge the new and unique impacts created by the proposed HST.

In addition to the direct impacts that would be felt disproportionately by Madera’s communities of concern, it is important to identify the social effects of the Project, which require an understanding of the underlying social context. As described and illustrated above, the communities of concern are concentrated on the east side of the City. Essentially, an “other side of the tracks” was formed over time. The City has consciously been countering this social division in a variety of ways. Making investments with public funds to stimulate new development, and encouraging high quality private development have been obvious means of bridging this gap. The City is actively working to create undercrossings in its pedestrian/bicyclist trail system that facilitate non-motorized movement across this gap. In its move from at-large elections of council members to election by district, the City has also consciously established district boundaries which bridge the east-west divide and bring neighborhoods together. The first elections by district will occur in 2012.

The design of the UPRR/SR 99 alternative would construct a 50’ to 75’ tall concrete and steel “picket fence” separating the east from the west. Although this “fence” would be permeable, it would nevertheless create a real, physical division in the community. The discussion in the Draft EIR/EIS suggests that because the access is maintained under the barrier, it is not significant. However, no more clear division could exist than a 50’ to 75’ foot tall delineation of east vs. west. The UPRR/SR 99 Alternative would further serve to separate minority neighborhoods from non-minority neighborhoods, as well as from the commercial opportunities and government services which are primarily concentrated west of the UPRR/SR Alternative. In light of the disproportionate burden that would be placed on communities of concern through direct and indirect impacts of the UPRR/SR 99 Alternative, it is difficult to understand how the analysis would not find that such impacts are severe.

51. Page 3.12-38. Permanent Disruption or Severance of Community Interactions or Division of Established Communities. The sentence beginning at the bottom of the referenced page states that “The proposed north-south HST alignments would not create any new or additional barriers or disruptions that would negatively affect interactions or the quality of life in established communities and neighborhoods.” This broadly stated conclusion is not consistent with the features of the UPRR/SR 99 Alternative. It is clear that this alignment would create a new and additional barriers and disruptions that would negatively affect interactions and the quality of life in the community, and in the neighborhoods adjacent to that corridor. Such disruptions would occur, for instance, in the form of noise, aesthetics, disruption to parks and trails, street shifts, strengthening community division by creating a new physical separation between east and west Madera, etc.

52. Table 3.12-11. Page 3.12-40. The discussion of visual and aesthetics in this table states that visual changes would occur within an existing transportation corridor and would “be compatible with the visual elements within the corridor.” It is not clear how the 50’ to 75’ tall HST facility called for within the UPRR/SR 99 Alternative is visually compatible with any existing feature in Madera, including any at-grade transportation feature in the community.

53. Page 3.12-49. Operations-Related Tax Revenues. The discussion projected sales tax revenues suggests that Madera will benefit from Project related purchases during operations. No basis for this assumption is provided, and it is uncertain how Madera would realize the tax revenues described as Madera is not proposed to house any operational features which would trigger regular expenditures. Please explain.

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54. Page 3.12-52. Second Paragraph. The discussion in this paragraph suggests that property values adjacent to the HST guideway may be lowered, although where the alternatives are located adjacent to existing rail corridors these impacts have already occurred. Is this an assumption, or has analysis been conducted to support the determination that property values will not be reduced due to the construction of the elevated guideway? Because construction of the HST on an elevated guideway includes features that are dissimilar to any within the existing corridor, an analysis of impacts to property taxes must necessarily factor in the affects of these new features, including the new and unique impacts they would create.
55. Page 3.12-62. SO MM #7. This mitigation measure fails to identify specific actions or features that would mitigate the impacts described in the document to a less-than-significant level. The Project does not appear to be bound to do anything. Further, the mitigation measure appears to be based on the hope, rather than any supporting analysis, that physical deterioration can be mitigated by dressing up the structure.
56. Page 3.12-63. Economic Impacts. The first sentence describes beneficial impacts on tax revenues and employment in the region. The discussion does not disclose that the project could have potentially negative impacts on tax revenues on individual cities, or that those impacts could limit the ability of those cities to provide services to their residents.
57. General Approach to Analyzing Economic Impacts of the UPRR/SR 99 Alignment. It appears as though only general economic impacts are discussed in the document. It does not appear as though specific economic impacts that would occur in Madera as the result of the UPRR/SR 99 Alignment have been analyzed. The following impacts should be discussed and mitigation measures should be identified:
- a. Industrial Jobs. Development of the UPRR/SR 99 alignment would result in the displacement of several industrial operations, particularly along the north and south edges of the City. These are facilities that have chosen to locate along the Union Pacific corridor to take advantage of rail and freeway access and the underlying industrial land use designations. While the High Speed Rail project would address eligible relocation costs for these businesses, the Project cannot ensure that the industrial operations would relocate within the community, or even that suitable sites would be available in the community to meet their needs. The potential result is the loss of key industrial jobs in the community, estimated at as many as 500 jobs.
  - b. Affordable Commercial Properties. Within the City limits, development of the A-2 alignment would displace a large number of small businesses. These businesses occupy the most affordable commercial business space in the City, and it is unlikely that comparable space is available. Small businesses in this area serve a vital need in the community: providing services, creating employment opportunities and increasing the tax base. Removal of the affordable commercial space from the City's inventory would have negative financial and social affects. While the suggestion is made that properties are available to relocate to, no specific analysis appears to have been conducted to verify where comparable properties exist and what the cost of re-establishing businesses is. If properties are available, are they located in areas with existing sewer, water and street improvements? Are these properties walkable from the neighborhoods that utilize their services?

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- This impact may be partially mitigated by the identification of specific opportunities for replacement sites where local business may be reestablished, and by funding the development of a business park on those sites which is fully serviced by wet and dry utilities and all required city street frontage improvements.
- c. Highway Properties. The UPRR/SR 99 alignment would result in reduced freeway visibility for several large commercial properties (40-100 acres, each) along Freeway 99. Where these properties are ideally suited for large-scale commercial development as the result of the strong visibility created by long freeway frontages, the reduction in freeway visibility would lower the development potential of these parcels. At least one of these properties has an approved site plan and development agreement allowing a 795,000 square foot shopping center. The property owner/shopping center developer has indicated that the shopping center will not be developed if UPRR/SR 99 alignment is selected. The HSR Authority is in possession of a written letter to that effect. Potential damage to that project site includes reduced freeway visibility, loss of developable area, loss of freeway pylon signage potential, and disruption to a planned water well site and retention basin flood control facility.
- A second site located to the south of the first site described above has been planned and zoned, with a certified EIR, for a 450,000 square foot retail center. A third large parcel, located south of the first two parcels described above, is also planned and zoned for commercial use. Both of these properties would be damaged by a reduced footprint and reduced freeway visibility, at a minimum.
- Hundreds of thousands of dollars and years of work on planning, engineering, and environmental review have been invested in these development projects. In addition to the land acquisition process for the HST Project, the City and the property must be separately compensated to account for the work completed which is no longer of value, and for required changes in land use, circulation, infrastructure, and related environmental analysis would be required to address the UPRR alignment.
- The City's financial future rests with the sales and property taxes that will be generated by these commercial projects. Sales and property taxes are critical components in the City's overall discretionary revenue. The projects described above represent millions of dollars in annual taxes which will be permanently lost to the City. Properties of this size with freeway frontage are not replaceable. Limiting the potential of these properties to generate sales and property taxes will hinder the City's ability to provide services to its population as the City grows.
- To the extent that commercial use of the highway commercial properties along the UPRR/SR 99 Alternative is otherwise feasible, the loss of freeway pylon signage potential may be at least partially mitigated by granting to the City of Madera an allowance for a signage corridor between the HST facilities and the UPRR right of way, where a remnant strip of property appears to remain. This signage corridor should be included as a mitigation measure for the Project.
- d. Physical Blight in Downtown Madera. A blight analysis should be prepared for downtown Madera. The discussion in various sections of the EIR/EIS acknowledges that existing commercial businesses will be closed and properties removed from the commercial and industrial inventory. The potential for lowered property investment and degradation of the physical environment is also described. With these impacts, it is reasonably foreseeable that the

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currently successful pedestrian-based business environment in downtown Madera will be harmed, and that remaining business will lack sufficient customer traffic to be maintained. An analysis of the economic and physical impacts of blight should be completed.

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**Land Use**

58. Page 3.13-19. Indirect Land Use Effects and Potential for Increased Density. The discussion does not address the potential for the UPRR/SR 99 Alignment to discourage infill and decrease density in the urban core of Madera as discussed in comment number 15 of this letter.

59. Page 3.13-24. Surrounding Land Uses. Discussion in the first paragraph suggests that "Although the project would convert land to transportation-related uses (less than 0.05%), it would not adversely affect surrounding land uses." The discussion in the second paragraph states that residential patterns would not be affected because residential areas are located in close proximity to an existing transportation corridor. These statements do not appear to reflect the proposal with the UPRR/SR 99 alternative to establish an elevated viaduct more than 50 feet in the air through a urban area. Examples of land use impacts include, but are not limited to:

- The loss of freeway visibility will reduce or eliminate the viability for new highway commercial development on properties designated for such use.
- The acquisition and demolition of property along the existing UPRR corridor will expose additional property to noise impacts, reducing the potential for development and redevelopment of those properties.
- The elevated viaduct will be facially incompatible with residential development planned and proposed underneath and adjacent to the corridor, as few residential developers or future home buyers are going to invest in developing and buying residential properties essentially underneath, or in the shadow of, the elevated tracks.

60. Page 3.13-24. Surrounding Land Uses. With regard to the BNSF Alternative, a designated industrial area on the west side of the existing BNSF tracks may not be feasible if rail access to this area is precluded.

61. Page 3.13-25. Consistency with Land Use Plans. While the discussion describes the Valley Blueprint, that document is not an adopted land use plan. The EIR/EIS does not appear to describe the potential inconsistencies between the Project and locally adopted land use plans.

62. Land Use. Missing Mitigation Measures. The City of Madera does not agree that there are no significant land use affects to the Madera community. The Project would substantially impact planned and approved land uses, and diminish the potential for development in proximity to the HST corridor, including the downtown core and commercial and residential properties outside the core. The following mitigation measures should be added relative to the impacts of the UPRR/SR 99 alignment:

- a. The Project will provide sufficient funding to the City of Madera to amend its recently adopted general plan to allow it to consider alternative land uses in the vicinity of UPRR/SR 99 Alignment. The estimated cost of this general plan amendment, with a required environmental document, is \$500,000.

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- b. The Project will provide sufficient funding to the City of Madera to prepare a comprehensive downtown plan which creates a program to address the negative influences of the UPRR/SR 99 HST corridor. The estimated cost of this downtown plan, with a required environmental document, is \$500,000.
- c. The Project will establish a development fund to be managed by the City of Madera to incentivize the development and redevelopment of properties along the HST corridor at a scale and design compatible with the elevated viaduct. The fund will take the place of the Authority's HST Station investment in Fresno and Merced, which is expected to stimulate overwhelmingly positive development and redevelopment outcomes in those communities. While Madera understands that the placement of stations in every community may not be feasible, it appears reasonable for the HSR project to make an alternative investment in this community to help overcome the impacts the Project creates. The fund should be established at a minimum of \$10,000,000, which is a tiny percentage of what is to be invested in communities with HST Stations, and equivalent to the cost of just a few hundred feet of the elevated track that would be constructed through the middle of Madera.
- d. The Project will provide sufficient funding to the City of Madera to prepare design and development guidelines for properties along the HST corridor. The estimated cost of these guidelines is \$200,000.

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**Parks, Recreation, and Open Space**

63. General Comments. As outlined in Section 3.15 and Chapter 4 of the Draft EIR/EIS, the UPRR/SR 99 Alternative has significant impacts to parks, recreation, and open space amenities in the City of Madera both during and after construction. Some general concerns are listed below:

- a. The City of Madera is currently parkland deficient according to national, state, and local definitions. Any additional loss of land or land value must be mitigated at a fair price.
- b. The Draft EIR/EIS does not adequately demonstrate plans for permanent public easements beneath the rail structure that will provide for future construction of recreation features. This is essential as the UPRR/SR 99 Alternative bisects the community and has the potential to limit connectivity and access to recreation amenities, general wellness and connectedness as well as commerce and other community attractions.
- c. The Draft EIR/EIS lacks substantive discussion regarding the impact of the HST Project relative to wildlife habitat and migration corridors in proximity to existing and future trails. One feature planned for these trails, which follow the Fresno River and Cottonwood Creek corridors, includes taking advantage of the unique habitats provided within these corridors through the development of observation decks and interpretative signage.
- d. There are only vague references to measures that will mitigate the visual impact on existing facilities and amenities. What public art, trees, vegetation, or other specific features will be installed to mitigate the impacts of the proposed structure on the existing parks system?
- e. The addition of a significant structure has long-range maintenance implications for Parks and Community Services Staff. Considerable resources are used to manage graffiti, vandalism, trash



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pick-up, and other maintenance functions at our existing facilities. The City has opted to build only what it can afford to maintain. What mitigation measures will be used to curb vandalism? Will graffiti resistant surfaces be used? What resources will be made available to maintain HSR structures located in or near parks and trails? What agency will be responsible for keeping the right of way and structure free of debris and graffiti post construction?

- f. The discussion regarding noise impact mitigation to park and trail users is vague and fails to identify specific mitigation measures. The document suggests, "noise levels would increase but would be mitigated by implementation of noise abatement features." The noise impacts would occur at riverside Park, the Sharon Avenue Linear Park, Rotary Park, Parts of the Vern McCullough River Trail, and Linear Park along County Road 27 ½. Without further definitive explanation of how noise abatement would occur, it is difficult to comment on its efficacy and the potential for secondary impacts.
  - g. New structures have the potential to provide an attractive nuisance for homeless encampments; what mitigation measures will be used to discourage this?
  - h. The City of Madera is actively pursuing funding to augment, expand and enhance our existing trail system. The trail is an important recreation and transportation amenity and a central element in the City's landscape. It is a means to connect neighborhoods, and join people to commerce, education and significant recreation features. The City would like to be on record that our future capital projects along the trail should be considered.
64. Page 3.15-10. Affected Environment. The document states "there are no planned, approved, or reasonably foreseeable parks, recreation, and/or open space resources within the study area." This is untrue as the City of Madera's Parks and Community Services Department has been awarded more than \$500,000 in funding from Congestion Mitigation and Air Quality (CMAQ), Bicycle Transportation Account (BTA), and Local Transportation Fund (LTF) to construct a trail under-crossing that takes the Vern McCullough River Trail underneath UPRR and Gateway Avenue from very near the intersection of Riverside and the Sharon Avenue Linear Parks and terminates at the trail-head at Rotary Park. The UPRR/SR 99 Alternative, both during or post construction, could jeopardize this project, our project timelines and subsequently our funding and/or the ultimate build-out of an essential community feature. This potential impact must be analyzed and mitigated.
65. Page 3.15-16. Construction Period Impacts. A significant (CEQA) and substantial (NEPA) impact of construction of the UPRR/SR 99 Alternative is the closure of the Sharon Avenue Linear Park. The pathway in this Park is heavily used for both recreation and transportation purposes. More specifically, this amenity is regularly used as transportation to commerce and recreation amenities on the west side of UPRR. Madera currently has the second highest rate of juvenile (age 15 and under) pedestrian/vehicle accidents (per capita) in the state of California; City staff is concerned that the closure of this feature without providing safe and accessible alternatives for pedestrians could have devastating impacts.
66. Page 3.15-16. Construction Period Impacts. The closure of a section of Riverside Park during construction would impact trail use. As stated above, many residents rely on trail and linear parks for transportation to important commerce, schools and recreation amenities. By what means, precisely, are residents to safely navigate from east of the construction site to the west?

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67. Page 3.15-35. Change in Park Character. The Sharon Avenue Linear Park was created to connect trail users from the eastern segment of the Vern McCullough River Trail to the western segment. Equally important, this feature was constructed to combat the neighborhood blight caused by unsightly characteristics and safety issues of the UPRR tracks in a residential area. What safety and character enhancing mitigations will be used to alleviate the City's beautification investment?
68. Page 3.15-36. Change in Park Character. The County Road 27½ (Knox) linear park must be reconstructed in such a manner as to maintain viability of planned trail connectivity to State Center Community College, Madera Campus, and planned residential development both north and south of the current feature. This section of trail/parkland was strategically located to safely circulate pedestrians and cyclists throughout existing and future developments. Page 4-5 of the document states "properties of fair market value and "reasonably" equivalent usefulness and location" will be offered in exchange for acreage taken by the project. What measures will be taken to ensure that this parkland is moved/changed in such a way as to maintain the viability of its intended purpose? Providing replacement land within the necessary connectivity is not sufficient mitigation.
69. Page 3.15-36. Change in Park Character. The document states that the UPRR/SR 99 Alignment would not "substantially reduce the value" of Rotary Park. How is loss of value determined and how will the City be compensated for lost revenues, reduced park use, or other potential impacts?
70. Page 4-23. Table 4-2. This table conflicts with later text on page 4-34 regarding park amenities at Rotary Park. Let the record show that Rotary Park amenities include: a skate park, dog park, open green space, passive recreation area, volleyball courts, restroom facilities, picnic shelters, children's play structure, water play feature, horseshoe pavilion, and an exterior walking path that connects to the western segment of the Vern McCullough River Trail.
71. Page 4-23. Table 4-2. The table does not capture all of the amenities located at Riverside Park. In addition to what is listed, please add landscaped area and large turf area used for passive recreation.
72. Page 4-34. UPRR Alternative – Use Assessment. The draft EIR/EIS defines impacts on Riverside Park as de minimis. The City of Madera does not concur with this determination. The proposed construction and operation of the Project will adversely affect the activities, features, and attributes of the property. The Project will impede and/or degrade use of the park, limit access to it, and potentially limit future capital projects associated with it. The park and the aforementioned pending trail under-crossing construction project is critical to connect eastern and western Madera for cyclists and pedestrians.
73. Page 4-34. UPRR Alternative – Use Assessment. The features listed at Rotary Park should match those in comment number 70 above.

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**Aesthetics and Visual Resources**

74. Section 3.16.1, Paragraph 3. The discussion indicates that "...HST would have low potential to result in visual impacts on aesthetic and visual resources in the Central Valley..." It does not seem accurate to indicate that the design of the UPRR/SR 99 alternative, including an approximately 50' – 75' tall elevated structure, bisecting the entire core of the City of Madera, has a low potential for

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visual impact on the existing viewsapes throughout the City. That structure will become the predominate visual feature of the City, visible from every part of the City. The presence of the existing transportation corridor has no relationship to the visual effect of the UPRR/SR 99 Alternative.

75. Page 3.16.2. Section 3.16.2.3. Paragraph 1. "Consideration of local community design guidelines...subsequent phase of analysis for project-specific environmental review...". This would seem to be deferring discussion of applicable mitigation measures to a future date. How is the City to make an informed comment on mitigation measures at this time if specific information is not available now? "Consideration" is certainly not the same as "implementation" or "adherence to where feasible".

76. Table 3.16-1. Page 3.16-3. The discussion of the City of Madera General Plan describes a single goal in City's General Plan related to historic character, apparently ignoring an entire chapter in the General Plan dedicated to a broad range of community design issues. The following additional goals and policies, at a minimum, should be identified and evaluated in the EIR/EIS:

- Goal 1. High quality urban design throughout Madera.
- Goal 2. Retain the sense of community in Madera and enhance Madera's small city character.
- Goal 3. Public art and entryway treatments.
- Goal 4. Attractive streetscapes in all areas of Madera.
- Goal 5. Walkable community.
- Goal 6. Design neighborhoods to foster interaction among residents and be responsive to human scale.
- Goal 7. Preserve and enhance the character of existing residential neighborhoods.
- Goal 8. A downtown that is the center of the city, linking all parts of the community together with a vibrant, rich mix of uses that attracts residents, workers, and visitors.
- Goal 9. Revitalize the downtown by strengthening its urban design character.
- Goal 10. Design commercial development to enhance the pedestrian environment.
- Policy 2. All new development shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian orientation, interconnectivity of street layout, siting buildings to hold corners, entryways, gathering points and landmarks.
- Policy 3. Madera will strive to continuously improve the architectural quality of public and private projects. Developers proposing to rely on the use of "standard designs" or "corporate architecture" will be required to improve their designs as necessary to meet the City's overall standards for quality.
- Policy 11. The places where major roadways enter the City should provide a clear sense of arrival and set the tone for the overall design quality in Madera. The entry points shall create a sense of arrival to Madera through the use of landscaping, trees, and/or architectural elements.
- Policy 12. Public art (statues, sculpture, fountains, and monuments) and other design features should be used to enliven the public realm.

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- Policy 13. Public art shall be a required component of all significant public projects, and in private development projects where public funding is applied, including in the Downtown District.
- Policy 18. Where soundwalls are used, they shall be set back from the street, include design features that enhance visual interest, and be landscaped in order to mitigate their impact on urban character and the pedestrian environment.

77. Pg 3.16.9, Section 3.16.4.1. No mention is made of impacts to views of the Sierras. No mention of Fresno River Environ is included.

78. Pg 3.16.22, 3.16.4.2. Paragraph 2. Hybrid discussion indicates that visual quality as HST approaches the City of Fresno would be moderate to moderate high because of features such as Roeding Park and Historical neighborhoods. If this applies to Fresno, is there a reason why this would not apply to City of Madera (i.e. Courthouse Park, Rotary Park, Fresno River Trail, Historic neighborhoods on D and C, generally between Central and Yosemite Ave.)

79. Page 3.16.24, Section 3.16.5.1. Paragraph 1 & bullets. The overview discussion states that the UPRR/SR99 Alternative would have the least impact on aesthetics and visual resources. The bullets indicate that Hybrid has the least impacts to landscape units as does Table 3.16-3. This seems to present an inconsistency?

80. Table 3.16-2. Characteristics of Typical HST Components. In the first row of this table, the characteristic of elevated guideways are discussed. The discussion notes that the final design process would include coordination with local jurisdictions as part of a collaborative process related to HST stations. We have the following questions regarding this discussion:

- a. Is this intended to exclude communities without HST stations?
- b. What do "coordination" and "collaboration" mean in this regard?
- c. Is there a clear, definitive description of what will actually be available to be applied to the aerial structure and support pillars, as we do not see such a description? There are examples and details available of what could potentially be applied to the system to mitigate visual impacts created by the structure – but no specific commitment (see comment below under Madera Landscape Unit).
- d. The second row of this table discusses retained fill guideways, and notes that walls of retained fill can also be targets for graffiti. The same concern would exist for the columns that support the elevated guideway.

81. Page 3.16-29. Project Impacts. The discussion indicates that Project impacts were evaluated using a variety of tools, including reviewing photo simulations. The photo simulations of the UPRR/SR 99 Alternative through Madera provided in the document are inaccurate and misleading in that they appear to show a typical guideway at a height much lower than the actual guideway called for in the City of Madera. To the extent those simulations were utilized to evaluate impacts, the analysis is deeply flawed. Regardless, readers of the EIR/EIS relying on those simulations as being representative of the proposed project cannot have had an opportunity to understand the Project as it relates to the local context.



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82. Page 3.16-29, Section 3.16.5.3. Paragraph 3 - Common Aesthetics and Visual Quality Impacts. The discussion includes a statement that an increase in height created by the addition of sound barrier wall atop guideway walls would not cause a blocking of views that were not already created by the guideway structure. It would seem that if the combined deck height/thickness and guideway wall height structure is approximately 15 feet, then the addition of a sound wall of up to 14 feet would be almost doubling the amount of structure visible, which in turn would double the area of view blocked by the structure?
83. Page 3.16.37, Section 3.16.5.3 Paragraph 2 - Madera Landscape Unit. The discussion indicates that the presence of the elevated HST guideway would not substantially alter the visual character of the landscape around the Rotary Park. It also is stated that residences in this area are oriented away from the elevated guideway so it would not be a dominant element in the view of residents. The City disagrees with this assessment. While it may be accurate to say that the area is an existing transportation corridor, the addition of an approximately 50' tall structure and additional height created by sound walls and OCS would substantially alter the existing visual character around the park and neighboring residences. In addition, current views of the Sierras available from the park will be significantly impacted. The residences located to the east of HST alignment will have mostly unobstructed views of the HST guideway from either windows located at front of homes and front yards or windows located at rear of homes and rear yards. The City believes that this would in fact be a dominant element for these residences – unless they do not look out their windows or go out in their yards. Therefore, for KVP 10 the impact should be considered substantial under NEPA and significant under CEQA. Also, consistent with analysis of KVP 11 and KVP 12, the Visual Quality Rating – With Project should be rated “Low”.
84. Page 3.16.57, Section 3.16.6.2. Project Mitigation Measures VQ-MM#3. While this measure states that architectural features and decorative texture treatments should be included on large-scale concrete surfaces and portions of elevated the guideway, there is no guarantee or specific assurance that all surfaces (i.e. deck structure, sound walls, pillar structures) visible from public and private views in the City will actually be finished in a manner that is acceptable to the City and community as a whole.
85. Page 3.16.57, Section 3.16.6.2 Project Mitigation Measures VQ-MM#3a Indicates that landscaping design issues will be addressed during final design. “Coordination” and “consideration” regarding local jurisdictions are to occur at that time. This appears to be deferring the development of feasible mitigation measures to a future date, particularly without the establishment of performance measures and a commitment to actually implement any mitigating design features.
86. Page 3.16.58, Section 3.16.6.2. Project Mitigation Measures VQ-MM#3b. While the planting of trees at edges of rights-of-way adjacent to residential areas may reduce the visual impacts in some areas of the City, this would not appear to be adequate in other areas. For example, the Orchard Point residential subdivision is located adjacent to HST at the Knox Road linear park (referenced as Ave 27 $\frac{1}{4}$  linear park in document), ranging from 50 to 200 feet from the proposed alignment. All of the existing homes backing to the HST are two-story homes. It seems very unlikely that trees planted along right-of-way would adequately screen views of HST structure that would be approximately fifty feet in height.

582-12

87. General Concerns. While the Draft EIR/EIS does discuss potential impacts to aesthetics and visual resources created by the HST as well as possible mitigation measures it does appear to downplay the actual impacts to the City of Madera, as indicated in the previous comments. Though there are examples of potential mitigation measures that may be applicable to the Project within the City of Madera, there is no clear commitment or assurance of what would actually be available to be applied to the system within the City of Madera to mitigate impacts to aesthetics and visual resources. The City believes language should be included stating that specific measures shall be incorporated into the Project. Examples include:
- a. All vertical deck surfaces and sound walls shall be treated with architectural elements (i.e. stamped pattern, surface articulation, decorative texture treatment, or combination thereof) determined acceptable to the City.
  - b. All support pillars/structures visible from public and private views shall be treated with an architectural element (i.e. stamped pattern, surface articulation, decorative texture treatment, or combination thereof) determined acceptable to the City.
  - c. Where determined appropriate by the City, and determined to be safe from noise and other impacts of the Project by the Project’s environmental analysis, the Project will develop bicycle trail and pedestrian pathway with related amenities and landscaping beneath the HST system.
  - d. Where determined appropriate by the City, the Project will develop landscape features, including decorative walls and bench features to be developed beneath the HST system.
  - e. Where determined appropriate by the City, the Project will develop parking facilities, including landscape features to be developed beneath the HST system
  - f. A mechanism shall be in place to assure the perpetual repair and maintenance of the facilities in a timely manner at no cost to the City.
88. Building Removal. An issue not discussed in the document is the impact caused by removing buildings and structures along “E” Street for the HST Project. This will create unobstructed views of the existing freight train corridor that are currently blocked by the existing structures. This should be included in the evaluation of the impacts to the downtown core of the City.
89. Visual Distraction. There also appears to be no discussion of the visual impact created by the actual movement of the trains through the City. What attention is given to the visual distraction created by the train sets movement on the system in close proximity to viewers in the area?
- As presented in the Draft EIR/EIS, the City of Madera believes that the analysis of the Project as it relates to the UPRR/SR 99 Alignment fails to identify critical impacts to the community. We also believe that mitigation measures are not adequate to ensure that significant effects are mitigated to less than significant levels. Because a reasoned, adequate response to our comments would require the presentation of new information which identifies significant impacts not disclosed in the draft document, we request that the Draft EIR/EIS be recirculated, and that a minimum of 90 days be provided to review the revised draft.

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Submission 582 (Robert L. Poythress, October 12, 2011) - Continued

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City of Madera staff is available to review any of the comments provided in this letter, or to assist the Authority in analyzing impacts and devising appropriate mitigation measures where feasible. Please contact City Administrator David Tooley, or Community Development Director David Merchen at (559) 661-5400 with any questions to request a meeting to discuss these comments in greater detail.

Sincerely,



Robert L. Poythress, Mayor

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## Response to Submission 582 (Robert L. Poythress, October 12, 2011)

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### **582-1**

The Hybrid Alternative has been identified as the preferred alternative for the Merced to Fresno Section and would not affect the heart of the Madera community discussed in the comment. As you note, the UPRR/SR 99 Alternative would result in the highest level of community impacts, followed by the BNSF Alternative, and the Hybrid Alternative would result in the least. As you note, the Hybrid Alternative avoids Downtown Madera and minimizes constructability issues that can lead to delay and cost escalation. The estimated cost of the Hybrid Alternative is substantially less than the other alternatives (about \$450 million less than the BNSF Alternative and over \$1 billion less than the UPRR/SR99 Alternative).

Responses to subsequent comments in your letter provide more detailed information regarding impacts and mitigation measures in Madera.

### **582-2**

See MF-Response-GENERAL-7.

### **582-3**

See MF-Response-GENERAL-1.

### **582-4**

In general, placing a new transportation facility in an existing transportation corridor minimizes impacts compared to placing a new transportation facility in a location where none exists today. Although impacts have already been created in Madera by the existing transportation corridor, the Draft EIR/EIS does conclude that impacts in Madera under the UPRR/SR 99 Alternative would be significant and proposes mitigation measures for significant impacts, as discussed in MF-Response-General-5.

### **582-5**

Comment #4: See MF-Response-GENERAL-2.

Comment #5: See MF-Response-GENERAL-13.

Comment #6: The location of the crossing from the BNSF tracks to the UPRR tracks for the BNSF and Hybrid Alternatives was designed to avoid creating a new crossing of the San Joaquin River and to use the current UPRR crossing. Due to design standards related to speed, this requires the shift between tracks to start at the proposed location.

### **582-5**

A crossing of the San Joaquin River on the BNSF tracks was opposed by the City of Fresno and would have required substantially more residential and business relocations within Fresno to reach the Fresno Downtown Station on the UPRR tracks.

Comment #7: Section 2.2.4 provides cross-sections (Figures 2-6 to 2-8) showing that fencing would be used for at-grade, retained fill, and retained cut profiles. No fencing is proposed for elevated profiles because access would be restricted to these areas.

Comment #8: These services could occur on HST trains in conjunction with passenger service, although they are not currently planned.

Comment #9: Radio towers would be monopoles with no attached guy wires. They would be 100 feet tall and spaced approximately every 2.5 miles. Poles would be lighted for nighttime visibility for pilots, and lighting would comply with FAA and jurisdictional requirements.

Comment #10: HMF use by passengers is not planned and HMF use is intended for use by trains only when not in service.

Comment #11: See MF-Response-PUE-1.

Comment #12: See MF-Response-PUE-5.

Comment #13: Descriptions of roadway changes is provided in Appendix 2A, as referenced in Section 2.4.2.2 and 2.4.3.2.

Comment #14: The assessment methodology provided in the FRA guidance manual (High Speed Ground Transportation Noise and Vibration Impact Assessment, 2005) addresses potential long-term noise effects from HSTs, including revenue service and typical maintenance activities. The maintenance activities associated with the five alternative Heavy Maintenance Facility (HMF) sites were included in the noise assessment, and can be found in Section 3.4.5.3, High-Speed Train Alternatives, of the EIR/EIS. Typical maintenance activities, including one inspection vehicle that would travel the alignment (multiple times per week) at very low speeds and other periodic track maintenance as needed, would occur during the nighttime non-revenue service period (midnight to 5 a.m.). Since the number of train pass-bys associated with these maintenance activities would be substantially less than the number of revenue service operations and the trains would be slower, they do not substantially contribute to the overall project noise exposure and would not cause potential noise impact.

Comment #15: See MF-Response-GENERAL-5.

Comment #16: See MF-Response-GENERAL-5.

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## Response to Submission 582 (Robert L. Poythress, October 12, 2011) - Continued

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### **582-6**

#17 – The text in Section 3.2.5.3 under the “Consistency with Regional Plans and Policies” heading has been revised to state: “The HST Project is generally consistent with the plans and policies in Table 3.2-1, although it is not consistent with the proposed HST routes identified in every plan and policy.”

#18 – A list of cities was added to the text in Section 3.2 Transportation in the EIR/EIS, under the heading “Urban Area Construction Impacts on Circulation and Emergency Access,” to clarify which corridor communities are included in this discussion. The list includes the city of Madera. The Authority would implement a Construction Transportation Plan to minimize construction impacts on circulation and emergency access. See MF-Response-TRAFFIC-1. The activities covered by this plan have been provided in more detail in Section 3.2.6. Some details of construction activities for Merced and Fresno are included in the EIR/EIS because of the availability of construction information related to the HST stations in these cities.

#19 – The reference to a construction access plan was revised to Construction Transportation Plan for consistency with the Construction Transportation Plan described in Section 3.2.6 Project Design Features. The plan will be prepared in consultation with the pertinent city or county, and will be reviewed and approved by the Authority.

#20 – Changes to conventional Passenger Rail Service: Text has been modified in this subsection of Section 3.2 to report accurate information. Also see MF-Response-GENERAL-13.

#21 – Disruption to parks and trails, including five existing parks in the City of Madera (Rotary Park, Sharon Avenue Linear Park, Riverside Park, Courthouse Park, County Road 27 ¾ Linear Park, and the Vern McCullough Fresno River Trail, is discussed in Section 3.15 Parks and Recreation. Regarding noise and vibration impacts on pedestrian and bicycle use under and around elevated tracks, see MF-Response-NOISE-4.

#22 – Altering Freight Rail Transportation: The HST alternatives would, in some locations, restrict the ability of UPRR and BNSF to construct new spur lines for potential future customers. Although the city supports the extension listed there are currently no plans for this extension.

### **582-7**

a) Over and underpasses for local streets will be provided as part of the HST project, or in some cases roads may be closed and traffic redirected appropriately.

b) Column spacing can be adjusted during the next phase of design.

c) The CAHSRA acknowledges the future modification of the interchange at Gateway and Cleveland and will address this during final design.

d) CAHSRA has the intention of maintaining existing transportation corridors to their capacity. Details will be refined during final design. See MF-Response-GENERAL-8.

e) Typical depth of HST viaduct (top of rail to bottom of viaduct) is 12.5 feet. For special cases where straddle bent structures are required the depth increases to 13.5 feet. These occur when crossing a railroad track or SR99 at a skewed angle.

f) During future phases of design the HST viaduct height can be adjusted to accommodate future improvement to existing interchanges. CAHSRA will collaborate with the city during design efforts to determine what may be accommodated during final design.

g) There is sufficient clearance (16.5 feet) at the future Ellis Street overcrossing location.

h) See MF-Response-PUE-5.

i) HST alignment is elevated in this area and does not affect traffic circulation along Sharon Blvd north/west of Country Club Dr. There will be continued access from Sharon Blvd to the areas north as it is existing now. South of Country Club Dr., Sharon Blvd is realigned to the east and all existing roadway connections are provided, thus maintaining traffic circulation.

j) Based upon the most current and available information, some right of way along 4th Street may be needed however due to the limitations of base maps the final right of way requirements could not be determined at the 15% design level. If the A2 alternative is selected this will be addresses during the 30% design effort. If this alternative is selected, the CAHSRA will conduct appropriate field surveys to collect more detailed

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Response to Submission 582 (Robert L. Poythress, October 12, 2011) - Continued

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**582-7**

data. See MF-Response-SOCIAL-1.

k) The environmental document identified partial and full property takes based upon current and available data, however, due to the limitations of current parcel data, the final determination regarding property takes cannot be made until detailed field surveys and engineering design has been further developed. If the use of the parcel is impacted, the CAHSRA will determine whether it is a full or partial take.

l) The CAHSRA will adhere to applicable design standards.

m) The Merced-Fresno HST project has consulted with Caltrans and reviewed available information and documentation to identify reasonable foreseeable projects, however, no design information is available or has been identified for this particular project from Caltrans. Coordination with Caltrans will continue throughout the design phase.

n) Appropriate permits will be secured by the construction contractor as applicable.

**582-8**

24. See MF-Response-NOISE-8.

25. See MF-Response-NOISE-8 and MF-Response-NOISE-6, The heights of proposed sound walls are given in the Noise and Vibration Technical Report Section 8.1, Operational Noise Mitigation Measures.

26. See MF-Response-NOISE-6 and MF-Response-NOISE-4, The contractor will be required to meet all applicable construction noise limits. Potential noise and vibration impact from train operations has been assessed for the proposed project according to the principal assumptions described in Section 3.4.3.3, titled Impact Assessment Guidance, which includes expected train speeds and track type. As such, it is expected that the future operating conditions of the HST will be consistent with these assumptions. Potential long-term noise impact is assessed according to typical operating conditions, not specific operations associated with train testing.

27. See MF-Response-NOISE-4 and MF-Response-NOISE-7.

**582-8**

28. See MF-Response-NOISE-4.

29. See MF-Response-NOISE-4 and MF-Response-NOISE-8.

30. See MF-Response-NOISE-3 and MF-Response-NOISE-6.

31. See MF-Response-NOISE-9.

32. See MF-Response-NOISE-6.

33. See MF-Response-NOISE-6, Text has been added to the EIR/EIS and the Noise and Vibration Mitigation Guidelines (Appendix 3.4-A) to explain mitigation considerations for undeveloped lands. Mitigation will be considered for undeveloped lands where sensitive receptors will be if there is substantial physical progress (e.g., laying the building foundation) toward the construction of the property by the time the notice of intent of the project has been issued.

**582-9**

46 and 47. See MF-Response-SOCIAL-7.

48. The EIR/EIS provides information at the regional level for the three counties. Complete information on the population characteristics at the city and county level is provided in the Merced to Fresno Community Impact Assessment.

49. Text in the EIR/EIS has been updated to reflect demographic information from the 2010 U.S. Census.

50. See MF-Response-GENERAL-8 and MF-Response-SOCIAL-4. Text in the EIR/EIS indicates that the study area for the Merced to Fresno section is comprised primarily of communities of concern and the majority of the impacts, both adverse and beneficial, would be predominately borne by communities of concern.

51. See MF-Response-SOCIAL-4.

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## Response to Submission 582 (Robert L. Poythress, October 12, 2011) - Continued

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### 582-9

52. See MF-Response-VISUAL-2 and MF-Response-VISUAL-3

53. See MF-Response-GENERAL-19. Refer to Section 3.18, Regional Growth, where new jobs created by the HST Project are also forecasted for Madera County. The increase in employment is based upon regional modeling and information on the methods is included in Section 3.18, Regional Growth. The creation of new jobs in the county would result in increases in tax revenues for the county from sales and property tax increases.

54. See MF-Response-GENERAL-8. Information is based upon the existing land uses adjacent to the railroad corridors which are typically associated with industrial related uses and any other uses are subject to visual, air quality, and noise effects of the existing trains. The elevated alignment through the City of Madera is not expected to result in any significant impacts to land uses adjacent to the HST. The HST would add incrementally to the existing UPRR and SR 99 corridors in the City of Madera. Refer to Appendix 3.13-B, Land Use and Communities, which provides additional information on how the HST Project would not preclude development in the adjacent land uses. Because development would not be precluded no negative impacts on property values are anticipated.

55. SO MM#7 has been revised for the Final EIR/EIS to include performance standards and not defer the mitigation.

56. Because many of the benefits and impacts are at the regional level text in the EIR/EIS discusses only the counties. Where applicable, the text in the EIR/EIS and the Community Impact Assessment (CIA) provides information on the potential loss of property tax revenues associated with the property acquisitions. In the CIA, the information is broken down by city and county and summarized in the EIR/EIS. The HST Project would not limit the ability of any of the cities to provide services to residents, refer to Appendix 3.13-B, Land Use and Communities, which provides additional information on how the HST Project would not preclude development in the adjacent land uses.

57. See MF-Response-GENERAL-8, MF-Response-SOCIAL-1, MF-Response-LAND

### 582-9

USE-3, MF-Response-LAND USE-4. The elevated alignment would require about 50 feet of right-of-way through the City of Madera and the access is maintained under the elevated guideway. The HST project's level of design somewhat limits the level of detail that the EIR/EIS analysis can achieve. A relocation analysis has been completed as part of the Merced to Fresno documentation. The analysis included an analysis of all properties that would be impacted by full and partial property acquisitions, the number of employees that would be impacted due to business relocations, and a determination of suitable locations for business relocations. The analysis looked at replacement properties within the citywide relocation replacement areas and within a 30-mile radius within the unincorporated portions of the counties. The analysis identified locations near the areas where the acquisitions occur for the business acquisitions in the City of Madera, so businesses could be relocated in close proximity to their existing locations. Suitable locations for any businesses acquired as part of the HST project are located in same general area, so impacted businesses could relocate near their existing locations. Refer to SO-MM#2 in Section 3.12.7 for information on the relocation plan that will be developed for the project. The HST project would add incrementally to the existing transportation corridors and no significant impacts on adjacent land uses occur.

### 582-10

58, 59, and 60. See MF-Response-LAND USE-3, MF-Response-LAND USE-4 and MF-Response-GENERAL-8. Refer to Appendix 3.13-B, Land Use and Communities, which provides additional information on how the HST Project would not preclude development in the adjacent land uses.

61. See MF-Response-LAND USE-2. As described in Section 3.13, Station Planning, Land Use, and Development, consistency with local plans and policies is not required, but the analysis did include a review of the goals and policies of the local land use plans, as well as other plans, to identify conflicts that could result in potential environmental impacts. Information are the plans and policies and any inconsistencies is included in Appendix 3.13-A, Land Use Plans, Goals, and Policies.

62. See MF-Response-LAND USE-3, MF-Response-LAND USE-4, and MF-Response-GENERAL-8. Refer to Appendix 3.13-B, Land Use and Communities, which provides additional information on how the HST project would not preclude development in the

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## Response to Submission 582 (Robert L. Poythress, October 12, 2011) - Continued

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### **582-10**

adjacent land uses. Because the HST project would not result in any significant impacts to land use, no mitigation is required.

### **582-11**

63a. The Authority would coordinate with the City of Madera to establish appropriate compensation in terms of allowance or additional property to accommodate for displaced park use during construction. Options may include preparing a plan for alternative public recreation resources during the period of closure, and preparing signs and newsletters describing the project, its schedule, and the alternative public recreational opportunities. Alternative parks and recreational resources may include the installation of recreational facilities, trails, and landscaping on lands currently owned by the city but not already developed, or it may include temporary park development on open lands until the park can be reopened. Mitigation may include providing financial compensation for purchase and development of replacement park property of at least equivalent value with the property acquired or, where appropriate, enhancement of the existing facility.

63b. The Authority will coordinate with the City of Madera to establish appropriate compensation in terms of allowance or additional property to accommodate for displaced park use during construction. Options will include preparing a plan for alternative public recreation resources during the period of closure, and preparing signs and newsletters describing the project, its schedule, and the alternative public recreational opportunities. Alternative parks and recreational resources will include the installation of recreational facilities, trails, and landscaping on lands currently owned by the city but not already developed, or it will include temporary park development on open lands until the park can be reopened. Landscaping replacement will include replacement grass areas, tree replacement on a ratio of two 5 inch caliber trees for every tree removed and two shrubs for every shrub removed. All other facilities will be replaced or moved on a one for one ratio, including play equipment, benches and the like.

Where the project is elevated over Sharon Avenue Linear Park, County Road 27½ Linear Park, Riverside Park, and the planned extension of the Vern McCullough Fresno River Trail, the parkland/trail segments under the guideway would be restored after

### **582-11**

construction and would once again be available for recreational use. Mitigation will include installation of landscaping and lighting in consultation with the City of Madera and per the Authority's policy on air-rights consistent with restrictions related to HST operations, maintenance, and security).

63c. Mitigation for the project will include plans, to be submitted and reviewed by the City for concurrence that will detail how corridor connectivity will be permanently preserved for wildlife migration/connectivity to existing known migration corridors.

63d. During the final design process for the selected Preferred Alternative, the Authority will coordinate with the City of Madera to arrive at legal agreements for the financial compensation and/or suitable project mitigation or enhancements for any parkland (including trail property) to be permanently acquired by the Project or temporarily occupied during the construction period. Mitigation for the project will include detailed plans, to be presented to the City for review and concurrence, that will explicitly detail all aesthetic and noise mitigation measures to be employed by the Project to offset visual and aesthetic impacts to parks from HST structures; these measures will be finalized only after concurrence with the City.

63e. During the final design process for the selected Preferred Alternative, the Authority will coordinate with the City of Madera to arrive at legal agreements for the financial compensation and/or suitable project mitigation or enhancements for any parkland (including trail property) to be permanently acquired by the Project or temporarily occupied during the construction period. The Project will also coordinate with the City to arrive at a legal agreement with the City wherein responsibilities for maintenance/security for park areas located under HST structures will be stipulated.

63f. During the final design process for the selected Preferred Alternative, the Authority will coordinate with the City of Madera to arrive at legal agreements for the financial compensation and/or suitable project mitigation or enhancements for any parkland (including trail property) to be permanently acquired by the Project or temporarily occupied during the construction period. Mitigation for the project will include detailed plans, to be presented to the City for review and concurrence, that will explicitly detail all aesthetic and noise mitigation measures to be employed by the Project to offset visual and aesthetic impacts to parks from HST structures; these measures will be finalized



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## Response to Submission 582 (Robert L. Poythress, October 12, 2011) - Continued

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### **582-11**

only after concurrence with the City.

63g. During the final design process for the selected Preferred Alternative, the Authority will coordinate with the City of Madera to arrive at a legal agreement with the City wherein responsibilities for maintenance/security for park areas located under HST structures will be stipulated.

63h. Mitigation for the Project will include plans, to be submitted and reviewed by the City for concurrence that will detail how trail connectivity will be permanently preserved for recreational use post-construction and how trail connections will be maintained, or suitably detoured, during construction. The DEIR/S has been revised to describe, and address potential impacts to, the Vern McCullough Fresno River Trail. It is not anticipated that the Project would result in the conversion of any property from the planned extended trail, nor would it disrupt the continuity or use of the extended trail post-installation of the elevated guideway.

64. Analysis of the Vern McCullough Fresno River Trail has been added in several locations in the Parks section and Section 4(f) Evaluation to assess the impact of the HST Project on this planned resource, which is documented in the City of Madera General Plan as a proposed project. Directly per comment, text has been added to Section 3.15.4 (under "Planned Parks") noting that the City of Madera's Parks and Community Services Department has been awarded more than \$500,000 in funding from Congestion Mitigation and Air Quality (CMAQ), Bicycle Transportation Account (BTA), and Local Transportation Fund (LTF) to construct a trail undercrossing that takes the Vern McCullough River Trail underneath UPRR and Gateway Avenue from very near the intersection of Riverside and the Sharon Avenue Linear Parks and terminates at the trail-head at Rotary Park.

65 through 69. The Authority will coordinate with the City to establish appropriate compensation in terms of allowance or additional property to accommodate for displaced park use during construction. Options will include preparing a plan for alternative public recreation resources during the period of closure, and preparing signs and newsletters describing the project, its schedule, and the alternative public recreational opportunities. Alternative parks and recreational resources will include the installation of recreational facilities, trails, and landscaping on lands currently owned by

### **582-11**

the city but not already developed, or it will include temporary park development on open lands until the park can be reopened. Landscaping replacement will include replacement grass areas, tree replacement on a ratio of two 5 inch caliber trees for every tree removed and two shrubs for every shrub removed. All other facilities will be replaced or moved on a one for one ratio, including play equipment, benches and the like

70 and 71. Table 4-2 in Draft Section 4(f) Evaluation has been revised to include references to all the amenities at Rotary Park noted by commenter. Description of Rotary Park and Riverside Park in Section 4.6.1 of Draft Section 4(f) Evaluation has been similarly revised to accurately reference all amenities at Rotary Park and Riverside Park per comment. Table 3.15-2 has also been similarly revised to accurately note all amenities at Rotary Park and Riverside Park noted by commenter.

72. Findings of de minimis impacts under Section 4(f) are preliminary and will be subject to concurrence by the jurisdiction with ownership of the park/recreation resource. The Authority will be engaging all such jurisdictions with regard to pursuing a finding of de minimis impacts, including discussions on beneficial mitigation/enhancement actions that may result in a park/recreational resource setting that are more advantageous to the community. This is noted in Section 4.1.3.4 of the Draft Section 4(f) Evaluation.

### **582-12**

#### **Aesthetics and Visual Resources**

# 74. It is agreed that the elevated guideway would become a predominant visual feature of the City of Madera. It also is agreed that generally unobstructed views toward the HST alternative are available from parks, the downtown area, and from within some residential areas. The analysis of aesthetic and visual quality impacts cannot consider every possible view, one of which is noted by the commenter at a location slightly north of KVP 10 from Rotary Park. It is agreed that there are some locations where views, such as from some residences that are not part of the view from KVP 10, would have greater impacts than at other locations. Some of these sensitive views from residences would be eliminated through property acquisitions. Considering the three key viewpoints (KVPs 10, 11, and 12) selected as representative of conditions in the city, the Madera



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## Response to Submission 582 (Robert L. Poythress, October 12, 2011) - Continued

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### **582-12**

landscape unit was found overall to have significant impacts under NEPA and significant impacts under CEQA. Various techniques to minimize and mitigate potential impacts to visual quality from the HST's structural elements would be considered during design and are identified in the EIR/EIS.

#75. The design of the HST presents several opportunities for the Authority to direct the incorporation of visual elements and structural modifications that can minimize or mitigate adverse impacts by the HST to aesthetics and visual quality. Some areas where the HST would be located also could have beneficial impacts by screening unattractive views, such as blighted areas. Landscaping, art, lighting, architectural materials and features, earthen berms, and textured, treated, or colored walls may be used to lessen the effects of project components, including the possibility of graffiti. Generally, a menu of design features would be developed to address specific issues related to operation or construction of the project. The Authority and FRA would seek input from citizens and community leaders to help identify which aesthetic treatments and mitigation measures are most context-appropriate in conjunction with the design and construction of the HST. Section 3.16.6, Mitigation Measures, in the EIR/EIS describes various methods for minimizing and mitigating the impacts of constructing and operating the HST. The EIR/EIS does not defer mitigation, but rather provides an extensive set of mitigation measures that would be further reviewed, refined, and applied as design progresses and permits are obtained.

During final design of elevated guideways and the Merced and Fresno stations, the Authority will coordinate with local jurisdictions on the design of these facilities so that they are designed appropriately to fit in with the visual context of the areas near them. This will include the following activities:

- For stations: During the station design process, establish a local consultation process with the City of Merced and the City of Fresno to identify and integrate local design features into the station design through a collaborative context-sensitive solutions approach. The process will include activities to solicit community input in their respective station areas. This effort will be coordinated with the station area planning process that will be undertaken by those cities under their station area planning grants.
- For elevated guideways in cities or unincorporated communities: During the

### **582-12**

elevated guideway design process, establish a process with the city or county with jurisdiction over the land along the elevated guideway to advance the final design through a collaborative context-sensitive solutions approach. The working groups will meet on a regular basis to develop a consensus on the urban design elements to be incorporated into the final guideway designs. The process will include activities to solicit community input in the affected neighborhoods. The text regarding coordination and collaboration with communities has been revised as above in Section 3.16.6 of the Final EIR/EIS, Mitigation Measures, including additional details.

#76. Table 3.16-1 has been revised to include and consider the additional goals and policies noted in the comment. Section 3.16.2.3, Local and Regional Plans, Policies, and Regulations in the EIR/EIS includes the statement: "Consideration of local community design guidelines would be part of a subsequent phase of analysis for project-specific environmental review, when more detailed engineering and architectural information would be developed."

#77. Section 3.16.4.1 has been revised to mention views of the Sierra Nevadas and Fresno River.

#78. Visual quality for a particular landscape unit receives a rating that applies generally to the landscape unit based upon the visual specialist's professional expertise and field investigations. Visual quality ratings for landscape units are based upon a limited number of representative specific key viewpoints in accordance with the FHWA methodology used for the analysis. This means there may be areas and specific locations with higher or lower visual quality. The analysis of aesthetic and visual quality impacts cannot consider every possible location or view; rather, key viewpoints were selected as representative of existing conditions and with the addition of the HST to the view. Conditions and impacts at one locale (a park, for example) in the Fresno landscape unit do not necessarily correspond to those at another similar locale in the Madera landscape unit, because of the various factors and differences contributing to impacts as viewed from the selected key viewpoints. The addition of a new visual element to the landscape may change the view but does not necessarily degrade or improve the visual quality.

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## Response to Submission 582 (Robert L. Poythress, October 12, 2011) - Continued

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### **582-12**

#79. The text and table has been revised to reflect the comment, which is correct. That is, the Hybrid Alternative has the least substantial and significant impacts according to the analysis at key viewpoints to all the landscape units.

#80. See the response to #75. In addition, the final design process would indeed include coordination and collaboration with all communities, regardless if an HST station would be located in a community.

#81. The photo simulations are accurate from the viewpoint regarding the height of elevated guideway piers, which are based on HST grades and engineering design. The viewpoints may not show the entire height of the columns because of intervening landscape features, such as streets at higher elevations than the base of the piers. Such representations in a photo simulation are unavoidable but may be noted in the caption. The caption has been revised.

#82. The addition of a sound barrier atop an at-grade or elevated guideway would obstruct more of the view above. The area depends on the viewer's proximity and elevation.

#83. See the response to #74.

#84. See the response to #75.

#85. See the response to #75.

#86. Table 3.16-5 acknowledges that before and after the mitigation measures there would be significant visual impacts regarding the Madera landscape unit for the UPRR/SR99 alternative (VQ #4 in the table), as noted in the comment. Mitigation measures would help reduce the impacts.

#87. See the response to #75. In addition, the City's statement regarding specific mitigation measures is noted for later consideration and collaboration.

#88. See the response to #74. In addition, the effect of property acquisitions and building removal are discussed when relevant to particular viewpoints. Buildings removal

### **582-12**

is noted in Table 3.16-2.

#89. Visual distraction was considered as part of the exposure and sensitivity of viewers in Section 3.16.5.3..

Next to Last Paragraph of Comment Letter: The request for an extension of the comment period is noted. See MF-Response-GENERAL-7.

### **582-13**

34. The EIR/EIS has been updated to reflect the information provided in the City of Madera's 2009 General Plan.

35. Allied Wastes Services has been added to Table 3.6-3 as the solid waste collection service provider for the City of Madera.

36. The HST system would be a state facility and would be subject to state and federal regulations, including Government Code section 4216. The Authority will be meeting with local districts, municipalities, and other entities to develop Memoranda of Agreement that will define terms and conditions whereby the Authority would work with local agencies to resolve utility conflicts.

37. The Authority will replace any stormwater basin capacity lost through HST construction. Preliminary engineering has confirmed the feasibility of either avoiding impacts to existing stormwater basins or relocating the stormwater basins within the HST construction footprint. If utilities cannot be relocated or modified within the construction footprint defined in Chapter 2 Alternatives, additional environmental analysis would be conducted, if necessary. All basin construction and modification will adhere to pertinent standards.

38. The project team has consulted with local utility providers to identify existing and proposed facilities within the project footprint. A meeting was held with a representative from the City of Madera in September of 2009, and an electronic file of the water, sewer, and storm drain facilities was provided to the team. This file included the proposed Town Center Basin, but did not include the proposed Southeast Madera Development Basin.

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## Response to Submission 582 (Robert L. Poythress, October 12, 2011) - Continued

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### **582-13**

Table 3.6-13 has been modified to reflect this additional utility conflict. The Authority will continue to coordinate with utility owners to refine utility information, identifying and evaluating all facilities within the HST footprint.

39. Refer to MF-Response-PUE-5 regarding utility coordination during final design. No utilities will be located within the HST right of way, and utility operators will not need to work within the HST right of way. If any utility needs to cross under the HST right of way, it will be placed in a casing that will allow maintenance access from outside the HST right of way.

### **582-14**

See MF-Response-WATER-1.

### **582-15**

The 2009 City of Madera General Plan has been reviewed and updated in the EIR/EIS as applicable.

### **582-16**

Comment 42: Please see MF-Response-S&S-8. The potential for successful criminal and terrorist acts is negligible throughout the HST system, in both urban and rural areas, due to project design and system features.

Comment 43: High-risk facilities adjacent to each of the alternative alignments are presented in the Affected Environment section of Section 3.11, Safety and Security, of the EIR/EIS. Many of the tall structures that could pose fall hazards, and three refineries that could pose explosion risks, are located in Merced and Fresno, where all three alternatives have the same alignment. In portions of the alignments that vary by alternatives, four tall structures and one fuel refinery are located along the UPRR/SR 99 Alternative in Madera County; and two tall structures occur along the BNSF and Hybrid alternatives in Merced and Madera counties. Additionally, the Kinder-Morgan high-pressure petroleum pipeline poses an explosion risk for all three alternatives, although the UPRR/SR 99 Alternative has the longest adjacency to the pipeline since it follows the UPRR corridor for its entire alignment.

### **582-16**

Comment 44: Ladder trucks are not available in every area of the HST system that would contain elevated tracks. As described in Section 3.11.6, Safety and Security Project Design Features, of the EIR/EIS, ground access would be available from elevated tracks where access to ground equipment is required. This ground access could be used in the event of an emergency. Additional ground access can be considered, consistent with fire and rescue procedures.

Comment 45: Accidents and intentional acts of violence are unpredictable, as the commenter notes. The HST system would incorporate system safety and security plans and design features to address the potential for accidents and criminal and terrorist acts, as discussed in the subsections Train Accidents and Security Detering Criminal Acts and Terrorist Attacks in Section 3.11.5.3, Safety and Security - High-Speed Train Alternatives, and in MF-Response-S&S-4 and MF-Response-S&S-8. These measures would deter criminal and terrorists acts, facilitate early detection of such acts, and design the HST train sets and infrastructure to prevent collisions and to protect passengers and bystanders in the event of an accident. As a result of implementing these measures, the potential for accidents and successful criminal and terrorist acts would be negligible.

Submission 662 (Ron Price, October 13, 2011)



October 13, 2011

"Merced to Fresno Draft EIR/EIS"  
770 L Street, Suite 800  
Sacramento, CA 95814

**Subject: Merced Irrigation District Comments to Draft EIR/EIS for the California High Speed Train Project**

Dear Sirs:

The Merced Irrigation District (MID) has reviewed the draft EIR/EIS for the California High-Speed Train (HST) Project and appreciates the opportunity to offer the following broad and overarching comments in line with the broad scope of the HST alignment at this time. MID still intends to engage more specifically with HST consultants as the project scope becomes more specific. MID's general comments are as follows:

MID uses a wide variety of facilities to provide water and electrical services to its customers. Examples of MID facilities include irrigation and storm water conveyance systems such as canals, pipelines, pumps, wells, and other related assets; electrical transmission lines, substations, transformers, and other related assets used to provide electrical service.

Because portions of the HST project are anticipated to travel through the MID service area, MID anticipates that significant impacts will result to any number of its water and electrical facilities. Of course, the final HST route has not yet been determined, so it is highly impractical, if not impossible to identify every possible impact, or the magnitude of those impacts, that could occur to each and every MID facility as the project is currently being proposed.

The purpose of this letter is to provide a summary of the types of impacts that the MID can reasonably foresee given the vague and undecided nature of the project at this point. MID reserves the right to provide additional, more specific comments regarding the types and number of impacts, and the magnitude of those impacts when a final route for the HST is decided upon. Only then can all specific impacts be identified and more thoroughly examined.

662-1

Also, the facilities identified herein are limited to district owned facilities. For example, depending on the final route, a number of MID owned wells will need to be relocated. There may be other privately owned wells that may need to be relocated as well. MID has not identified those additional privately owned facilities that may be impacted, however, some effort was dedicated to identify and approximate the amount of farmland within the MID that will be lost with each given route.

**MID IRRIGATION and DRAINAGE IMPACTS**

Currently, the following MID irrigation and drainage facilities will be impacted by one or more of the proposed HST alignments.

THE HYBRID UPRR HIGHWAY 99 CORRIDOR

- Deadman Creek
- Russell Lateral
- Lingard Lateral
- Lingard Lateral "B"
- Well 67
- Hadley Lateral
- Givens Lateral
- Duck Slough
- El Nido Dam
- El Nido Canal
- Koff Lateral
- Koff Lateral "AA"
- Well 214
- Owens Creek
- Miles Creek
- Well 142
- Farmdale Lateral
- Farmdale Lateral "A"
- Hartley Lateral "D"
- Hartley Lateral

This alternate consists of approximately 5.1 miles of varying width right-of-way (R/W) within the jurisdictional boundaries of MID. In the Draft EIR-EIS Volume III Alignments shows varying widths of R/W, once a route is selected the lost area can be precisely defined. If a 100 foot wide R/W is assumed, approximately 62 acres of farmland will be lost between the southerly boundary of MID to Childs Avenue. Between Childs and the proposed Merced HST station there are no significant impacts to MID water conveyance facilities. Additionally this route will necessitate the relocation of 3 district wells.

Submission 662 (Ron Price, October 13, 2011) - Continued

662-1

BNSF ALTERNATES

The alternates entitled: 1.) Mission Avenue through Le Grand. 2.) Mission Avenue East of Le Grand. 3.) Mariposa Way through Le Grand. 4.) Mariposa Way East of Le Grand. All of these alternates will impact the following MID facilities, and upon the selection of a route the specific facilities and impacts upon those facilities can be more particularly identified.

- Booster No. 3 Lateral, North of Le Grand Road
- Mitchell Lateral twice
- Mariposa Creek twice
- Booster No. 3 Lateral, West of Cunningham Road
- Le Grand Canal
- Burchell Lateral
- Diversion Channel, Owens Creek is diverted southerly to Mariposa Creek
- Parker Lateral "B"
- Planada Canal
- Dibblee Lateral "B"
- Owens Creek
- Miles Creek
- Doane Lateral
- Farndale Lateral, west of Coffee Street

Alternate 1 above covers approximately 13 miles of varying width right-of-way within the jurisdictional boundary of MID. In the Draft EIR-EIS Volume III Alignments shows varying widths of R/W, once a route is selected the lost area can be precisely defined. If a 100 foot wide R/W is assumed, approximately 158 acres of farmland will be lost in and around the town of Le Grand to the transition with the UPRR corridor south of the City of Merced.

Alternate 2 above covers approximately 14.8 miles of varying width R/W within the jurisdictional boundary of MID. In the Draft EIR-EIS Volume III Alignments shows varying widths of R/W, once a route is selected the lost area can be precisely defined. If this alternate is selected and a 100 foot wide R/W is assumed, approximately 179.4 acres of farmland will be lost near and around the town of Le Grand to the transition with the UPRR corridor south of the City of Merced.

Alternate 3 above covers approximately 11 miles of varying width right-of-way within the jurisdictional boundary of MID. In the Draft EIR-EIS Volume III Alignment shows varying widths of R/W, once a route is selected the lost area can be precisely defined. If this alternate is selected and a 100 foot wide R/W is assumed, approximately 134 acres of farmland will be lost near the town of Le Grand, to the transition with the UPRR corridor south of the City of Merced.

Alternate 4 above covers approximately 13.8 miles of varying width right-of-way within the jurisdictional boundary of MID. In the Draft EIR-EIS Volume III Alignment shows varying widths of R/W, once a route is selected the lost area can be precisely defined. If this alternate is selected and a 100 foot wide R/W is assumed, approximately 167.8 acres of farmland will be lost near the town of Le Grand, to the transition with the UPRR corridor south of the City of Merced.

3

662-1

The BNRR alternate will impact a minimum of 89 parcels of land currently being farmed. This is a combined total of all the alternatives, once a route is chosen this number will change. The various alternates traverse existing farming operations and the impacts upon MID's ability to deliver water to its customers in the area and their remaining land will need to be mitigated.

HEAVY MAINTENANCE FACILITY (HMF) from the Merced Station to Castle Commerce Center Site.

- Bear Creek
- Black Rascal Creek / Tributary
- Pohlie Lateral
- East Ashe Lateral
- Ashe Lateral extension at the south line of Rancho School
- Henderson Lateral, twice
- Main Ashe Lateral
- Canal Creek
- Casad Lateral

This alternate consists of approximately 7.75 miles and of this length approximately 4.64 miles are through parcels that can receive MID surface irrigation waters. In the Draft EIR-EIS Volume III Alignment, indicates varying widths of R/W, once a route is selected the lost area can be precisely defined. If this alternate is selected and a 100 foot wide R/W is assumed, approximately 56.2 acres of farmland will be lost.

In addition, with all alignments the MID will lose revenue due to loss of agricultural land that pays Standby Fees per acre, and Surface Water fees. The impact will unjustifiably be borne by water users on the remaining acreage. Compensation for this revenue could be estimated using existing lost fees as follows

1. Stand by Fees at \$24/ acre annually
2. Surface Water Fees at \$18.25/ acre foot (normal use is based on 3 acre feet per acre)

4



Submission 662 (Ron Price, October 13, 2011) - Continued

662-2

**MID ELECTRICAL IMPACTS**

The MID electric system is located in a competitive utility zone (e.g., MID competes with PG&E to provide utility services). Currently, MID electrical facilities do not reach all areas of Merced. Therefore, customers that are forced to relocate may not be in range of the MID electric system and will be considered 'lost' customers. The potential impacts to MID electrical revenues, depending upon alignment, exceed \$8 million annually.

It should also be noted that potential impacts on the Castle Aviation Center are near the MID Castle Substation, a key facility in the MID electric system. Should any proposed HST facilities impact this MID facility, estimated costs to relocate the station will exceed \$5 Million.

Aside from these impacts, MID anticipates that impacts to MID electrical transmission and distribution facilities will include various overhead and underground conductors, vaults, pads, equipment and poles. The potential impacts to MID electrical transmission and distribution facilities (depending upon final alignment) include the following:

MERCED STATION TO THE HMF

- 12 KV Overhead distribution 8,100 L.F.
- 12 KV Overhead distribution \_Double Circuit 4,050 L.F.
- 12 KV Underground distribution 9,100 L.F.
- 12 KV Underground distribution Mainline 700 L.F.
- 21 KV Overhead distribution 1,200 L.F.
- 21 KV Underground distribution 11,700 L.F.
- 21 KV Underground distribution Mainline 10,300 L.F.
- 115 KV Overhead transmission / 12KV distribution 9,200 L.F.

In this reach of the HST, MID anticipates that it will lose thirty four (34) commercial accounts. These accounts are shown to be removed and their ability to relocate is unknown. In addition to the thirty four (34) lost commercial accounts, there are six (6) commercial accounts that may be able to be served by a reroute of MID facilities, and there are seven (7) residential accounts that will be lost.

UPRR CORRIDOR

- 21 KV Underground distribution 900 L.F.
- 21 KV Underground distribution Mainline 1,000 L.F.

Along this reach of the HST MID does not anticipate that any of its customers will be impacted. However, MID is in the planning stage of installing approximately 2,000 L.F. of double overhead 115 KV with double 21 KV transmission/distribution line in order to expand and provide more reliable and efficient service to current and future customers.

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662-2

MISSION AVENUE CORRIDOR

- 21 KV Underground distribution 700 L.F.

MARIPOSA WAY CORRIDOR

Along this reach of the HST MID anticipates that no customers will be impacted, but MID is in the planning stage of installing approximately 1,100 L.F. of double overhead 115 KV with double 21 KV transmission/distribution line to allow MID to serve the industrial area east of Merced. This project is currently being reviewed for environmental impacts, with an estimated completion cost of \$18 Million (including substation).

If storm drainage is discharged by the HST to any MID facilities, a Storm Drainage Agreement with the Merced Irrigation District Drainage Improvement District No. 1 will have to be executed and the appropriate connection fees paid. This Agreement will also authorize MID to bill the California High Speed Rail Authority an annual maintenance fee. Furthermore any HST discharge facilities will need to be designed and installed to MID standards.

HST construction that impacts MID rights-of-way for canals, irrigation laterals and creeks will require a "Construction Agreement" and a "Joint Use Agreement" with the MID. Said agreements shall perpetuate MID's senior rights. Electrical transmission lines, canals, laterals, creeks, well sites and other MID facilities that may have to be modified or relocated will be done so at the expense of the California High Speed Rail Authority. MID requests a signature block on all "Improvement Plans" relating to MID facilities, including drainage facilities that plan to discharge to MID facilities.

Where California High Speed Rail Authority facilities cross MID facilities MID policy requires all of its conveyance facilities to be placed in a pipeline assembly across the entire HST R/W and access to the MID facilities will need to be included in the design and provide allowance for the maintenance of the facility within the HST R/W. The design shall provide for possible increased conveyance capacity as downstream demands exceed the capacity of the facility, the design will allow for conformance to all applicable safety requirements (confined space and ventilation requirements), and the California High Speed Rail Authority shall secure all easements if necessary. Construction activity involving MID irrigation facilities shall be confined to the time period between November 1 and March 1 in order to avoid impacts to water deliveries during the irrigation season, unless MID permission is first obtained.

Depending on the alignment, special attention should be given to keep incidental seepage from impacting the HST railroad bed especially when the proposed alignment parallels an MID facility or is undergrounded. The railroad in almost all scenarios will be crossing natural floodways, where appropriate structures meeting the latest State Flood Management Program should be followed.

Again, the Merced Irrigation District appreciates the opportunity to offer these general comments to the HST Project. However, the Project as it is currently being described in the draft EIR/EIS is extremely vague. Because the California High Speed Rail Authority is proposing so many

6

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Submission 662 (Ron Price, October 13, 2011) - Continued

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different alternate routes, it is infeasible, if not practically impossible to identify each and every impact to MID facilities, or the magnitude of those impacts. This letter is meant only to summarize types, and give approximations of anticipated impacts. MID fully expects and reserves the right to provide additional comments that more fully explain impacts and mitigation requirements once a final HST route is decided.

If you have any questions or would like to discuss any of these matters further, please contact me at 722-5761.

Sincerely,



Ronald L. Price  
Associate Engineer, Water Resources

cc: John Sweigard, General Manager  
Hicham Eltal, Deputy General Manager  
Phillip McMurray, General Counsel  
John Wiersma, Water Resources Engineering  
Jason Grace, Electric Services



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## Response to Submission 662 (Ron Price, October 13, 2011)

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### **662-1**

See MF-Response-WATER-1.

### **662-2**

See MF-Response-PUE-5.

MID's assertion that there is the potential for the HST alignment to reduce revenues through loss of customers due to land acquisition or other means is noted. Any long-term revenue impacts are expected to be addressed in the Memoranda of Agreement process.

As discussed in Section 3.6 Public Utilities and Energy, the project design would specifically address stormwater volumes and flow requirements. During final design, review and inventory of irrigation systems' seasonal flow for canals, creeks, and pipelines, as well as an evaluation of each receiving stormwater system's capacity to accommodate project runoff would be conducted. As necessary, relocation, protection, and flow-improving measures for irrigation conveyance facilities, and onsite stormwater management measures, such as detention or selected upgrades to the receiving system, will be included in the design to provide adequate capacity. This evaluation will be conducted in cooperation with the local utility districts.

Further, where existing underground utilities, such as water pipelines, cross the HST alignment, the utilities would also be placed in a protective casing. The project construction contractor would coordinate schedules for utility relocations and protection-in-place with the utility owner avoid prolonged disruption of services. A Construction Agreement and Joint Use Agreement would be executed where construction would impact MID rights of way.

Finally, as presented in Section 3.8 Hydrology and Water Resources, floodplains and areas of shallow groundwater have been identified and will be given special attention during the design process. As appropriate, structures will meet the latest state flood management board requirements.

Submission 164 (Vera Prichard, September 14, 2011)

**HIGH SPEED RAIL COMMENT SHEET**

Please complete and mail this sheet to the following address:

Attention: Supervisor John Pedrozo  
County of Merced  
2222 M Street  
Merced, CA 95340

Board of Supervisors  
2222 M Street  
Merced, CA 95340

2  
591

NAME Vera Prichard  
First Last

ADDRESS \_\_\_\_\_  
Street Address Town/City Zip Code

MAILING ADDRESS 13434 Jefferson St. LeGrand, CA 95333  
(IF DIFFERENT FROM ABOVE) Address Town/City Zip Code

TELEPHONE NUMBER (209) \_\_\_\_\_

EMAIL ADDRESS tprichard@shglbcal.net

Please check here if you would like me to notify you via email or mail of upcoming High Speed Rail public hearings or meetings for the next 12 months.

Please check all that are applicable.

164-1

- I STRONGLY SUPPORT THE A-2 HIGH SPEED RAIL ROUTE ALTERNATIVE (UNION PACIFIC RAIL ROAD/HIGHWAY 99) AND AM AGAINST THE A-1 ROUTE ALTERNATIVE.
- I SUPPORT THE A-2 ROUTE BECAUSE IT'S CLOSEST TO A MAJOR TRANSPORTION CORRIDOR.
- I SUPPORT THE A-2 ROUTE BECAUSE IT WOULD LEAST IMPACT FARMLAND AND HABITAT AREAS.
- I AM AGAINST THE A-1 ROUTE BECAUSE IT MOST NEGATIVELY AFFECTS THE COMMUNITY I LIVE IN.

Please provide any additional reasons or comment as to why you support an A-2 route.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please note that your comments provided on this sheet will be forwarded to the California High Speed Rail Authority for their public comment records.

DISTRICT 1 RESIDENT  
PO BOX 389  
LE GRAND CA 95333-0389

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## Response to Submission 164 (Vera Prichard, September 14, 2011)

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**164-1**

See MF-Response-GENERAL-10. Also see Chapter 7 Preferred Alternative of the EIR/EIS which summarizes the relative differences between the alternatives and identifies the Hybrid Alternative as the preferred alternative for the Merced to Fresno Section.

Submission 181 (Tyler Rackelmann, September 14, 2011)

Comment Period Extended to  
October 13, 2011

El periodo a hacer comentarios  
está prolongado hasta del  
13 de octubre de 2011



**CALIFORNIA**  
**High-Speed Rail Authority**

**Comment Card**  
**Tarjeta de Comentarios**

**Merced to Fresno High-Speed Train Section**  
Draft Environmental Impact Report/  
Environmental Impact Statement (EIR/EIS) –  
**Public Hearings**  
September 2011

**Tren de Alta Velocidad Sección Merced a Fresno**  
Anteproyecto del Informe de Impacto  
Medioambiental/Declaración de Impacto  
Medioambiental (EIR/EIS) - **Audiencias Públicas**  
Septiembre 2011

Please submit your completed comment card at the  
end of the meeting, or mail to:

Por favor entregue su tarjeta al final de la reunión, o  
envíela a una de las siguientes direcciones:

**Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814**

The comment period on the Draft EIR/EIS begins  
August 15, 2011 and ends September 28, 2011.  
Comments received after 5:00 p.m. on **September  
28, 2011** will not be addressed in the Final EIR/EIS.

El periodo a hacer comentarios empieza a 15 de  
agosto y termina a 28 de septiembre. Comentarios  
reciben después de 5:00 p.m. a **28 de septiembre**  
**no se responderá en el EIR/EIS final.**

Name/  
Nombre: Tyler Rackelmann

Organization/  
Organización: \_\_\_\_\_

(Optional/Opcional)  
Address/Domicilio: \_\_\_\_\_

Phone Number/  
Número de teléfono: \_\_\_\_\_

City, State, Zip code/  
Ciudad, estado, código postal: \_\_\_\_\_

Email address/  
Correo electrónico: \_\_\_\_\_

181-1

I am a student at UC Merced and I believe the Merced to  
Fresno High-Speed Train Section is extremely important for the  
state of California. Innovations have shaped our culture and  
changed the way business is done. Business today is changing in a  
way that can be promoted by such a high-speed rail. Not only is  
it feasible in many ways, but also very convenient for those  
who travel often, and wish to maintain relationships with friends  
and family. I think those affected ~~at~~ should be compensated  
justly.

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Response to Submission 181 (Tyler Rackelmann, September 14, 2011)

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**181-1**

See MF-Response-GENERAL-9

Submission 193 (Roland Ramirez, September 14, 2011)

Comment Period Extended to  
October 13, 2011



**CALIFORNIA**  
High-Speed Rail Authority

El periodo a hacer comentarios  
está prolongado hasta del  
13 de octubre de 2011

**Comment Card**  
Tarjeta de Comentarios

**Merced to Fresno High-Speed Train Section** / **Tren de Alta Velocidad Sección Merced a Fresno**  
 Draft Environmental Impact Report / Anteproyecto del Informe de Impacto  
 Environmental Impact Statement (EIR/EIS) – Medioambiental/Declaración de Impacto  
**Public Hearings** / **Medioambiental (EIR/EIS) - Audiencias Públicas**  
 September 2011 / Septiembre 2011

Please submit your completed comment card at the end of the meeting, or mail to: Por favor entregue su tarjeta al final de la reunión, o envíela a una de las siguientes direcciones:

**Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814**

The comment period on the Draft EIR/EIS begins August 15, 2011 and ends September 28, 2011. El periodo a hacer comentarios empieza a 15 de agosto y termina a 28 de septiembre. Comentarios recibidos después de **September 28, 2011** will not be addressed in the Final EIR/EIS. responderá en el EIR/EIS final.

Name/ Nombre: Roland Ramirez Organization/ Organización: \_\_\_\_\_

(Optional/Opcional) Address/Domicilio: 1391 Christophe Dr Phone Number/ Número de teléfono: \_\_\_\_\_

City, State, Zip code/ Ciudad, estado, código postal: Merced 95340 Email address/ Correo electrónico: de.thsqc@hotmail.com

193-1

I would like to express my support for the proposed HSR system. I would also like to voice my support for the union pacific alignment with a station downtown at the current 15th/MLK location. Redevelopment should be included in any future station development.

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Response to Submission 193 (Roland Ramirez, September 14, 2011)

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**193-1**

See MF-Response-GENERAL-9

See MF-Response-GENERAL-10



Submission 396 (Marie Helena Ramirez, September 20, 2011)

fresno 4/2011



Comment Card  
Tarjeta de Comentarios

<b>Fresno to Bakersfield High-Speed Train Section</b> Draft Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) <b>Public Hearings</b> <b>September 2011</b>	<b>La Sección de Fresno a Bakersfield del Tren de Alta Velocidad</b> Proyecto de Informe de Impacto Ambiental/ Declaración de Impacto Ambiental (EIR/EIS) <b>Audiencias Públicas</b> <b>Septiembre del 2011</b>
Please submit your completed comment card at the end of the meeting, or mail to: <b>Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814</b>	Por favor entregue su tarjeta completada al final de la reunión, o envíela por correo a la siguiente dirección: <b>Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814</b>

The comment period is from August 28, 2011. Comments must be received postmarked, on or before September 13, 2011.	<b>Extended comment period for Fresno to Bakersfield High-Speed Train Draft EIR/EIS: August 15-October 13</b>	El comentario es del 15 de Agosto al 28 de Septiembre del 2011. Los comentarios tienen que ser recibidos, o matasellados, el o antes del 13 de Septiembre del 2011.
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Name/Nombre: Marie Helena Ramirez  
 Organization/Organización: resident of Fresno  
 Address/Domicilio: 312 E Street Fresno CA 93706  
 Phone Number/Número de Teléfono: 559-485-1580  
 City, State, Zip Code/Ciudad, Estado, Código Postal: Fresno California 93706  
 E-mail Address/Correo Electrónico: maricela.saintz@yahoo.com lower case  
 (Use additional pages if needed/Usar paginas adicionales si es necesario)

396-1 | After moving here from New Orleans, Louisiana in 1980 I called Fresno, home. I wasn't sure where I fit in but after getting involved with the bad side of the law as well as the good side I decided Fresno accepted me no matter how many times I got in trouble or changed over the years. I also kept moving all over California. In 2002 I completely turned my life around for the better. Now at this moment my #1 concern is a decent paying job. I'm ready to work and continue to be a part of Fresno. Unless you give me a chance to work you will not know the kind of person I am. I will show my dedication and I also have my resume at hand today.

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Response to Submission 396 (Marie Helena Ramirez, September 20, 2011)

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**396-1**

See MF-Response-GENERAL-19

Submission 385 (Jacquelyn Ramsey, September 30, 2011)

**Merced - Fresno - RECORD #385 DETAIL**

**Status :** Action Pending  
**Record Date :** 9/30/2011  
**Response Requested :**  
**Stakeholder Type :** Environmental Agency  
**Submission Date :** 9/30/2011  
**Submission Method :** Website  
**First Name :** Jacquelyn  
**Last Name :** Ramsey  
**Professional Title :** Environmental Planner  
**Business/Organization :** Department of Conservation  
**Address :**  
**Apt./Suite No. :**  
**City :** Sacramento  
**State :** CA  
**Zip Code :** 95814  
**Telephone :** (916) 323-2379  
**Email :** Jacquelyn.Ramsey@conservation.ca.gov  
**Cell Phone :**  
**Email Subscription :** Fresno - Bakersfield, Merced - Fresno  
**Add to Mailing List :** Yes

385-1

**Stakeholder Comments/Issues :**  
 The Department of Conservation is in the process of reviewing the High Speed Rail Authority's Notice of Public Acquisition notification for the both the Fresno to Bakersfield Section of the California High-Speed Train Project and the Merced to Fresno Section (Government Code section 51291 (a)). The review of both projects is occurring concurrently with the Department of Food and Agriculture's review as required in statute pursuant to Government Code section 51291 (a). The Department is requesting an extension of 30 days in addition to the requirement in statute to complete the review within 30 days of receipt due to the time constraints included in Williamson Act Statute and the amount of materials which must be reviewed. The extension will allow staff sufficient time to review the more than 1,200+ pages of documents, including 148 properties restricted by Williamson Act contracts, maps of the routes and related materials provide by the High Speed Rail Authority for the Department's review, and in coordination with the Department of Food and Agriculture, provide the CA High Speed-Train with the Department's comment response . The total number of days requested is 60 days. The Department has already completed an extensive review of the environmental documents. Public Acquisition review procedure is a separate process stipulated in Government Code sections 51290 – 51295. The Department looks forward to hearing from you with regard to its request. If you have questions or concerns please contact by telephoning me at the number noted below, or by e-mail. Thank you.

**EIR/EIS Comment :** Yes

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Response to Submission 385 (Jacquelyn Ramsey, September 30, 2011)

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**385-1**

The Authority will comply with all requirements of the Williamson Act for notice and land acquisition.

Submission 666 (Anja Raudabaugh, October 13, 2011)



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Anja K. Raudabaugh  
Executive Director

October 13, 2011

Merced to Fresno Draft EIR/EIS Comments

California High Speed Rail Authority

770 L Street, STE#800

Sacramento, CA 95814

[Merced\\_Fresno@hsr.ca.gov](mailto:Merced_Fresno@hsr.ca.gov)

The Madera County Farm Bureau (MCFB) appreciates the opportunity to submit comments on the Draft Merced to Fresno Section Project DEIR/EIS, Volume I: Report, dated August 2011 (DEIR/EIS). The MCFB has previously submitted comments to the California High Speed Rail Authority (Authority) in letters dated December 10, 2009, and September 22, 2010, attached to the end of this comment letter for reference. Preceding detailed comments on this DEIR/EIS, the MCFB would like to stipulate its paramount position on this Project in its current form. MCFB recognizes the California High Speed Rail Project (Project) as a pivotal step in the future development of the Central Valley; however we oppose any unmitigated loss of agricultural lands, agricultural incomes, or agri-business related to Madera's County's agricultural economy. If the Project proceeds, the MCFB supports the selection of the UPRR/SR99 North-South Alternative, so as to minimize the open space and agricultural impacts to the County; however not the level of compensatory mitigation provided with this Alternative. MCFB feels that due to the high additional burdens placed on agriculture in the County of Madera and throughout the Central Valley that the Project should seek out superior mitigation responses for the industry.

MCFB's comments are organized by DEIR/EIS Sections, beginning with a summary of the overall MCFB comments regarding the Project.

**Summary of MCFB's Comments**

- ✓ MCFB supports the UPRR/SR99 Alignment with additional mitigation measures (see comments)
- ✓ The Documents is required under CEQA (Public Resources Code § 21065 and Public Resources Code § 21003.1(b)) to consider the HWY 152 alternative along with Avenues 21 and 24 Wyes for relevance in the study area for this DEIR/EIS

666-1

**Summary**

S.1 The Summary Introduction and Background fails to identify an East-West project boundary area; although adequately identifies a North-South project termini.

S.5.1 The No Project Alternative summary fails to mention a description of the Least Environmentally Damaging and Practical Alternative (LEDPA) in Section 404(b)(1) of the Clean Water Act (CWA) 33 U.S.C. §1251 et seq.

The reference to projected County growth of Merced, Madera, and Fresno is not cited appropriately by the Counties referenced. More recent and updated County General Plans exist and should be used in the relevance of this document.

666-2

S.5.2 Although indicated that the Authority developed the SR 152 Wye with connections to all three north-south Merced to Fresno alignments, the section goes on to state that SR 152 East-West alignment and related wyes will be studied at a later date during the San Jose to Merced Project EIR/EIS. MCFB opposes this decision due to the following reasons:

1.) *The Approach is a Piece-Meal of a Tiered NEPA and CEQA Process* -Although the Project has been tiered as provided for in the NEPA; the decision to study a required phase of an alignment separate from its equal alignment alternatives is a piece-meal evaluation of the Project according to CEQA Public Resources Code §21065. According to CEQA, a project is defined as the "whole of an action, which has a potential for resulting in a either a direct physical change in the environment...or a reasonably foreseeable indirect physical change in the environment." All three East-West Wyes need to be considered as a mandatory component of the North-South Merced to Fresno Project and must be evaluated with equal importance. The public perspective of each must analyzed simultaneously to reach the most locally preferred alternative.

2.) *The Decision Not to Include SR 152 in this Project DEIR/EIS is a Violation of the CEQA Scoping Process* -The scoping process provided for in CEQA Guidelines §15082.-15084 is specific in stating that all comments recorded during a Notice of Preparation Project scoping phase shall be considered in the Draft EIR. MCFB provided comments to both the Madera County Board of Supervisors (see attachments) and to the Authority requesting that SR 152 be considered as a viable alternative in the East-West Wye alignments. The DEIR/EIS is also specific in stating that this configuration was studied in the *SR 152 Alternatives Analysis* (California High Speed Rail Authority, 2011). Yet, SR 152 was omitted from the field of study in this DEIR/EIS. CEQA does not allow a lead agency, in this case the California High Speed Rail Authority, to defer studies and mitigation measures when being considered as Project in whole to the public. This is a violation of Public Resources Code 21003.1(b), and been adjudicated successfully multiple times (Better Environment v. City of Richmond (2010) 184 Cal. App.4<sup>th</sup>70 and Watsonville Pilots Assn. v. City of Watsonville (2010)183Cal.App.4<sup>th</sup>1059). MCFB repeats that the local ramifications of choosing an East-West Wye alternative are equal in importance to selecting a North-South alternative.

Madera County Farm Bureau

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Submission 666 (Anja Raudabaugh, October 13, 2011) - Continued

666-2

3.) *The Decision Not to Include SR 152 as an East-West Wye Alternative Does Not Provide the Public with an Environmentally Preferable Alternative or a Choice Beyond No Project Alternative; A Violation of both NEPA and CEQA* –in only analyzing impacts associated with Ave 21 and Ave 24 Wye connections, the public is presented with unavoidable and un-mitigated significant impacts –OR, that the No Project Alternative selected presents a growing population density that will spiral out of control if no action is taken. This choice is unacceptable and is not permissible under NEPA [42 U.S.C. 4321 et seq.] § 10 as well as under CEQA §21003.1 and CEQA Guidelines §15126.6(2).

S.8 Regarding the HST Alternatives Evaluation, MCFB again takes issue with the lack of SR 152 East-West Wye Alternative compared with the UPRR/SR 99, BNSF, and Hybrid Alternative for the following reasons:

- 1.) Had this alignment been included, the elevated profile and thus the total project footprint is subject for inclusion in Table S-1, as both will likely change based on the study of this alignment;
- 2.) The number of straddle bents and railroad crossings would also change when compared to the BNSF and Hybrid Alignments (SR 152 Alternatives Analysis, CHSRA 2011), and should be included for public analysis in Table S-1 for review by the public;
- 3.) The number of water crossings and thus Project footprint as it relates to environmental impacts and agricultural impacts would change dramatically. MCFB speculates that impacts would be far reduced and this should be reflected in Table S-1.
- 4.) The number of roadway closures and roadway crossings would also be dramatically reduced if SR 152 East-West had been included in analysis consideration. To omit this alignment is a detriment to the public’s perspective in considering their comments and in determination of Project impacts.

666-3

*Chapter 2.0 Alternatives*

2.3.2 The derivation of alternatives in the DEIR/EIS indicates that alternatives considered in the *Preliminary Alternatives Analysis* (Merced-Fresno DEIR/EIS Technical Appendices 2011 ) Report were removed from further consideration because they “departed from existing transportation corridors, thereby causing new transportation corridors among highly productive agricultural lands. “ These alternatives included the UPRR/BNSF Hybrid and the Western Madera (A3) Alignments. However, the present Project being considered in the current DEIR/EIS includes a Hybrid Alternative that was never considered in the Preliminary Alternatives Analysis Report. This constitutes a violation of CEQA § 21002and§: 15002.(a)(3).

“...Primary impacts and, particularly, secondary impacts (such as highway improvements which provides access to a previously inaccessible area), and generally commit future generations to similar uses...must be analyzed and disclosed in all preceding Program, Project, and Alternatives Analyses...in order to provide adequate environmental analysis in any EIR thereafter...”

MCFB stipulates that the inclusion of a new, previously unanalyzed Alternative along either the North-West Alignment corridors or the East-West Alignment corridors is not in accordance with CEQA.

3

666-4

*Section 3.12 Socioeconomics, Communities, and Environmental Justice*

**Environmental Justice**

Madera County is entirely reliant on agricultural operations, their employees, and families to ensure fiscal success. MCFB contends that by not including agriculture as an impact area in the Environmental Justice section of the DEIR/EIS (page 3.12-5), an adequate assessment of the potential for minority populations to be disenfranchised by the Project was not completed.

3.12.3.4 Study Area for Analysis

The Document states, “... For population and household characteristics, including low-income and minority populations, census block group data were collected for the area within 0.5 miles of the centerline of the alignments.” And, “...Because the majority of the residents are close to urban areas, census block groups with limited populations in the study area were not included in the demographic analysis.”

MCFB is concerned that the study area is far too limited, as well as the potential for large minority and rural housing areas to have been excluded from both analysis and from public outreach by the Authority. Most of the agricultural operations throughout Madera County are supported by communities in the outskirts of the City of Madera, the City of Chowchilla, Kerman, Huron, and other communities far outside the half mile study boundary of the project. In addition, the Document says that population demographics were done using aerial photographs –a highly unorthodox practice regarding outreach and socioeconomics (see Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296, 307). This practice is commonly used during right of way proceedings to establish property assets in rural areas, but to utilize this method to determine the affected population, the ethnicity and income level of a population, is a poor precedent to set. Finally, by not assessing the extreme rural nature of these farming communities and the impact of potentially severing these communities’ transportation routes to employment, the Project threatens to displace substantial amounts of existing housing elsewhere –an impact that is both significant and potentially unavoidable. This should be disclosed, analyzed and discussed in this DEIR/EIS.

*Section 3.14 Agricultural Lands*

3.14.2.2 State

**California Land Conservation Act of 1965 (California Government Code §51200-51295) (also known as the Williamson Act)**

The Project will impact Madera County’s Williamson Act Program, regardless of the Alternative selected. Many of MCFB members farming operations rely on the financial relief that the Williamson Act provides. The Project will bisect many parcels, specifically along the Ave 21 and Ave 24 proposed Wye Alignments, bringing them below the minimum allowable acreage for the Williamson Act, and therefore, creating a material breach of contract between the land owner’s and the County of Madera. A monetary penalty exists with that breach –which is not discussed or mitigated for in this DEIR/EIS. Without being able to

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Submission 666 (Anja Raudabaugh, October 13, 2011) - Continued

666-5

maintain Williamson Act contracts, existing MCFB members and potentially new ones will find it more difficult to conduct profitable agricultural operations in Madera County.

MCFB asserts that the DEIR/EIS fails to adequately identify the severity of the impact on Williamson Act lands within Madera County. More specifically, with regards to NEPA, the DEIR/EIS does not identify the type of impact—a violation of NEPA’s Disclosure policy [40 CFR§1500-15081] And although the document indicates CEQA significance criteria for the conversion of agricultural lands as being significant—MCFB asserts that adequate mitigation measures are not included in Table 3.14-16 *Summary of Significant Agricultural Land Impacts and Mitigation Measures*.

666-6

3.14.5.3 Temporary Use of Agricultural Land and Temporary Utility and Infrastructure Interruption

MCFB disputes the assertion in the DEIR/EIS that the temporary use of agricultural land for staging and material laydown areas is “...negligible under NEPA and less than significant under CEQA because the land would be used temporarily and restored; the land would not be permanently converted to a nonagricultural use.” Many farming operations that reside along the footprint and in the proposed staging areas of the Ave 21 and Ave 24 Wye Alignments require year-round access to equipment, fields, infrastructure, and other utilities that would be detrimental if interrupted at any point throughout the year (CHSRA Supplement Appendix, Volumes III: Section E & F—Ave 21 and Ave 24 Alignments). These operations would be borne economically unfeasible if these basic utilities or access routes were cut off for even a period of a month, potentially less. The DEIR/EIS further states that these issues will be resolved during the right of way proceedings following the conclusion of the environmental review process. Acknowledging that a dispute-resolution process exists during the right-of-way process, the DEIR/EIS stipulates that monetary compensation will provide for solutions for farming operations affected but fails to indicate where the funds will come from, how they will be dispensed, from what accounts—Federal or State, and whether an actual right-of-way for HSR even exists. To date, the State budget nor the Federal Transportation Administration have any such account dedicated for this project and given the State and Federal budget crises, MCFB considers this form of mitigation to be unsubstantiated and a violation of CEQA§ 15002(a)(3).

Furthermore, with respect to this DEIR/EIS, the permanent loss of agricultural lands and lack of analysis on temporary construction activities is the most significant impact the Project’s implementation possesses—yet yields the least amount of mitigation throughout the entire scope of impacts. MCFB takes issue with this disparagement and finds it disproportionate to the magnitude of significance this impact has on Madera County.

666-7

3.14-27 Project Impacts

MCFB asserts that the DEIR/EIS fails to identify numerous Project impacts throughout this section that will be potentially devastating to Madera County’s agricultural production.

- There was no assessment on the loss of sales tax from the agricultural conversions in Madera County, which the Project is certain to cause. An estimate of these losses needs to be included as well as a description of compensatory mitigation measures.

666-7

- No analysis was performed in the DEIR/EIS regarding the increase in water costs to the agricultural community in Madera County. This increase in cost would result from the increased mileage required of local irrigation district vehicles due to the loss of existing access roads—OR, through the loss of piping, irrigation infrastructure, or—and perhaps most importantly, due to the expected population growth caused by the Project.
- Regardless of the inclusion of the East-West Wye HWY 152 Alignment, the DEIR/EIS does not analyze the impacts to agriculture that selecting either Avenues 21 or 24 would directly have on statewide agricultural delivery and goods transportation systems. Any of the East-West Wye alternatives (including HWY 152) would have extreme ramifications on the truck delivery systems used in the Central Valley. Analysis of this system, its effects on agriculture, and appropriate mitigation needs to be included in this Project.
- The DEIR/EIS does not discuss or identify how the realignment of agricultural water delivery systems will affect agriculture—an impact that is so significant to the community that farming operations may cease to exist. Mitigation measures must be included to account for this activity that are compensatory in making the delivery systems whole as with pre-Project conditions.
- The DEIR/EIS does not discuss the impact the Project will have on the Madera Right to Farm Ordinance (*Madera County 1995 General Plan*).
- There is no discussion in the DEIR/EIS regarding spraying activities associated with agricultural operations—other than aerial applications. There are many forms of pesticide, fungicide, insecticide applications that occur in Madera County; none of which were discussed in this document. Additionally, many of Madera County’s agricultural operations are required under California Law to follow pesticide application plans, certifications, and other regulatory requirements associated with applications of pesticides, which the document does not address at all. This impact should be disclosed as should the set of local and State laws that affect the significance criteria. Furthermore, the effects of these applications on HSR passengers, employees, or increased population density were not discussed in the DEIR/EIS.
- A threshold of significance regarding the level of allowable impacts to farming operations has been established under CEQA. However, local thresholds of significance for Madera County are more appropriate in determining the criteria of impact in this area and the Madera County General Plan 2009 was not discussed or used in this portion of the document. Local thresholds of significance are allowable under CEQA §15064.7(b) and should have been used in this DEIR/EIS as they contain current research on local and current farming practices, versus a Statewide standard.
- Due to the nature of the large over-crossings used in HSR, the impacts these structures will have on local agricultural operations were not addressed in this DEIR/EIS. Road closures, supporting beams, and necessary right-of-way structures will be a basic component of these over-crossings and all have the ability to impact operations significantly. In addition, the sub-environments these overcrossings may create (heat, light-sources, wind breakage, subsidence and soil seismicity variations) may have effects on the crop production areas they are located in and should be analyzed in this Document.



Submission 666 (Anja Raudabaugh, October 13, 2011) - Continued

666-7

- Although discussed in Section 3.14.5.1, wind effects (referred to as “wake” in the Document) caused by the HSR vortex were not fully analyzed to include comparisons of typical valley floor wind patterns throughout the seasons. Disruption of these seasonal wind patterns can have drastic effects on local agricultural operations, which rely on the wind to negate frost impacts to crops. In addition, the effects of this vortex on apiary production and pollination—a \$26 million industry in Madera County (2010 Agricultural Crop Report, Madera County Department of Agriculture), were not analyzed in detail in the Document. In addition to being a major agricultural industry in Madera County, countless tree fruit, nut, and other specialty crops rely on cross-pollination throughout the year and would be economically distressed were there to be a disruption system-wide of the pollination process.
- MCFB stipulates that the DEIR/EIS does not address Sanitary –Phytosanitary (SPS) Issues facing California agriculture. SPS standards are provided for and administered under the Animal and Plant Health Inspection Service (APHIS) and are the products of decades of debate during the WTO SPS Summits. USDA, as the interested Federal Agency under CEQA –should be consulted under NEPA CFR§21056.9 by the Federal Transportation Administration, so as to provide appropriate comments on the affects the HSR will have on SPS standards in the Central Valley. APHIS PPQ (Plant Protection and Quarantine) Department has outright authority to regulate railways (CFR§25-1010) and will absolutely do so when the Project becomes operational. Any and all analysis regarding this is critical issue is missing. The reality that passengers riding the HSR will ultimately have the ability to traverse SPS Red-Zone areas (areas that include SPS non-enterables include Mexico and South America, catch a train in LA, and then continue their journey up the entire length of the world’s largest domestic and export supplier of food poses a significant security risk to both the Country, the Central Valley, and Madera County’s viability.

In addition, MCFB feels that the following impacts, although discussed in this Section, are marginalized and their significance not adequately designated.

- The DEIR/EIS does not discuss in great-enough detail impacts related to bifurcating farmland, the effects of replacing wells, pipelines, and irrigation systems. As previously mentioned, farming operations may cease to exist if even a small portion of these activities are disrupted due to the financial strains placed on the businesses. Mitigation is not included in the DEIR/EIS and deferring to the right-of-way process is a violation of CEQA (Public Resources Code§21003.1(b)) as adequate mitigation is required in the case of a significant impact caused by a project.

666-8

*Section 3.18 Regional Growth*

The DEIR/EIS indicates throughout the document and again in this section that the Project would not create regional growth but would serve to enhance the planned communities of the Central Valley. MCFB takes issue with this statement as Madera County has some of the lowest housing costs in the State, contained only through some geographic isolation. There is a presumption in the Document that the thousands of HSR passengers and employees would not affect the existing population of Madera County. When higher paying jobs are a short train ride away, this presumption cannot be accurate. This

7

666-8

impact should be included as a significant one, and one that also requires mitigation to Madera County to address this potential for rapid growth –additional urban sprawl from the communities of Merced and Fresno (to which the Project will include Stations to), and consequently roadway and highway impacts during this plausible population expansion.

**Lack of Project Business Plan and Obligation under the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970**

666-9

MCFB takes issue with the Authority’s judgment to publish a DEIR/EIS without having completed an operational business plan to date. Estimates of profit, loss, ridership, and feasibility of the Project are reliant on business models from other countries’ HSR systems—a situational discrepancy for the State of California, in which operational efficiency functions very differently because of the higher costs of living, permitting, and constructing a project. These discrepancies should be remedied prior to the issuance of a Final EIR/EIS. In addition, mitigation measures that are applicable to the Project and its affected constituency –may not have been included in this DEIR/EIS, because there is no business plan. By way of example, if the Authority had developed a business plan detailing a clear definition of Project value –the costs of permitting and constructing the HSR, versus the profits generable by the Project, overall alternatives posed for consideration may change. This again, should be evaluated against all other Project impacts prior to making a decision on the most practical alternatives.

666-10

Moreover, MCFB takes issue with the Authority’s extensive reliance on Title 49, Part 24 CFR, the Uniform Relocation Assistance and Real Property Acquisition Act. Based on the Federal cost-share rules from the Federal Transportation Administration (FTA) (28 U.S.C. § 2412 (d)) for this project –the FTA is NOT ABLE to provide monetary assistance for relocation or condemnation due to the type of funds being used. Any selection of a highway re-alignment or in this case, one of several alternatives proposed, requires the FTA to defer to the Federal Highway Administration (FHWA), which is not obligated under statute to participate in the condemnation proceedings that allow for high valuation of property. Furthermore, NEPA does not require any Federal agency in this case to value the land or property at a high level [49 CFR 24.102(c) (2) (ii)], increasing the likelihood that condemnation proceedings and ALL funds for these efforts will be undertaken by the State of California and its taxpayers. The details of property acquisition were not included in a budget manifesto in the original Proposition 1A intent or bylaws. MCFB stipulates that this impact is not accounted for on any level in the DEIR/EIS and has not been properly analyzed to allow the Project to move forward with the FEIR/EIS phase. As a significant, potential cost –this Project impact should be included for ALL alignment alternatives.

666-11

Although CEQA provides for minimum 45 day statutory review period for the DEIR/EIS, as well as the granted additional 15 days for review by the public of this document- MCFB feels that the 60 day review period was far too short given the quantity of new information in the document. The alignments proposed in the Project have changed throughout time, and outreach with our affected membership takes time to make them fully aware of how they may be affected –a process which should have been taken on by the Authority with more due process.

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Submission 666 (Anja Raudabaugh, October 13, 2011) - Continued

The Madera County Farm Bureau is available to meet with the CHSR staff to thoroughly work through the issues contained in this letter. If you have any questions or need further information, please contact Anja Raudabaugh at (559) 674-8871 or via email at, [araudabaugh@maderafb.com](mailto:araudabaugh@maderafb.com)

Sincerely,



Tom Rogers  
Board President  
Madera County Farm Bureau



Anja Raudabaugh  
Executive Director  
Madera County Farm Bureau



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Executive Director

December 10, 2009

Chairman Curt Pringle  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

**RE: Merced to Fresno High Speed Train Project EIR/EIS  
Opposition to Route A-3**

Dear Chairman Pringle:

Madera County Farm Bureau represents the farmers, ranchers and individuals who support the agricultural industry in Madera County. Revenue generated by local farming industries is the primary source of tax revenue and the main economic driver for the county. The Board of Directors for Madera County Farm Bureau (MCFB) regards the California High Speed Rail (HSR) project as a pivotal step in the future development of the Great Central Valley. We remind you that one of the stated goals in the construction of HSR is to minimize environmental impacts and to stay near existing transportation corridors. Proposed Route A-3, which cuts through Madera's fertile Westside farmland is not in alignment with this objective, and forces Madera County agriculture to pay the price for nearby cities that benefit from HSR stops in their communities. It is imperative that routes for the HSR enhance the planning processes that are ongoing in the Central Valley and reflect the ideals and economic needs of those who live in the region.

Thousands of Central Valley inhabitants participate in Governor Schwarzenegger's "California Partnership for the San Joaquin Valley," a visioning process for growth in the area. One of the goals of the Partnership is to develop a long-range strategy for agriculture in the San Joaquin Valley that ensures its viability and sustainability. The objectives of this process are: to develop a long-range plan to maintain the viability of agriculture in the region, to minimize the proliferation of ranchette development on farmland, and to reduce the loss of farmland attributable to General Plan amendments.

Additionally, the City of Madera completed its Vision 2025 project, and city dwellers overwhelmingly advocated for the preservation of agricultural lands. Both of these processes are germane to the placement of HSR routes, as they exhibit the desire of Central Valley inhabitants to support the proliferation and sustainability of agriculture in our communities. Placement of High Speed Rail routes should respect the

**Madera County Farm Bureau**

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Submission 666 (Anja Raudabaugh, October 13, 2011) - Continued

666-12

desires of tax payers and community voices who want to preserve an agricultural economy.


The farmers who farm today are doing so because it is a vocation they have chosen, not because it is an easy way of life. They continue to stay in business in the face of inexorable environmental regulation and uncertain water supplies. An entire population of voters is reliant upon farming as a means to provide for their families; and they have to fight to continue living an agrarian lifestyle.

A project like High Speed Rail must value the priorities of rural peoples on par with urbanites, especially in the Central Valley, where agriculture production leads in its contribution to the tax base.

As a voice for Madera County agriculture, we express **strong opposition** to the proposed route through Westside farmland (Route A-3). We have attached a description of the reasons for our position.

We welcome your inquiries and look forward to working toward a route selection that is a win-win for California and for rural counties.

Sincerely,



Julia D. Berry  
Executive Director

cc: Carrie Bowen, Deputy Director, California High Speed Rail  
Madera Board of Supervisors  
City of Madera  
City of Chowchilla  
Madera Irrigation District  
Chowchilla Water District  
Merced County Farm Bureau  
University of California at Merced

Attachment

**Madera County comments in Opposition to Proposed Route A-3**

The process by which Route A-3 was chosen does not represent the will of the landowners in the area. At a public meeting in Madera, crayons were provided for individuals to freely draw lines on a map to make suggestions for railways. It was at this meeting that an unknown participant randomly drew what is now seriously being considered as a possible route. Proposed Route A-3 has taken a life of its own with no input from those who will be drastically affected. Now, the agricultural industry is left holding the bag because of a loosely structured process that was driven by individuals who were not required to weigh the pros and cons of destroying agricultural lands. This line was obviously created by one who lacks comprehension of the critical role of farming and ranching in our economy and our way of life.

Secondly, the most visible representative of the farming community, Madera County Farm Bureau, was not contacted regarding the proposal of Route A-3. As a result, letters sent from the High Speed Rail Authority for access to private property have not been greeted warmly by recipients. These letters are the first contact with the affected parties, and landowners believe they have been blind-sided. A ground-swell of unhappy people is growing, and politically, HSR has created a problem. This will not bode well should HSR staff attempt to negotiate with private landowners, as the lack of outreach was handled poorly.

Route A-3 ignores property lines, diagonally cutting parcels. Madera County farmland parcels are organized on a grid; Route A-3 disrupts clean property lines by diagonally cutting through ranches, leaving landowners holding the bag. The proposed HSR Route A-3 will create islands of land that will be too small to justify the financial inputs required to farm, rendering these parcels unfarmable, therefore, unprofitable. Secondly, the HSR estimates that this route will only require 720 acres of farmland to come out of production. This is a gross underestimate, when factoring the setbacks that are already enforced upon agricultural practices by existing regulations, requiring that farming practices occur at a certain distance from urban centers, schools, homes, traffic, etc.

Transportation systems are not compatible with agricultural operations, due to existing stringent laws and regulations.

California has the most rigorous set of laws and regulations for the handling and application of fertilizers, herbicides, and pesticides in the country. For example, chemical sprays must be applied at a specific wind speed, according to law (between 2-10mph). Should the speed increase, farmers must shut down their spraying operations and wait for more favorable conditions. It is prohibited by law for a chemical to drift, especially onto a passenger or human transit vehicle. This is a constant



Submission 666 (Anja Raudabaugh, October 13, 2011) - Continued

challenge with the presence of school buses on rural roads. Should there be a "suspected drift," the bus in question must be swabbed by the County Agricultural Commissioner's office, and the grower faces tens of thousands of dollars in penalties. However, buses only run at certain times of the day, whereas, HSR trains will be present throughout the day and night. Not yet considered is the effect of a 250 mph train near farms – certainly chemical applications will be subject to drift with this level of air transfer. Lastly, aerial spray applications, vital to many agricultural crops, will be impossible with the regular presence of a human transportation system, as it will create a public safety issue.

Irrigation canals and irrigation systems will be interrupted and costly to reconfigure. Irrigation water travels through canals by gravity pull. Should this flow be interrupted, expensive pumps will need to be employed to deliver water to homes and ranches. There are irrigation canals running east to west about every mile and it would be a massive project to bury each one at each crossing.

High Speed Rail wind impacts on flowering trees and bee pollination will cause a decrease in yields. Permanent crops such as almonds, pistachios and grapes are the top commodities grown in Madera County. Nut crops, such as almonds, require that bees be present to complete pollination. Without bee activity, which is provided by employing a bee keeper to bring hives to the orchard, almond trees will not produce a crop. Bees are very particular about the types of conditions that they will work in, including: temperature and wind speed. A high speed train traveling at 250 miles per hour is very disruptive to bee activity, not to mention lethal. Additionally, strong wind will blow blooms off of flowering trees, like almonds and grapes, when flower counts are directly related to crop yields.

Farmland is not replaceable, there is no true mitigation for farmland, as it is not a renewable resource. California loses 100,000 acres of farmland per year to transportation and development projects. Farmland is the only property that is privately held, from which families make their livings. There are 82,000 farms in California, and 64,000 of them are family farms. We implore you to recognize that farmland is not simply flat land for the taking. It is home to real people, and real families. There is an emotional tie to the land and a historical value that may not be replaced by "preserving" farmland in another area with mechanisms such as farmland easements. Urbanites need farmland also, as it provides the lifestyle that we all enjoy – the luxury of finding anything and everything we want at any given time at the grocery store or restaurant. Please do not squander this nonrenewable resource.



September 22, 2010

Chairman Tom Wheeler  
Madera County Board of Supervisors  
200 W. Fourth Street  
Madera, CA 93637

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- Al Sheeter
- Kole Upton
- Julia D. Berry  
Executive Director

RE: Addition of Hwy 152 Alignment to High Speed Rail  
Oppose Western Chowchilla Design Option

Dear Chairman Wheeler:

As you know, the Madera County Farm Bureau (MCFB) is deeply involved at the local and state level in route selection for the California High Speed Rail (CHSR) project. In most recent months, we have focused on the proposed alternatives for the East-West corridor, which links the Bay Area section of track with the Merced to Fresno section.

We respectfully request that the Madera Board of Supervisors require that the Hwy 152 alignment is added as an additional alternative for the East-West corridor. We encourage your Board to ask the High Speed Rail Authority to adhere to the existing transportation corridor at Hwy 152, and to propose a redesign option of the interchange at Hwy 152/Hwy 99, if necessary to accommodate a high speed train.

We understand that the modification and/or additional construction and design necessary to make this Hwy 152 alignment viable are unattractive to high speed rail staff due to increased costs and design challenges.

However, we submit that Madera County is asked by the High Speed Rail Authority to be disproportionately generous when it comes to the absorption of impacts for the construction of this project. Our county will not benefit from a rail stop, yet will accommodate the connecting "Y" for the system, thereby requiring large land forfeitures by the community as a whole. As our county grows in population and vehicle traffic, Madera will be hard pressed to find the resources to mitigate increased demand for our highway system. Furthermore, Madera will surely feel the traffic impacts of constituents leaving our county to ride the high speed train. This is an opportunity to update our current system.

The MCFB Board of Directors has taken a position of opposition to both the Avenue 21 and Avenue 24 East-West corridor alternatives. We ask that you refrain from endorsing either of these proposed routes and instead request that Hwy 152 is studied for this section. For reasons of disruption of farming activities and the displacement of several businesses and home sites, these proposed routes remain undesirable for landowners along these avenues. This position of opposition has been recorded by high speed rail staff and was included in their presentation to the High Speed Rail Authority on August 5, 2010.

Additionally, MCFB opposes the currently proposed Western Chowchilla Design Option. This alternative does not follow existing property lines and will be financially

666-13

666-14

Madera County Farm Bureau

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Submission 666 (Anja Raudabaugh, October 13, 2011) - Continued

666-14

devastating to landowners by devaluing their properties. Local banking institutions have indicated that severance of farm properties will trigger mandatory appraisals. Appraisers have guaranteed that this situation will require loan modification due to a reduction in assets necessary to make loans to family farms.

666-15

We remain in support of Route Alternative A-2 (Hwy 99). We oppose Route Alternative A-1 (BNSF), as it requires 20 miles of additional track, thereby creating a new transportation corridor. The reasons for these positions have been explained in writing and on the record at many Madera Board of Supervisors hearings.

We thank you for attention to this request and look forward to your response.

Sincerely,



JIM ERICKSON  
President  
Board of Directors

Cc: Madera Board of Supervisors  
Madera County Farm Bureau Board of Directors  
Raymond Beach, Madera County Resource Management Agency  
Norman Allinder, Madera County Resource Management Agency



September 22, 2010

Chairman Tom Wheeler  
Madera County Board of Supervisors  
200 W. Fourth Street  
Madera, CA 93637

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Dino Petrucci  
Al Sheeter  
Kole Upton  
Julia D. Berry  
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Oppose Western Chowchilla Design Option**

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**Madera County Farm Bureau**

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Submission 666 (Anja Raudabaugh, October 13, 2011) - Continued

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We thank you for attention to this request and look forward to your response.

Sincerely,



JIM ERICKSON  
President  
Board of Directors

Cc: Madera Board of Supervisors  
Madera County Farm Bureau Board of Directors  
Raymond Beach, Madera County Resource Management Agency  
Norman Allinder, Madera County Resource Management Agency

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## Response to Submission 666 (Anja Raudabaugh, October 13, 2011)

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### **666-1**

Thank you for your input. We have made the necessary edits in the Summary of the EIR/EIS. EIR/EIS Chapter S.11, Summary of Changes between the Draft and Final EIR/EIS, states that Chapter 1 was updated to reference the EPA and COE LEPA concurrence letters (March 23, 2012 and March 26, 2012 respectively). See Chapter 1 for more details.

Between the draft and final versions of the EIR/S, information was updated as needed to reflect the most current versions of County General Plans.

### **666-2**

See MF-Response-GENERAL-1 regarding tiering, the appropriate level of analysis, and deferred mitigation; MF-Response-GENERAL-2 regarding the alternatives selection process; MF-Response-GENERAL-16 regarding the decision on the Wyes; and MF-Response-GENERAL-22 regarding piecemealing.

Contrary to the comment, there is no prohibition against modifying the project after the scoping process. Comments received during scoping were considered during preparation of the EIR/EIS. That does not mean that all suggestions provided in those comments were followed.

The public has been provided with an environmentally preferred alternative and this is not inhibited by deferring action on the SR152 Wye. The USACE and EPA have concurred on with the Authority/FRA on a "least environmentally practicable alternative" for purposes of the Section 404 CWA without the need to include the Wye at this time. The Authority and FRA recognize that the Wye alternatives have their own benefits and impacts. Those will be disclosed in more detail, thereby allowing a more informed choice, in the EIR/EIS being prepared for the San Jose to Merced section.

### **666-3**

See MF-Response-GENERAL-2. The purpose of the alternatives analysis is to document the selection of alternatives. It is not, however, intended to strictly limit the range of reasonable alternatives that can be considered in the EIR/EIS -- particularly where the Hybrid alternative presented in the EIR/EIS is a modification of the prior hybrid. Contrary to the comment, the Hybrid alternative is properly being evaluated in

### **666-3**

the EIR/EIS, as required by CEQA and NEPA.

### **666-4**

See MF-Response-GENERAL-4, MF-Response-GENERAL-5, and MF-Response-SOCIAL-7. Census data is based upon information from the 2010 Census and includes those census tracts and census block groups with 0.5 mile of the HST alternatives. Where the census areas are very large geographically, often extending for miles beyond the study area, aerial photography was used to verify the presence of residential development within the 0.5 mile study and these census areas were not included. Aerial photography was not used for the demographic analysis.

The reference to Sundstrom v. County of Mendocino [negative declaration overturned on the basis of improperly deferred mitigation] is not on point.

### **666-5**

See MF-Response-AGRICULTURE-7 regarding Williamson Act impacts. Property owners can raise this issue with the Authority's appraiser during the acquisition process.

The impact on agriculture is disclosed in Section 3.14 of the EIR/EIS. The discussion of the NEPA analysis in that section has been revised to clarify the application of impact "context" and "intensity" when determining significance.

### **666-6**

Temporary uses will be compensated through essentially the same process described in MF-Response-AGRICULTURE-4. Right-of-way agents will negotiate compensation with property owners on a case-by-case basis, taking into account each property's unique qualities, prior to construction occurring. This right-of-way acquisition and compensation process is part of the project design features described in Section 3.12.6 (see also Appendix 3.12-A). As such, no separate mitigation measure is necessary. Also see MF-Response-GENERAL-4.

Funding for mitigation is included in the total project cost as a percentage of the total project cost. The FRA and Authority have a binding commitment to fund mitigation measures presented in the FEIR/EIS.



## Response to Submission 666 (Anja Raudabaugh, October 13, 2011) - Continued

### 666-7

See MF-Response-GENERAL-4 regarding impacts on the agricultural economy, MF-Response-AGRICULTURE-3 relating to severance, MF-Response-AGRICULTURE-4 relating to severance, MF-Response-AGRICULTURE-5 relating to the spraying of pesticides, MF-Response-WATER-1 regarding impacts to water systems, MF-Response-WATER-4 regarding impacts to water supply, and MF-Response-SOCIAL-8, relating to losses of tax revenues.

Right-to-Farm ordinances exist in both Merced and Madera counties. Text has been added to Table 3.14-1 to acknowledge these policies. These ordinances help protect ongoing agricultural operations from nuisance complaints, typically originating from new residential areas. There would be no conflicts with the HST project, nor would the project affect implementation of the ordinances.

With regard to microclimate effects – the potential for project features to change wind currents, trap heat, or create cold pockets – the Authority and FRA agree that overpasses and berms may create “sheltered” areas that would modify the microclimate in immediately adjacent areas. Sheltering effects on crops would likely be similar to effects from a high density (i.e., low permeability) windbreak, and those effects have been investigated over many decades. Changes to temperature, humidity, and plant-water relations may be possible, depending on location, orientation of the windbreak with respect to prevailing winds, height of windbreak, crop type, and soils. The degree of sheltering is typically defined in relation to the height of the “windbreak,” and impermeable windbreaks (i.e., such as a berm) obstruct and deflect air flow to create a small, sheltered zone close to the windbreak (up to 10 times the windbreak height) before turbulent wind eddies contact the ground (Nuberg 1998); and the greatest sheltering would occur on the leeward side of the windbreak. Most wind break effects that have been reported are beneficial and include increases in yield associated with the “shelter effect”—defined as the enhanced yield of a crop grown in the sheltered microclimate created by a windbreak (Cleugh 1998; Nuberg 1998; Heiligmann, R.B. 2006; Campi et al. 2009). Positive effects that have been reported include:

- Decrease in wind erosion and topsoil loss
- Improved crop water use efficiency, due to reduced evapotranspiration with reduction in turbulent transfer of heat and water vapor from plant leaves.
- Reduced cold stress (from winds associated with cold fronts);

### 666-7

- Reduced mechanical damage from winds;
- Reduced evaporation from soil, and maintenance of available soil moisture for crop growth

The absolute effects – whether positive or negative – are hard to predict and could depend on location and seasonality (e.g., with variable weather among years, by crop grown and growth stage of individual crops, etc.). For example, small temperature increases could be beneficial in years with below-average temperatures, but potentially harmful in years with above-average temperatures. Whether or not there could be any detrimental effects on crop growth resulting from microclimate effects from HST overpasses and berms is uncertain but would likely not be substantial. Increases in temperature within the sheltered zone have been reported, but magnitude of temperature change is rarely more than 2 degrees (Nuberg 1998), which would be unlikely to cause burning of plants. The prevailing wind direction in the vicinity of the Merced to Fresno HST Project is from the northwest. The HST alignment would provide some degree of shelter from winds, and greatest effects would be expected where the track orientation is perpendicular to the direction of wind flow. For example, if prevailing winds are from the west, then an east-west HST alignment (i.e., along the wyes or the Mariposa/Mission design options) would not provide a barrier air flow.

New roadway crossings over the alignment would be up to 30 feet high; embankments would have 2:1 slopes or flatter[kwh1]. Therefore, adjacent crops would be greater than 60 feet from the top of the embankment at its highest point. As mentioned previously, maximum sheltering occurs within a distance of up to 10 times the height of a windbreak (Nuberg 1998); therefore, some degree of sheltering effects might occur within a distance of up to 300 feet from the top of the roadway embankment, and much of this area would not be cropped. Whether sheltering effects would be beneficial, as has been reported, or would be detrimental, isn't known with certainty, but empirical evidence suggests that effects would be negligible. For example, crops are successfully grown in areas adjacent to very large levees in the Delta, and there is no evidence to suggest that these levees create microclimates that result in crop yield reductions.

The application of pesticides, fungicides, and insecticides are part of current, ongoing agricultural operations and would not be changed by the HST project. Certification of pesticides and related regulations are not pertinent to this project.

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## Response to Submission 666 (Anja Raudabaugh, October 13, 2011) - Continued

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**666-7**

As discussed in Section 3.13.2 of the Final EIR/EIS, the HST Project is an undertaking of the Authority and FRA, in their capacities as state and federal agencies. As such, it is not required to be consistent with local plans. Although this is the case, the analysis did include a review of the goals and policies of the local land use plans, as well as other plans, to describe the local land use planning context. Local land use plans are not applicable to the HST Project because it is a project of the state and federal governments, which are not subject to local governments' jurisdiction issues of land use. Consequently, a city or county is not "an agency with jurisdiction over the project" as described in Appendix G. Therefore, although the EIR/EIS describes the HST project's consistency with local plans in order to provide a context for the project, inconsistency with such plans is not considered an environmental impact.

Plant pathogens are typically carried in plant material being moved between areas of the state or from outside the state, or in foodstuffs similarly being brought into the Central Valley from outside. Riders in the HST are unlikely to carry plant material on the train because of space limitations. The HST will not carry freight. Food may be carried onto the HST, but is no more likely to carry plant pathogens than food being transported in personal vehicles along the many highways and roads that pass through the Central Valley. In addition, the HST trainsets are sealed to the outside and passengers cannot physically release any materials from the train in motion. Therefore, the HST will not substantially increase the existing risk of the entry of plant pathogens. Should there be an outbreak of a plant pathogen within the Valley or the threat of a plant pathogen moving into the Valley from an outbreak elsewhere in the state, the limited number of HST stations will facilitate the establishment of inspection areas that will allow the transport of plant and food materials by HST to be controlled.

**666-8**

See MF-Response-GENERAL-3.

**666-9**

See MF-Response-GENERAL-6.

**666-10**

See MF-Response-SOCIAL-1 regarding the Uniform Relocation Act and MF-Response-

**666-10**

GENERAL-18 regarding funding and costs.

**666-11**

See MF-Response-GENERAL-7.

**666-12**

See MF-Response-GENERAL-14.

**666-13**

MF-Response-GENERAL-2 regarding alternatives, and MF-Response-GENERAL-16 discussing the decision to defer a decision on the Wyes.

**666-14**

See MF-Response-GENERAL-16 regarding the decision on the Wyes, MF-Response-GENERAL-2 regarding the alternatives, and MF-Response-GENERAL-10. SR152 is one of the alternative routes for the Wyes being analyzed in the San Jose to Merced EIR/EIS. The Western Chowchilla Design Option is one of the options available under the Hybrid alternative. A decision on which of the two Chowchilla options will be chosen will be made when the Wye alternative is selected. The Authority recognizes that the Western Chowchilla option has potentially adverse effects on agriculture.

**666-15**

See MF-Response-GENERAL-10.

Submission 578 (Ben Reiling, October 12, 2011)

Merced - Fresno - RECORD #578 DETAIL

Status : Action Pending  
Record Date : 10/12/2011  
Response Requested :  
Stakeholder Type : Business  
Submission Date : 10/12/2011  
Submission Method : Project Email  
First Name : Ben  
Last Name : Reiling  
Professional Title : CEO  
Business/Organization : Zelman Development Co.  
Address : 515 S. Figueroa St. #1230  
Apt./Suite No. :  
City : Los Angeles  
State : CA  
Zip Code : 90071  
Telephone : 213-533-8119  
Email : bfoy@zelman.com  
Cell Phone :  
Email Subscription : Merced - Fresno  
Add to Mailing List : Yes  
Stakeholder  
Comments/Issues :

Brett M. Foy  
Co-President  
Zelman Development Co.  
515 S. Figueroa St. #1230  
Los Angeles, CA. 90071  
213-533-8119  
bfoy@zelman.com

EIR/EIS Comment : Yes  
Attachments : EIR\_Comment Letter\_Madera.pdf (52 kb)

THE ZELMAN COMPANIES

515 SOUTH FIGUEROA STREET, SUITE 1230 • LOS ANGELES, CA 90071 • TELEPHONE (213) 533-8100 • FAX (213) 533-8118

October 12, 2011

California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

RE: Comments On Draft Environmental Impact Report

Dear Members of the Rail Authority:

578-1

The undersigned is the present owner of the approximately 100-acre property located at the northeast corner of Highway 99 and Avenue 17 in the City of Madera (the "Property"). We strongly oppose the DEIR's rail alignment alternative along Highway 99. The Highway 99 rail alignment alternative runs through the western side of the Property, and thus if selected would eliminate the Property's visibility from Highway 99. The Property, as well as numerous other properties along Highway 99 would no longer be viable for retail uses. Moreover, the Highway 99 rail alignment alternative literally would split in two the City of Madera, causing catastrophic and irreparable injury to the future of this community. We therefore strongly urge the Rail Authority to permanently reject the Highway 99 rail alignment alternative. Alternatively, at a minimum, the Rail Authority should re-circulate the DEIR to adequately address the foregoing direct and indirect social and environmental impacts associated with the Highway 99 rail alignment alternative.

Sincerely,

ZELMAN MADERA, LLC

By: ZELMAN RETAIL PARTNERS, INC.

By:   
Ben Reiling  
CEO

ZELMAN DEVELOPMENT CO.  
A CALIFORNIA CORPORATION

ZELMAN INDUSTRIAL PARTNERS, INC.  
A CALIFORNIA CORPORATION

ZELMAN RETAIL PARTNERS, INC.  
A CALIFORNIA CORPORATION

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Response to Submission 578 (Ben Reiling, October 12, 2011)

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**578-1**

See MF-Response-GENERAL-10.

Submission 707 (Bruce Reznik, October 13, 2011)

**PCL President**  
Bill Center  
**PCL Presidents Emeritus**  
Sage Sweetwood  
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October 13, 2011

California High-Speed Rail Authority  
Merced to Fresno Draft EIR/EIS Comments  
770 L Street, Suite 800  
Sacramento, CA 95814

[Sent By U.S. Postal Mail and By Email: [Merced\\_Fresno@hst.ca.gov](mailto:Merced_Fresno@hst.ca.gov)]

To The California High-Speed Rail Authority:

This letter is to submit comments on the Draft EIR/EIS prepared by the California High-Speed Rail Authority for the Merced to Fresno section of the proposed California High-Speed Train (HST) Project.

The Planning & Conservation League (PCL) and PCL Foundation (PCLF) are Sacramento-based nonprofit organizations that work in concert to connect the power of grassroots organizations to state government in order to enact policies that protect our environment and improve the quality of life and economic security for all Californians. PCL Foundation was founded in 1972 and is a 501(c)(3) nonprofit organization that seeks to protect California's environment and ensure that California continues to be an attractive, livable, and equitable state by engaging in cutting-edge environmental public policy research, and by educating and empowering local communities to participate in local and state environmental decision-making processes. The Planning and Conservation League, PCLF's partner organization, is a statewide, 501(c)(4) nonprofit organization that serves as the lobbying arm of environmental community - passing, enforcing and protecting laws and initiatives that safeguard our environment and communities.

PCL and PCLF have been long-time supporters of high speed rail and will continue to be as long as the HST system can be built in a manner that complements PCL's top priorities including: climate change mitigation, public health, sustainability planned communities, and conservation of native habitat and farmland. Unfortunately, the Authority's current plan for the Merced to Fresno section of the proposed high-speed rail project would lead to the unnecessary destruction of farm land, homes, schools, churches, and historic buildings; would not have the stated benefit of urban sprawl mitigation; and would provide no immediate benefit to the citizens of the Central Valley of California.



1107 9th Street, Suite 901, Sacramento, CA 95814 Phone: 916-822-5631 Fax: 916-822-5650  
Website: [www.pcl.org](http://www.pcl.org) Email: [pclmail@pcl.org](mailto:pclmail@pcl.org)  
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707-1

Inadequate Comment Period

As a preliminary matter, PCL reiterates its belief that the 60-day comment period established by the Authority did not provide an adequate time for the public to comment on the 17,000 page D-EIR/EIS for the Merced to Fresno section. The D-EIR/EIS was released at the end of the legislative session and, up until a week before comments were due, the D-EIR/EIS for the Fresno to Bakersfield section, another 17,000 page document, was also due for review within that 60-day comment period. PCL has previously submitted a letter to the Authority on this subject, dated September 22, 2011, outlining why an expanded comment period is required. We hereby incorporate that letter into these comments.

707-2

Unnecessary Destruction of Farm Land, Historic Properties, Churches, Schools and Homes

All of the proposed routes listed in the D-EIR/EIS (the BNSF, UPRR/SR-99, and Hybrid) involve some level of destruction. The conversion of farm land under the currently proposed route, even with mitigation, would remain substantial under NEPA and significant under CEQA according to the HSRA.<sup>1</sup> An alternative that is not considered in the proposal is the 1-5 route, a route that would use existing right of ways and run in an area not currently developed with historic properties, churches, schools, and homes. This plan was disregarded too quickly by the HSRA and should be returned to the analysis. A stop in Kettleman City would allow for connections from the existing Amtrak line in the Central Valley to the HST. Positive train control on Amtrak lines could increase the speed to 90 MPH, allowing valley residents to quickly access their destination or the HST. And because of the straight line routing and lack of stops on the 1-5 route, the trip between San Francisco and Los Angeles could be made in the goal time of 2 hours and 40 minutes.

707-3

No Urban Sprawl Mitigation

The report states in the No Project Alternative that there will be a high growth rate in the valley that will require "land acquisition and the construction of new infrastructure, including roadways, electric power generation, water and wastewater facilities, schools, hospitals, and commercial and industrial facilities."<sup>2</sup> The No Project Alternative is flawed because it fails to take into account the glut of foreclosed, vacant housing in existing neighborhoods the Central Valley and vacant land within current city boundaries. If planning was done correctly, the amount of land stated would not be needed. The report assumes under the No Project Alternative, that current planning and building practices won't change. But the HSRA itself states that "Merced and Fresno land use plans encourage infill and higher-density development in urban areas and concentration of uses around transit corridors to provide more modal choices for residents and workers."<sup>3</sup>

One of the stated benefits to Central Valley residents is that building this section of track will curb urban sprawl. When analyzing the No Project Alternative, the report states that the HST will prevent sprawl by encouraging transit-oriented development (TOD). But TODs can (and are) being built around existing train and bus stops and do not rely on HSTs being run. The report also fails to include the possibility that the funds currently being used by the HST could be

<sup>1</sup> CALIFORNIA HIGH-SPEED TRAIN PROJECT EIR/EIS SUMMARY MERCED TO FRESNO SECTION Page S-16

<sup>2</sup> CALIFORNIA HIGH-SPEED TRAIN PROJECT EIR/EIS SUMMARY MERCED TO FRESNO SECTION Page S-7

<sup>3</sup> CALIFORNIA HIGH-SPEED TRAIN PROJECT EIR/EIS SUMMARY MERCED TO FRESNO SECTION Page S-11

Submission 707 (Bruce Reznik, October 13, 2011) - Continued

707-3

converted to local transportation projects that would create TODs. Without an inner-city transportation system, something that is seriously lacking in these communities, expansion of freeways (and the sprawl they induce) will continue to happen even if the HST is present.

The report also ignores the potential for bedroom communities in the Central Valley created by the HST due to the lower cost housing and, now, a much quicker commute. Bringing more citizens into these communities will only exacerbate the existing tendency towards sprawl. And pushing people further into the exurbs runs counter to a major goal of high-speed rail and PCL, namely cutting our carbon output while creating denser, more sustainable communities.

In conclusion, the analysis in the No Project Alternative should reflect that the Central Valley plans to grow more efficiently in the future around existing transportation options including downtown train and bus stations. The report should also reflect the increased population from bedroom communities in the "build" alternatives. Without these additions, there is not an accurate analysis of the costs and benefits of building this proposed section.

707-4

No Immediate Benefit to Citizens of Central Valley

The environmental benefits from HST come from reducing trips on transportation methods that use fossil fuels. In the Central Valley, this benefit would only be realized by truly long distance commuters. Travelers wanting to move between Central Valley cities would face the "last mile" problem because of a lack of public transportation once they arrive at their destination. If the state of California truly wanted to improve air quality, they should use some of the funds set aside for this project to make the daily commutes of valley residents possible without a vehicle. This would have the added benefit of encouraging the use of the HST for short trips within the Central Valley because of the elimination of the "last mile" problem.

A large concern is that the current lack of funding for the entirety of this project will lead to only this section, and perhaps the Fresno to Bakersfield section, being built before funding runs out. This would mean that the Central Valley residents would bear the burden of the costs of construction- environmental degradation, land acquisition, historic building destruction- and never receive any real benefit. Even if trains are run on this section (something that is not currently planned), they would only be connecting three or four cities that already are connected via the existing Amtrak lines.

Because of the above concerns, PCL recommends the following:

An initial construction of the segment between Bakersfield to Los Angeles, a connection that is currently lacking on the existing Amtrak line would provide an immediate benefit to residents of the Central Valley and beyond. This would provide the benefit to the Central Valley that the \$3B in federal funding was designed to do- and what the Merced to Fresno segment will be unable to do- allow employers to access employees in the Central Valley and give valley residents increased opportunities in new markets. It would also allow the authority to earn money from operating his service, funds that could be used to complete the remaining project. While this segment was being built, the I-5 route can be re-analyzed in light of the extensive environmental costs to the Central Valley and the potential for bedroom communities and sprawl.

707-4

Additionally, a larger portion of the funds should be set aside of inner-city transportation improvements in the Central Valley. These projects should be built in concert with the Bakersfield to Los Angeles. These inner-city transportation improvements would provide immediate benefits to citizens and set the stage for a more successful HSR line in the future by eliminating the "last mile" problem.

707-5

We appreciate the opportunity to comment and urge the Authority to revise and re-circulate the environmental documents to address the serious concerns outlined in this letter.

Sincerely,



Bruce Reznik,  
Executive Director  
Planning & Conservation League

## Response to Submission 707 (Bruce Reznik, October 13, 2011)

### 707-1

See MF-Response-GENERAL-7.

### 707-2

See MF-Response-GENERAL-2 for a discussion of the I-5 alignment.

### 707-3

See MF-Response-GENERAL-3. See Section 3.13.5, Station Planning, Land Use, and Development, under the Indirect Land Use Effects for information on TOD in the HST station areas. In this section the text discusses how TOD associated with the HST station would have a stronger influence on land use compared to typical light rail TOD.

The HST Project would serve the existing and future need for transportation, would help to provide employment opportunities in a region with high unemployment, and would encourage more compact urban development around the station areas. The increases in employment are anticipated to occur faster than the growth in population as a result of the stimulation effect of the HST Project especially in the station areas. Operation of the HST Project would also attract people who would live in the Central Valley and commute to the major metropolitan areas; however, much of the employment growth in the Central Valley is expected to be filled by the local labor pool. The HST will not lead to wholesale shift in residential locations for the Bay Area and Los Angeles into the Central Valley and any interregional shifts in residential locations are expected to be a small portion of the growth expected in the Central Valley (Cambridge Systematics Inc. 2003). The costs associated with taken a daily trip to and from the larger metropolitan areas as well as the other costs associated with traveling to and from the stations if the residency is outside of the station area would be cost prohibitive.

New text has been added to Section 3.18, Regional Growth, to discuss Senate Bill (SB) 375 Sustainable Communities Strategies. SB 375 (2008) requires each of California's 18 Metropolitan Planning Organizations to adopt a "sustainable communities strategy" (SCS) or "alternative planning strategy" (APS) as part of their regional transportation plan. The purpose of the SCS or APS is to reduce greenhouse gas emissions from automobiles and light trucks within their region to meet emissions targets set by the California Air Resources Board. One element is to identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan

### 707-3

taking into account net migration into the region, population growth, household formation and employment growth. SB 375 grants no new land use powers to the MPOs.

However, in order to meet the assigned emissions reduction targets, the SCS or APS is expected to call for more compact development patterns that can be served by transit and other modes of transportation. These development patterns will be encouraged by the requirement that the SCS or APS both reduce greenhouse gas emissions (which are linked to vehicle miles travelled) and plan to accommodate regional housing needs (which are expected to continue to increase). Unlike the San Joaquin Valley Blueprint described in Section 3.18, Regional Growth, preparation of the SCS is mandated by law and the ability of each SCS to meet the emissions reduction target for the San Joaquin Valley must be reviewed and approved by the Air Resources Board. If implementation of the SCS would not meet the target, then the MPO must adopt an APS that would. However, the APS is not a required component of the regional transportation plan and therefore would be less likely to be implemented.

The SB 375-mandated SCS in each county will likely rely upon HST development to help reach its greenhouse gas emissions reduction targets of 5% by 2020 and 10% by 2035. The SCS process, together with steps the Authority will take to assist with station area planning, is expected to encourage more compact development within the region and particularly around HST station locations. In addition, the Authority is funding station area planning grants for the cities of Merced and Fresno. At this writing, the cities are in the final stages of approving their acceptance of this funding. It will be used to prepare land use plans for the areas around the stations, including compact development and mixed uses compatible with the Authority's Urban Design Guidelines. While much of the growth in the station areas is a result of market forces, government involvement through a number of strategies can help to speed up the process including higher density mixed use zoning. In addition to SB 375 and SCS strategies encouraging more compact development, recent studies indicate that changes in the California housing market along with market forces would support higher density, more compact development around HST stations.

Even without the HST Project, to some extent, the SCS that will be adopted by the MPOs as part of their regional transportation plans will be expected to encourage both more compact development and greater investment in local transit modes as a means of reducing greenhouse gas emissions. Where an APS is adopted by the MPO, there may be less encouragement of compact development. In either case, the fact that the SCS/APS will address reduction on greenhouse gas emissions will encourage cities and



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Response to Submission 707 (Bruce Reznik, October 13, 2011) - Continued

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**707-3**

counties to consider its provisions during planning and zoning deliberations in order to comply with CEQA's requirement to mitigate the impacts of planning and zoning decisions on greenhouse gas emissions. The San Joaquin Valley Blueprint, which is voluntary not mandatory, is also expected to encourage more compact development, but the extent of any increase in compact development will be difficult to quantify unless the city or county chooses to adopt the Blueprint policies as part of its general plan.

**707-4**

See MF-Response-GENERAL-13. The Authority's statutory mandate is to develop a high-speed intercity passenger rail network in California and does not have jurisdiction over commuter transportation. However, the Authority is committed to providing transit-oriented development in the vicinity of HST stations, and one of the criteria for station location selection is maximizing intermodal transportation opportunities. Expectations for funding the complete HST project are discussed in MF-Response GENERAL-18. Based on these assumptions, the HST will be built in sequential segments until the statewide system is completed. Please see MF-Response-GENERAL-2 for a discussion of the I-5 alignment.

**707-5**

See MF-Response-GENERAL-1. Also, see the response to Submission #131.

Submission 618 (Domingos & Nellie Ribeiro, October 13, 2011)

**Merced - Fresno - RECORD #618 DETAIL**

**Status :** Action Pending  
**Record Date :** 10/13/2011  
**Response Requested :**  
**Stakeholder Type :** Business  
**Submission Date :** 10/13/2011  
**Submission Method :** Website  
**First Name :** Domingos & Nellie  
**Last Name :** Ribeiro  
**Professional Title :** Owners  
**Business/Organization :** Domingos Ribeiro Dairy  
**Address :**  
**Apt./Suite No. :**  
**City :** Chowchilla  
**State :** CA  
**Zip Code :** 93610  
**Telephone :** 559-665-2640  
**Email :** dribeirodairy@yahoo.com  
**Cell Phone :**  
**Email Subscription :** Merced - Fresno  
**Add to Mailing List :** Yes

**Stakeholder  
 Comments/Issues :**

Domingos Ribeiro Dairy  
 12718 Avenue 25  
 Chowchilla, CA 93610  
 (559) 665-2640

October 12, 2011

Merced to Fresno HST Environmental Review  
 770 L Street  
 Suite 800  
 Sacramento, CA 95814

618-1

Opposition to California High speed Rail Project  
 Addendum to Impact to my AVE 24 WYE or other proposed routes that  
 impact my facilities.

After continuous review of the DEIR/s, I noted the CEQA and NEPA  
 attempts to minimize the impact and value of a dairy facility. The acres,  
 water system, free stalls, corrals, lagoons, silage pit, flush system, calf  
 barns, hay barns, milk barn, milk and water tanks, milking equipment,  
 commodity barns, scales, grading, electrical supply, permits, homes,  
 moving expenses of cows, feed, loss of production etc., I estimate the  
 replacement cost to be well over 10 million dollars and could be millions  
 more. Due to the fact, I was just made aware of the proposed route, I  
 was unable to acquire estimates prior to this draft.

618-2

The DEIR/S and HSRA did not notify me of the changes of their original  
 proposed route. My native language is Portuguese and no mailing or  
 information was provided to me in language that I read, write and speak.  
 I do not read English and understand minimal English. The DEIR/S  
 appears to attempt to minimize the objection and concerns and  
 responses, by not notifying the affected property owners of the proposed  
 changes individually. As I did not know the process and still have limited  
 knowledge of the proposed routes, the HSRA should have acted  
 responsibly to contact property owners, not just do a drive by or fly by.  
 They made the bare minimum public notices to minimize the responses  
 and public knowledge of the route of the HSR. Due to these facts, I did  
 not have adequate time to review and respond to all the facts.

618-3

The DEIR/S was negligence in not obtaining estimates, replacement  
 cost values or general appraisals near the proposed route of the  
 property, facilities, ranches, residences, factories, and businesses, and  
 would have increased the impact that is reported on the DEIR/S. This  
 would have more accurately described and addressed the value and  
 impact. They do not even accurately note that the loss or reduction of a  
 dairy facility impacts the local economy.

Domingos Ribeiro & Nellie Ribeiro

Domingos Ribeiro Dairy  
 12718 Avenue 25  
 Chowchilla, CA 93610  
 (559) 665-2640

October 12, 2011

Merced to Fresno HST Environmental Review  
 770 L Street  
 Suite 800  
 Sacramento, CA 95814

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Submission 618 (Domingos & Nellie Ribeiro, October 13, 2011) - Continued

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Opposition to California High speed Rail Project.  
Addendum to Impact to my AVE 24 WYE or other proposed routes that impact my facilities.  
After continuous review of the DEIR/s, I noted the CEQA and NEPA attempts to minimize the impact and value of a dairy facility. The acres, water system, free stalls, corrals, lagoons, silage pit, flush system, calf barns, hay barns, milk barn, milk and water tanks, milking equipment, commodity barns, scales, grading, electrical supply, permits, homes, moving expenses of cows, feed, loss of production etc., I estimate the replacement cost to be well over 10 million dollars and could be millions more. Due to the fact, I was just made aware of the proposed route, I was unable to acquire estimates prior to this draft.  
The DEIR/S and HSRA did not notify me of the changes of their original proposed route. My native language is Portuguese and no mailing or information was provided to me in language that I read, write and speak. I do not read English and understand minimal English. The DEIR/S appears to attempt to minimize the objection and concerns and responses, by not notifying the affected property owners of the proposed changes individually. As I did not know the process and still have limited knowledge of the proposed routes, the HSRA should have acted responsibly to contact property owners, not just do a drive by or fly by. They made the bare minimum public notices to minimize the responses and public knowledge of the route of the HSR. Due to these facts, I did not have adequate time to review and respond to all the facts.  
The DEIR/S was negligence in not obtaining estimates, replacement cost values or general appraisals near the proposed route of the property, facilities, ranches, residences, factories, and businesses, and would have increased the impact that is reported on the DEIR/S. This would have more accurately described and addressed the value and impact. They do not even accurately note that the loss or reduction of a dairy facility impacts the local economy.

EIR/EIS Comment :

Domingos Ribeiro & Nellie Ribeiro  
Yes

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Response to Submission 618 (Domingos & Nellie Ribeiro, October 13, 2011)

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**618-1**

See MF-Response-AGRICULTURE-4 and MF-Response-AGRICULTURE-6.

**618-2**

Because the dominant minority language in the Central Valley is Spanish, many of the materials developed for the project were translated into Spanish. Translations into other languages were made available upon request.

**618-3**

See MF-Response-SOCIAL-1 and MF-Response-GENERAL-4.

Submission 729 (Dave Robinson, October 13, 2011)



DEPARTMENT OF AGRICULTURE

David A. Robinson  
Agricultural Commissioner  
Director of Weights and Measures  
Director of Animal Control

2139 Wardrobe Avenue  
Merced, CA 95340-6495  
(209) 385-7431  
www.co.merced.ca.us

District Office  
342 "D" Street  
Los Banos, CA 93835  
(209) 827-2030

Animal Control  
2080 Grogan Avenue  
Merced, CA 95340  
(209) 385-7436

Equal Opportunity Employer

October 12, 2011

California High-Speed Rail Authority  
Merced to Fresno Draft EIR/EIS Comments  
770 L Street, Suite 800  
Sacramento, CA 95814

Dear Sir,

Thank you for the opportunity to review and comment on the Draft EIR/EIS for the Merced to Fresno High Speed Rail Section. After a preliminary review, I would like to comment on Chapter 3.14.5, Agricultural Lands – Aerial Spraying.

Aerial Spraying

*The height of vertical HST structures, such as poles and elevated guideways, could interfere with aerial spraying of agricultural lands adjacent to the alignment. Currently, no restrictions on the distances an aircraft must maintain from utility lines or towers exist (Gage 2010b). Agricultural aircraft currently spray fields where there are utility lines of varying heights (e.g., telephone poles and electrical transmission towers). The distance that aircraft maintain from power lines and poles depends on the cropping pattern, orientation of the field, and operator-determined safety factors. Because vertical HST structures are similar to existing utility structures in and near agricultural fields, changes in spraying patterns are unlikely to cause conversions of agricultural land, and no impact under NEPA or CEQA would occur.*

It should be noted that there are instances where an agricultural field can only have an aerial spraying application from one direction due to existing structures and/or sensitive sites adjacent to the field and prevailing winds. The existences of utility lines or towers, as noted in the EIR are examples of existing structures. In addition, buildings, schools, waterways, and residential areas are also must be factored in and may require specific use conditions or limitations on the part of the aerial applicator

Additional vertical HST structures could have an impact as to whether a field can continue to be aerially sprayed by fixed wing aircraft. Higher costs may be incurred by limiting application methods to only helicopter aircraft for aerial applications and by ground application equipment. Limiting the methods of application can also compromise the timeliness of applications. The loss of chemical application methods available to growers can have an economic impact on growers through additional costs to growers and lower production.

Again, thank you for the opportunity to review and comment the Draft EIR/EIS. If you have any questions, please contact my office at (209) 385-7431.

Sincerely,

David A. Robinson  
Agricultural Commissioner

STRIVING FOR EXCELLENCE

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Response to Submission 729 (Dave Robinson, October 13, 2011)

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**729-1**

See MF-Response-AGRICULTURE-5.

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Submission 738 (Angel and Maria Romero, October 13, 2011)

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Angel and Maria Romero  
6998 White Rock Road  
Le Grand, CA 95333

To Whom it may Concern  
California High Speed Rail

738-1

When we were first contacted about this project, agents from the CHSR came to our property to check for impact and changes that would be made to our property. We worked with you and gave you permission to do your work, thinking that if you decided to use the Santa Fe corridor site it would have a minimum affects to our property.

Now we have received areal maps showing that the project will take the whole 40 acre parcel where we reside. We emigrated here from Mexico and have worked hard to provide for our family. We purchased this property 9 years ago and have made many improvements to our home. The ranch itself has vernal pools which cannot be touched.

We hope that CHSR comes to the right decision and decides not to continue with this project.

Thank you,  
Angel and Maria Romero



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Response to Submission 738 (Angel and Maria Romero, October 13, 2011)

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**738-1**

See MF-Response-SOCIAL-1 which explains the property acquisition process and MF-Response-Bio-1 which discusses the vernal pools and seasonal wetlands impacts and findings.

Submission 626 (Camri Ann Roso, October 12, 2011)

Comment Period Extended to October 13, 2011  
 El periodo a hacer comentarios está prolongado hasta del 13 de octubre de 2011



CALIFORNIA High-Speed Rail Authority

10-12-11A11:39 RCVD

Comment Card Tarjeta de Comentarios

**Merced to Fresno High-Speed Train Section**  
 Draft Environmental Impact Report/  
 Environmental Impact Statement (EIR/EIS) –  
**Public Hearings**  
 September 2011

**Tren de Alta Velocidad Sección Merced a Fresno**  
 Anteproyecto del Informe de Impacto  
 Medioambiental/Declaración de Impacto  
 Medioambiental (EIR/EIS) - **Audiencias Públicas**  
 Septiembre 2011

Please submit your completed comment card at the end of the meeting, or mail to: Por favor entregue su tarjeta al final de la reunión, o envíela a una de las siguientes direcciones:

\* Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins August 15, 2011 and ends September 28, 2011. Comments received after 5:00 p.m. on September 28, 2011 will not be addressed in the Final EIR/EIS. El periodo a hacer comentarios empieza a 15 de agosto y termina a 28 de septiembre. Comentarios recibidos después de 5:00 p.m. a 28 de septiembre no se responderá en el EIR/EIS final.

Name/ Nombre: Camri Ann Roso Organization/ Organización: Student

(Optional/Opcional) Address/Domicilio: 43110 Sante Fe Drive Phone Number/ Número de teléfono: 559-700-7340

City, State, Zip code/ Ciudad, estado, código postal: Chowchilla CA 93610 Email address/ Correo electrónico: Camiroso@hotmail.com

Dear Merced to Fresno HST Environmental Review,

Thank you for taking the time to read some of my concerns regarding the High Speed Passenger Train, better known as the High Speed Rail (HSR).

626-1

In 2008 Proposition 1A, the "Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century" was approved. The law allocated almost \$10 billion (\$9.95billion) to the California High-Speed Rail Authority. Prop 1A approved the 800 mile HSR to run between San Francisco and Los Angeles. However, we voted for a High-Speed Passenger Train that would "stay with the existing transportation corridors".

It is now my understanding that route A1, the "Burlington North Sante Fe" (BNSF) Rail way corridor that parallels Sante Fe in the outskirts of Madera through Merced is under consideration. How can this be done without jeopardizing the farmland? Is the California High-Speed Rail Authority aware of the agricultural land that will be immensely affected by this decision? Is the California High-Speed Rail Authority conscious of the fact that this farmland that will be destroyed by the HSR is land of the Yakut Indian Natives? Does the California High-Speed Rail Authority not agree that this land should be respected and preserved? How can we preserve the land if there is a HSR and maintenance yard built over it? Has the California High-Speed Rail Authority been informed of the many endangered and threatened habitats and species along the BNSF Rail Way Corridor? (To name a few; the Tiger Salamander, the Swainson Hawk, the Fairy Shrimp, and the Kit Fox.) Are there not laws protecting endangered species and habitats? If the HSR is unavoidable, are there not other transportation corridors that can be used that will not disrupt farmland? If the answer is no, does that mean the voters of California were deceived and misled?

626-2

626-3

Is the California High-Speed Rail Authority aware that Proposition 1A only passed because of the stipulation that it must run along existing transportation corridors? How can the California High-Speed Rail Authority afford to do otherwise? It is my understanding that the allotted \$9.95billion dollars won't even cover half of the estimated cost of the initial core segment connecting San Francisco to Los Angeles. Where is the other \$9.95billion dollars going to come from? Is that not including the segments of railways that will connect to the mainline? Will that increase the cost even higher? And again, where will that money come from?

626-4

626-5

I trust that California is aware of the importance of its farmland and has weighed the pros and cons of the HSR. Because I fear once the HSR is in place, the history and agricultural value of this land can never be brought back to life. "Until man duplicates a blade of grass, nature can laugh at his so-called scientific knowledge". -Thomas Edison

Sincerely,

*Camri Ann Roso*  
 Camri Ann Roso  
 559-700-7340

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## Response to Submission 626 (Camri Ann Roso, October 12, 2011)

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### **626-1**

See MF-Response-General-2  
See MF-Response-General-10

### **626-2**

See MF-Response-Bio-1, MF-Response-Bio-2, MF-Response-Bio-3

### **626-3**

See MF-Response-General-2  
See MF-Response-General-4

### **626-4**

Proposition 1A does not require the alignment to remain solely within transportation corridors, but only to the extent that is feasible. At the same time, Proposition 1A provides somewhat contradictory direction that the Authority must balance when selecting the route. For example, design requirements for 220 mph operating speed and travel time specified by Proposition 1A requires longer curve radii than can be fit within existing corridors. Remaining within corridors passing through developed areas increases noise and other impacts on residents, as well as more acquisition of homes and businesses, compared to an alignment that avoids some developed areas. Minimizing impacts on developed areas by avoidance increases impacts on agricultural and natural lands. The alignments analyzed in the EIR/EIS reflect this balance.

See MF-Response-General-18

### **626-5**

See MF-Response-AGRICULTURE-1.