Submission 105 (Mee Vang, Student, September 14, 2011)

Merced - Fresno - RECORD #105 DETAIL

Status :	Completed
Record Date :	9/14/2011
Response Requested :	
Stakeholder Type :	CA Resident
Submission Date :	9/14/2011
Submission Method :	Website
First Name :	Mee
Last Name :	Vang
Professional Title :	
Business/Organization :	Student
Address :	
Apt./Suite No. :	
City :	Merced
State :	CA
Zip Code :	95343
Telephone :	
Email :	mvang28@ucmerced.edu
Cell Phone :	
Email Subscription :	
Add to Mailing List :	No
105-1 **Stakeholder Comments/Issues :**	I believe that this idea would be a great idea. We need this transportation device here in the central valley, especially Merced-Fresno area. There are many people living in the area and need a way to get home. With the University here, many students need a faster way to get home. Not only will this make transportation easier, but jobs will be given. Merced has very little job employment opportunities and I believe that this will benefit people.
EIR/EIS Comment :	Yes

Response to Submission 105 (Mee Vang, Student, September 14, 2011)

105-1

See MF-Response-GENERAL-9.

Submission 106 (Stacy Vang, N/A, September 14, 2011)

Merced - Fresno - RECORD #106 DETAIL

Status :	No Action Required
Record Date :	9/14/2011
Response Requested :	
Stakeholder Type :	CA Resident
Submission Date :	9/14/2011
Submission Method :	Website
First Name :	Stacy
Last Name :	Vang
Professional Title :	N/A
Business/Organization :	N/A
Address :	
Apt./Suite No. :	
City :	Merced
State :	CA
Zip Code :	95348
Telephone :	559.269.6501
Email :	svang5@ucmerced.edu
Cell Phone :	
Email Subscription :	
Add to Mailing List :	No
106-1 **Stakeholder Comments/Issues :**	This comment may be very ignorant. One of the issues that seems to be dodged by both the farmers and government surrounds money. It seems like the farmers want more money, but the government does not have enough money to give more money to the farmers. Why can't the government just point this issue out? Like say, "Is it more money you want?" And then make the farmers feel guilty about wanting more money when it is such an important means of transportation to have the high speed rail. Something about using "shame and guilt" to get the farmers to collaborate with the high speed rail.
EIR/EIS Comment :	Yes

Response to Submission 106 (Stacy Vang, N/A, September 14, 2011)

106-1

See MF-Response-GENERAL-11.

Submission 177 (Soto Virginia, 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

NAME Soto Virginia
First Last

ADDRESS PO Box 659 64 S. Plainsburg Rd. Planada
Street Address Town/City Zip Code

MAILING ADDRESS PO Box 659 Planada CA 95365
(IF DIFFERENT FROM ABOVE) Address Town/City Zip Code

TELEPHONE NUMBER (209) -0

EMAIL ADDRESS soto.says@yahoo.com

☒ 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.

- ☐ 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.

177-1

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

I DO NOT SUPPORT THE High Speed Rail — I believe it is a big fat waste of money — people do not need to get from point A to point B any faster than they do now! The nation is in a crisis —

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

Board of Supervisors
2222 M Street 4
Merced, CA 95340 1386

DISTRICT 1 RESIDENT
PO BOX 659
PLANADA CA 95365-0659

Response to Submission 177 (Soto Virginia, September 14, 2011)

177-1

See MF-Response-GENERAL-14. 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 587 (David Warner, San Joaquin Valley Air Pollution Control District, October 12, 2011)

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING

October 12, 2011

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

Project: California High-Speed Train
Merced to Fresno Section
Draft Environmental Impact Statement

District CEQA Reference No: 20110301

587-1

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Statement (DEIS) for the project referenced above consisting of the Merced to Fresno Section of the proposed California High-Speed Train (HST) system, and commends the Authority on a high-quality assessment of potential environmental risks of the California HST project. The District is supportive of a California HST system that is based on thoughtful design and implementation aimed at offering low emissions commute and travel options to the residents of the San Joaquin Valley. The potential for the HST system to reduce emissions from motor vehicle traffic in the Valley may be significant. The District does offer the following comments to further improve and complete the DEIS:

General Comments

The San Joaquin Valley Air Pollution Control District is responsible for air quality in eight counties in California's Central Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and the San Joaquin Valley Air Basin portion of Kern. Air quality in the San Joaquin Valley (SJV) has steadily improved over the past 15 years and continues to do so through the District's adoption of new Rules, State Implementation Plans, and the support and participation of stakeholders, businesses, and the public. The subject project and its companion project, the Fresno to Bakersfield Section, have the potential to impact air quality in all eight counties.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

Air pollution sources can be divided into two general categories, stationary sources and mobile sources. The District has achieved maximum cost-effective emission reductions from stationary sources and as a result mobile sources now produce about 80% of the Valley's smog-forming emissions. Thus, achieving significant reductions in mobile source emissions within the SJV is critical to District achieving attainment of state and federal air standards. If properly implemented, the HST could be a key component of the District's efforts to reduce the air quality impacts caused by vehicle miles traveled within the SJV.

Based on staff's review of the Environmental Impact Statement (EIS), the District believes that the environmental document likely understates construction-related impacts on air quality within the SJV and has not discussed all feasible mitigation measures for those impacts. However, we have significant experience in administering effective and feasible off-site mitigation programs that significantly or completely mitigate air pollution emissions from large projects, and we are offering to provide our expertise and assistance in this area.

Construction Related Impacts on Air Quality

As discussed below, construction related exhaust emissions are potentially understated:

a) Tier 4 construction equipment: The analysis of construction equipment exhaust emissions assumes that all construction equipment will meet Tier 4 emissions standards. This assumption is inconsistent with the proposed mitigation measure which allows the use of Tier 3 engines if the contractor has documented that Tier 4 equipment or emissions retrofit is not available.

   Based on the District's experience in providing funding to replace older, more polluting, off-road equipment, Tier 4 equipment is not widely available and retrofitting older equipment to achieve Tier 4 emissions standards is frequently not feasible. During the early consultation phase of developing the environmental document, the District expressed concerns about this assumption. The District recommended that if the assessment was not revised, the document should be amended to include an enforceable mitigation measure ensuring that, on a fleet-wide basis, equipment used would meet Tier 4 emissions standards. The proposed mitigation measure fails to meet that objective.

   The District again recommends that the analysis be revised to reflect a realistic fleet-wide emissions target. The District further recommends that mitigation measures be revised to include enforceable conditions, ensuring construction exhaust emissions will be reduced or mitigated to the extent feasible. One approach is to require off-site mitigation of project emissions through a Voluntary Emissions Reduction Agreement, which is explained in more detail in the mitigation section below.

b) Emissions Model: Construction emissions may be further understated because construction emissions were quantified using URBEMIS. During the early

Submission 587 (David Warner, San Joaquin Valley Air Pollution Control District, October 12, 2011) - Continued

587-1

consultation phase, the District had advised that URBEMIS was not the most appropriate model to use for this complex construction project. In brief, URBEMIS was developed for estimating emissions from typical residential and commercial development projects. Construction of railways to support a high speed train involves activities that are not intrinsic to URBEMIS. Furthermore, URBEMIS has been demonstrated to produce lower estimates of construction exhaust emissions, as compared to a more recently developed model, the California Air Pollution Control Officers' Association's "California Emissions Estimation Model" (CalEEMod). However, like URBEMIS, CalEEMod is designed to model emissions from residential and commercial developments, not large scale linear construction projects like railroads. The District recommends that the rail construction analysis be conducted using a more suitable model. The District suggests the Sacramento Metropolitan Air Quality Management District's "Construction Mitigation Calculator," which incorporates the latest heavy duty equipment emissions factors approved by the California Air Resources Board, and should more accurately characterize emissions from the construction of a railway.

Heavy Maintenance Facility – Health Risk Assessment:

The District's review of the health risk assessment (HRA) for the Heavy Maintenance Facility (HMF) concludes that the scenario that was modeled may not adequately correspond to actual conditions of the eventual location in terms of critical HRA parameters, such as prevailing winds and locations of sensitive receptors. As a result, the HRA may over-state, or under-state, the associated risk. Because specific site conditions are currently unknown, the District recommends that an enforceable mitigation measure be made a condition of project approval that would require a site-specific health risk assessment to be performed prior to actual site selection and that all air related health impacts be reduced or mitigated to below the District's thresholds of significance.

Stationary sources at the HMF will be subject to District air permits. As such, the District will be a responsible agency for the project. To ensure that the health risk assessment is adequate for District permitting and approval processes, the District recommends that the project proponent contact the District to review the proposed modeling methodology prior to preparing the final HRA modeling.

Mitigation of Project Related Impacts on Air Quality:

Based on the existing air impact assessment, mitigated construction related emissions of NOx, VOC, and PM10 combined over the eight year construction period, were estimated as follows:

	Annual Average	Total project
Merced to Fresno:	230 tons/year	1,900 tons
Fresno to Bakersfield:	670 tons/year	5,400 tons
Total:	**900 tons/year**	**7,300 tons**

587-1

These emissions exceed the District's thresholds of significance of 10 tons NOx per year, 10 tons VOC per year, and 15 tons PM10 per year. For significant environmental impacts, the California Environmental Quality Act (CEQA) requires lead agencies to implement all feasible mitigation measures.

As discussed above, the DEIS' proposed mitigation measures are not sufficiently enforceable to ensure that project related impacts on air quality will be reduced consistent with projected impacts. More importantly, the document concludes that, even with all feasible mitigation, the project will continue to have significant impacts. The District disagrees with the conclusion that all feasible mitigations have been explored. Specifically, the DEIS fails to discuss off-site mitigation measures such as Voluntary Emission Reduction Agreements (VERAs) as a means of mitigating project specific impacts on air quality to a less-than-significant level.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort.

To implement a VERA, the project proponent and the District enter into a contractual agreement in which the developer agrees to mitigate the project's emissions by providing funds for the District's Emission Reduction Incentive Program to fund grants for projects that achieve emission reductions, thus offsetting project related impacts on air quality. The types of projects that have been used in the past to achieve such reductions include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old trucks with new, cleaner, more efficient trucks, and a host of other emissions-reducing projects.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a District-approved "Air Quality Impact Assessment," and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed adequate flexibility into these agreements such that the final mitigation is based actual emissions related to the project, based on actual equipment used, hours of operation, etc. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that there is no significant air quality impact from the project.

Since 2005, the District has entered into seventeen VERAs with project developers and achieved 1,393 tons of NOx and PM10 reductions per year. It is the District's experience that implementation of a VERA is a feasible mitigation measure which effectively achieves actual emission reductions, potentially mitigating the project to a

Submission 587 (David Warner, San Joaquin Valley Air Pollution Control District, October 12, 2011) - Continued

587-1

net-zero air quality impact. Because the DEIS failed to discuss this feasible mitigation measure, the document fails to meet the CEQA requirement of discussion and implementation of all feasible mitigation measures, so we strongly recommend that a discussion of VERAs be included in the final EIS.

In conclusion, the District recommends that the California High-Speed Rail Authority contact the District and work collaboratively to reduce and mitigate project specific impacts on air quality to a less-than-significant level by developing a VERA as discussed above. If you have any questions or require further information, please contact me or Arnaud Marjollet, Permit Services Manager at (559) 230-6000.

Sincerely,

for David Warner
Director of Permit Services

DW: db

Response to Submission 587 (David Warner, San Joaquin Valley Air Pollution Control District, October 12, 2011)

587-1

The comments raised by San Joaquin Valley Air Pollution Control District have been addressed directly with the district through a series of conference calls and e-mails, and the submission of calculations and spreadsheets. Construction-phase emission estimates calculated using the URBEMIS model using inputs specific to the project area and agreed upon emission factors and adjustments.

Qualitative discussion of health impacts during project alignment construction were provided in Section 3.3.5.3 of the EIR/EIS. The cancer and non-cancer chronic and acute hazard risk analyses conducted for the Draft EIS was based on conservative estimates of equipment operations and locations, and the locations of nearby sensitive land uses. Once a final HMF site is selected and designed, analyses will be conducted using projected equipment usage, the locations of the major emission sources (based on plant layout that will be developed), and the locations of nearby sensitive land uses (e.g., residences). Mitigation measures, if necessary, would be included to ensure that EPA's significant impacts thresholds are not exceeded at the sensitive land uses.

See MF-Response-AQ-7.

Submission 131 (Steven Weil, Horizon Enterprises, September 20, 2011)

Merced - Fresno - RECORD #131 DETAIL

Status :	Action Pending
Record Date :	9/20/2011
Response Requested :	
Stakeholder Type :	CA Resident
Submission Date :	9/20/2011
Submission Method :	Website
First Name :	Steven
Last Name :	Weil
Professional Title :	Partner
Business/Organization :	Horizon Enterprises
Address :	
Apt./Suite No. :	
City :	Fresno
State :	CA
Zip Code :	93704
Telephone :	(559) 449-1775
Email :	mweil0777@aol.com
Cell Phone :	
Email Subscription :	Merced - Fresno
Add to Mailing List :	Yes

Stakeholder Comments/Issues :

These comments are on the Draft Merced-Fresno EIR/EIS (hereinafter referred to as the "EIR/EIS").

131-1

The California High Speed Rail Authority ("Authority") has stated publicly that to meet the "independent utility" requirement of Federal ARRA funding, it is intended that Amtrak trains utilize the subject project, which is the intial construction segment, until high speed passenger service is established in the future upon connection to the Bay Area and/or the Los Angeles area. The EIR/EIS must fully describe the infrastructure and operational characteristics of such independent utility service by Amtrak or others, including, without limitiation, the following: Modifications or adjustments to the project infrastructure to accomodate independent utility utilization, trainset and other equipment intended to be utilized for independent utility operation, the operational characteristics of independent utility utilization of the project, environmental impacts from independent utility operations, including, without limitation, impacts on air quality, noise and vibration, mitigation measures relating to all of the foregoing, including a detailed mitigation monitoring program for independent utility operation.

In addition, relating specifically to independent utility achieved through utilization of the project for Amtrak service, the precise locations of interconnection to existing Amtrak trackage both north and south of the project, including interconnection alignment alternatives under various intial construction scenarios, must be fully described and anlayzed in the EIR/EIS. For example, if project funding only permits construction of the initial project segment as far as the Chowchilla Wye, an interim connection from the A2 Alignment at that location over to the existing BNSF tracks to the east that currently carry Amtrak trains must be described and analyzed, including interconnection alignment alternatives. In addition, based on the description of the interconnections for Amtrak operation on the project, all related impacts under the various categories of the EIR/EIS as mandated by CEQA must be fully descriped and evaluated, including the identification of related mitigation measures and a mitigation monitoring program. Finally, with regard to Amtrak service on the project, the EIR/EIS must describe all further reviews, approvals and agreements that must be conducted and obtained to achieve sustainable Amtrak service on the project, or, alternatively, those reviews and approvals that would be required for an alternative method of accomplishing independent utility utilization of the project.

131-2

Similarly, the Authority has stated publicly that the initial construction segment for which the Merced-Fresno Draft EIR/EIS was prepared will be utilized as a high speed train "test track" both during the period that the project will be subject to independent utility utilization and thereafter when the Merced-Fresno segment accomodates high speed rail passenger service. The EIR/EIS must provide a detailed description of how high speed trains are to be tested using the project infrastructure, including, without limitation, the technological and operational characteristics of the high speed train equipment and systems to be tested, (including, without limitation, trainsets, power and control systems, and safety equipment and procedures). If high speed trains are to tested up to speeds that exceed the 220 mile per hour limit studied for passenger service in the EIR/EIS, all environmental factors relating to such higher speeds, including, without limitation, energy use, air quality, public safety and noise and vibration must be fully described and analyzed, including a full discussion of related mitigation measures and a mitigation monitoring program. Potential security issues within the category generally understood as "homeland security" relating to the operation of an internationally-recognized high speed rail testing facility that would be unique within the United States must be addressed. In

Submission 131 (Steven Weil, Horizon Enterprises, September 20, 2011) - Continued

131-3

addition, the operational inter-relationships between independent utility use, ultimate high speed passenger service, and the continued utilization of the project for high speed train testing must be fully described and evaluated in the context of public safety and environmental impacts.

131-4

CEQA Guidelines explicity require that the EIR/EIS include, within the context of an Alternatives Analysis, a reasonable range of project design and location alternatives that could reasonably achieve the objectives and the project while mitigating impacts. The Draft EIR/EIS fails, for very significant segments of the project, to provide any Alternatives Analysis within the EIR/EIS meeting CEQA requirements. For example, South of San Joaquin River through Fresno County and the City of Fresno, two alignment alternatives in Madera County (called "A1" and "A2") converge into a single alignment. From that point south, only one alternative alignment location is analylzed in the EIR/EIS, which, on its face, fails the test of meeting CEQA's requirements for inclusion of alternatives. The EIR/EIS attempts to rationalize this deficiency be making reference to a prior alternatives analysis process conducted by the Authority outside of CEQA. That prior process, which occurred over a period of months and even years, did not include the specific procedural requirements mandated by CEQA for notice and comment.

Within the context of CEQA, the alternatives anlaysis conducted by the Authority prior to prepation of the EIR/EIS could best be described as being part of the Authority's "scoping process" leading up to preparation of a Draft EIR/EIS. CEQA Guidelines require that the EIR/EIS describe all alternatives to those included in the document that were evaluated and discarded during the scoping process, which in this case the Authority has chosen to call the alternatives analysis process. The EIR/EIS does, in fact, provide information for some of the alternatives reviewed and discarded, but the document fails to provide such information for all of them. Two notable alternatives that were discarded pior to preparation of the EIR/EIS, but that meet the CEQA test of feasibly achieving the project objectives while avoiding or reducing environmental impacts, are two "Design Options", called "Design Option 4" and "Design Option 6" ("DO4", "DO6") that were part of the "A1" ("BNSF") alignment alternative. DO4 and DO6 were discarded when the Authority issues a Preliminary Alternatives Analysis for the Merced-Fresno section in 2010. D04 and DO6 would each bring the A1 Alignment west of the Union Pacific right-of-way within Fresno County, crossing the San Joaquin River at points much closer to the BNSF right-of-way than the alternatives actually carried forward. These more easterly points of crossing at the San Joaquin River would, in, turn, permit the A1 Alignment to have far fewer impacts to roads and agricultural land in Southern Madera County than the alternatives carried forward in the EIR/EIS.

The purported reason for discarding Design Options 4 and 6 in 2010 is that they traversed urbanized land within Fresno County and were objected to by City of Fresno officials. In fact, both of these design options for the A1 Alignment, which occur north of the Bullard Avenue alignment, traverse what is currently almost entirely vacant land, containing almost no urban development. In fact, the small portion of the path of these alignments that had included planted agricultural land within Fresno County now is entirely vacant, with the fig plants having been pulled out within the last few years.

Thus, even though the location of the project alignment has remained significantly in flux right through the preparation of the EIR/EIS, the Authority has steadfastly refused to include the study of any alignment east of the UP tracks in northwest Fresno ever since rejection of DO4 and DO6 in 2010. Now it is revealed in the EIR/EIS that the current

131-4

alignment proposal would signficantly impact numerous freeway-oriented businesses within the City of Fresno near the intersection of Herndon and Golden State, businesses that depend on freeway activity. An alignment alternative generally similar to D04 and DO6 would completely avoid those impacts, and instead, traversing primarilty vacant land, have no direct impact on existing businesses. Moreover, with approrpriate design, an alignment in northwest Fresno generally north of the Bullard Avenue alignment that crosses over to the east side of the UP tracks, if designed as an elevated, planted berm with appropriate noise mitigation at the tracks, could actually serve as a noise buffer for existing residential neighborhoods east of the UP right-of-way that are currently impacted by noise from freight railroad operations on the UP tracks. Thus, including DO4 and DO6 or a single variation of those in the EIR/EIS would provide an alignment alternative in northwest Fresno where no alternative whatsoever is currently being evaluated, avoid severe impacts to a viable freeway-oriented commercial district along Golden State Boulevard near Herndon Avenue, result in a river crossing at the San Joaquin River that would reduce impacts to the freight rail operation of the UP tracks, reduce impacts to future UP spur lines serving food processing industries along the UP tracks and reduce impacts to roads and agricultural land in southern Madera County, all while providing an opportunity to potentially mitigate existing feight rail nose impacts to existing residential neighborhoods in northwest Fresno currently impacted by freight rail operations on the UP tracks.

Furthermore, the existence and DO4 and DO6 was not indicated in the EIR/EIS, and the EIR/EIS does not include any discussion of those design options or any discussion of why there were discontinued in 2010 from further consideration. Of concern, also, is that this lack of discussion of DO4 and DO6 is the case even though the EIR/EIS does include, at least in a map exhibit, reference to the other design options for the A1 Alignment that were discussed in the 2010 Preliminary Alternatives Analysis report. Thus, it would appear that DO4 and DO6 were singularly omitted from the EIR/EIS. This must be corrected, and the EIR/EIS must therefore include a complete description of DO4 and DO6, or a variant thereof, and a complete discussion of these as alignment alternatives for the A1 Alignment.

131-5

Finally, in the years since the programatic EIR/EIS for the statewide high speed rail system was formulated earlier in the decade, technological advances in high speed train design have resulted in route design alternatives such as "trunk and branch" configurations that were not considered operationally effective when the programmatic CEQA work was done. Thus, for example, in Europe, the AGV train design, deemed the technological successor to TGV trains, provides for the independent routing of passenger train elements that make route branches off of a high speed trunk line an effective alternative to continuous routes. Operational and energy efficiencies, along with mitigation of environmental impacts, thereby result from not having to route express trains over longer routes through communities, which can, themselves, be served with branch lines.

The specific implication of the above developments in high speed train technology for the subject project is that a "trunk" high speed train alignment generally following the Interstate 5 alignment, which may have been rejected or overlooked because it appeared to bypass Central Valley cities, is now a feasible alternative to alignments currently under consideration that cut directly through communities and agricultural land. Connectivity for Central Valley cities would be achieved through appropriately located branch lines, which could follow established transportation routes such as State Route 180 from Interstate 5 to Fresno. This shorter and more direct "trunk" connection to the high

Submission 131 (Steven Weil, Horizon Enterprises, September 20, 2011) - Continued

speed train system's primary passenger-generating markets in the Bay Area and Los Angeles area, the system would enhance the system's competive relationship to alternative modes, further increasing its environmental and energy-efficiency benefits and operational sustainability. Thus, a system route configured around an Interstate 5 trunk line with branches serving Central Valley cities south of Stockton would meet the project's requirements, avoid or mitigate environmental impacts, and enhance project sustainability. The EIR/EIS must include this alternative for complete analysis in the document.

131-6

Finally, the responses to each and evey one of the above comments will, by the very nature of the issues raised, constitute significant new information as that term is referenced in the CEQA Guidelines and related case law, thereby requiring recirculation of the document for possible additional comment.

EIR/EIS Comment : Yes

Response to Submission 131 (Steven Weil, Horizon Enterprises, September 20, 2011)

131-1

See MF-Response-GENERAL-13.

131-2

This section of the HST System would be used for HST fleet testing, acceptance, and commissioning of trains and operational systems prior to passenger operations (See Section 2.2.9.2). Up to 27 sets of HSR trains will be tested in a manner consistent with the manufacturer's recommendations and warrantee consideration. Since a rolling stock vendor (and therefore the specific characteristics of the HST vehicle) has not yet been chosen, the methodology that will be employed during testing is unknown at this time. Speeds in excess of the 220mph operating specification will be part of the manufacturer's recommended testing program and will not constitute an attribute of regular HST service on the IOS once the equipment is certified for passenger service.

Contingent upon funding and construction sequencing, sometime between 3 and 5 years prior to completion of the first IOS segment, systems installation will begin on the ICS section to include (but not limited to), Signal Train Control, Communications systems, Overhead Catenary Systems (OCS) and the Electric Traction system. These systems will all be tested upon installation. During this period a Heavy Maintenance Facility (HMF) will be constructed and outfitted in the Central Valley on a parcel of land adjacent to the ICS tracks. Upon completion of this HMF, the Authority can begin to accept new train sets for commissioning and testing. The project will then move into the "test track" phase.

If the independent utility provision of the HST's federal funding is invoked, Amtrak San Joaquin service would operate train service on the ICS segment. The test track phase may or may not be accomplished in concert with the independent utility San Joaquin Amtrak service operation, depending upon whether conditions warrant that approach. The test track function of this section would not be a more intensive activity than the operational activities described in the EIR/EIS. Therefore, it would not have different or more severe significant impacts than those described in the EIR/EIS. Further, it would be subject to the mitigation measures described therein and approved as part of the project.

The security aspects of this project for the ICS section will be addressed at the

131-2

appropriate time through a specific Threat and Vulnerability Assessment (TVA). A TVA provides for the deterrence and detection of, as well as the response to, criminal and terrorist acts for rail facilities and system operations. Provisions include right-of-way fencing, intrusion detection, and closed-circuit televisions. Intrusion detection technology could also alert to the presence of inert objects, such as topped tall structures or derailed freight trains, and stop HST operations to avoid collisions (Refer to Section 3.11.6).

The HST Urban Design Guidelines will also reduce the vulnerability of the system. These Guidelines require implementing the principles of Crime Prevention Through Environmental Design. This is a design method that focuses on reducing opportunities for crime through the design and management of the physical environment. Four basic principles of Crime Prevention Through Environmental Design should be considered during station and site planning: Territoriality (designing physical elements that express ownership of the station or site); Natural Surveillance (arranging physical features to maximize visibility); Improve Sightlines (provide clear views of surrounding areas); and Access Control (physical guidance of people coming and going from a space). (Refer to Section 3.11.6).

The comment has provided no evidence that the test track activities that will precede passenger operations would result in a substantial increased security risk.

131-3

See MF-Response-GENERAL-13.

131-4

Consistant to CEQA and NEPA, the EIR/EIS identifies, references, and summarizes the Alternatives Analyses undertaken in the process of selecting the three build-alternatives for analysis. The full Alternatives Analyses themselves are not required to be part of the CEQA or NEPA document but were made available for public review and participation during the alternatives analysis process. See MF-Response-GENERAL-2.

131-5

See MF-Response-GENERAL-1 and MF-Response-GENERAL-2.

Response to Submission 131 (Steven Weil, Horizon Enterprises, September 20, 2011) - Continued

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CEQA and NEPA require recirculation when significant new information has been added to the draft EIR/EIS. Under CEQA, this would mean that there is either: a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. (Refer to State CEQA Guidelines Section 15088.5)

NEPA provides that a draft EIS is to be supplemented and recirculated when either the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. (Refer to 40 CFR 1502.9)

None of the conditions that might require recirculation of the draft EIR/EIS has occurred. No new significant impacts or substantially more severe impacts have been identified. The Authority/FRA have refined the mitigation measures set out in the draft EIR/EIS, but have not needed to adopt a feasible mitigation measure that would avoid a new significant effect or reduce a more severe impact. No new feasible alternatives have been presented that would meet most or all project objectives, would reduce significant effects, and are substantially different from the alternatives already considered -- including those alternatives previously considered and not selected for further review (see MF-Response-GENERAL-2 for a discussion of the alternatives selection). The EIR/EIS is supported by voluminous substantial evidence and is not conclusory in nature. Further, it is organized in the standard format for CEQA and NEPA documents and, while large, is organized for ease of review. It was also made available in a searchable PDF version that allows a reader to easily find discussions of interest. For NEPA purposes, there have been no substantial changes to the project. Minor changes to the alignment or to its construction reflect refinements that have resulted

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from continuing project design. As discussed above, although the EIR/EIS has been refined, there are no significant new circumstances or information that would require recirculation.

Submission 737 (Steven Weil, October 13, 2011)

The comments below on the High-Speed Train Draft Environmental Impact Report/Statement: Merced to Fresno are hereby submitted by Steven Weil. These comments are submitted in my capacity as an individual, a resident of Fresno County, a property owner in Fresno County and Madera County and as a general partner of Horizon Enterprises, a California General Partnership, which is a property owner in Fresno and Madera counties. In the comments below, the High-Speed Train Draft Environmental Impact Report/Statement: Merced to Fresno is referred to as the "Draft EIR/EIS". The California High Speed Rail Authority is variously referred to as the "Authority" or the "CHSRA". The California Environmental Quality Act is referred to as "CEQA" and the National Environmental Policy Act is referred to as "NEPA".

The comments below include significant new information not currently included in the Draft EIR/EIS and substantial evidence of a fair argument with respect to the various topics addressed below. Therefore, as required by the CEQA Guidelines, the Draft EIR/EIS must be corrected to address the issues and deficiencies commented on below and then recirculated with an additional time period for review and comment.

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Alternatives

The identification and vetting of alignment alternatives for the high-speed train system both statewide and in specific regions, including the Central Valley, has occurred in fits and starts, at times with seriously deficient public agency and general public notification, occasionally based on non-transparent decision-making involving political considerations, all under the nominal label of CEQA and NEPA compliance but more often than not occurring in a manner than does not comply with CEQA or NEPA, CEQA case law or the CEQA Guidelines.

For example, after having adopted the BNSF alignment as the preferred alignment for the high speed train project following certification of the statewide programmatic EIR/EIS (Exhibit 1), the CHSRA, many months later and without public agency notification to the cities of Chowchilla and Madera, rescinded that decision and designated, instead, the UP alignment as the preferred alignment through Madera County. The City of Madera had specifically communicated its opposition to the UP alignment in its comments to the programmatic EIR/EIS and was thus satisfied with the Authority's designation of the BNSF alignment as the preferred alignment, but Madera officials and citizens were caught completely off guard, due to a lack of public notice from the Authority, when that decision was unexpectedly changed. In fact, it was not until the current alternatives analysis and environmental review process was well under way that public agency officials and members of the public in Madera County started to become aware of this policy change by the Authority regarding alignments.

These and other actions by the Authority have created a public impression of frequently changing, and sometimes inconsistent, project descriptions and objectives, in violation of CEQA and NEPA requirements that the project scope and description be stable to enable informed public discussion. As another example, the Authority discarded consideration of a "western loop" west of downtown Fresno because of a purported project objective of placing stations at downtown locations. During approximately the same time period, however, the Authority went in exactly the opposite direction in Kings County, shifting the alignments under consideration away from the downtown part of Hanford to a "greenfield" station location east of Hanford. More recently the Authority's emphasis shifted again, this time to a "greenfield" station location east of Hanford.

This lack of compliance with the requirements of NEPA and the CEQA Guidelines in proceeding with required environmental analysis of the high speed train project continued as segment-

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specific alternatives were considered, evaluated and discarded by the Authority. Thus, for example, in considering various reports titled "alternatives analysis" during 2010 and 2011, reports that had cover titles referencing an EIR/EIS, in fact the procedures utilized by the Authority for public agency and general public notification, input and comment differed markedly from the requirements of CEQA as outlined in the CEQA Guidelines. For example, for the Authority's Preliminary Alternatives Analysis Report issued in April, 2010, and the Supplemental Alternatives Analysis Report issued in May 2011, there were no formal comment periods corresponding to those mandated by the CEQA Guidelines. In addition, the criteria for analyzing and then discarding an alternative did not comply with the CEQA Guidelines, nor did they correspond to all criteria required under NEPA.

The Draft EIR/EIS further compounds this deficiency by purporting to rely on all of this prior alternative analysis activity to fulfill the alternatives analysis requirements of CEQA without either including the relevant alternative analysis documentation in the Draft EIR/EIS as required by the CEQA Guidelines, or alternatively, providing a complete, comprehensive and accurate description, sufficient to enable informed public discussion, of the precise methodology utilized in the alternatives analysis process, all alternatives actually considered during the process, the criteria and basis for rejecting alternatives, a description of all alternatives not carried forward for further study and a discussion of why alternatives were discarded. This deficiency must be corrected in the Draft EIR/EIS and the document then recirculated for additional comments.

As indicated above, a significant substantive and procedural defect in the current process is that because the various alternatives analysis reports were not drafted with specific adherence to the CEQA Guidelines, the criteria for analyzing and rejecting, or carrying forward, an alignment alternative do not adequately correspond to CEQA criteria. In other words, the criteria employed in the analysis of alternatives prior to release of the current Draft EIR/EIS were those of the Authority, and did not include all of the criteria outlined in the CEQA Guidelines.

The precise function and CEQA-status of the alternative analysis documents approved and issued by the Authority prior to preparation and release of a Draft EIR/EIS was further confused by titles labeling these various reports with the term "Merced-Fresno Section High-Speed Train EIR/EIS" when, in fact, the criteria for analyzing and discarding alternatives did not include all CEQA criteria mandated by the CEQA Guidelines, the reports were never subjected to the scoping and public comment procedures mandated by the CEQA Guidelines, and the reports have not, to date, been included in the Draft EIR/EIS for review and comment. The result is that potentially viable and environmentally superior alignment alternatives have been discarded without proper vetting under CEQA and NEPA.

One significant example is outlined as follows: The April, 2010, Merced-Fresno Preliminary Alternative Analysis Report referenced above included a number of alignment alternatives, and within those a number of design option alternatives. For the A1 Alignment, a number of design options were evaluated and some discarded and not carried forward. Two A1 Alignment Design Options that were not carried forward were called Design Option 4 and Design Option 6 (DO4 and DO6 – Exhibit 2). These design options (and a variant thereof provided to Authority consultants prior to release of the Draft EIR/EIS -- Exhibit 3) provide alternative locations for crossing the San Joaquin River that mitigate the high speed train project's impacts on Camp Pashayan and certain natural features of the San Joaquin River bottom. In addition, these alternatives significantly reduce the high speed train project's impact on agricultural land in the southern part of Madera County. DO4 and DO6 (and the "variant") also offer the potential for reducing the number of grade separation structures and road closures or realignments required for the A1 Alignment in Madera County and provide significantly more dual-use grade

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separation structures serving both the high speed train system and the existing BNSF freight rail system (thereby improving air quality, reducing traffic congestion and increasing public safety). None of these characteristics and advantages of DO4 and DO6 were described, discussed or analyzed in the Preliminary Alternatives Analysis Report. On the contrary, the report recommended discarding both of these design options with very limited discussion, and they were in fact discarded and thus not included in the Draft EIR/EIS.

The Alternatives section of the Draft EIR/EIS purports to describe the alternatives analysis process that preceded preparation of the Draft EIR/EIS but does so in a largely cursory and conclusionary manner inconsistent with NEPA and the CEQA Guidelines. With respect to the specific design options referenced above, it is noteworthy that a map exhibit (titled Figure 2-19) in the Draft EIR/EIS which purports to depict all "Potential Alternatives Considered During Screening" prior to preparation of the Draft EIR/EIS significantly omits DO4 and DO6, which are not shown at all on the map exhibit (Exhibit 4) nor discussed in the text of the Draft EIR/EIS. Thus, there is absolutely no reference in the Draft EIR/EIS to DO4 and DO6, which, in fact represent reasonably feasible alternatives for this part of the A1 Alignment that fulfill the objectives of the project while mitigating significant impacts of the high speed train project.

The CEQA Guidelines (Section §15126.6[(a)]) state that an EIR must address "a range of reasonable alternatives for the project, or to the location of the project, which could feasibly attain the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." The Draft EIR/EIS includes only one alignment alternative south of the San Joaquin River through Fresno. Clearly, the inclusion of only a single alignment location, on its face, and in the context a significant number of alignment locations having been rejected, fails to meet the alternatives analysis requirement of the CEQA Guidelines.

More specifically, DO4 and DO6 referenced above were discontinued from further analysis by the Authority without consideration of CEQA criteria. In fact, the stated reasons for discarding those alternatives, as indicated above, were only two: That they traverse developed property, which is in fact largely incorrect (Exhibit 5), and that they were opposed by City of Fresno officials. These reasons were the only ones discussed in the April, 2010, Alternatives Analysis Report, without any further elaboration or explanation. The pertinent text is as follows:

"Alternative A1 – BNSF, Design Options 4, 5, and 6

The Madera/Fresno vicinity design options have similar operations but different levels of impacts. Design Option 5 would have operations similar to Design Option 4 and Design Option 6; however, Design Option 5 would create much less community disruption because it would avoid the developed residential areas north of Fresno. Fresno communicated its lack of support of Design Options 4 and 6."

In contrast to the Authority report's statement above, the fact is that the single current alignment included in the Draft EIR/EIS for this location immediately south of the San Joaquin River has numerous significant negative impacts on: 1) Existing developed and undeveloped properties west of the UP freight rail tracks, 2) The functionality of Golden State Boulevard as a collector street as required in the current City of Fresno General Plan, 3) The feasibility of a future grade-separation structure, particularly a cost-effective overpass, at the intersection of West Herndon Avenue and the UP freight rail tracks, 4) The aesthetics and functionality of a recreational feature called Camp Pashayan on the San Joaquin River bottom, and 5) The aesthetics of the San Joaquin River corridor with respect to adding a third crossing structure with numerous

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columns immediately adjacent to the current visual "jumble" created by the existing Freeway 99 bridge structure combined with the adjacent existing UP freight rail bridge structure. These are all impacts that can be avoided or mitigated by an alignment based on either DO4 or DO6 or a variant thereof.

As indicated in the referenced exhibit, DO4 and DO6 also provide alignment alternatives that: 1) Mitigate significant impacts to agricultural land in south Madera County, 2) Mitigate impacts to the provision of rail spurs for future food processing and industrial facilities along the existing UP freight rail corridor north of the San Joaquin River, 3) Potentially reduce the number of new grade separation structures and local road realignments required by the high speed train project north of the San Joaquin River and 4) Provide for grade separation structure locations with dual-use potential for the grade separation of local roads at the BNSF freight rail tracks at several locations that are not provided by the A1 Alignment as currently depicted in the Draft EIR/EIS.

Finally, by providing a river crossing some distance from the current "jumble" of bridge structures created by the Freeway 99 bridge and adjacent UP freight rail bridge, DO4 and DO6, or a variant thereof, provide the opportunity for a visually distinctive river crossing structure with a single span or large spans (Exhibit 6) with significantly mitigated impacts on the San Joaquin River bottom environment compared with a river crossing supported by multiple piers as is currently indicated in the Draft EIR/EIS as programmed for this type of location.

The EIR/EIS must correct these deficiencies and include full and complete consideration of Design Options 4 and 6 for the A1 Alignment, and/or a variant thereof, with full description and analysis of these design options as alignment alternatives, including full evaluation with respect to all CEQA and NEPA criteria.

The requirement of the CEQA Guidelines (Section §15126.6[(a)]) that an EIR must address "a range of reasonable alternatives for the project, or to the location of the project, which could feasibly attain the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." requires that an at-grade high speed train design alternative be included for the A2 Alignment through the City of Madera and the area included in the current City of Madera General Plan. This is all the more apparent in light of the fact that the Draft EIR/EIS now focuses exclusively on an at-grade or trenched design option on the single alignment under consideration through the City of Fresno where the urban street pattern and development pattern are highly similar to that in Madera, particularly with respect the historic street grid patterns in downtown Fresno and downtown Madera. Thus, whereas only a visually blighting and intrusive aerial structure is analyzed for the A2 Alignment through Madera, with no consideration or provision for grade-separating existing local streets from the existing UP freight rail tracks, in Fresno, by contrast, the Draft EIR/EIS provides an at-grade and trenched design that includes a significant number of grade-separation structures, providing the Fresno community, unlike the Madera community, with millions of dollars of grade-separation infrastructure for local streets crossing the existing UP freight rail tracks. In addition to other CEQA and NEPA issues, this disparity in the treatment of geographically similarly situated communities raises significant environmental justice issues and concerns.

Various California governmental entities have studied alignment and other issues relating to a high speed train project in the state since the early 1990s, with a generally unarticulated but accepted assumption that route design decisions made early in the process, which began more than a decade ago, need not be revisited. Thus, for example, the decision to discontinue consideration of any high speed train route that might include a corridor along Interstate 5 north

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of Bakersfield was based on an analysis completed in 1996 by a Commission that preceded formation of the Authority. The corridor alternatives considered in that report, entitled High-Speed Rail Corridor Evaluation and Environmental Constraints Analysis Final Report (California Intercity High Speed Rail Commission 1996) are depicted in a map exhibit of the report called Figure 2.3-2 (Exhibit 7). The corridors recommended by the 1996 study for further study are depicted in Figure 2.3-3 of the study (Exhibit 8). These figures indicate that an Interstate 5 (I-5) corridor north of Bakersfield was considered and rejected in 1996 by the predecessor agency of the Authority. There is no indication in the record of the high speed train project that such a corridor alternative was ever again considered by any governmental entity, including the Authority, after that decision by the Commission, or that the Commission decision to discard an I-5 corridor alternative was ever reconsidered. Also of note is that the 1996 Commission report was not developed in the context of a CEQA or NEPA process. Therefore, the results of that report cannot be said to conform to NEPA requirements or the CEQA Guidelines regarding the rejection of reasonably feasible alternatives that should be included in the Draft EIR/EIS.

High speed train technology, and more specifically high speed train technology as it relates to route design issues, has evolved, changed and advanced since the decision in 1996 to discontinue consideration of a corridor that might include the I-5 alignment north of Bakersfield. For example, there is now a successor technology to TGV systems (that were state-of-the-art in the the late 1990s): AGV, described in a Wikipedia post as follows:

"The **Automotrice à grande vitesse (AGV)** is an Alstom train intended as the successor to France's TGV high-speed trains; the name stands for ***a**utomotrice à **g**rande **v**itesse*, or 'high-speed self-propelled carriage'. Instead of having separate power cars at either end of the train, as current TGVs do, the AGV has distributed traction with motors under the floors of the passenger carriages. This is the arrangement used on many regular-speed multiple unit trains and also high-speed trains such as the Siemens Velaro and Japan's Shinkansen trains, although the AGV combines it with the articulated design that characterizes the TGV family. The Jacobs bogies are now powered, providing more space without compromising security. Alstom offer the AGV in configurations from seven to fourteen carriages, with a total of 250–650 seats, depending on internal layout and number of carriages.[1] The commercial service speed will be 360 km/h (220 mph).[2]According to Alstom, the AGV weighs less than its rivals which reduces its power consumption, and it consumes 30% less energy than previous TGV designs. The prototype was unveiled on 5 February 2008,[1] with French President Nicolas Sarkozy in attendance."

A key feature of AGV is the provision of distributed traction with motors associated with each train unit, bringing the routing flexibility provided by multiple unit trains to route planning for high speed articulated train systems. This indicates that there is substantial evidence that viable route alternatives for high speed trains that include "trunk and branch" configurations, which were not considered in the late 1990s in the California studies, are now fully available for consideration as a result of high speed train technology advances. This is significant new information now, but not previously, available relating to route design alternatives. Thus, a "trunk and branch" approach applied to the project objectives of the high speed train program with a route configuration that includes a corridor along the portion of the Interstate 5 alignment discarded from further consideration in the late 1990s (Exhibit 9 and Exhibit 10), is now, in the words of the CEQA Guidelines, well within the "range of reasonable alternatives for the project, or to the location of the project, which could feasibly attain the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives."

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The Draft EIR/EIS is deficient in not including a route alternative, or alternatives, equivalent to the one described above. Such an alternative, or alternatives, must be included in the Draft EIR/EIS with full analysis with respect to all CEQA and NEPA criteria. This should include a comparative analysis of an "I-5 trunk and Valley-cities branch" route model (utilizing AGV or equivalent technology) with the route alternatives currently under consideration in the Draft EIR/EIS with respect to performance and sustainability in terms of revenue, finances, operations, competitiveness, , energy efficiency and environmental factors.

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City of Madera General Plan
Significant Current Projects – Madera Town Center
Schmidt Creek Flood Control Engineering Plans
Schmidt Creek Jurisdictional Wetlands

The General Plan of the City of Madera designates an area of approximately 200 acres (contiguous to the existing UP freight rail right-of-way immediately east of State Route 99 north and south of Avenue 17) as a focus of major commercial development, including retail, highway service, automotive retail and office uses (Exhibit 11). This location was selected because it combines excellent visibility from Freeway 99 for projects and major signage with direct freeway access from the Avenue 17/Freeway 99 interchange.

The City and private sector have invested hundreds of thousands of dollars in infrastructure engineering and installation to advance the development of this commercial corridor. Those infrastructure investments include sewer trunk line and water main extensions under the freeway, engineering and Federal Emergency Management Agency (FEMA) approval of creek channelization and a flood water impoundment basin to remove approximately 50 acres from current federally-designated flood zones, master planning of a mile-long arterial street and related underground infrastructure for the purpose of adopting a street plan line and securing utility easements, and additional infrastructure planning and engineering related to drainage and municipal and private utilities.

This activity included a multi-year process of entitlement approvals, including certification of an Environmental Impact Report, for a retail shopping center (Madera Town Center – Exhibit 12) as the first project in this commercial corridor, to consist of approximately 75 acres of development encompassing approximately 750,000 square feet of retail construction in phases. The developer of this retail project, Zelman Madera LLC, communicated opposition to the A2 Alignment through a letter to the CHSRA (Exhibit 13) and testimony by Ben Reiling, CEO of Zelman Madera LLC, at an Authority Board meeting in Los Angeles, Also, Mr. Reiling has testified before the Madera City Council that construction of the high speed train project on the A2 Alignment through Madera would so severely impair the retail project's visibility from Freeway 99, including the visibility of key retail signage (including pylon signs) mandated by the project's retail tenants, that his firm would be forced to abandon the project and write-off the project site as unsuitable for commercial development.

Subsequent to this testimony and the Zelman firm's letter to the Authority, the developer suspended all development efforts at this site pending the ultimate outcome of the Authority's alignment selection process. The Zelman entities continue to assert that selection of the A2 Alignment for the high speed train project would render this site, which consists of approximately 100 acres (including planned flood control infrastructure) completely unsuitable for commercial development from its perspective.

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Of note is that although the City of Madera fully informed the Authority of this project and it is listed in the Draft EIR/EIS as a significant current project within Madera, the Draft EIR/EIS provides no analysis or discussion of impacts of the high speed train project on the Madera Town Center project, the project site, or the project's viability. This lack of analysis ignores significant information relating to such impacts, as outlined in these comments, and must be remedied by a full and complete discussion in accordance with CEQA and NEPA criteria of the Madera Town Center project and project site and, as stated above, the related General Plan commercial corridor. Mitigation measures to eliminate impacts and compensatory mitigation measures to the extent impacts are not eliminated, must be identified, including a mitigation monitoring program.

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The Zelman entities and the prior property owner, Horizon Enterprises, have collectively invested hundreds of thousands of dollars in engineering surveys, environmental studies, site planning and infrastructure engineering for the Madera Town Center site, including without limitation, complete infrastructure improvement plans for a 25-acre creek channelization, floodway, and flood water impoundment pond and pumping system to remove approximately 50 acres from an existing FEMA flood zone designation. Detailed engineering plans for these flood work improvements were reviewed and approved by FEMA in 2007.

The high speed train project footprint on the A2 Alignment, as depicted in Draft EIR/EIS, significantly encroaches into the footprint of this flood work project, notably the site of the flood water impoundment pond and pump station. Therefore, construction of the high speed train project on the A2 Alignment at this location would render all of the engineering plans for the subject flood work unuseable, rendering useless engineering plans and environmental studies costing hundreds of thousands of dollars expended over a multi-year period of time.

In addition to its impact on flood work engineering plans developed for the Madera Town Center site and approved by FEMA, the high speed train project on the A2 Alignment directly impacts an existing federally designated flood zone and floodway channel. At a minimum, the high speed train project must fund replacement environmental studies and engineering for the flood work plans identified above and, additionally, directly mitigate any flood zone and floodway related impacts from the high speed train project at this location. Discussion of this flood zone and flood engineering issue must be included in the Draft EIR/EIS, with identification of appropriate mitigation measures and a mitigation monitoring program. With these corrections, the Draft EIR/EIS must be recirculated for comments.

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In addition, the A2 Alignment footprint at this location crosses Schmidt Creek and related wetlands. Schmidt Creek and related wetlands have been determined to be jurisdictional by the United States Army Corps of Engineers (USACE). Specific reference is made to a letter from the Sacramento District Office of the USACE dated January 5, 2009, to the Zelman entities responding to a request by a Zelman consultant for a jurisdictional determination for the Madera Town Center project site (Exhibit 14). This letter confirms the jurisdictional status of Schmidt Creek and related wetlands at this location as follows:

"Based on available information, we concur with the estimate of waters of the United States, as depicted on WRA's July 15, 2008, revised Madera Town Center Section 404 Jurisdictional Areas drawing. Approximately 6.96 -acres of waters of the United States are present within the site boundaries shown on the above drawing. These waters, including a portion of Schmidt Creek and adjacent wetlands "A and B are regulated under Section 404 of the Clean Water Act, since they are tributary, adjacent to tributaries, and /or have a significant nexus to navigable waters of the United States."

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The EIR/EIS must fully analyze impacts to Schmidt Creek and related wetlands and provide specific mitigation measures for all such impacts, including a mitigation monitoring program. Technical Reports in the Draft EIR/EIS relating to wetland delineations must be corrected to include the jurisdictional portions of Schmidt Creek and related jurisdictional wetlands. The Draft EIR/EIR must specify how the Clean Water Act Section 404 permitting process will be complied with for the jurisdictional features associated with Schmidt Creek at this location, including an alternatives analysis for avoidance impacts to wetland resources and/or minimization and mitigation of lost wetlands as a result of the high speed train project on the A2 Alignment.

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Construction of the high speed train project at this location will, in the case of an aerial structure, create a giant "picket fence" effect in relation to visibility of the Madera Town Center and other projects (and related signage) from Freeway 99. Partial mitigation might be accomplished by the ability of the commercial projects in this corridor to construct appropriate pylon signs with tenant identification on land between the existing UP freight rail right-of-way and the required right-of-way for the high speed train aerial structure.

To further elaborate, the commercial corridor in question extends for approximately one mile along the freeway contiguous to the existing UP freight rail right-of-way. A local road named Sharon Boulevard, within an approximately sixty foot wide right-of-way, extends immediately north and south of the one mile long commercial corridor frontage, but does not exist within that frontage. Thus, the "footprint" of the A2 Alignment as currently depicted in the Draft EIR/EIS excludes the right-of-way of Sharon Boulevard, but along the frontage of the commercial corridor, where Sharon Boulevard does not exist, the A2 Alignment footprint extends entirely to the UP right-of-way (becoming sixty feet wider than the A2 Alignment footprint to the north and south of the commercial corridor). In other words, within the frontage of the commercial corridor in question, the "footprint" for the high speed train project on the A2 Alignment is sixty feet wider than is required to construct the project, as indicated by the narrower high speed train project footprint that avoids the local road to the north and south of the commercial corridor.

The above circumstance creates a linear area of land approximately sixty feet wide immediately between the existing UP freight rail right-of-way and the required footprint of an aerial structure on the A2 Alignment (Exhibit 15). The City of Madera has indicated to property owners within this corridor, and in written comments to the Authority on the Draft EIR/EIS, that it supports a mitigation measure to alleviate the loss of freeway visibility to the commercial corridor whereby this linear area of land would be available for the installation of appropriate pylon signage related to development within the commercial corridor, with City of Madera review and approval authority over the design and installation of such signage.

Implementation of this "signage mitigation" could be accomplished by simply excluding this linear property area from the footprint of the high speed train project, with the City regulating the installation of signage on private property. Alternatively, a mitigation measure could involve conveyance of the linear property area to the City of Madera for this signage use, either from the current private owners or by the Authority following acquisition of the footprint area.
The EIR/EIS must include a mitigation measure, in accordance with the foregoing, to mitigate the impact of the high speed train project, if constructed on the A2 Alignment, from reducing and impairing existing site visibility from Freeway 99 in order to protect the land use viability of the commercial corridor designated at this location in the City of Madera General Plan.

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737-5 Implementation of this mitigation measure will only in part reduce the negative impact of the high speed train project on the freeway visibility currently available to properties within this corridor. Failure to adopt and implement, at a minimum, the mitigation measure described herein would render the entire 200-acre commercial corridor non-viable for the land uses intended in the City of Madera General Plan. To maintain the balance of land uses achieved in its current General Plan, the City of Madera would need to undertake a plan amendment process to identify and designate alternative locations for this type of development, if such locations are even available. In addition, a plan amendment process to study and re-designate the properties within the currently-designated commercial corridor to a viable land use designation, possibly including residential uses, would be required. Since these land use planning activities are a foreseeable result of the high speed train project on the A2 Alignment, the Draft EIR/EIS should, itself, include this analysis and environmental review to relieve the City of Madera and the community of the financial burden and delay inherent in such a process.

737-2 This analysis in the Draft EIR/EIS must include the community and regional planning and environmental justice issues raised by the "hollowing out" of this area of Madera that is foreseeable from negative, unmitigated impacts relating to noise, aesthetics and blight from the high speed train project on the A2 Alignment. Designation of this 200-acre commercial corridor in the Madera General Plan was, in part, a response to the longstanding condition of this area as having been by-passed by earlier residential development due to its proximity to the freeway and freight railroad.

The planned freeway-oriented commercial corridor is bordered by existing, longstanding residential development but has, nevertheless, remained undeveloped. The City of Madera General Plan recognized the unique attributes of this location (i.e. proximity and access to and visibility from the freeway) as the basis for programming quality commercial development in an infill area that had been bypassed. However, by impairing these qualities and introducing increased and additional negative impacts, the high speed train project will, foreseeably, relegate this entire 200-acre area to remaining bypassed. This would have a significant detrimental impact on Madera's General Plan objectives of compact development, transit connectivity, land use diversity and economic sustainability.

Construction of the high speed train project on the A2 Alignment is also inconsistent with the Circulation Element of the City of Madera General Plan (Exhibit 16), specifically the alignment of a planned arterial street designed to connect Avenue 17 south to Ellis Avenue and provide improved access to an area exceeding 100 acres. As evidenced in comments by the City of Madera to the Draft EIR/EIS, the City has expended approximately $300,000 in engineering costs pursuing the adoption and implementation of an official plan line for this arterial, and thousands of dollars more have been spent by private sector entities for engineering for underground utilities intended to be co-located in the arterial right-of-way. The Draft EIR/EIS must provide a mitigation measure to fully fund re-engineering of the road right-of-way and utility easements.

737-6 In addition, the footprint of the high speed train project on the A2 Alignment indicates that existing access to property immediately north of Sharon Avenue, currently provided by Sharon Avenue at its terminus, will be terminated. Therefore, the Draft EIR/EIS must provide a mitigation measure to restore access to the property immediately north of Sharon Avenue at its current terminus through a minor re-routing of Sharon Avenue (Exhibit 17), with all costs for implementation of this new connector, including right-of-way, engineering and construction, to be provided by the high speed train project through implementation of the mitigation measure.

737-7 **Station Design and Planning**

No provision for rental car facilities, including rental car maintenance facilities, at the high speed train station in Fresno is included in the Draft EIR/EIS. This deficiency in the Draft EIR/EIS must be corrected, including a description of the foreseeably required rental car facilities, including rental car maintenance facilities, and an analysis under CEQA and NEPA criteria of all impacts resulting from such facilities, including the identification of mitigation measures and a mitigation monitoring program.

Of note is that the City of Fresno recently completed a master plan for the Fresno-Yosemite International Airport (FAT) Consolidated Rental Car Facility which included eleven acres for eight car rental agencies. The new facility is designed to provide opening day parking for 800 rental cars, with expansion capabilities for another 400 vehicles. The design provides a high level of customer service due to its close proximity to the baggage claim area and retail counters within the terminal and by the fact that all pedestrian walkways and vehicle spaces are covered, protecting both customers and cars from summer heat.

737-8 **Economic Impacts**

Under the subheading "Economic Impacts" of Section 3.12.3.1 of the California HIgh-Speed Train Project EIR/EIS (Draft) Merced to Fresno Section, the document describes the analysis that purportedly quantifies the economic impact on communities relating to reduced public agency revenue from property and sales tax receipts. This analysis, however, is confined to the direct effects on revenue streams from property acquisition for the project, and thus fails to quantify and evaluate revenue losses from impacts of the project on the economic viability of properties adjacent to and proximate to the project. Thus, for example, in the communities of Madera and Chowchilla, the A2 Alignment adjoining the existing UP freight rail right-of-way has reasonably foreseeable impacts on the economic viability of existing and planned commercial development provided for in the general plans of those communities. In both of those cities, land use policies in their general plans provide for specifically-located areas adjoining the Freeway 99 corridor that have site and signage visibility from the freeway to be developed with various intensities of commercial and light industrial development. Development of the high-speed train project on the A2 Alignment, without appropriate mitigation, would deny these locations adequate freeway visibility and thereby negatively impact their economic viability for existing and future commercial development. This, in turn, denies Madera and Chowchilla the opportunity to attract commercial development, with its related product and service offerings, that require the particular level and quality of freeway visibility and access that these properties and locations currently provide. This, in turn, disrupts the land use and economic balance achieved in these general plan documents and policies. The Draft EIR/EIS is deficient in not including an analysis of the economic impact of significantly impairing the commercial development viability of these areas. In addition, the economic impacts on existing local agency revenues from reduced sales and property taxes from existing commercial enterprises negatively impacted by the visual blight of an elevated structure on the A2 Alignment must be quantified and analyzed, including mitigation measures, in the Draft EIR/EIS.

Submission 737 (Steven Weil, October 13, 2011) - Continued

737-8

Environmental Justice

The lack of an at-grade alternative for the A2 Alignment through the communities of Madera and Chowchilla in the Draft EIR/EIS raises serious environmental justice issues with respect to whether those communities, and in fact the entirety of Madera County, have had adequate time and resources for timely and effective input to the Authority on alternatives with respect the Draft EIR/EIS process. More specifically, for many months aerial structures were the only alternatives under consideration through the City of Fresno for the high speed train project on both the A1 and A2 Alignments. City of Fresno staff reports to the Fresno City Council indicate that the City of Fresno retained a private engineering firm to work with the CHSRA and its consultants to develop an alternative to aerial structures through the City of Fresno. Thereafter, the Authority decided to discontinue any consideration of aerial structures in Fresno and focus on a single alignment with an at-grade and trenched design.

Similarly, the City of Gilroy has retained a private consultant to assist it in evaluating the alternatives of trenched, at-grade and elevated designs on two separate alignments (Exhibit 18). In addition, Gilroy has more time to conduct this analysis than communities in Madera County due to the schedules of the high speed train environmental documents.

In contrast to the larger or more affluent communities of Fresno and Gilroy, the cities of Madera and Chowchilla have had neither the time nor resources to conduct such independent studies useful in communicating with the Authority and its consultants to accomplish community objectives. In discarding consideration of aerial structures through Fresno, the Authority described this change as having resulted from a cost-driven analysis of aerial structures. Clearly the same cost issues apply in equal measure to the virtually identical aerial structure designs through Madera and Chowchilla. Nevertheless, unlike for Fresno, the Authority did not conduct any reexamination of the use of aerial structures through any part of Madera County, and in fact the only alternative under consideration in the Draft EIR/EIS for the A2 Alignment through the City of Madera is an aerial structure design.

These potential disparities are of all the more concern in the context of the fact that for the most physically constrained areas of both the cities of Fresno and Madera, their historic downtowns, the pattern of urban development, including the urban street grid established at the turn of the century by the railroad, is virtually the same. Thus, downtown Fresno and downtown Madera have virtually identical physical constraints with respect to the location, design and cost of grade-separation structures, either overpasses or underpasses, to accommodate an at-grade high-speed train alignment. Nevertheless, after months of having focused exclusively on aerial structures through both cities, the Authority, in a very short period of time purportedly for cost-efficiency purposes, completely discontinued analysis of an aerial design through Fresno in favor of an at-grade and trenched design, whereas for an equally cost-challenged segment of aerial structures through Madera, no consideration of an at-grade alternative has been forthcoming.

Clearly, for many reasons including environmental justice requirements, the Draft EIR/EIS must include an at-grade and/or trenched alternative for the A2 Alignment through the City of Madera and City of Chowchilla just as it has for the City of Fresno.

737-9

Project Scope, Description and Objectives: Independent Utility and Test Facility

In numerous public statements, reports to the Authority Board and applications and filings with federal agencies, the CHSRA have stated that the Initial Construction Section (ICS) (Exhibit 19) of the high speed train project, a portion of which is within the Merced-Fresno project segment analyzed in the Draft EIR/EIS, will include provisions for "independent utility" and will be utilized as a "test facility". Those intended project capabilities were outlined in a July 2011 briefing to the Authority Board (Agenda Item #7) in a briefing memo from the Authority staff, dated July 14, 2011, and titled "Initial Operating Segment (Overview of the Concepts)" (Exhibit 20), which included, among others, the following statement:

"As required by the federal grants the ICS will also have the possibility to offer "independent utility". That is, it will be available to provide enhanced intercity high-speed passenger rail service if for any reason the ultimate full Real High-Speed system is not built out fully."

Preparation of the Merced-Fresno EIR/EIS was fully underway when this staff briefing to the Board was presented, clearly indicating that the scope and description of the project to be analyzed under CEQA and NEPA would include independent utility, meaning "enhanced inter-city high-speed passenger rail service" even in the absence of the rail service ultimately to be provided upon further implementation of the statewide high speed train project.

It is clear from this briefing document and many other public statements and filings by the Authority (Exhibit 21) that actual high speed train service will not occur until the ICS is connected to either (or both) of the major metropolitan high-speed train passenger markets i.e. the Bay Area or Los Angeles area. In addition, as also confirmed in public statements by the Authority, the only existing inter-city passenger rail service that could realistically immediately operate on the ICS within the project included in the Merced-Fresno and Fresno-Bakersfield segments is Amtrak service.

Reliance on Amtrak service on the Merced-Fresno section of high speed train project as the means of fulfilling "independent utility" is clearly indicated in the following statement by the Authority, in its application to the federal government for funding under the ARRA program: "Independent utility is provided by constructing approximately 50 miles of new high-speed double-track railroad between Merced and Fresno allowing connection into conventional rail passenger services at each end." (CA-MERCED/FRESNOHST-DESIGN/BUILD, 10/01/2009, High-Speed Intercity Passenger Rail (HSIPR) Program, Corridor Service Overview form for Track 2-Corridor Programs, Federal Railroad Administration (FRA))

However, the Draft EIR/EIS includes no description, discussion or analysis (including no discussion of environmental impacts or mitigation measures) as to how this project will accommodate the requirement for independent utility. The Draft EIR/EIS must include this information, including a complete analysis of environmental impacts of all alternatives for independent utility utilization of the project, including Amtrak use of the project. This analysis must include a complete analysis consistent with all CEQA and NEPA criteria, including discussion of impacts, mitigation measures and mitigation monitoring programs. These would include, without limitation, impacts related to air quality, noise and vibration and public safety (including seismic and other structural design issues) arising from the need to accommodate the operation of Amtrak trains on the project.

The Draft EIR/EIS must also describe and analyze in detail how Amtrak service will access the A2 Alignment in the event that alignment is not fully completed in a single phase to connect to

Submission 737 (Steven Weil, October 13, 2011) - Continued

737-9

existing Amtrak facilities. For example, if the ICS is constructed on the A2 Alignment up to approximately Borden in Madera County, which has been discussed publicly by Authority as a possible scenario, the Draft EIR/EIS must describe and analyze in detail, including full discussion of mitigation measures and a mitigation monitoring program, how a passenger rail connection from the A2 Alignment at Borden back to current Amtrak facilities utilizing the BNSF rail system would be implemented. Similarly, if, as has also been referenced in at least one Authority Board meeting, a reasonably foreseeable scenario is that construction of this segment may end, on an interim basis, at the "Wye" near Chowchilla, reconnection to the BNSF tracks must be fully described and analyzed, including a full discussion of the impacts of having Amtrak bypass the existing station east of Madera, which is the only Amtrak station serving Madera County.

The July 14, 2011, staff briefing to the Authority Board also addressed utilization of the ICS as a "test facility", as follows:

"A high speed rail system is complex and involves multiple elements that must be fully integrated under various operating scenarios before being placed into revenue service. This can only be done on a dedicated track that is capable of replicating the actual operating scenarios at the actual operating speeds. It should be remembered that all the core technology for Real high-speed rail systems (rolling stock, signalization, electrification, track, turn-outs, switch-machines, etc.) are not available in the USA, and would have to be transferred to the USA based on "Technology transfer agreements" so that manufacturing in the USA will take place to meet the "Buy-America" requirements. All these sub-systems, and the system as a whole, need to be tested at full capacity and at design speeds, before safe operation can be started. A test facility is required to make this possible. Currently there is no such test track in the U.S."

Later, the briefing report states:

"The test track will be used to verify the integration of the various high speed components, to train the operators and the maintainers, etc. to ensure that the completed system is safe, reliable with properly trained and fully competent staff to enter revenue service."

The briefing report goes on to restate and confirm that the "ICS/Test track" will not accommodate actual high-speed passenger train service (i.e. revenue-generating service) until completion of an extension "to connect the Central Valley first to either the Bay Area or to the L.A. Basin."

These statements in the staff briefing raise a large number of issues that are not addressed in the Draft EIR/EIS, but which the document must address. Most obvious is the fact that use of the project as a test track, and indeed the only test track in the United States, is not described or analyzed in any level of detail consistent with the requirements of CEQA or NEPA anywhere in the Draft EIR/EIS, a defect that must be corrected. Trains on test tracks in Europe have reached speeds that exceed the highest train speeds analyzed in the Draft EIR/EIS. For example, a high speed train speed of 574.8 km/h (357.16 miles per hour) on a 170-kilometer (105.63 miles) section of track between the Champagne-Ardenne and Lorraine stations was achieved in April, 2007.

It is not clear that the infrastructure, equipment and operational assumptions contained in the Draft EIR/EIS fully describe all elements to be "tested" Significant public safety and environmental issues raised by potential use of the project to "verify the integration of the

737-9

various high speed components, to train the operators and the maintainers, etc. to ensure that the completed system is safe, reliable with properly trained and fully competent staff to enter revenue service" are not, but must be, addressed in the EIR/EIS.

In addition, the statement in the staff briefing that testing a high speed rail system "can only be done on a dedicated track that is capable of replicating actual operating scenarios at the actual operating speeds" appears to conflict operationally with use of the project to accomplish "independent utility" through the operation of Amtrak or other actual passenger rail service on the project. In other words, based on the staff briefing, the project objectives of serving as a "test track" and serving as a passenger rail system with "independent utility" appear to be in direct conflict, both in terms of infrastructure and operations. This must be fully addressed in the Draft EIR/EIS.

Finally, the EIR/EIS must include a full discussion of the criteria to be utilized in authorizing use of the test track. Will equipment not made in the United States be permitted to be tested on the project, and under what protocol regarding safety, maintenance, energy consumption, liability and worker protections? If Buy-America requirements apply to all equipment to be ultimately used for high speed train passenger service, what would be the purpose of testing trains not manufactured or assembled in the United States on the project?

Similarly, if Buy-America requirements are to be strictly adhered to, and given that facilities to produce high speed train equipment do not presently exist in the United States, what period of time would elapse until the project can be used as a test track, and what revenue source will be available to insure maintenance of the project during that time period? For that matter, what are the revenue or other fiscal assumptions relating to maintenance of the project during the entire period before actual high speed passenger rail service beings, and how do those fiscal assumptions relate to the viability of implementing and sustaining mitigation measures and maintenance of the project infrastructure to avoid public safety and blight issues?

The Draft EIR/EIS is deficient with respect to addressing the issues identified above and must include a complete, comprehensive and detailed description, discussion and analysis of them, including mitigation measures and mitigation monitoring programs, all in accordance with CEQA and NEPA criteria.

737-10

Noise and Vibration

Pursuant to the discussion above under “City of Madera General Plan and Significant Current Projects”, negative impacts from the high speed train project on the economic and developmental viability of the 200-acre freeway commercial corridor currently designated in the City of Madera General Plan (on the east side of Freeway 99 north and south of Avenue 17) may require redesignation of land uses within the commercial corridor, including the introduction of residential and other noise-sensitive land uses at that location. Therefore, in connection with the need for the Draft EIR/EIS to be corrected to provide a complete analysis of such foreseeable land use policy changes, the noise and vibration analysis in the Draft EIR/EIS must include an analysis of impacts and mitigation measures relating to sensitive-receptor land uses that may occur at this location. Specifically, Figure 3.4-11 on Page 3.4-35 of the Draft EIR/EIS must be modified to identify this location within the Madera General Plan as a “Severe Noise Impact Location”.

The cumulative noise and vibration impacts from projected growth in freight rail traffic in combination with the initiation and growth of high speed train operations on the A2 Alignment

Submission 737 (Steven Weil, October 13, 2011) - Continued

737-10 through Madera are not adequately quantified or analyzed. Specifically, the noise and vibration impacts resulting from a future "double-tracking" of the UP freight tracks is not sufficiently addressed in the Draft EIR/EIS. In addition, the amplification of freight rail noise as it interacts with an aerial structure on the A2 Alignment requires detailed analysis, including identification of mitigation measures, which is not currently provided. The Draft EIR/EIS must be corrected to correct these deficiencies and recirculated for additional comment.

The Draft EIR/EIS states that: "The noise analysis used source reference levels for the VHS Electric vehicle type listed in Table 5-2 of the FRA Guidance Manual (FRA 2005). These adjustments assumed that trainsets would be distributed-power EMU vehicles with 8 cars and a maximum speed of 220 mph." These modeling assumptions are insufficiently expansive to include all reasonably foreseeable operational and technological scenarios. Notably, these assumptions are based on criteria established before 2005 and therefore do not fully account for newer high speed train technology currently being deployed. Also, the assumption of an 8-car trainset does not fully account for the operational capacity of the high speed train system at full utilization.

737-11 **Electromagnetic Fields and Electromagnetic Interference**

The specific locations of traction power substations, switching and paralleling stations and back-up and emergency power supply sources for the high speed train system were not identified in the Draft EIR/EIS. As a result, the various factors evaluated in the Draft EIR/EIS relating to electromagnetic fields and electromagnetic interference, including potential impacts on public health and on adjacent land uses and interference with freight rail operations were not evaluated with respect to these facilities. This deficiency must be corrected in the Draft EIR/EIS, including the identification of mitigation measures and a mitigation monitoring program, and the corrected document recirculated.

737-12 **High Pressure Natural Gas Pipelines and Public Safety**

The locations of existing high pressure natural gas pipelines and their relationship to the construction and operation of the high speed train system is inadequately addressed in the Draft EIR/EIS. Specifically, the Draft EIR/EIS identifies these locations only generally. In fact, significant high pressure natural gas lines are located within and proximate to the footprint of the high speed train project on the A2 Alignment that are not identified or discussed in the Draft EIR/EIS (Exhibit 22). This deficiency must be corrected in the document.

In addition, the impacts on public safety of constructing and operating the high speed train system on the A2 Alignment adjacent to a significant regional, but shallow, PG&E high pressure natural gas transmission line and a freight rail line must be fully evaluated. This should include evaluation of the multiple safety challenges of a freight train derailment and/or rail tanker fire (Exhibit 23 and Exhibit 24) adjacent to or within the high speed train right-of-way and the high pressure natural gas transmission line easement.

The Draft EIR/EIS must also include discussion of emergency contingency planning, training and coordination with local first-responders, including mitigation measures for funding such activities. Additionally, the impacts from an interruption in the operation of the high speed train system due to an accident or sabotage, including issues relating to evacuation of the area of the emergency event (including that portion of the high speed train system impacted by the emergency event), must be included in the Draft EIR/EIS. The corrected document must be recirculated for additional comments.

Preferred Alignments and Stations - North

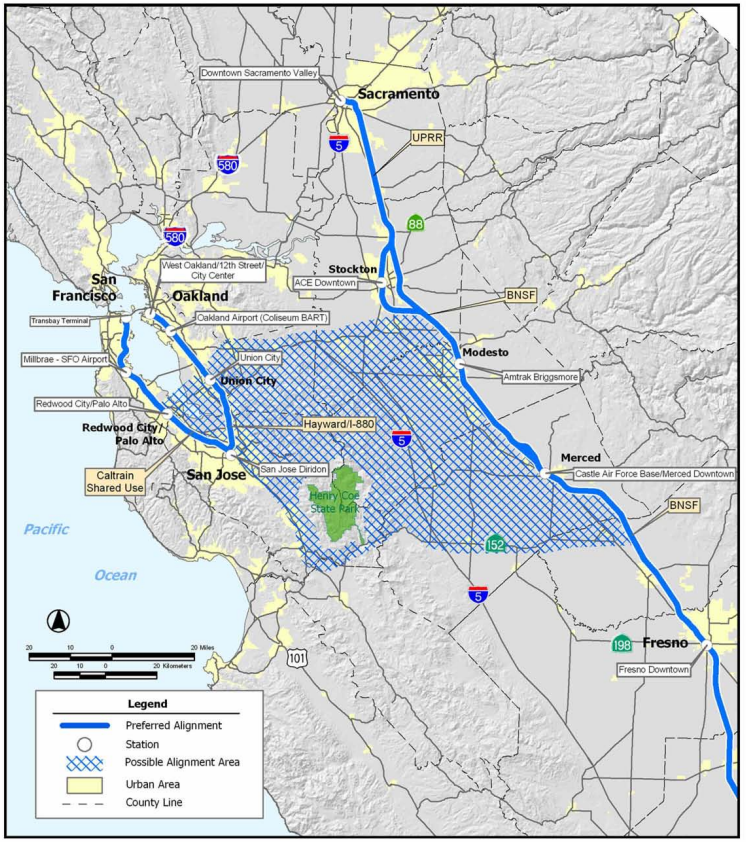


EXHIBIT 1

Submission 737 (Steven Weil, October 13, 2011) - Continued

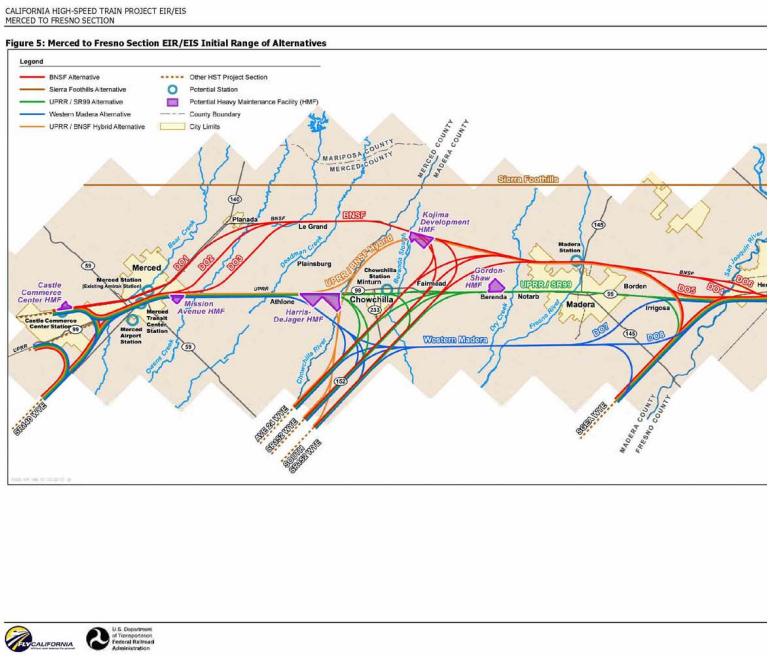
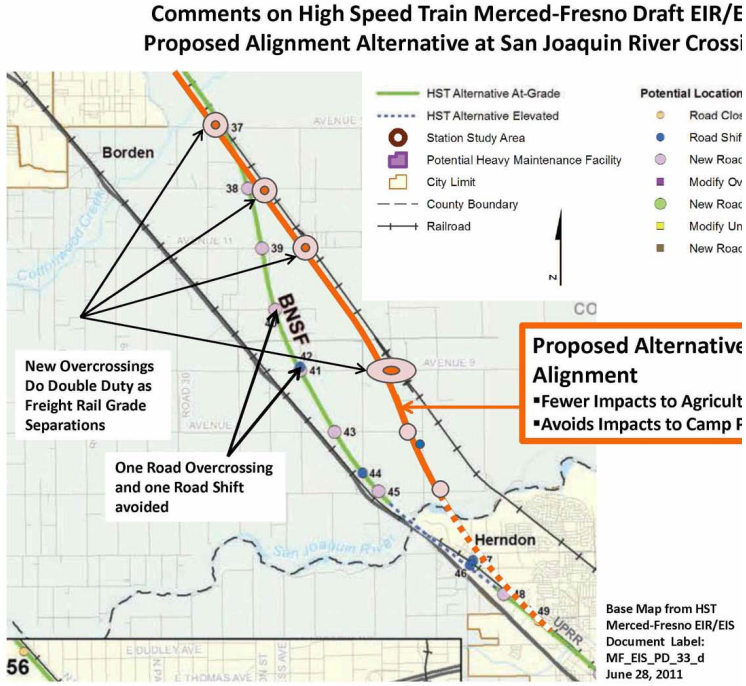


EXHIBIT 2



Submission 737 (Steven Weil, October 13, 2011) - Continued

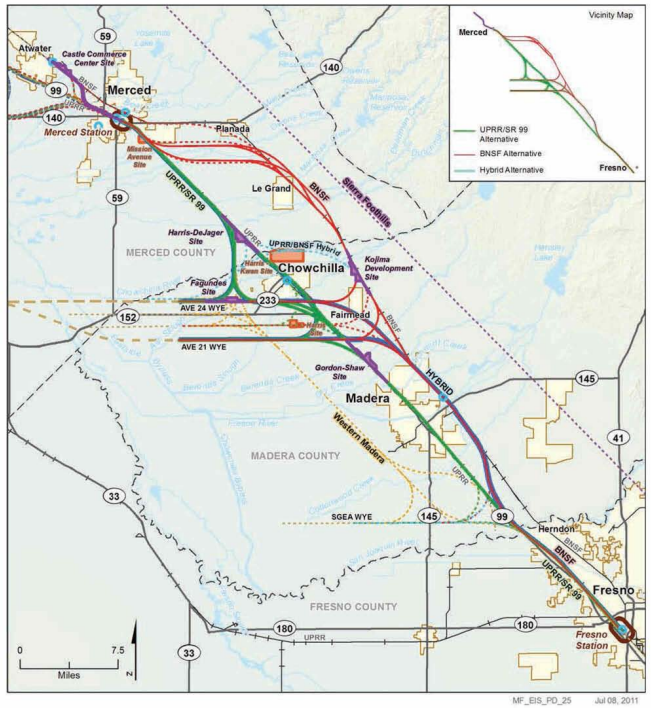


Figure 2-19
Potential Alternatives Considered During Screening

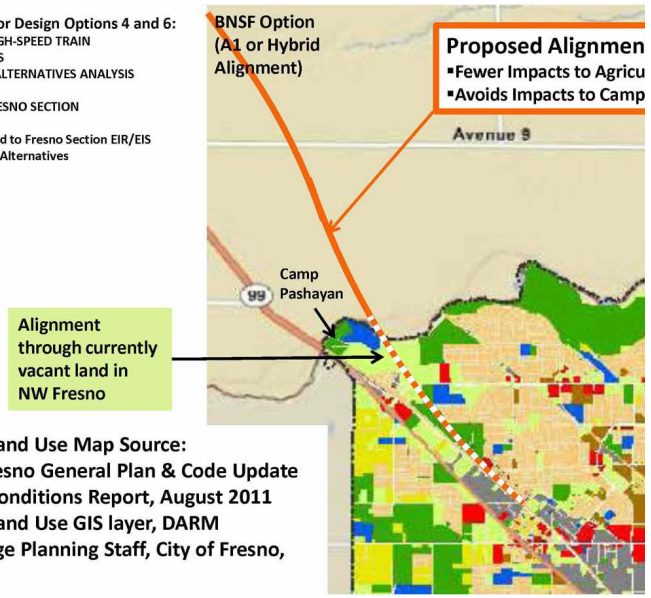
CALIFORNIA High-Speed Rail Authority
U.S. Department of Transportation Federal Railroad Administration

EXHIBIT 4

EXHIBIT 5

BNSF Alternative (A1 or Hybrid Alignment)
Approx. Location of HST Design Options 4 & 6* Overlayed on Fresno Existing Land

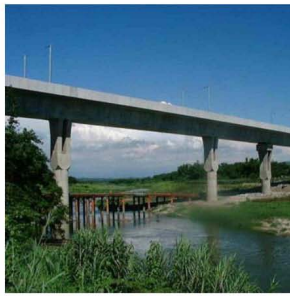
*Reference for Design Options 4 and 6:
CALIFORNIA HIGH-SPEED TRAIN
PROJECT EIR/EIS
PRELIMINARY ALTERNATIVES ANALYSIS
REPORT
MERCED TO FRESNO SECTION
Page 12
Figure 5: Merced to Fresno Section EIR/EIS
Initial Range of Alternatives



Existing Land Use Map Source:
City of Fresno General Plan & Code Update
Existing Conditions Report, August 2011
Existing Land Use GIS layer, DARM
Long Range Planning Staff, City of Fresno, 2010

Submission 737 (Steven Weil, October 13, 2011) - Continued

EXHIBIT 6



Example of a bridge over existing water features.

**CALIFORNIA HIGH-SPEED TRAIN PROJECT EIR/EIS
PRELIMINARY ALTERNATIVES ANALYSIS REPORT
MERCED TO FRESNO SECTION
Page 29
Figure 24b: Alternative A2 – UPRR/SR 99, Madera and Fresno Vicinities**

Figure 2.3-2: Initial Phase Corridors (Commission Studies, 1996)

EXHIBIT 7

Submission 737 (Steven Weil, October 13, 2011) - Continued

Figure 2.3-3: Corridors for Continued Consideration (Commission Studies, 1996)

EXHIBIT 8

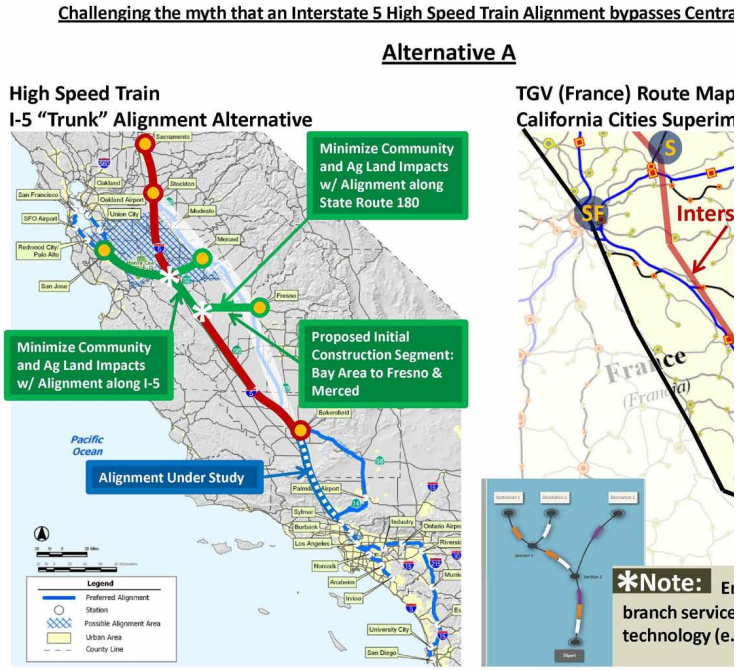


EXHIBIT 9

Submission 737 (Steven Weil, October 13, 2011) - Continued

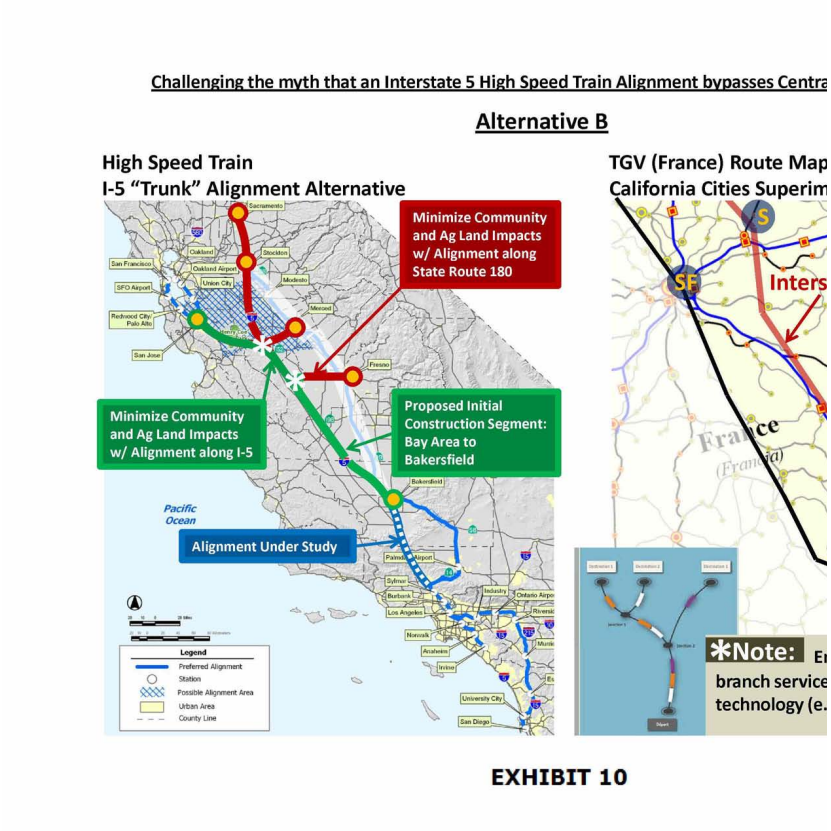


EXHIBIT 10

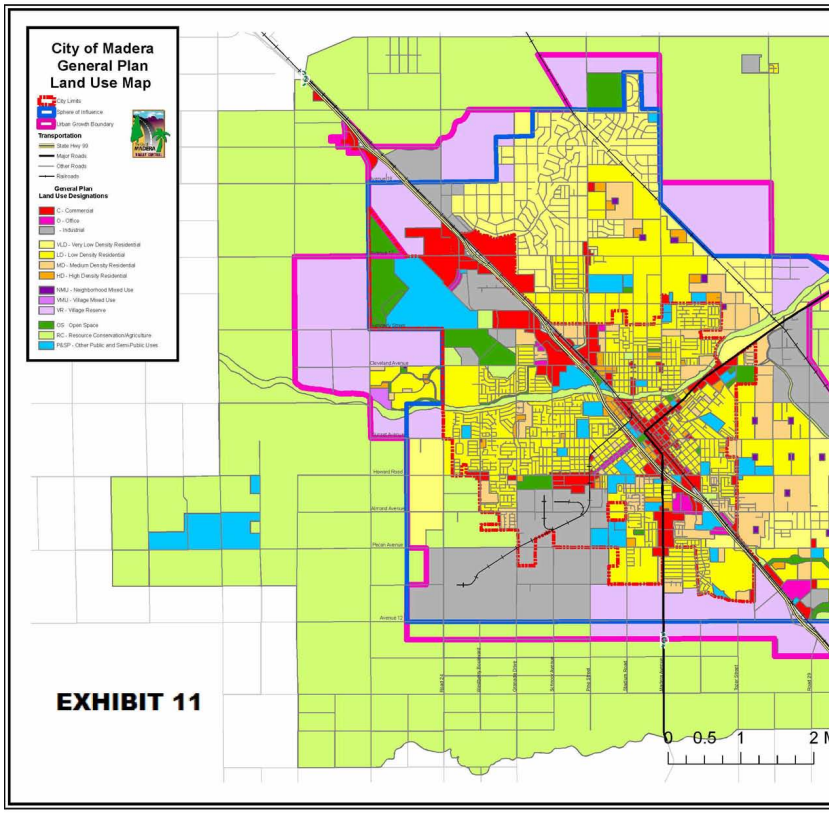


EXHIBIT 11

Submission 737 (Steven Weil, October 13, 2011) - Continued

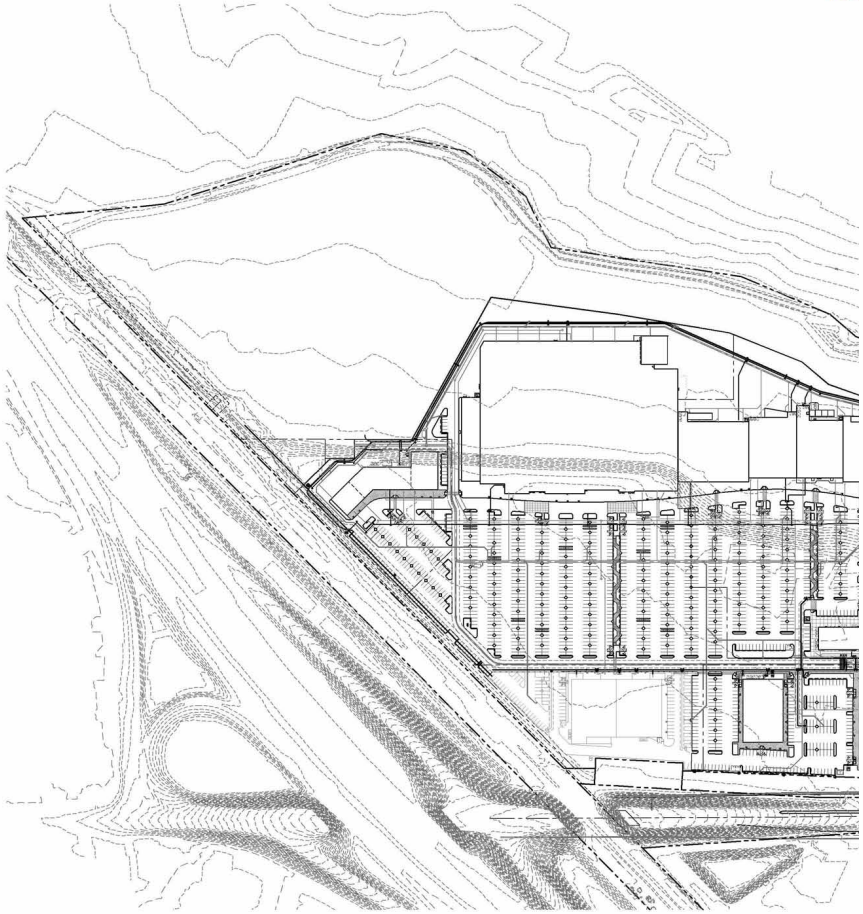


EXHIBIT 13

THE ZELMAN COMPANIES

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

May 4, 2010

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

RE: Madera County

Dear Chairman Pringle,

We are writing to express our concerns about the proposed A-2 alignment for the High Speed Rail (HSR) through Madera County.

Zelman Madera, LLC, acquired an approximately 100 acre site in the northeast quadrant of SR99 and Avenue 17 in July 2007. Zelman entitled this site for an 800,000 square foot shopping center and the site was annexed into the City of Madera. If the A-2 alignment is selected it will destroy Madera Town Center, our proposed shopping center.

Some of the key facts about Madera Town Center are summarized below:

- Over $100M total investment in retail power center planned.
- $2.3M in annual sales tax revenues, once fully operational, and substantial property tax generator.
- In excess of 1,000 full and part time jobs will be created upon project completion.
- $3M EDA grant awarded for off site infrastructure construction, which Zelman is planning to match with $3M for a total investment of $6M.

We are hopeful that the HSR Commission will recognize the significant detrimental impacts that the A-2 alignment will have not only on our proposed project, Madera Town Center, but the entire community of Madera as well.

Thank you and please contact me with any questions.

Sincerely

ZELMAN MADERA, LLC

Ben Reiling
CEO

ZELMAN DEVELOPMENT CO. A CALIFORNIA CORPORATION
ZELMAN INDUSTRIAL PARTNERS, INC. A CALIFORNIA CORPORATION
ZELMAN RETAIL PARTNERS, INC. A CALIFORNIA CORPORATION

Submission 737 (Steven Weil, October 13, 2011) - Continued

U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO ATTENTION OF

January 5, 2009

Regulatory Division (SPK-200701923)

Ms. Tracey Brownfield
Zelman Madera, LLC.
Zelman Development Company
515 South Figueroa Street, Suite 1230
Los Angeles, California 90071-3329

Dear Ms. Brownfield:

We are responding to your consultant's request, on your behalf, for an approved jurisdictional determination for the Madera Town Center Project site. This approximately 98.6-acre site is located in Section 3, Township 11 South, Range 17 East, MDBM, Latitude 36° 59' 55.0118" North, Longitude 120° 5' 49.5507" West, in Madera, Madera County, California.

Based on available information, we concur with the estimate of waters of the United States, as depicted on WRA's July 15, 2008, revised *Madera Town Center Section 404 Jurisdictional Areas* drawing. Approximately 6.96-acres of waters of the United States are present within the site boundaries shown on the above drawing. These waters, including a portion of Schmidt Creek and adjacent wetlands "A and B", are regulated under Section 404 of the Clean Water Act, since they are tributary, adjacent to tributaries, and/or have a significant nexus to navigable waters of the United States.

Additionally, the approximately 0.19-acres of aquatic features identified as "Isolated Wetlands C and D" on the above drawing are intrastate isolated waters with no apparent interstate or foreign commerce connection. The approximately 0.93-acres of aquatic features identified as "Waste Water Treatment Ponds 1 and 2" appear to have been constructed entirely in uplands to meet Clean Water requirements and have not been abandoned. As such, these waters are not currently regulated by the Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. Other Federal, State, and local laws may apply to your activities. In particular, you may need authorization from the California State Water Resources Control Board and/or the U.S. Fish and Wildlife Service.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.

A Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form is enclosed. If you request to appeal this determination you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army

Exhibit 14
(Page 1 of 2)

Corps of Engineers, South Pacific Division, CESPD-PDS-O, 1455 Market Street, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 60 days from the date of this letter. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

We appreciate your feedback. At your earliest convenience, please complete our customer survey at *http://www.spk.usace.army.mil/customer_survey.html*. Your passcode is "conigliaro".

Please refer to identification number SPK-200701923 in any correspondence concerning this project. If you have any questions, please contact Mr. Mike Finan at our Regulatory Division, email *michael.c.finan@usace.army.mil*, or telephone 916 557 5324. You may also use our website: *www.spk.usace.army.mil/regulatory.html*.

Sincerely,

ORIGINAL SIGNED

Kathleen Dadey, PhD
Chief, California South Branch

Enclosures

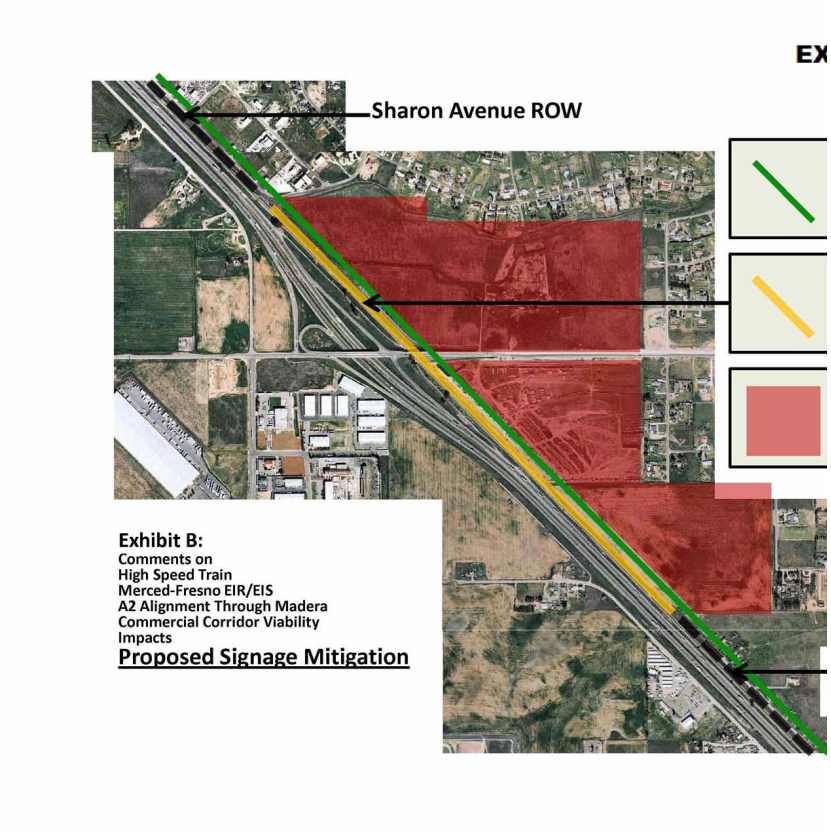
Copy Furnished without enclosures:

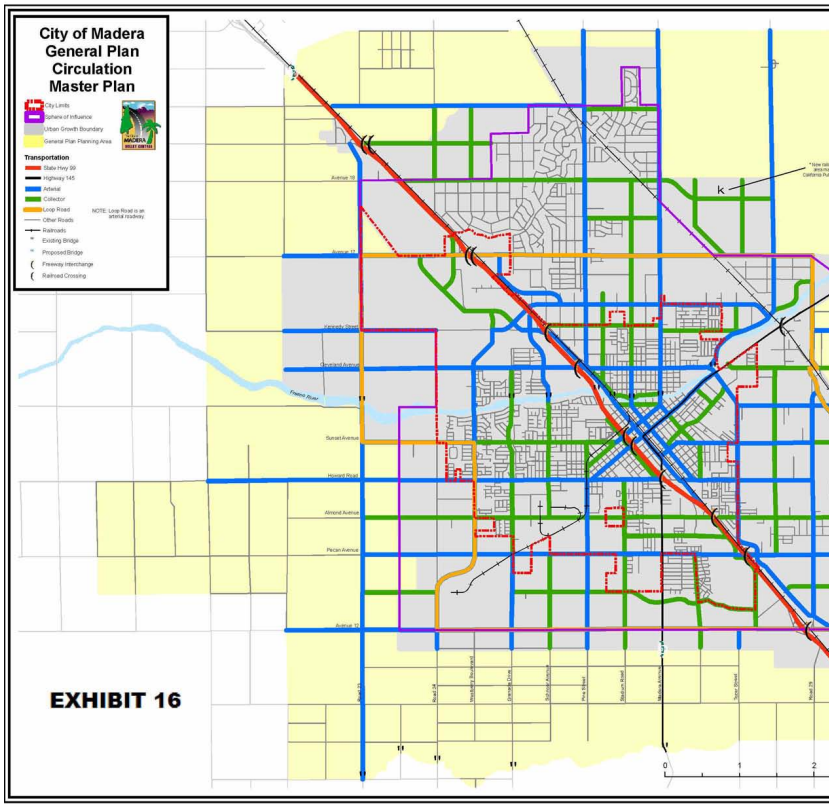
Mr. Tim Degraff, WRA Environmental Consultants, 2169-G East Francisco Boulevard, San Rafael, California 94901
Mr. Dale Harvey, Central Valley Regional Water Quality Control Board, 1685 E Street, Fresno, California 93706
Mr. Ken Sanchez, U.S. Fish and Wildlife Service, Endangered Species Division, 2800 Cottage Way, W-2605, Sacramento, California 95825
Mr. Rob Leidy, U.S. Environmental Protection Agency, Region IX, Wetlands Regulatory Office, (WTR-8), 75 Hawthorne Street, San Francisco, California 94105

FINAN/dd
DADEY

Exhibit 14
(Page 2 of 2)

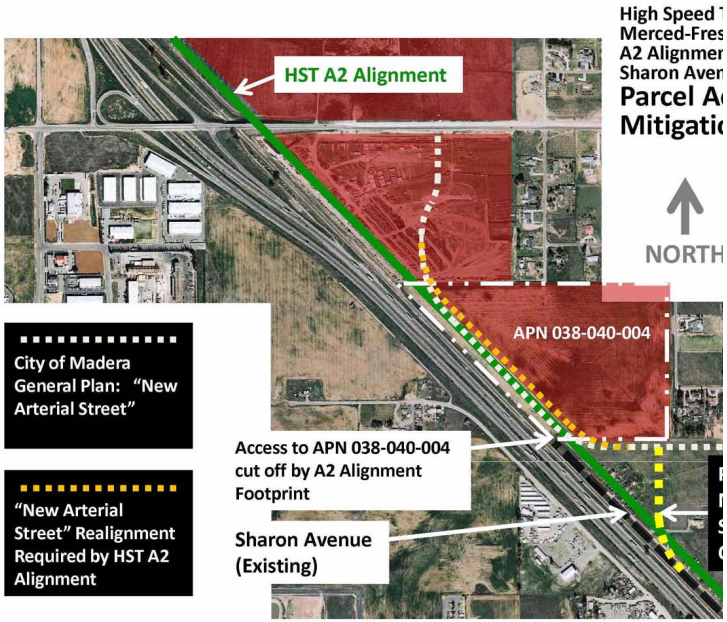
Submission 737 (Steven Weil, October 13, 2011) - Continued





Submission 737 (Steven Weil, October 13, 2011) - Continued

EXHIBIT 17



Gilroy Plans Launch of HSR Study

Mar 14th, 2011

The City of Gilroy is about to launch its HSR study, which will examine vertical alignment options as well as where a station should go. If you've been following along, you'd know that there are two proposals on the table: a downtown station along the existing tracks, at or very near the Caltrain station; and a greenfield station in east Gilroy. Here's what the Gilroy Dispatch had to say about the study:

A study of two proposed locations for a high-speed rail station in Gilroy will address concerns of traffic circulation, parking, land use, economic impacts and other factors, a city official said during a South County Joint Planning Advisory Committee meeting Thursday night in Morgan Hill.

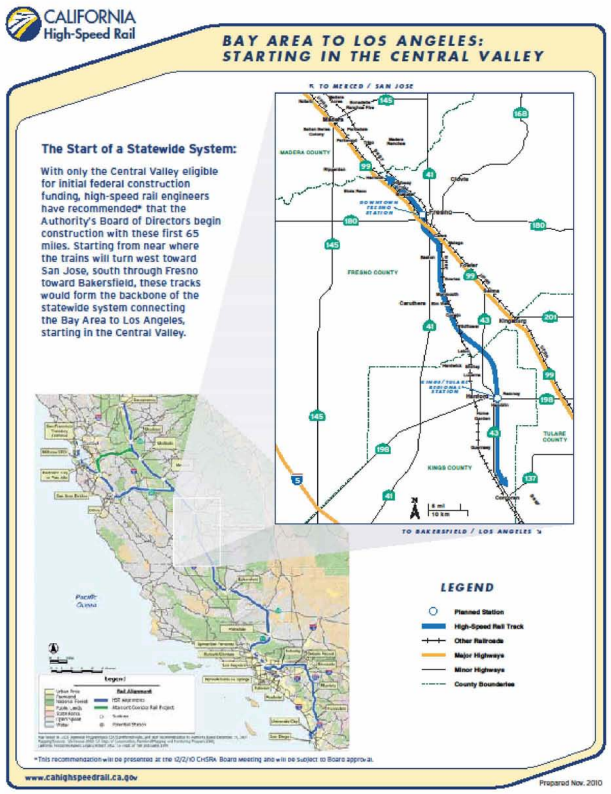
David Bischoff, Gilroy director of planning and environmental services, told the committee the study would also focus on the pros and cons of three different track alignments: at-grade, aerial and trenched.

The study, which is funded by a $150,000 matching grant from the Valley Transportation Authority, will go before the Gilroy City Council, which then will send a station recommendation to the rail authority based on the knowledge gained from the study, Bischoff said.

EXHIBIT 18

Submission 737 (Steven Weil, October 13, 2011) - Continued

EXHIBIT 19



CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY

BRIEFING: JULY 2011 BOARD MEETING AGENDA ITEM #7

TO: Chairman Umberg and Committee Members

FROM: Roelof van Ark: CEO / Hans Van Winkle: Program Director PMT

DATE: July 14, 2011

RE: Initial Operating Segment (Overview of the Concepts)

Background

The California High Speed Rail Authority has secured a total of $3.3 Billion dollars of Federal funds for the construction of an Initial Construction Section [ICS]. The Federal funding was directed to the Central Valley and was matched by Proposition 1A funds, bringing the total funding available for this initial construction to $5.9 Billion.

The selection of the ICS was the first step in a continuous process which should logically lead to the continued construction of the alignment, until the whole network is interconnected.

Discussion

The typical implementation of High Speed Rail Systems throughout the world has taken place through a series of logical sequential steps. The proposed phased development of the California HSR system is consistent with those models, and takes into account the experiences in France, Germany, the UK, Spain, Japan, etc.

The construction of the Initial Construction Section (ICS) is the first, and only the first, but crucial step for a true high speed rail system in California. The ICS will provide critical civil infrastructure designed and constructed for 220 mph operating speeds and will be the backbone of the ultimate California High Speed Rail System. As required by the federal grants the ICS will also have the possibility to offer "independent utility". That is, it will be available to provide enhanced intercity high-speed passenger rail service if for any reason the ultimate full Real High-Speed Rail system is not built out fully .

A high speed rail system is complex and involves multiple elements that must be fully integrated and tested under various operating scenarios before being placed into revenue service. This can only be done on a dedicated track that is capable of replicating the actual operating scenarios at the actual operating speeds. It should be remembered that all the core technology for Real high-speed rail systems (rolling stock, signaling, electrification, track, turn-outs, switch-machines etc.) are not available in the USA, and would have to be transferred to the USA based on "Technology transfer agreements" so that manufacturing in the USA will take place to meet the "Buy-America"

EXHIBIT 20
(Page 1 of 2)

Page **1** of **2**

Submission 737 (Steven Weil, October 13, 2011) - Continued

requirements. All these sub-systems, and the system as a whole, need to be tested at full capacity and at design speeds, before safe operation can be started. A test facility is required to make this possible. Currently there is no such test track in the U.S. The minimum required length for an effective test track for 220 mph operating speeds is 120 miles which allows trains to reach the maximum operating speed, remain at this speed for a sustained (albeit short) period and then decelerate and come to a stop before the end of the test track. This length is based on investigations done together with the suppliers and operators of high-speed rail equipment, allowing for sufficient sustained testing at 220 mph. The Merced to Bakersfield section meets the requirements for such a test track. The total length is approximately 170 miles with passenger stations at the end of the Test Track (Merced and Bakersfield) and with 2 intermediate stations (Fresno and Kings/Tulare). This allows for effective and comprehensive testing of the various operating scenarios. Accordingly, the logical progression is to extend the current ICS to Merced and to Bakersfield and to install the Core System elements (electrification, signaling, communications, etc.) to form the test track.

The test track will be used to verify the integration of the various high speed components, to train the operators and the maintainers, etc. to ensure that the completed system is safe, reliable with properly trained and fully competent staff to enter revenue service.

While the test track operations are on-going, the construction of the extension from the ICS/Test track will continue in parallel to prepare for the Initial Operating Segments (IOS) which will be used to carry passengers in revenue service as soon as the systems are tested and the extended tracks are completed. The California population centers are shown in Figure 1; clearly, the goal is to connect the Bay Area to the L.A. Basin as quickly as possible. This will involve an intermediate stage: extension of the ICS/test track to connect the Central Valley first to either the Bay Area or to the L.A. Basin. The assessment of both of the alternatives will be described in the Business Plan to be finalized by January 2012 (draft by October 14, 2011).

Recommendation
The start of true high speed rail will occur in the Central Valley between Merced and Bakersfield that is capable of 220 mph operations, and will additionally serve as a test track and will form the backbone of the California High Speed Rail system. This is referred to as the Initial Construction Section (ICS). The test track will be used to demonstrate that the elements of the high speed rail system are fully integrated, are safe and reliable, and that the operating/maintenance staff is properly trained and proficient before the system enters revenue service. It will also have independent utility as an enhancement to high-speed intercity passenger rail service.

The ICS/Test Track will be extended to form an Initial Operating Section (IOS) that we will operate Real high-speed trains in revenue service up to 220 MPH. The goal is to extend the ICS/Test track to connect with the Bay Area or to connect with the San Fernando Valley (Los Angeles Basin) as a first phase, and then to connect the Bay Area with the L.A. Basin to form Bay-to-Basin connectivity. The recommendation on the sequencing of the extension from the ICS/Test Track to the IOS will be further analyzed and described in the 2012 Business Plan. Final sequencing of either the southern extension or the north-western extension will be submitted to the board at a later date for decision, and will be subject to funding availability, as well as other selection criteria.

Attachments:
- ✓ **Powerpoint Initial Operating Section (IOS)**

EXHIBIT 20
(Page 2 of 2)

Page **2** of **2**

Corridor Service Name: CA-MERCED/FRESNOHSR-DESIGN/BUILD *Date of Submission:* 10/01/2009 *Version Number:* 1

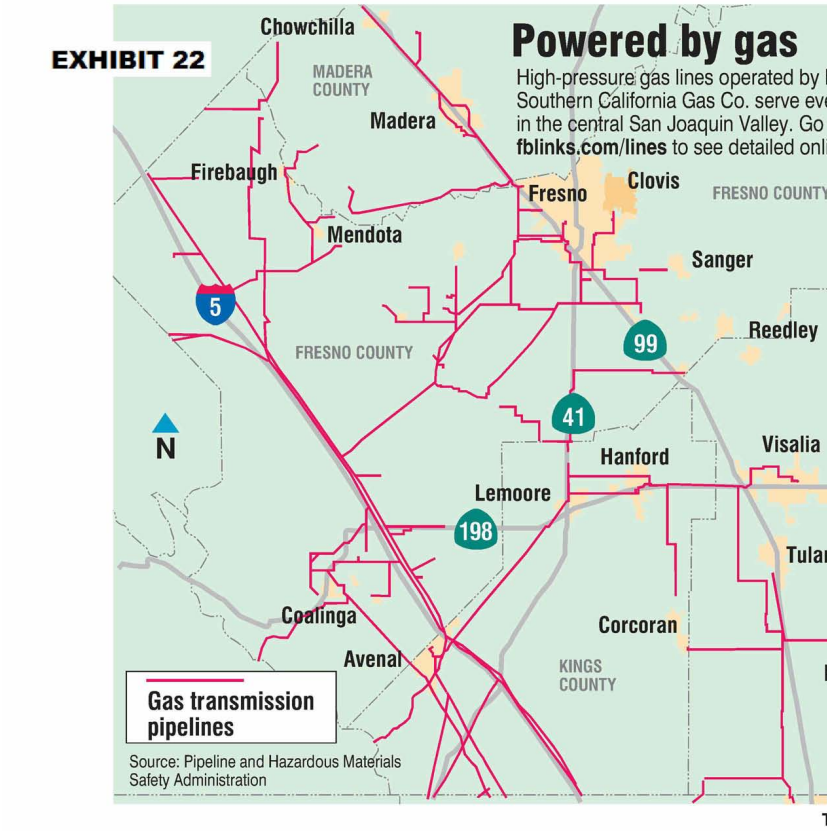
B. Corridor Service Narrative

(1) Corridor Service Name: CA-MERCED/FRESNOHSR-DESIGN/BUILD

MERCED-FRESNO OVERVIEW
This application proposes to construct HSR infrastructure including track but not electrification and other HSR "systems" for 220 mph operation in the 50-mile section between Merced and Fresno. HSR tracks would parallel the Union Pacific Railroad (UPRR) route and State Route (SR) 99. The proposal includes ROW acquisition, grade separations, SR99 interchange modifications, utility relocation, environmental mitigation, earthwork, guideway structures, and track. Independent utility is provided by constructing approximately 50 miles of new high-speed double-track railroad between Merced and Fresno allowing connection into conventional rail passenger services at each end. Undertaking the highway modifications and grade separations of the UPRR early in the CHST Project would provide immediate safety and traffic-flow benefits complimentary to Caltrans' "SR 99 Corridor Program" under the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006.

EXHIBIT 21

Submission 737 (Steven Weil, October 13, 2011) - Continued



Coming into Madera we saw a Union Pacific derailment.

Scrapping this covered hopper car on the spot.

Two other remains o

Train derailment in Madera

Sunday, February 28, 2010
FRESNO, Calif. (KFSN) -- Crews were working to re-open railroad tracks in Madera after a train derailment.
15 Union Pacific cars derailed Saturday morning just before nine.
No one was hurt, but grain spilled from the crashed cars.
Heavy machinery was brought in to help clear the accident.
The cause of the derailment is still under investigation.
(Copyright ©2011 KFSN-TV/DT. All Rights Reserved.)

Submission 737 (Steven Weil, October 13, 2011) - Continued

Risk of blast at California rail car fire has increased

Wed, 08/24/2011 - 10:06am | The Associated Press

LINCOLN, Calif. (AP) — The risk of an explosion at a rail car fire in north increased after the propane tank that is burning showed signs of melti said on Wednesday.

Despite firefighters' best efforts to cool the tanker with water, it appea apart, California Department of Forestry and Fire Protection spokesma told KCRA-TV.

The 29,000-gallon tanker loaded with liquid propane caught fire midda Northern Propane Energy yard in Lincoln, a city of 40,000 north of Sacr that it would explode prompted the evacuation of thousands of homes explosion could cause a fireball that consumed blocks and hurl large pi to a half-mile away, fire officials said.

Berlant said a crack in the tanker would greatly increase the possibility Firefighters on Tuesday set up four fixed hoses to soak the tanker and t temperature down as the propane burns off.

Trying to directly extinguish the flames shooting into the air from a ver propane gas cloud that could ignite into a fireball, Berlant said.

"Our fear is that not only does that rail car tank explode, but so do the and with about a half million gallons of propane in that field," he told I

A gas pipeline also runs through the affected area, authorities said.

The American Red Cross has set up three evacuation centers to help pe homes are inside the mandatory evacuation area, which has been desi one mile of the rail car.

Submission 737 (Steven Weil, October 13, 2011) - Continued

Only about 70 percent of those who live inside the evacuation zone ha
late Tuesday, Berlant estimated.
"Anybody who chooses to stay behind is risking their life and the lives
doing so," he told KXTV.
Highway 65, a major commuter thoroughfare between Sacramento an
closed Tuesday near the blaze, the California Highway Patrol said. Auth
know when the road would reopen.
It was unclear how the tanker caught fire. A worker who was tending t
hurt and transported to a local hospital, although details on the extent
weren't available.

Response to Submission 737 (Steven Weil, October 13, 2011)

737-1

See MF-Response-GENERAL-2 regarding the adequacy of the alternatives analysis process conducted for the Merced to Fresno HST Project EIR/EIS. Design options associated with the alternatives, including DO4 and DO6, were evaluated during the alternatives analysis process as described in MF-Response-GENERAL-2 subsection Process Used to Select Alternatives for Detailed. The evaluation process was conducted in consultation with local agencies, and DO4 and DO6 were eliminated for the reasons stated in the report, and quoted in your comment. The remaining alternative was modified and refined, in consultation with local agencies, to minimize impacts.

Regarding the elevated track structure in Madera under the UPRR/SR 99 Alternative, the preferred alternative that has been identified for the Merced to Fresno Section (Hybrid Alternative) does not include the area discussed in the comment. However, in regards to the UPRR/SR 99 Alternative, due to the existing and planned transportation infrastructure in Madera, an at-grade track would compromise existing interchanges and transportation plans. The City of Madera preferred an elevated track through the city to maintain existing and planned infrastructure. The mitigation measure SO-MM#7 would minimize the impact of physical deterioration of the land beneath the guideway in Madera.

The track in Fresno was originally designed as elevated track and was modified to an at-grade profile as a cost-saving measure. Although the grade separations would incur costs, as you noted, the overall cost of the grade separations would be less than the cost of elevated track through Fresno.

Communities of concern exist throughout the project area, including adjacent to both the elevated track in Madera and the at-grade track in Fresno.

Regarding the use of the I-5 Corridor and the “trunk and branch” system, please see MF-Response-GENERAL-2 subsection I-5 Alignment.

737-2

See MF-Response-GENERAL-8, MF-Response-LAND USE-4, MF-Response-SOCIAL-1, MF-Response-SOCIAL-4, and MF-Response-SOCIAL-7. The site identified is currently undeveloped and there is no substantial evidence that the businesses that will eventually locate there need individual signs. There are options, such as elevated sign for the development that would provide visibility. The UPRR/SR 99 Alternative is elevated and access is maintained for the roadways. The addition of the new arterial identified would not be precluded and could generally follow the same alignment. Refer to Appendix 3.13-B, Land Use and Communities, for additional information. In addition, the Hybrid Alternative has been selected as the preferred alternative and would not travel through the City of Madera. Since the preferred alternative does not travel through the downtown area there is no longer the potential for the economic impacts identified in the letter.

737-3

The commenter describes the City of Madera’s investment in preparing detailed floodplain and wetland studies for the property in northern Madera, and subsequent approval by FEMA of floodplain and channel modifications associated with Schmidt Creek. Selection of the UPRR/SR 99 Alternative could result in substantial reconfiguration of the approve land use and need to redo floodplain and wetland studies. The cost of replacement environmental studies and engineering for floodplain and wetland permits could be discussed as part of the right-of-way acquisition process as the value of those investments and approvals may be considered part of the fair market value of the property.

737-4

Section 404 permitting, which is the responsibility of the U.S. Army Corps of Engineers (USACE), is a separate process from the Authority/FRA decision on the Project. However, the processes are inter-related by the NEPA process and the requirements of the CWA. The Merced to Fresno HST section of the Project cannot proceed without a Section 404 permit. In order for these permits to be issued, the USACE will require that the project represent the least environmentally damaging practicable alternative (LEDPA). As part of the determination of the LEDPA, the project must go through the NEPA environmental review process. In order to simplify the Section 404 process, the Authority/FRA has worked with the USACE to include potential LEDPAs in the EIR/EIS. For example, once the purpose and need were determined, detailed study alternatives were developed, including alternatives that could be considered for selection as the LEDPA for purposes of the Section 404 permit. The impacts for the Draft EIS/EIR were

Response to Submission 737 (Steven Weil, October 13, 2011) - Continued

737-4

analyzed and circulated for public comment, which is the current phase of the project.

This is one aspect of the process by which the USACE will select the LEDPA, but that selection is based on the statutes and regulations that apply to issuance of the Section 404 permit. The Section 404 permit will be issued for the LEDPA, effectively eliminating the other alternatives analyzed in the EIR/EIS and will include substantive conditions which in turn will minimize impacts to biological resources within the Study Area. The USACE will rely on the EIR/EIS as the basis for its environmental analysis of the LEDPA.

737-5

See MF-Response-GENERAL-1, MF-Responses-SOCIAL-3, and MF-Response-LAND USE-2.

737-6

See MF-Response-TRAFFIC-2.

737-7

The Authority will not be building rental car facilities as part of the HST project. The Authority is working with local jurisdictions to help plan for appropriate station area amenities and services, which could include rental car facilities, but such facilities would be pursued and implemented by local jurisdictions.

737-8

See MF-Response-SOCIAL-2, MF-Response-SOCIAL-3, and MF-Response-SOCIAL-7. The preferred alternative would not travel through the City of Madera. The preferred alternative would only travel through and adjacent to SR 99 with the East Chowchilla Design option. With this design option, the alignment is elevated and avoids the commercial district of Chowchilla and maintains access to the commercial area. Refer to MF-Response LAND USE-4 for information on the areas adjacent to the HST Project and how future uses would not be precluded. For additional specific land use context, refer to Appendix 3.13-B, Land Use and Communities, for information about existing land use conditions for the communities in the study area adjacent to the HST alternatives. The appendix provides information on what types of land uses would be

737-8

directly affected by the HST footprint in the various communities and provides information on why no significant impacts on the future uses are anticipated.

737-9

See MF-Response-GENERAL-12, MF-Response-GENERAL-13, and MF-Response-GENERAL-24.

737-10

See MF-Response-NOISE-4.

The double-tracking referred to is described in Section 2.0, Alternatives. The potential "double tracking" of the UPRR would be part of the San Joaquin Corridor Strategic Plan (SJCSP) discussed in Section 2.4.1 No Project Alternative – Existing and Planned Improvements. The elements of the SJCSP which would be carried through as part of the HST project have not yet been defined. Additionally, no operational or design information for the SJCSP is available for a detailed cumulative assessment with the HST project. Without data, it cannot be determined if there would be any noise or vibration impacts in the future from this and other sources under the No Project Alternative. Any significant projects that might be included in the No Project Alternative would have a separate environmental assessment to determine noise or vibration impacts and potential mitigation measures, if required. Other freight railroad infrastructure improvements in the corridor, such as grade crossing closures or new grade separations (see Appendix 2-A of the EIR/EIS, Proposed Roadway Activities Along HST Alternatives) were taken into account and the impact has been assessed and mitigation proposed accordingly. Specifically, no new grade separations would place the freight rail on a new elevated structure that could increase noise from the existing freight trains. Additionally, interaction with the HST structure would not amplify freight noise levels.

Potential noise and vibration impacts have been assessed for the proposed project including specific train technology and train operations. The proposed technology for the project is high-speed electric multiple-unit (EMU) trains, so other train technologies are not included in the impact assessment. Additionally, the proposed operations for the project are for 8-car trainsets, so other operational conditions are not included.

Response to Submission 737 (Steven Weil, October 13, 2011) - Continued

737-11

The specific locations of traction power substations, switching and paralleling stations and backup and emergency power supply sources for the high speed train system were not identified in the Draft EIR/EIS because their specific locations are not yet known. These facilities will not have measurable magnetic fields outside their fences due to their design. The EMF level produced by the transmission lines and overhead catenaries was modeled and included in the Draft EIR/EIS.

Per Section 2.2.7.3 of the EIR/EIS, backup and emergency power supply sources would be provided "…through use of an emergency standby generator, an uninterruptable power supply, and/or a DC battery system. For the Merced to Fresno Section HST project, permanent emergency standby generators are anticipated to be located at passenger stations and at the heavy maintenance facility (HMF) and terminal layup/storage and maintenance facilities." EMF would come in the form of electrical devices, such as transformers and buss lines common to an electrical substation. Regardless of the location of these sources, EMF would be confined primarily to the immediate fenced area surrounding the facility or source except where power lines that would enter and exit the facility. In the case of the emergency standby generator, EMF would be negligible. The strength of an EMF rapidly decreases with distance away from its source; thus, EMFs higher than background levels are usually found close to EMF sources. See also MF-Response-S&S-4.

737-12

High-pressure natural gas lines are identified in Section 3.6 Public Utilities and Energy as "high risk" utilities. Not every utility is discussed in detail in the section; however, the Authority and the FRA are aware of the gas and petroleum lines that exist in the area (see tables 3.6-12 through 3.6-14 and figures 3.6-3 through 3.6-6) and will continue to coordinate with utility owners throughout the design process. See MF-Response-PUE-5. During construction, the potential for accidental disruption of utility systems, including buried utility lines, is low due to the established practices of utility identification. Underground utilities that intersect the project would be placed in protective casings prior to construction of HST facilities, as discussed in Section 3.6.5.

During operation, the likelihood of a catastrophic industrial accident or freight train derailment adjacent to the HST alignment is low. Moreover, should one occur, the train

737-12

would either be stopped en route prior to reaching the accident location, or would pass the site in roughly 15 seconds – limiting passenger exposure to potential hazards during HST operation.

For emergency preparedness, the Authority would collaborate with local responders to develop a Fire and Life Safety Program and a System Safety Program Plan, including a Safety and Security Certification Program. Please refer to MF-Response-S&S-9 and Section 3.11 Safety and Security for more information.

Submission 625 (Ben White, October 12, 2011)

Ben W. White, JD, MPA
20 Mosswood Road
Berkeley, CA 94704

October 10, 2011

Roelof van Ark
Chief Executive Officer
California High Speed Rail Authority
770 L Street
Suite 800
Sacramento, California 95814

Re.: Severe and adverse impacts on Fairmead from A2 and Hybrid routes

Dear Mr. van Ark and Board Members,

In my professional life as an attorney I have on several occasions been called upon to represent parties who otherwise would not have been given equal and fair access to the judicial system because of their economic status or other limiting factors.

625-1

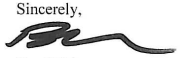
I am writing to you regarding the proposed California High Speed Rail Train. I am particularly concerned about the potential adverse impact that one of the proposed routes would have on the town of Fairmead, its people and its cultural, civic and religious institutions.

It has been brought to my attention that one of the routes being considered from Fresno to Merced (referred to as the A2 Alternative (A2)) would utilize the Union Pacific Railroad/Highway 99 right of way. Also being considered is a Hybrid Alternative utilizing the Ave 24 Wye (Hybrid).

An examination of these alternatives shows that the A2 and the Hybrid would have a severe adverse impact on Fairmead and would seriously degrade the quality of life, causing grave harm to the population there, including particularly the economically and historically disadvantaged populations that comprise so much of the community. The Federal Environmental Justice Policy (Executive Order 12898) provides good guidance in calling for disproportionately high and adverse human health and environmental effects on minority and low income populations to be identified and addressed. In 2008 when the citizens of California passed bonds to fund the rail project, it was not their intention to inflict disproportionate harm on those who are less fortunate.

Considerations of environmental justice require that the California High Speed Rail Authority look to one of the other available alternatives to the A2 and the Hybrid Ave 24 Wye in choosing the course for this project.

Sincerely,



Ben White

cc: Chairperson Thomas J. Umberg
Vice Chairperson Lynn Schenk
Vice Chairperson Thomas Richards
Board Member Russ Burns
Board Member Robert Balgenorth
Board Member Jim Hartnett
Board Member Dan Richard
Board Member Michael Ross

Response to Submission 625 (Ben White, October 12, 2011)

625-1

See MF-Respones-GENERAL-5, MF-Response-SOCIAL-4 and MF-Response-SOCIAL-7.

Submission 112 (Greg Wiener, September 16, 2011)

Merced - Fresno - RECORD #112 DETAIL	
Status :	No Action Required
Record Date :	9/16/2011
Response Requested :	
Stakeholder Type :	CA Resident
Submission Date :	9/16/2011
Submission Method :	Website
First Name :	Greg
Last Name :	Wiener
Professional Title :	
Business/Organization :	
Address :	
Apt./Suite No. :	
City :	
State :	CA
Zip Code :	94551
Telephone :	
Email :	gwiener@quickscrews.com
Cell Phone :	
Email Subscription :	
Add to Mailing List :	No
Stakeholder Comments/Issues :	Please do not continue this project. There is no way it will ever pay for itself and we will be on the hook FOREVER for subsidizing its costs. Haven't we learned from Amtrak?
EIR/EIS Comment :	Yes

112-1

Response to Submission 112 (Greg Wiener, September 16, 2011)

112-1

See MF-Response-GENERAL-14.

Submission 20 (Dan Wilde, August 10, 2011)

Merced - Fresno - RECORD #20 DETAIL

Status :	Action Pending
Record Date :	8/10/2011
Response Requested :	
Stakeholder Type :	CA Resident
Submission Date :	8/10/2011
Submission Method :	Website
First Name :	Dan
Last Name :	Wilde
Professional Title :	
Business/Organization :	
Address :	
Apt./Suite No. :	
City :	
State :	CA
Zip Code :	95380
Telephone :	
Email :	dwilde@turlock.ca.us
Cell Phone :	
Email Subscription :	
Add to Mailing List :	No
20-1 **Stakeholder Comments/Issues :**	I am for high speed rail but it is does not meet the benefit to cost ratio. With the billions this system will require to build and the ongoing operarting costs, there is no way the system will be affordable to users of the system without large subsidies. We do not need to add this large expense to government when we can not even come close to balancing a budget at either the state of federal level!
EIR/EIS Comment :	Yes

Response to Submission 20 (Dan Wilde, August 10, 2011)

20-1

MF-Response-GENERAL-5.

Submission 64 (Marty Willett, Buzz Oates Group of Companies, August 31, 2011)

Merced - Fresno - RECORD #64 DETAIL

Status :	Action Pending
Record Date :	8/31/2011
Response Requested :	
Stakeholder Type :	Business
Submission Date :	8/31/2011
Submission Method :	Website
First Name :	Marty
Last Name :	Willett
Professional Title :	Asset Manager
Business/Organization :	Buzz Oates Group of Companies
Address :	
Apt./Suite No. :	
City :	Sacramento
State :	CA
Zip Code :	95818
Telephone :	9163793868
Email :	martywillett@buzzoates.com
Cell Phone :	
Email Subscription :	Fresno - Bakersfield, Merced - Fresno
Add to Mailing List :	Yes
64-1 **Stakeholder Comments/Issues :**	We are the property owners at 4715, 4727 and 4739 West Shaw Avenue in Fresno. We reviewed the aerial showing the new train tracks, and the relocation of Golden State Blvd. The buildings on Shaw are new construction, and did not show on the aerial. The relocation of Golden State Blvd would pass through where the buldings currently sit. We would like the Rail Authority to update the aerials, as they do not show the full extent of the properties that will need to be destroyed and/or relocated.
EIR/EIS Comment :	Yes

Response to Submission 64 (Marty Willett, Buzz Oates Group of Companies, August 31, 2011)

64-1

The data and information used in the EIR/EIS analysis was the most current available at the time of the assessment. Owners of property within the project footprint will be contacted in the future. A detailed right-of-way survey will be conducted to support the property acquisition process.

Submission 800 (Anthony E. Wynne, October 13, 2011)

Anthony E. Wynne

92 Jennings Lane

Atherton, CA 94027

October 12, 2011

California High-Speed Rail Authority

Merced to Fresno Draft EIR/EIS Comments

770 L Street, Suite 800

Sacramento, CA 95814

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 Project ("Draft EIR/EIS").

800-1 The Authority's current plan for the Merced to Fresno section of the proposed high-speed rail project would have truly negative impacts on California's natural environment, on the agricultural economy of the California Central Valley, and on local communities located within the Central Valley. I urge the Authority to "start over," addressing the impacts I identify in this letter, and the impacts that I know others will identify. After reconfiguring the project to eliminate and mitigate the negative impacts of the current proposal, the Authority should then recirculate a redrafted EIR/EIS for public review and comment.

800-2 Please also be aware that the 60-day comment period the Authority has provided for review of the current EIR/EIS did not provide me, or the public generally, with an adequate time to review and comment, in the way that CEQA and NEPA require. If for no other reason, the lack of an adequate comment period should convince the Authority to redraft the EIR/EIS and recirculate it, to provide a legally adequate review period, and to permit the kind of public participation that both CEQA and NEPA demand.

I realize that the Authority faces federal funding deadlines, which treat this project as if it were a short-term "job stimulus" project, instead of the 100-year plus public infrastructure project that it actually is. This is regrettable; however, these artificially short federal deadlines do not eliminate the substantive and procedural requirements of both CEQA and NEPA. Both the state and federal law require that the EIR/EIS be redrafted and recirculated.

I urge the Authority to insist on good information, and on full public participation and review. If California hopes to gain the benefits that may flow from the creation of a functional high-speed rail system in the state, "quick" decisions are not the most important thing. The "right" decisions are what are needed most. The current EIR/EIS for the Merced to Fresno section of the proposed statewide project reveals that more time and analysis are needed, in order to make it possible for the state to make the right decisions about the proposed high-speed train project.

My specific comments on the current Draft EIR/EIS are listed below:

800-3 1) Downtown Fresno would be devastated by the project proposed, and the impacts are not addressed. Please respond to all of the concerns raised by the City of Fresno staff in a presentation recently made to the Fresno City Council, and available online at the following URL: http://www.fresno.gov/CouncilDocs/agenda10.6.2011/900a.pdf

800-4 2) CEQA forbids public agencies from piecemealing or segmenting a project by splitting it into two or more segments. This approach ensures "that environmental considerations not become submerged by chopping a large project into many little ones. It is unconscionable to propose a "project" that is literally a train to nowhere, which is what a section from Merced to Fresno will become, unless a unified project is possible, and actually constructed. The entire approach utilized by the Authority is non-compliant with CEQA.

800-5 3) The High Speed Rail Business Plan is currently scheduled for release in November 2011. Among other information, the Business Plan is expected to contain a close look at funding, ridership and other information pertinent to the feasibility of these proposed Central Valley projects. Publication of the Business Plan will commence a 60-day comment period. Both the MF and FB DEIR/S's make clear that the benefits, including reductions in Greenhouse Gas Emissions, reduction in vehicle miles traveled, increase in high wage earning jobs and the like, rely on the completion of the HST system. Not until the Business Plan is completed should project proposals for any segments of HST whose benefits are contingent on the successful completion of the HST system be considered. The Merced to Fresno Draft EIR/EIS should be put on hold unless and until a Business Plan is approved that demonstrates the feasibility of the HST system as whole.

Submission 800 (Anthony E. Wynne, October 13, 2011) - Continued

Thank you for taking my comments seriously. I will look forward to the Authority's response.

Very truly yours,

Anthony E. Wynne

Response to Submission 800 (Anthony E. Wynne, October 13, 2011)

800-1

See MF-Response-GENERAL-1.

800-2

See MF-Response-GENERAL-7.

800-3

The City of Fresno provided comments on the Draft EIR/EIS which have been addressed and the responses to the comments are included in the Final EIR/EIS.

800-4

The Authority and FRA have implemented a tiered planning and environmental review process for the HST project under CEQA and NEPA. After a multi-year programmatic environmental review process (the Statewide Program EIR/EIS completed in 2005 and the Bay Area to Central Valley Program orginally certified in 2008, then revised and certified in 2010), preferred corridors and station locations were identified for further detailed study in the project-level environmental documents. These project-level environmental documents build off of the information in hte program level documents. The initial construction sequence does have independent utility. Also, see MF-Response-GENERAL-1, MF-Response-GENERAL-22, and MF-Response-GENERAL-24.

800-5

See MF-Response-GENERAL-6.