

Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Fresno Metro Flood Control Attachments.pdf - Continued

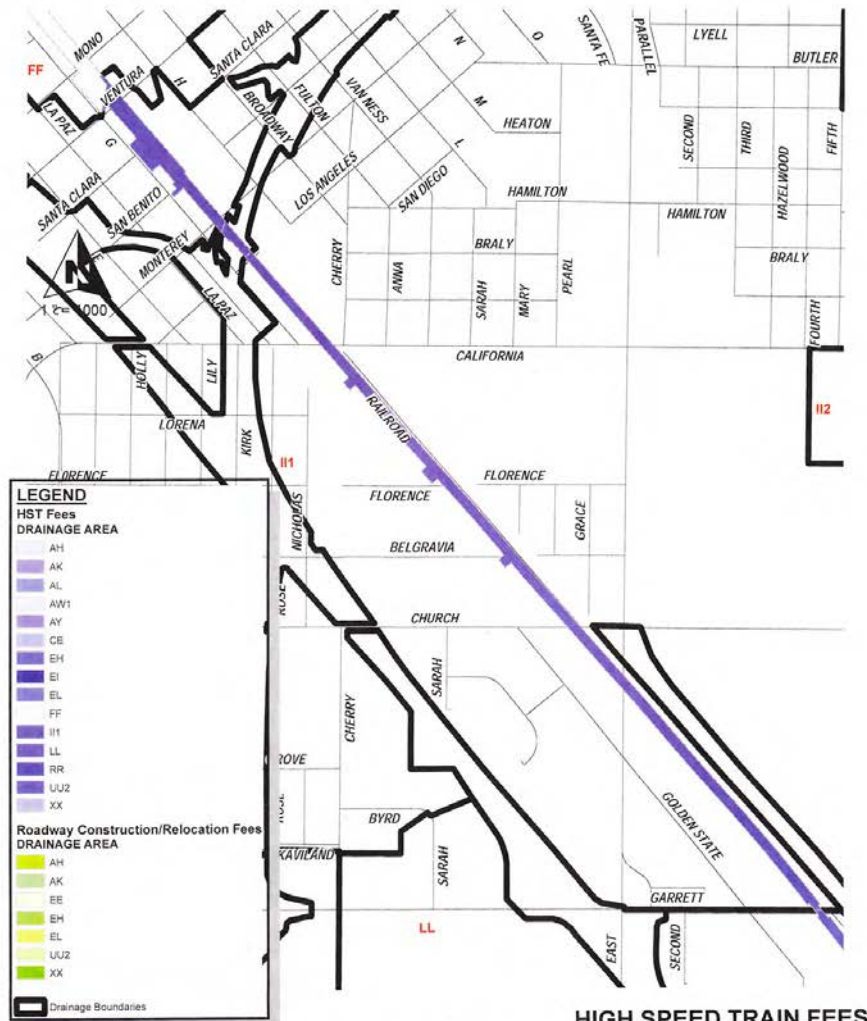


EXHIBIT "A"
 Page 4 of 6

HIGH SPEED TRAIN FEES
 BY DRAINAGE AREA

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: rickh
 Date: 10/10/2011
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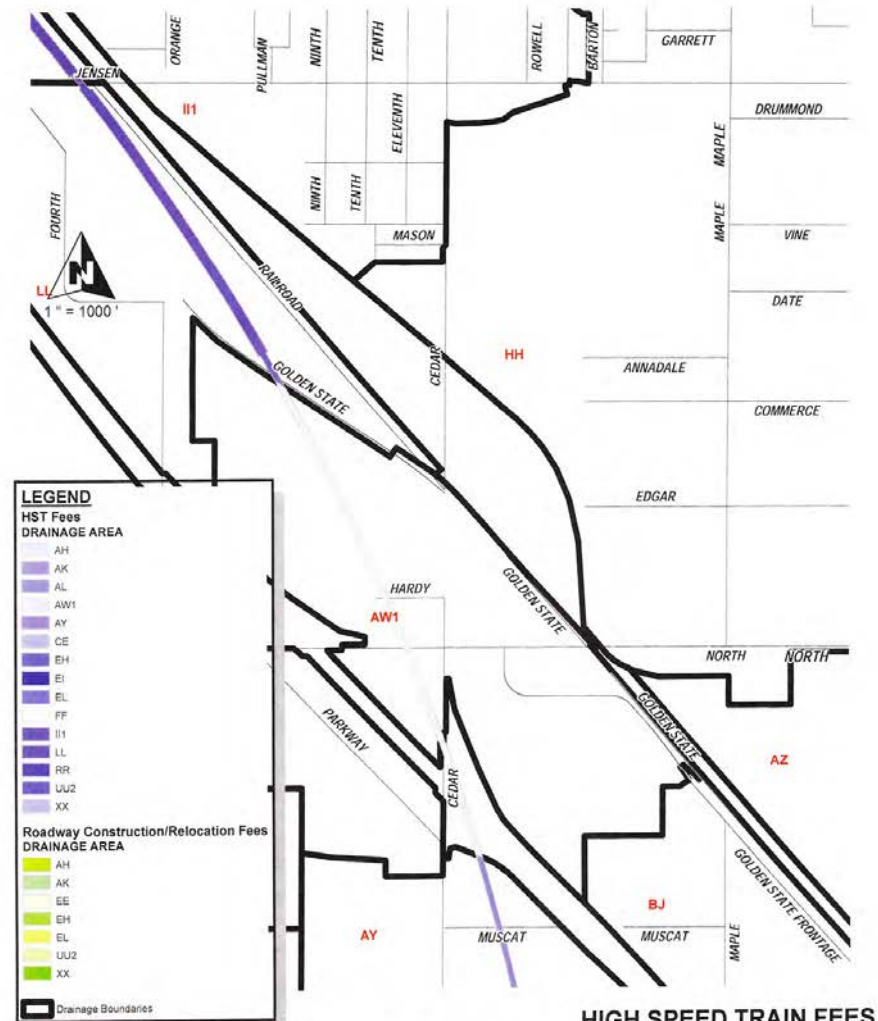


EXHIBIT "A"
 Page 5 of 6

HIGH SPEED TRAIN FEES
 BY DRAINAGE AREA

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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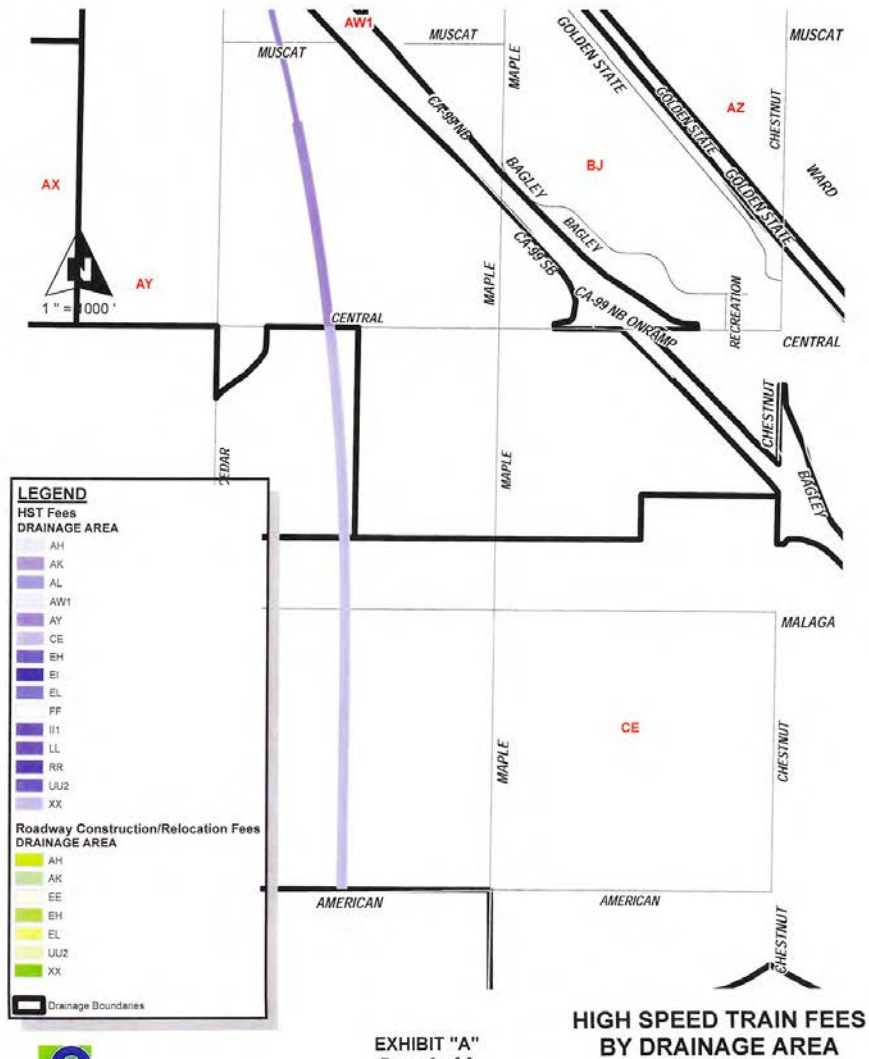


Exhibit "B"

Table 1 (Page 1) – Summary of Major Storm Notes

Table 2 (Page 2) – Summary of Crossing Alignments

Diagrams (Pages 3 – 12) – Diagram of Major Storm Flow Paths, Master Plan Facilities to be Constructed, and Existing Facilities to be Protected or Relocated

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Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District,
October 13, 2011) - Fresno Metro Flood Control Attachments.pdf - Continued

EXHIBIT "B"
Table 1
PAGE 1 of 12
Fresno Metropolitan Flood Control
California High Speed Train Project Study (Clinton to American Avenue)
FMFCD Major Storm Notes

Table with columns: Station No., Section No., Drainage Area, Station No. Boundary, Section, Major Storm Notes, Major Storm Area (Acres).

Notes:
(1) Fill grade (G) sections, gravel assume 0.0118 slope, C=0.75
(2) For above(A) or below (B) sections, concrete slab assume 0.0118 slope, C=0.50

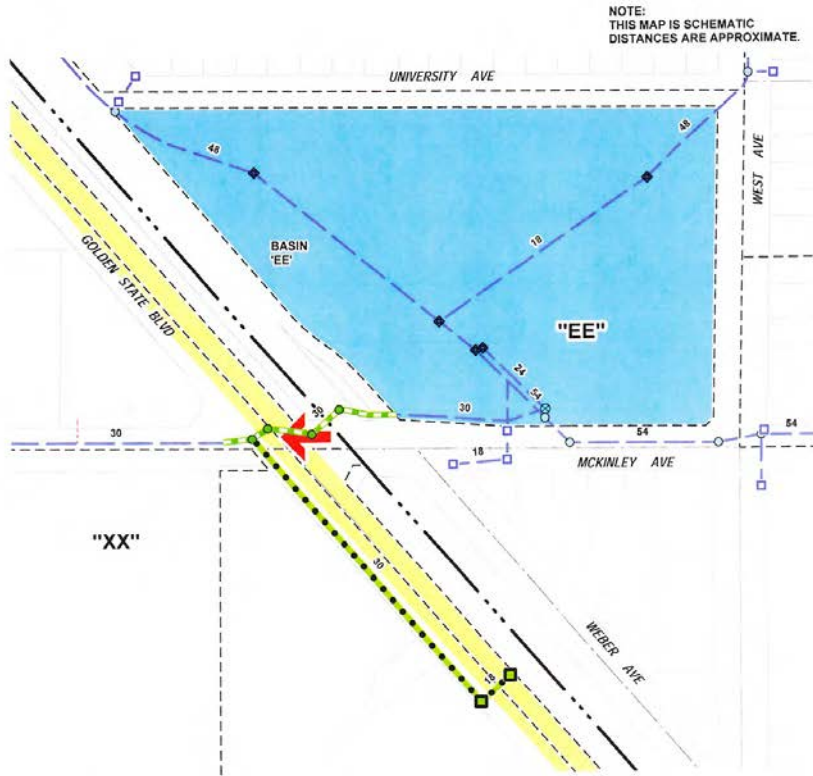
EXHIBIT "B"
Table 2
Page 2 of 12
Fresno Metropolitan Flood Control
California High-Speed Train Project Study (South Clinton to American Avenues)
CROSSING ALIGNMENT CHECK

Table with columns: Package Sheet No. of 58, Drainage Area (sq. ft.), Pipe Material, Alignment, Street, FMFCD Drawing No., Dynamic Available.

Notes:
Alignment Type - (Crossing = C), (Parallel = P)
Future Pipeline
Design Pipeline

1
K:\Water Planning & Special Projects\MSL_Special Studies\0111_20E_USA Train Project\MSL_South Clinton\UD-5-11_HSR (Urban D.A. - South Clinton)_2011_20E

Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District,
 October 13, 2011) - Fresno Metro Flood Control Attachments.pdf - Continued



NOTE:
 THIS MAP IS SCHEMATIC
 DISTANCES ARE APPROXIMATE.

LEGEND

- Master Plan Facilities To Be Constructed By High Speed Train -Pipeline (Size Shown) & Inlet.
- Existing Facilities To Be Protected Or Relocated
- Existing Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Major Storm Flow Path
- High Speed Train Right Of Way



1" = 200'

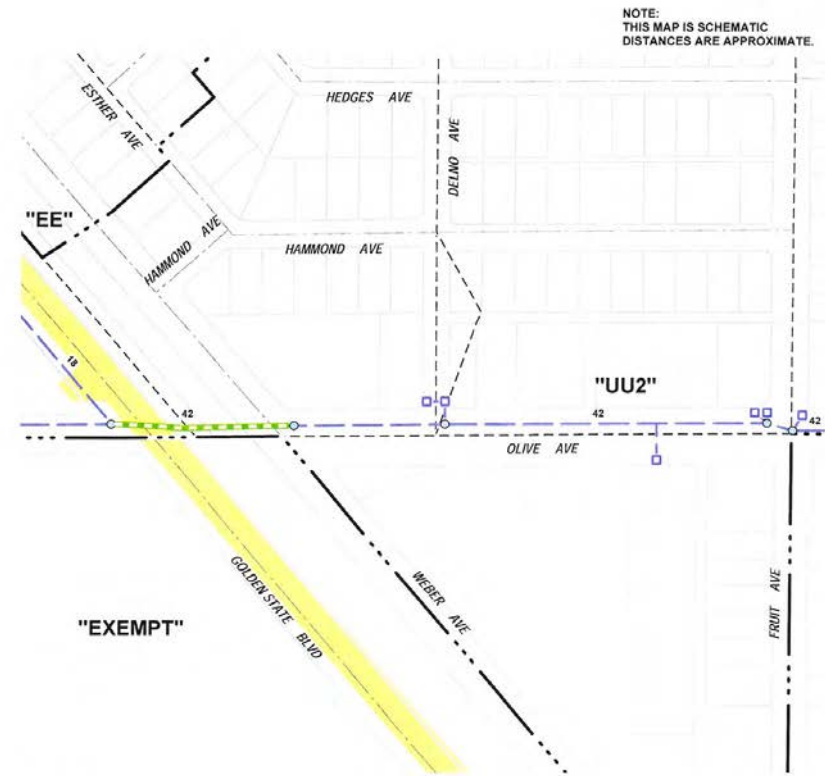
**HIGH SPEED TRAIN
 DRAINAGE AREAS "EE" & "XX"**

EXHIBIT "B"
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FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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NOTE:
 THIS MAP IS SCHEMATIC
 DISTANCES ARE APPROXIMATE.

LEGEND

- Existing Facilities To Be Protected Or Relocated
- Existing Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- High Speed Train Right Of Way



1" = 200'

**HIGH SPEED TRAIN
 DRAINAGE AREA "UU2"**

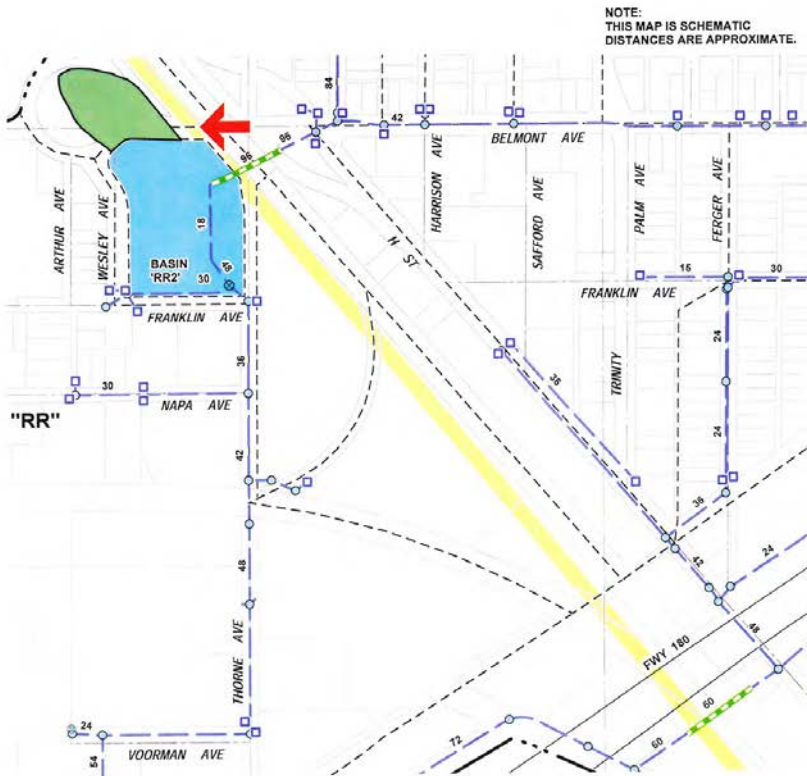
EXHIBIT "B"
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FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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LEGEND

- Existing Facilities To Be Protected Or Relocated
- Existing Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Major Storm Flow Path
- High Speed Train Right Of Way
- Expansion Of Basin RR2 By High Speed Train



1" = 400'

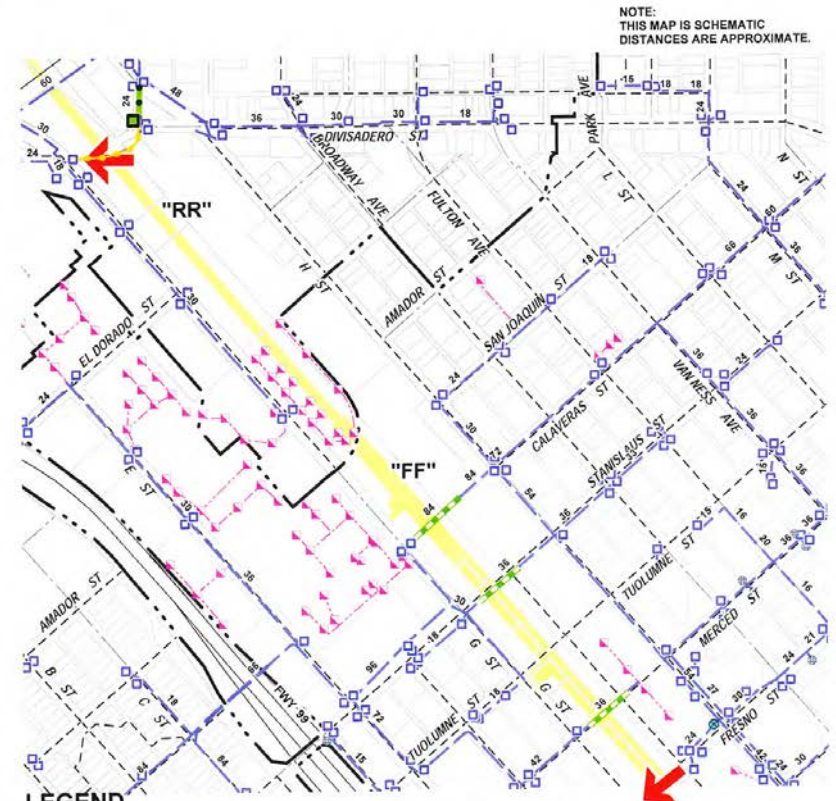
**HIGH SPEED TRAIN
 DRAINAGE AREA "RR"**

EXHIBIT "B"
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 Date: 10/11/2011
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LEGEND

- Master Plan Facilities To Be Constructed By High Speed Train - Pipeline (Size Shown) & Inlet
- Existing Facilities To Be Protected Or Relocated
- Existing Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Facilities To Be Removed
- Private Facilities
- High Speed Train Right Of Way
- Major Storm Flow Path



1" = 600'

**HIGH SPEED TRAIN
 DRAINAGE AREAS "RR" & "FF"**

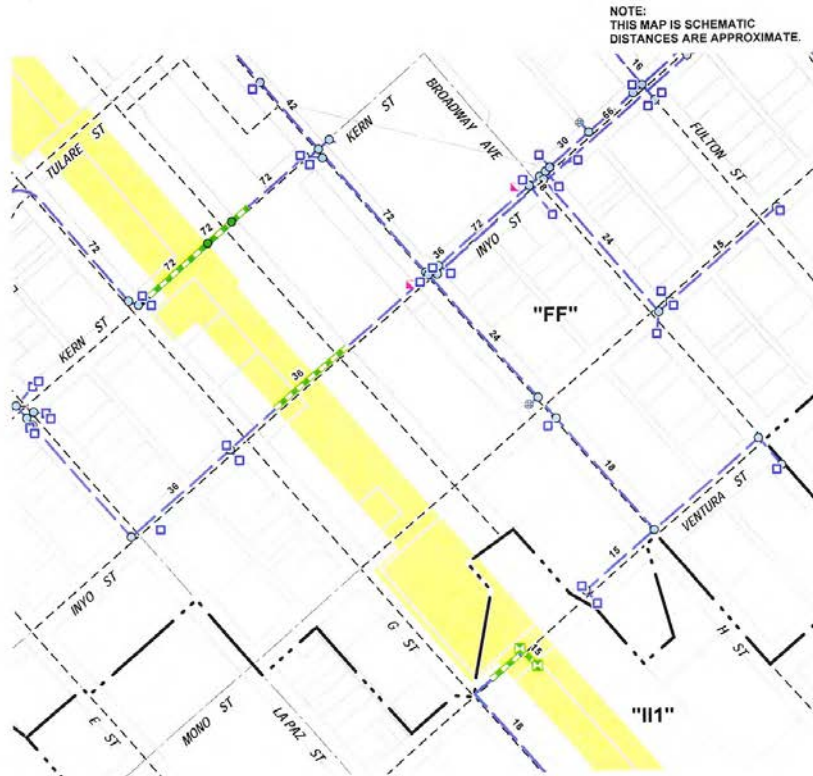
EXHIBIT "B"
 PAGE 6 OF 12



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Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District,
 October 13, 2011) - Fresno Metro Flood Control Attachments.pdf - Continued



LEGEND

- Existing Facilities To Be Protected Or Relocated
- Existing Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Private Facilities
- High Speed Train Right Of Way



1" = 300'

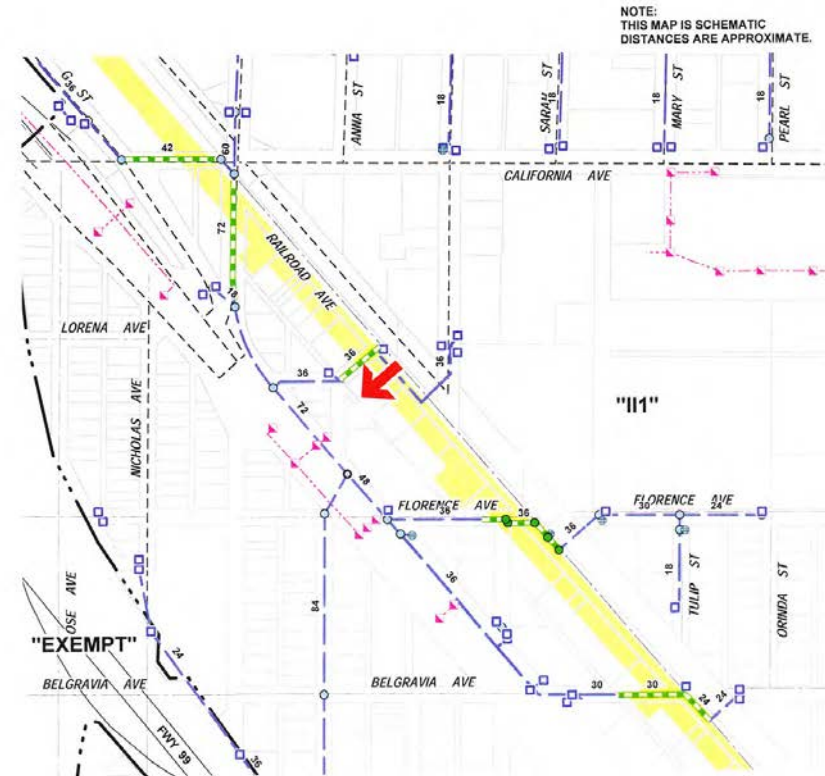
**HIGH SPEED TRAIN
 DRAINAGE AREA "FF" & "II1"**

EXHIBIT "B"
 PAGE 7 OF 12



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LEGEND

- Existing Facilities To Be Protected Or Relocated
- Existing Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Private Facilities
- Major Storm Flow Path
- High Speed Train Right Of Way



1" = 400'

**HIGH SPEED TRAIN
 DRAINAGE AREA "II1"**

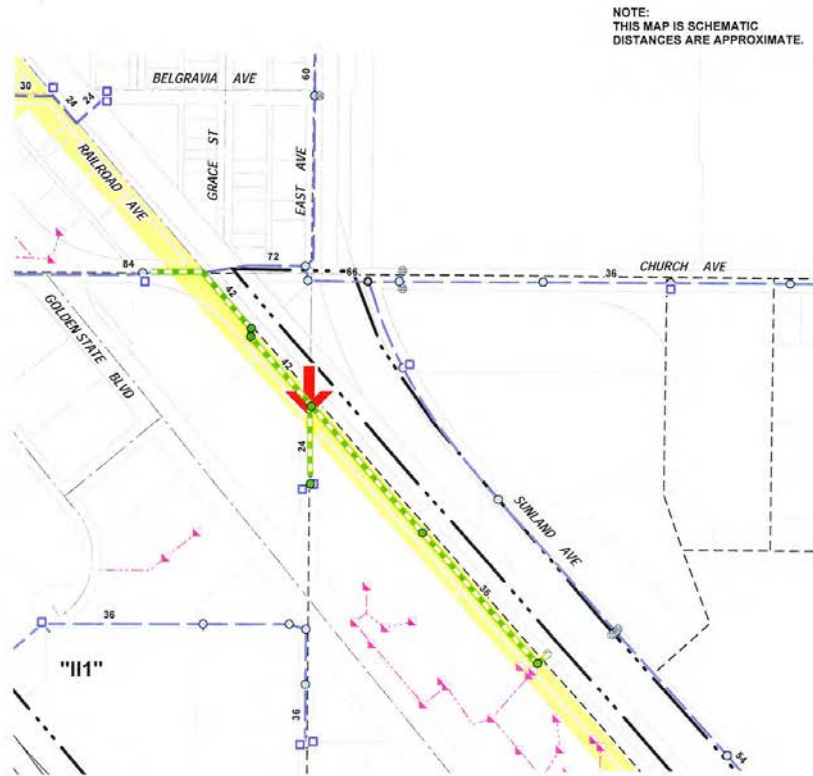
EXHIBIT "B"
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Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District,
 October 13, 2011) - Fresno Metro Flood Control Attachments.pdf - Continued



LEGEND

- Existing Facilities To Be Protected Or Relocated
- Existing Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Private Facilities
- Major Storm Flow Path
- High Speed Train Right Of Way



1" = 400'

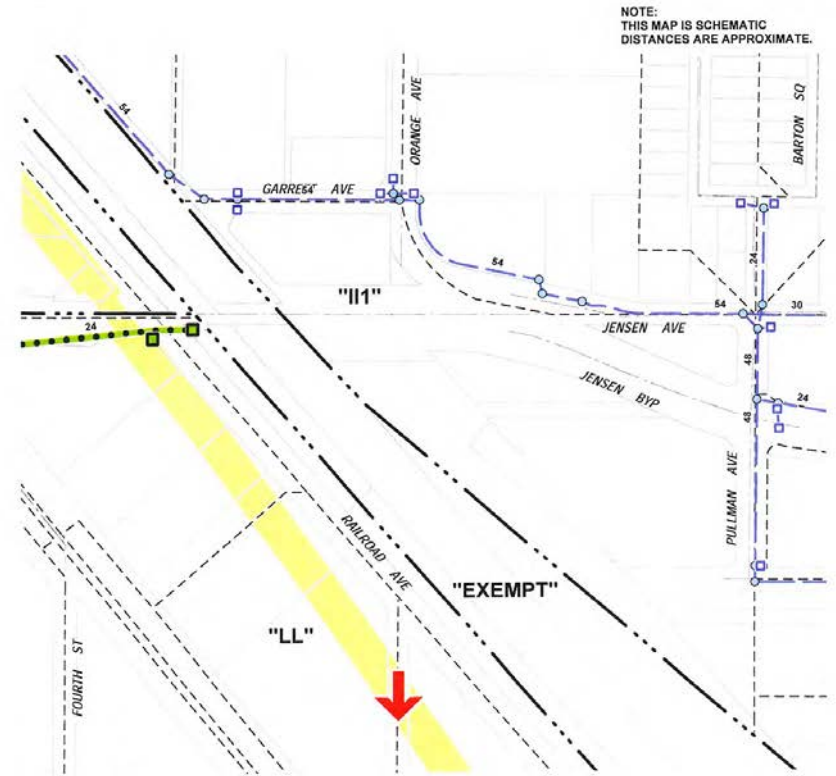
**HIGH SPEED TRAIN
 DRAINAGE AREA "II1"**

EXHIBIT "B"
 PAGE 9 OF 12



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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LEGEND

- Master Plan Facilities To Be Constructed By High Speed Train -Pipeline (Size Shown) & Inlet.
- Existing Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Major Storm Flow Path
- High Speed Train Right Of Way



1" = 300'

**HIGH SPEED TRAIN
 DRAINAGE AREA "LL"**

EXHIBIT "B"
 PAGE 10 OF 12



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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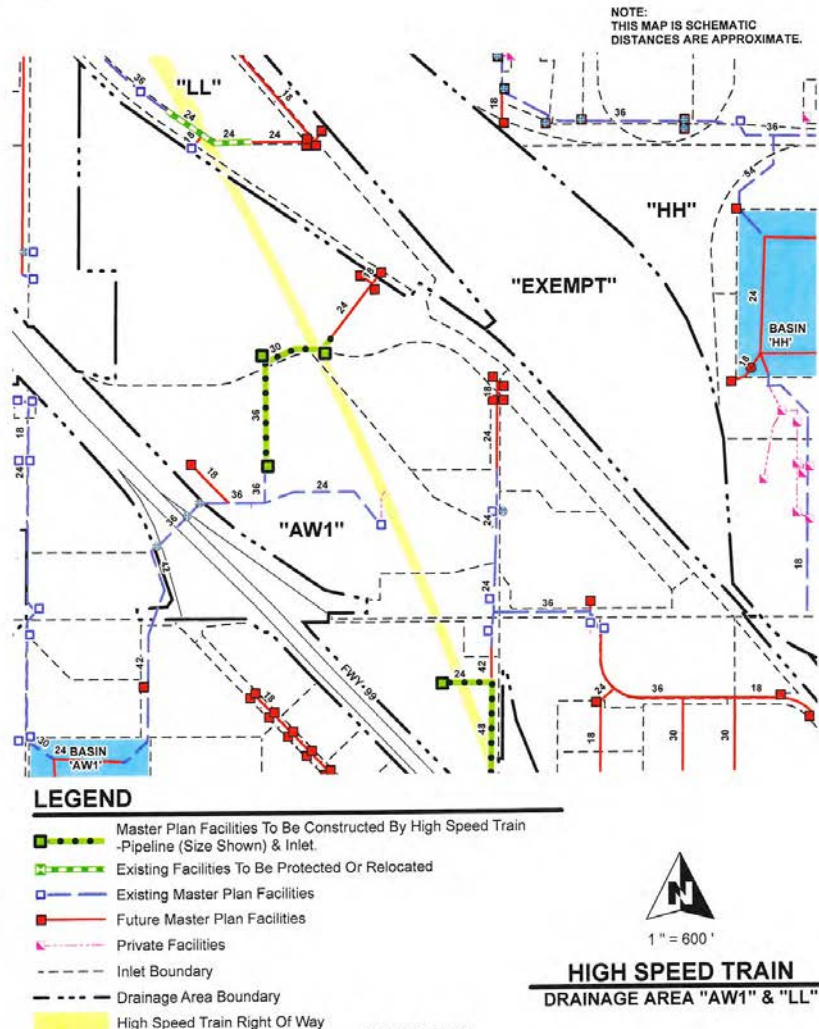


EXHIBIT "B"
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FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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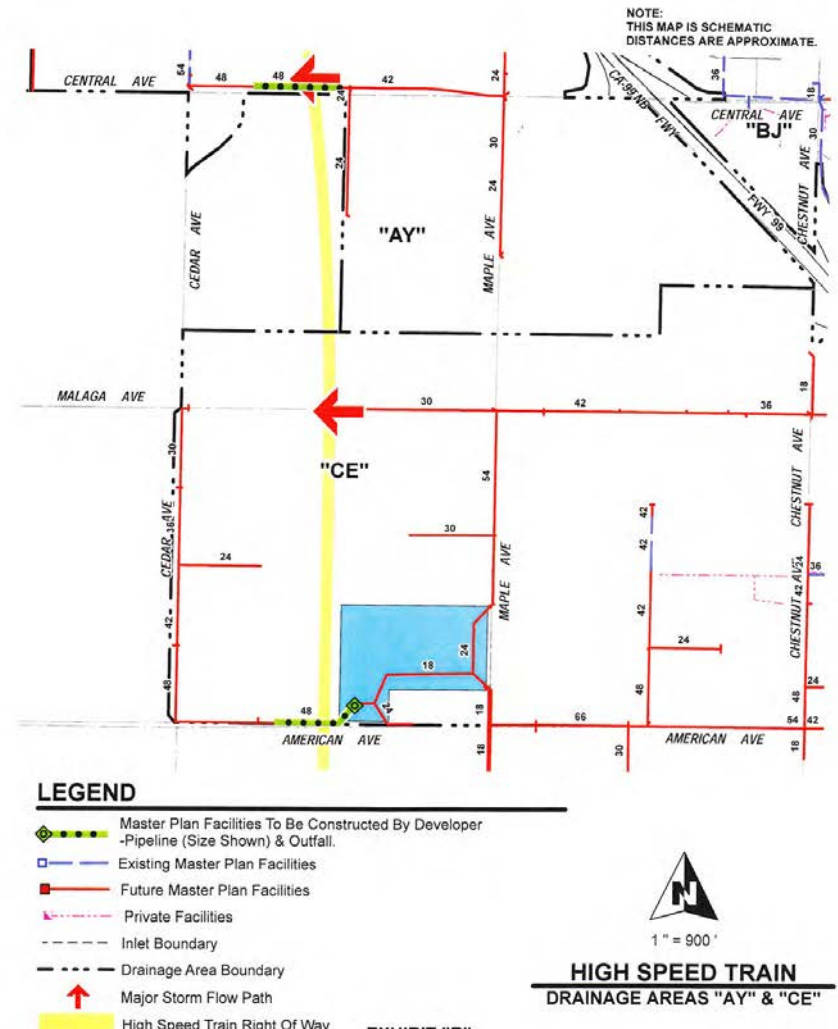


EXHIBIT "B"
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FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Fresno Metro Flood Control Attachments.pdf - Continued

EXHIBIT "C"
Drainage Guidance
PAGE 1 of 15
Fresno Metropolitan Flood Control
California High Speed Train Project Study (Clinton Avenue to American Avenue)

Date: August 28, 2011
 These comments are based on the HST Package S1 submittal for south of Clinton Avenue dated 08/05/11. Comments per FMFCD inlet watershed area.

Exhibit "C"

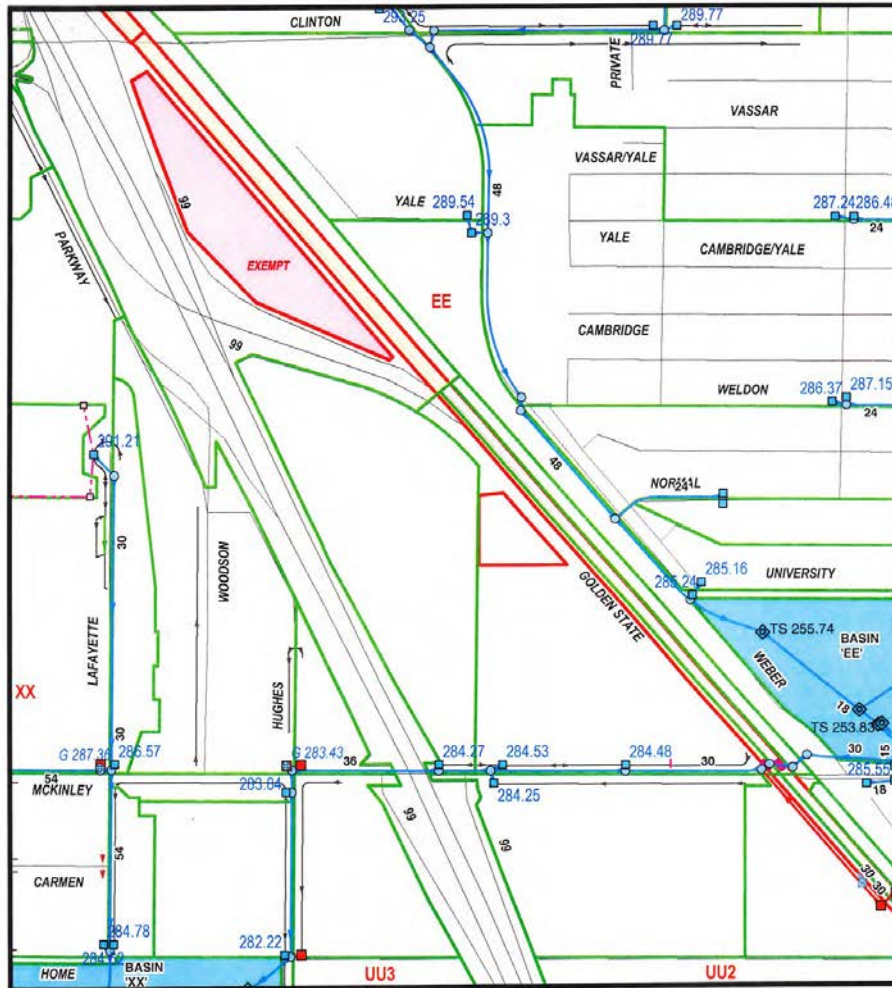
Table 1 (Page 1) – Summary of Drainage Guidance

Diagrams (Pages 2-15) – Diagrams of Existing FMFCD Master Plan

Package S1 Sheet No.	Exhibit "C" Page No.	Drainage Area	Station (to Boundary)	FMFCD Point of Connection (POC)	FMFCD Permanent Service	Facilities to Receive Permanent Service
2	2	Exempt 1 / XX	10905+75 56 TO 10822+82 56	N/A	No	Pipe
2, 3	2	XX	10622+82 56 TO 10649+50	Inlet N/S McKinlay 550 west Golden State	Yes	-
3	2, 3	XX	10649+50 TO 10613+75	Inlet 7+00 Golden State	No	Pipe
3	3	UA2	10653+75 TO 10659+40	Inlet Pine Ave 1500 west of Golden State	Yes	-
3, 4	3	UA2	10659+40 TO 10666+95	Inlet along Golden State	Yes	-
4	3	UA2	10666+95 TO 10672+50	Inlet along Golden State	Yes	-
4, 5	3, 4	Exempt 2 / RR	10672+50 TO 10904+32	N/A	No	Pipe
5	4	RR	10904+32 TO 10908+80	Future Inlet N/S Belmont	No	Pipe
5	4	RR	10908+80 TO 10910+80	Belmont Under Pass	Yes	-
5	4	RR	10910+80 TO 10914+60	Inlet NEC Westway / Franklin	Yes	-
5, 6	4	RR	10914+60 TO 10921+30	Inlet E/S Thome	Yes	-
6	4	RR	10921+30 TO 10934+00	Inlet E/S Thome @ Dry Creek Canal	Yes	-
6	4, 5	RR	10934+00 TO 10944+70	Inlet NEC Divisadero / L/S	Yes	-
6	5	RR	10944+70 TO 10945+20	Inlet SEC Divisadero / G. St	Yes	-
6, 7	5	RR	10945+20 TO 10953+70	Inlet E/S "G" St	Yes	-
7	5	RR	10953+70 TO 10958+65	Inlet E/S "G" St	Yes	-
7	5	RR	10958+65 TO 10969+40	Inlet E/S "G" St	Yes	-
7	5	RR	10969+40 TO 10972+40	Inlet E/S "G" St	Yes	-
7, 8	5	FP	10972+40 TO 10982+30	Inlet E/S "G" St	Yes	-
8	6	FP	10982+30 TO 10991+50	Inlet E/S "G" St	Yes	-
8	6	FP	10991+50 TO 10992+10	Inlet Fresno St Underpass	Yes	-
8	6	FP	10992+10 TO 10992+60	Inlet Fresno St Underpass	Yes	-
8	6	FP	10992+60 TO 10995+30	Inlet E/S "G" St	Yes	-
8	6	FP	10995+30 TO 11001+20	Spylon E/S "G" St	Yes	-
9	6	FP	11001+20 TO 11006+42	Inlet NEC "G" / Kern St	Yes	-
9	6	FP	11006+42 TO 11011+30	Inlet SEC "G" / Kern St	Yes	-
9	6	FP	11011+30 TO 11018+00	Future Inlet E/S "G" St	No	Inlet
9	6	II	11018+00 TO 11020+80	Inlet N/S Ventura	Yes	-
9	6	II	11020+80 TO 11021+30	Inlet S/S Ventura	Yes	-
9, 10	6, 7	II	11021+30 TO 11030+60	Future Inlet E/S "G" St @ Belmont	No	Inlet
10	7	II	11030+60 TO 11036+00	Inlet E/S "G" St	Yes	-
10	7	Exempt 3 / III	11036+00 TO 11039+60	N/A	No	Pipe
10	7	II	11039+60 TO 11020+50	Inlet E/S "G" St	Yes	-
10	7	II	11020+50 TO 11053+00	Inlet NEC "G" / Cherry	Yes	-
10, 11	7	II	11053+00 TO 11060+35	Inlet N/S Lorena	Yes	-
11	7	II	11060+35 TO 11068+60	Inlet NEC Florence / "G" St	Yes	-
11	8	II	11068+60 TO 11077+00	Inlet SEC Sarah / "G" St	Yes	-
11	8	II	11077+00 TO 11084+60	Inlet SEC Belgravia / "G" St	Yes	-
11	8	II	11084+60 TO 11086+00	Inlet Church / "G" St	Yes	-
12	8	II	11086+00 TO 11090+30	Inlet E/S Church	Yes	-
12	8	II	11090+30 TO 11093+30	Inlet W/S East Ave	Yes	-
12	8	II	11093+30 TO 11099+25	Inlet E/S East Ave	Yes	-
12, 13	8, 9	II	11099+25 TO 11121+35	Future Inlet W/S Railroad Ave	No	Inlet
13	9	LL	11121+35 TO 11128+30	Future Inlet W/S Railroad Ave	No	Inlet, Pipe
13	9	LL	11128+30 TO 11134+80	Inlet W/S Orange Ave	Yes	-
13, 14	9	LL	11134+80 TO 11143+10	Inlet E/S Orange Ave	Yes	-
14	9	LL	11143+10 TO 11153+60	Future Inlet	No	-
14	9, 10	AW1	11153+60 TO 11159+00	Future Inlet @ RYSA Rte	No	Inlet, Pipe
14	10	AW1	11159+00 TO 11166+25	Future Inlet Golden State	No	Inlet, Pipe
14	10	AW1	11166+25 TO 11169+40	Future Inlet @ RYSA Rte	No	Inlet, Pipe
14, 15	10	AW1	11169+40 TO 11173+45	Future Inlet @ E/S "G" Pipe	No	-
15	10	AW1	11173+45 TO 11174+80	Exist On-site Grate	Yes	-
15	10	AW1	11174+80 TO 11180+10	Inlet Handy Ave	Yes	-
15	10	AW1	11180+10 TO 11182+70	Inlet NW/C Cedar Ave	Yes	D/S Pipe
15	10	AW1	11182+70 TO 11183+05	Inlet SW/C Cedar Ave	Yes	D/S Pipe
15	10, 11	AW1	11183+05 TO 11191+30	Future Inlet W/S Cedar Ave	No	Inlet, Pipe
15, 16	11	Exempt 4 / AW1	11191+30 TO 11203+40	N/A	No	Pipe
16	11	AY	11203+40 TO 11210+50	Inlet NEC Mascot / Cedar	Yes	-
16	11	AY	11210+50 TO 11218+00	Future Inlet E/S Cedar	No	Inlet
16	11	AY	11218+00 TO 11224+65	Inlet E/S Cedar	Yes	-
16, 17	11, 12	AY	11224+65 TO 11231+35	Inlet NEC Cedar / Central	Yes	-
17, 18	12	Exempt 5 / CE	11231+35 TO 11267+26	N/A	No	Pipe
18	12, 13	CE	11267+26 TO 11264+50	Future Inlet Cedar / Malaga	No	Inlet, Pipe
18	13	CE	11264+50 TO 11280+15	Future Inlet w/cedary	No	Inlet, Pipe
18, 19	13	CE	11280+15 TO 11290+20	Future Inlet w/cedary	No	Inlet, Pipe
19, 20	13, 14, 15	Exempt 6	11290+20 TO 11339+34	N/A	No	No

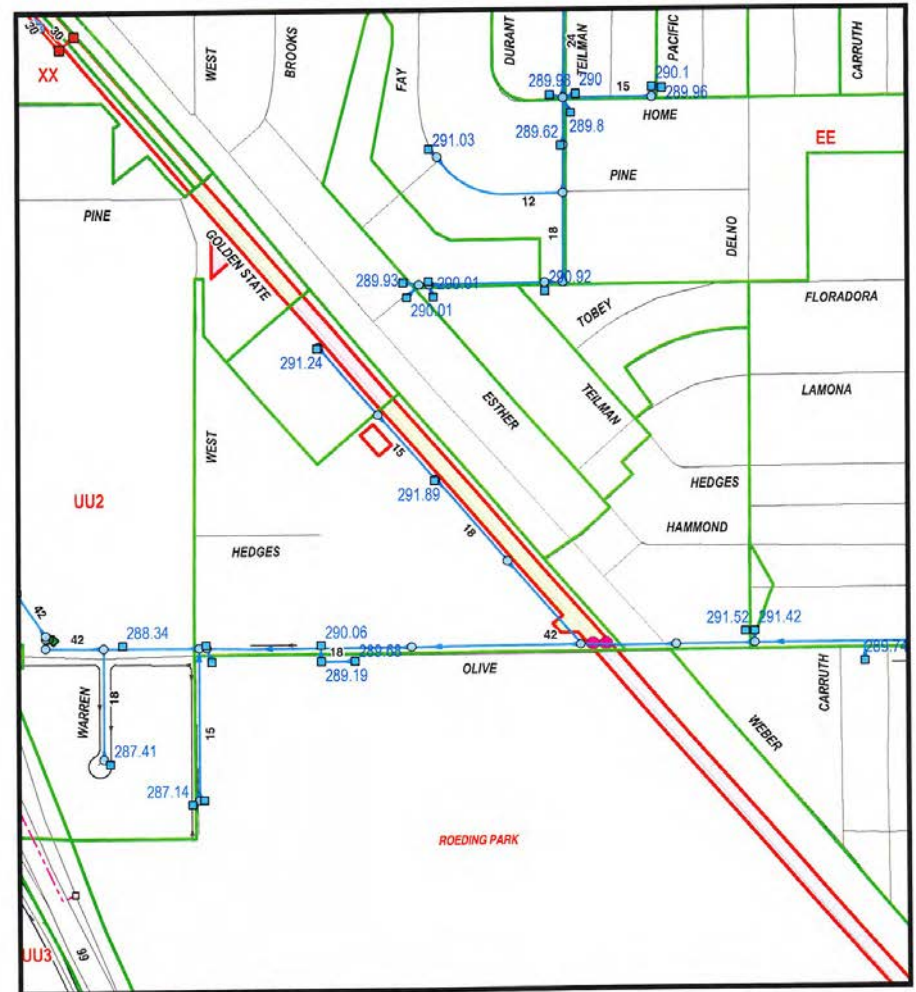
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FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

FRESNO COUNTY	HIGH SPEED TRAIN	CALIFORNIA
INLET BOUNDARY	Exhibit "C" Drainage Guidance	
HSR R-O-W LIMITS	Page 2 of 15	1" = 400'
EXEMPT AREAS		



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

FRESNO COUNTY	HIGH SPEED TRAIN	CALIFORNIA
INLET BOUNDARY	Exhibit "C" Drainage Guidance	
HSR R-O-W LIMITS	Page 3 of 15	1" = 400'
EXEMPT AREAS		

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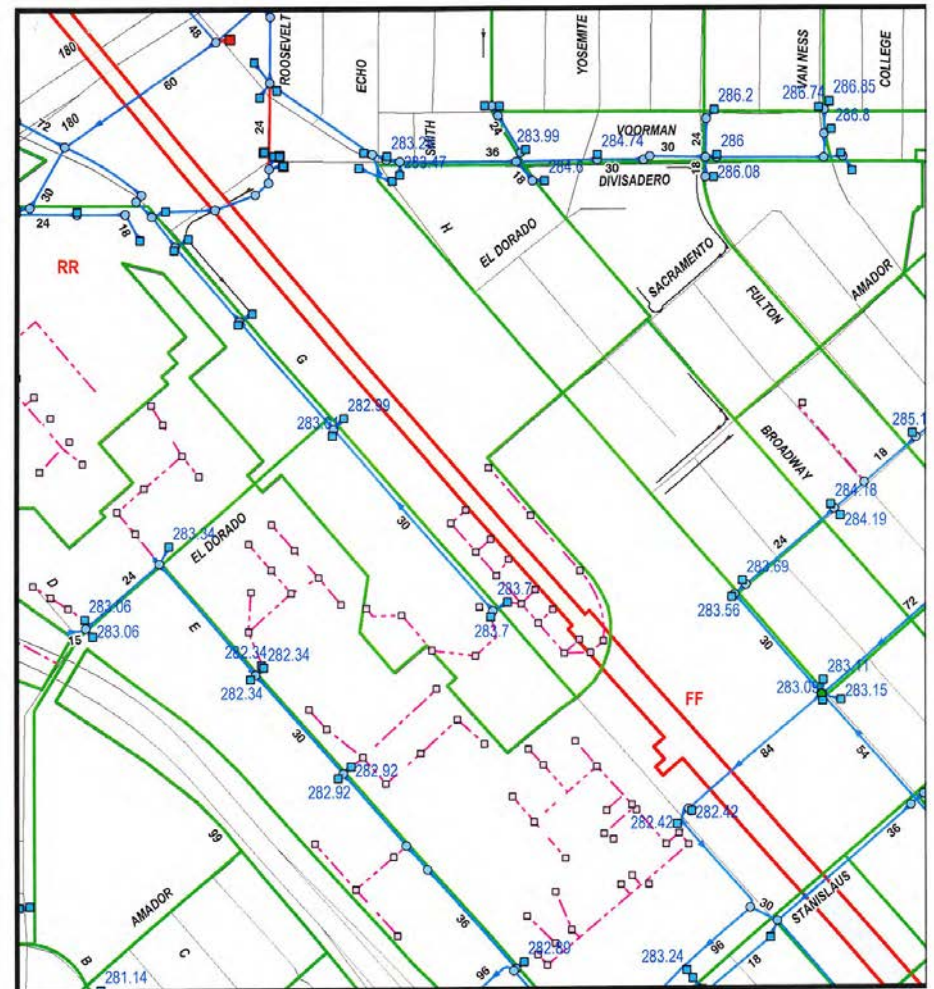
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

- FRESNO COUNTY
- INLET BOUNDARY
- HSR R-O-W LIMITS
- EXEMPT AREAS

HIGH SPEED TRAIN

Exhibit "C"
 Drainage Guidance
 Page 4 of 15

CALIFORNIA



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

- FRESNO COUNTY
- INLET BOUNDARY
- HSR R-O-W LIMITS

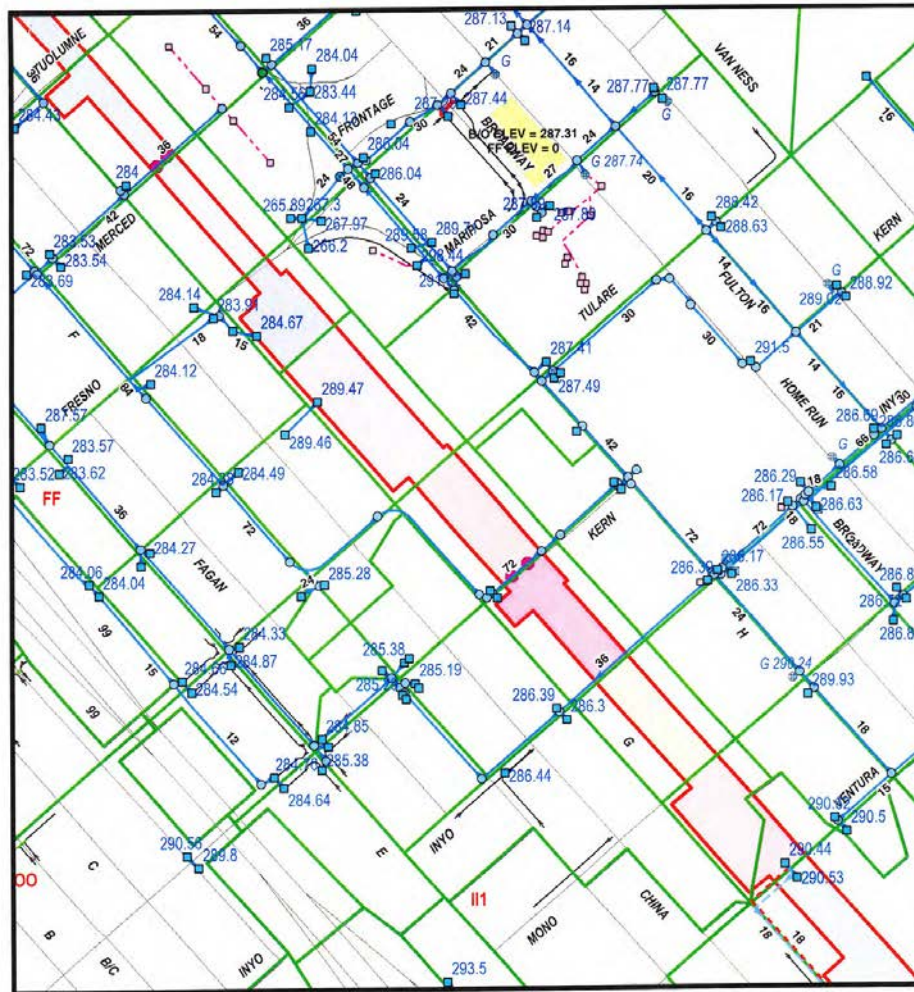
HIGH SPEED TRAIN

Exhibit "C"
 Drainage Guidance
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CALIFORNIA



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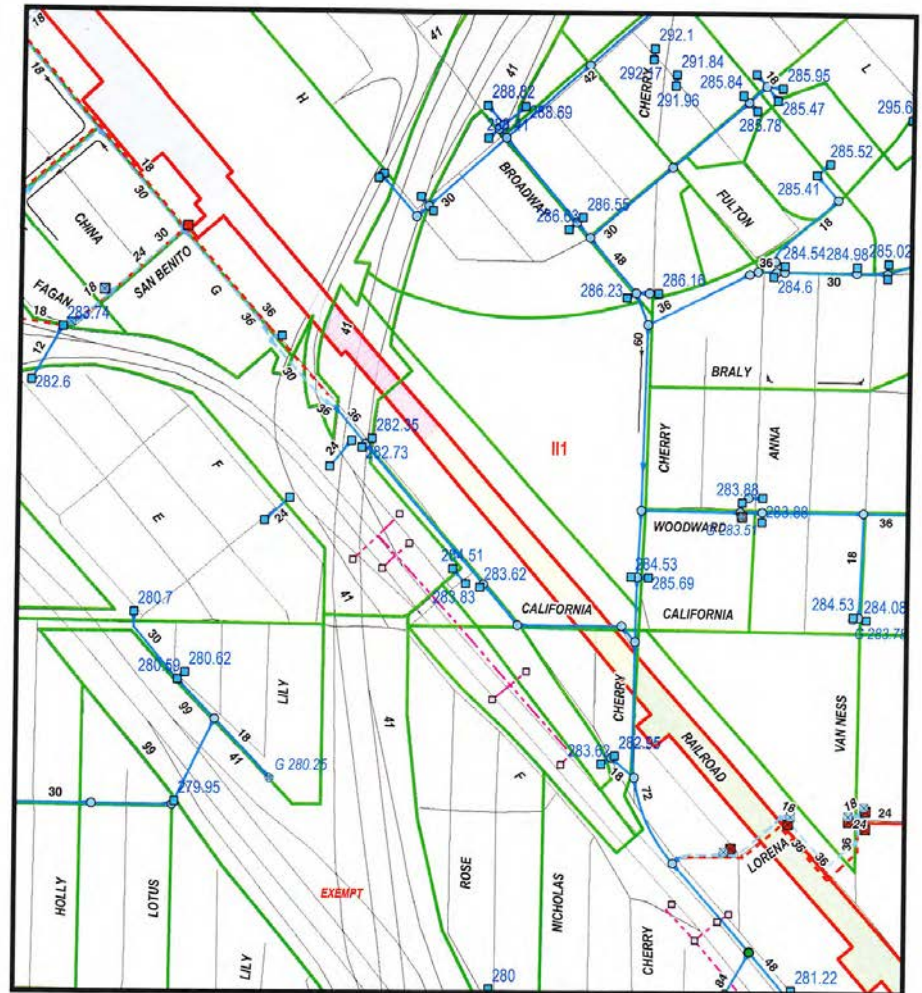
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

High Speed Train

- FRESNO COUNTY
- INLET BOUNDARY
- HSR R-O-W LIMITS

Exhibit "C"
 Drainage Guidance
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CALIFORNIA
 NORTH
 1" = 400'



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

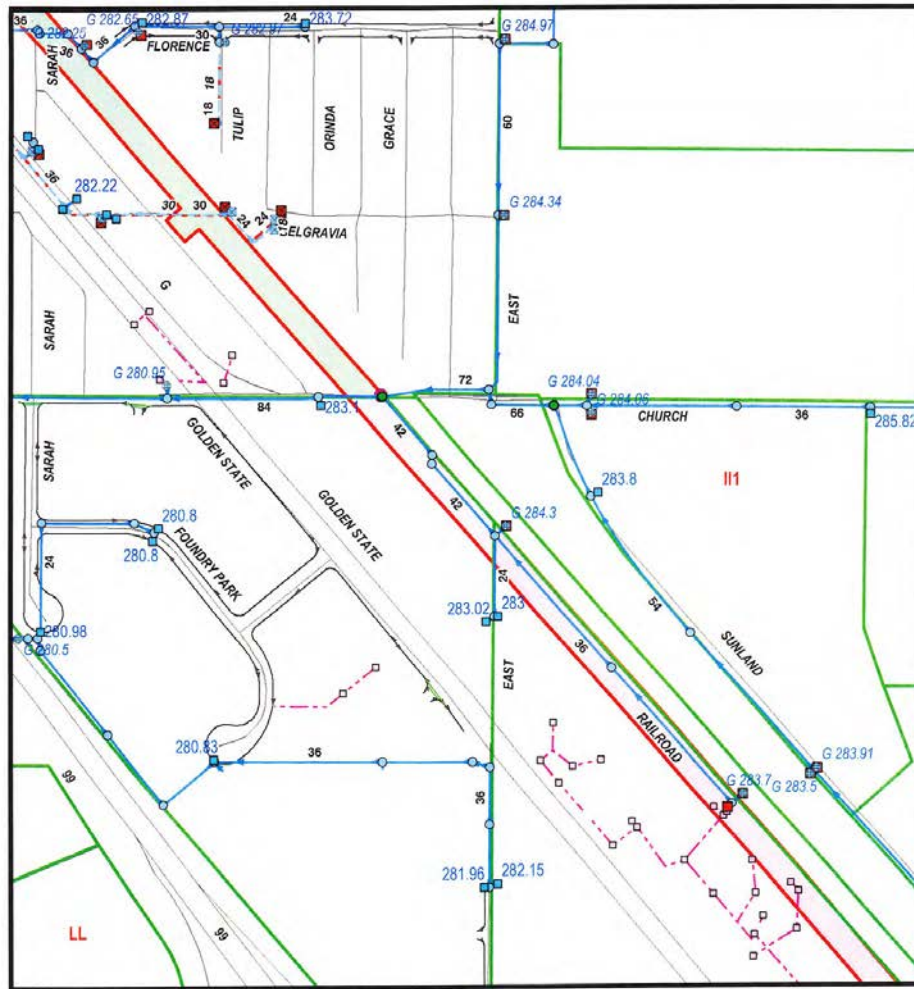
High Speed Train

- FRESNO COUNTY
- INLET BOUNDARY
- HSR R-O-W LIMITS
- EXEMPT AREAS

Exhibit "C"
 Drainage Guidance
 Page 7 of 15

CALIFORNIA
 NORTH
 1" = 400'

Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District,
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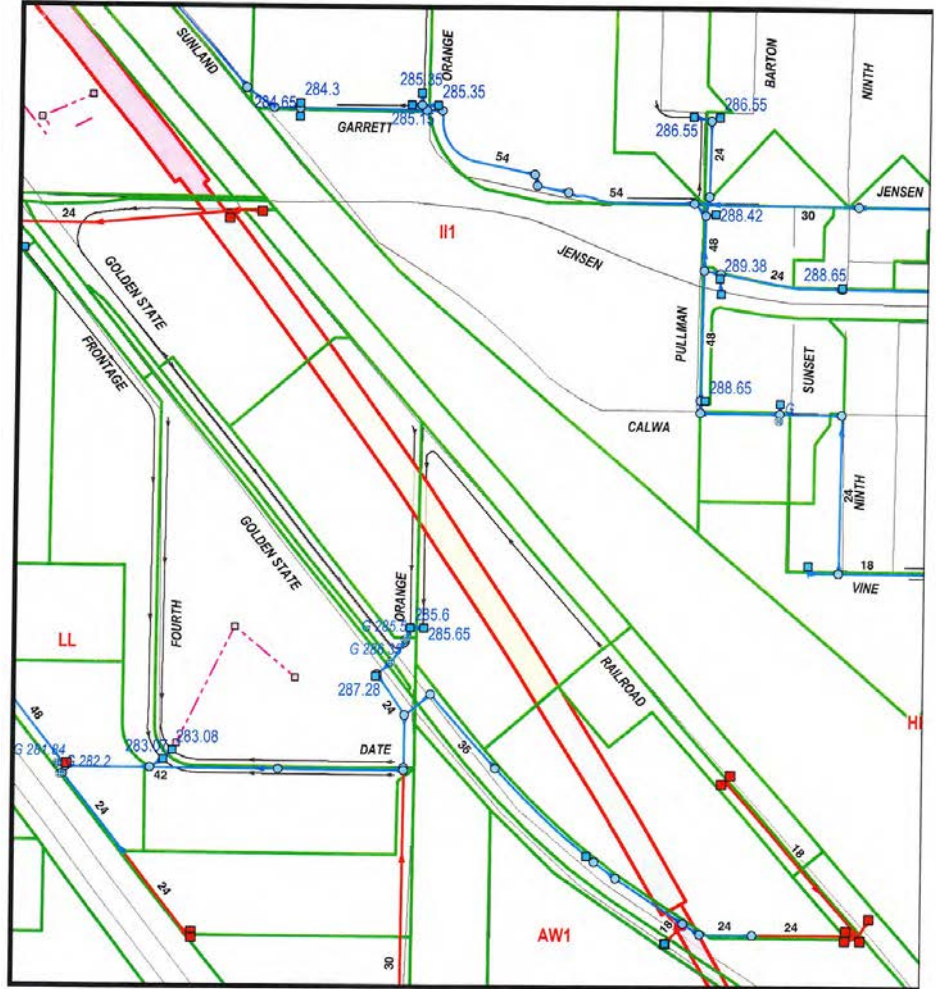


FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HIGH SPEED TRAIN

FRESNO COUNTY
INLET BOUNDARY
HSR R-O-W LIMITS

Exhibit "C"
Drainage Guidance
Page 8 of 15

CALIFORNIA
NORTH
1" = 400'



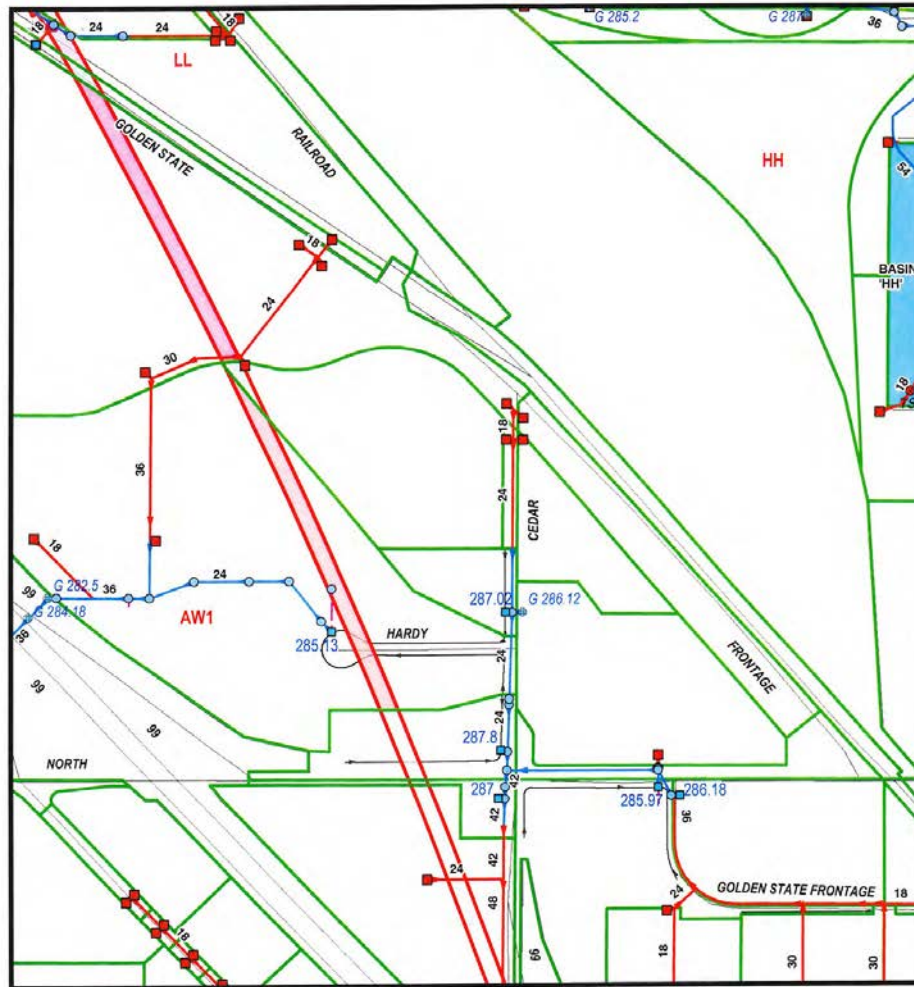
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HIGH SPEED TRAIN

FRESNO COUNTY
INLET BOUNDARY
HSR R-O-W LIMITS

Exhibit "C"
Drainage Guidance
Page 9 of 15

CALIFORNIA
NORTH
1" = 400'

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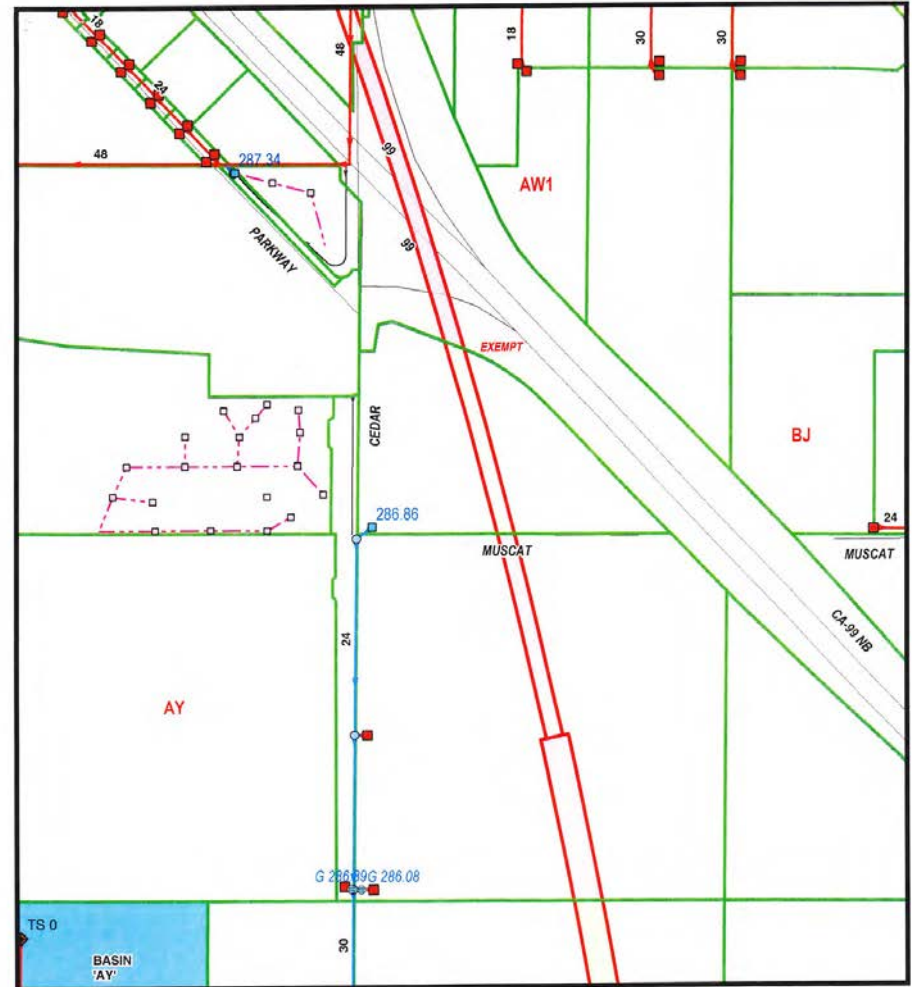
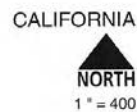


FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

HIGH SPEED TRAIN

- FRESNO COUNTY
- INLET BOUNDARY
- HSR R-O-W LIMITS

Exhibit "C"
 Drainage Guidance
 Page 10 of 15

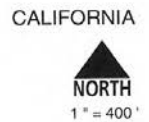


FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

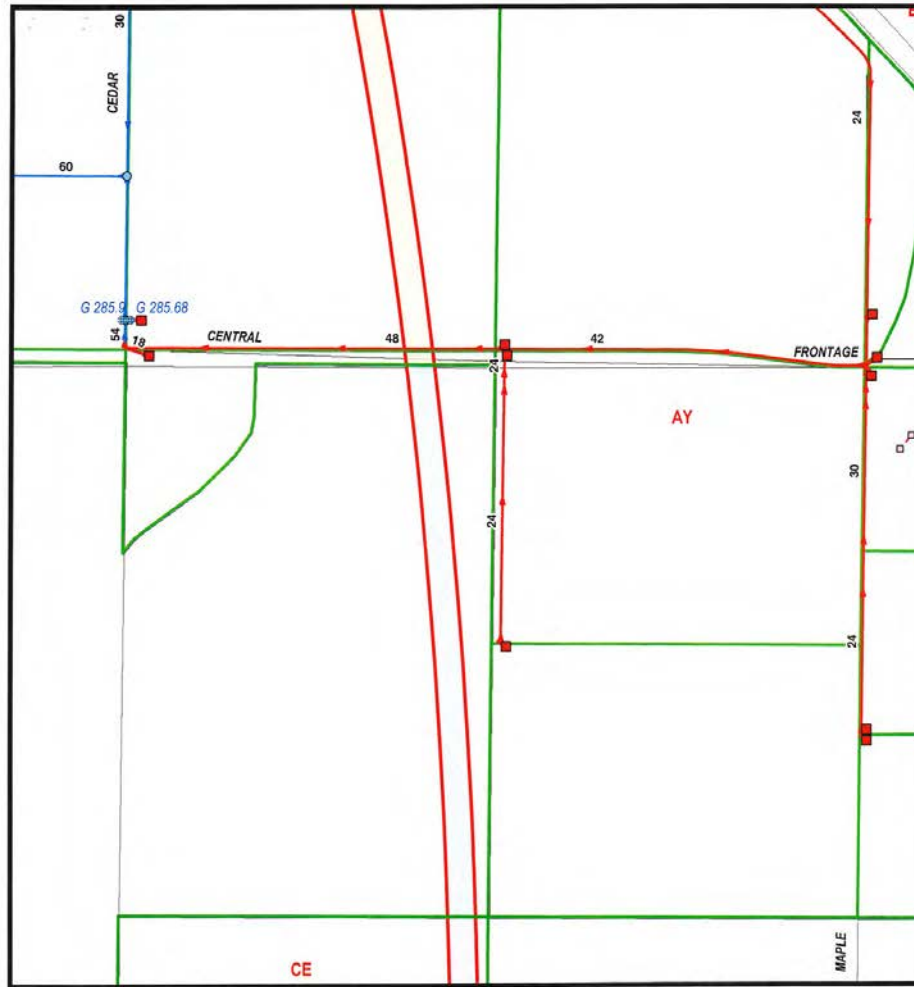
HIGH SPEED TRAIN

- FRESNO COUNTY
- INLET BOUNDARY
- HSR R-O-W LIMITS
- EXEMPT AREAS

Exhibit "C"
 Drainage Guidance
 Page 11 of 15



Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District,
October 13, 2011) - Fresno Metro Flood Control Attachments.pdf - Continued

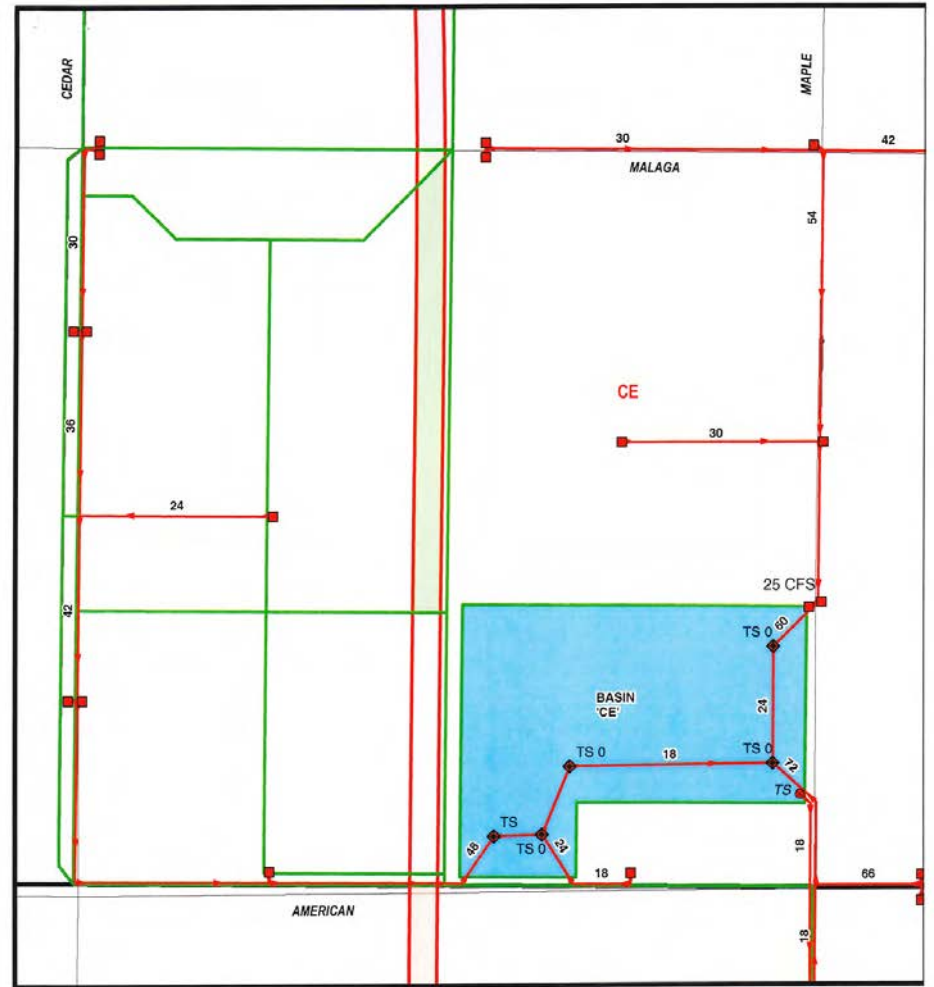


FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

HIGH SPEED TRAIN

- FRESNO COUNTY
- INLET BOUNDARY
- HSR R-O-W LIMITS

Exhibit "C"
Drainage Guidance
Page 12 of 15



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

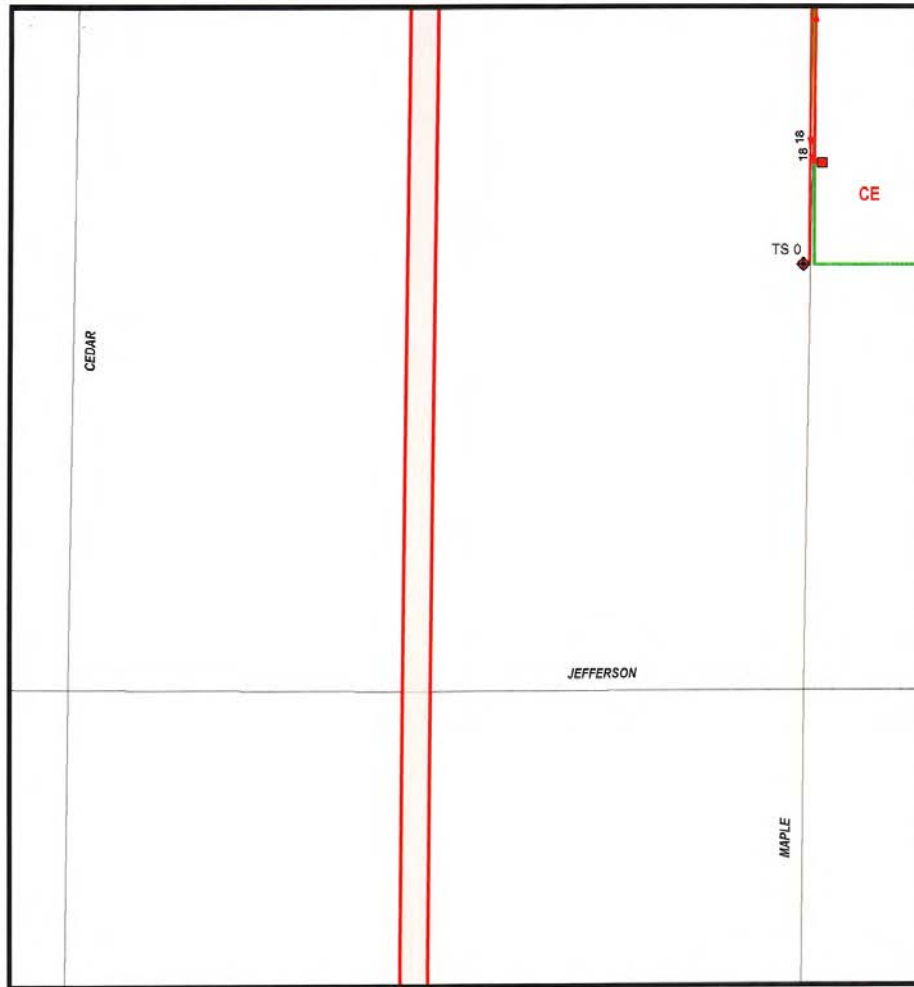
HIGH SPEED TRAIN

- FRESNO COUNTY
- INLET BOUNDARY
- HSR R-O-W LIMITS

Exhibit "C"
Drainage Guidance
Page 13 of 15



Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District,
 October 13, 2011) - Fresno Metro Flood Control Attachments.pdf - Continued



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

HIGH SPEED TRAIN



- FRESNO COUNTY
-  INLET BOUNDARY
-  HSR R-O-W LIMITS

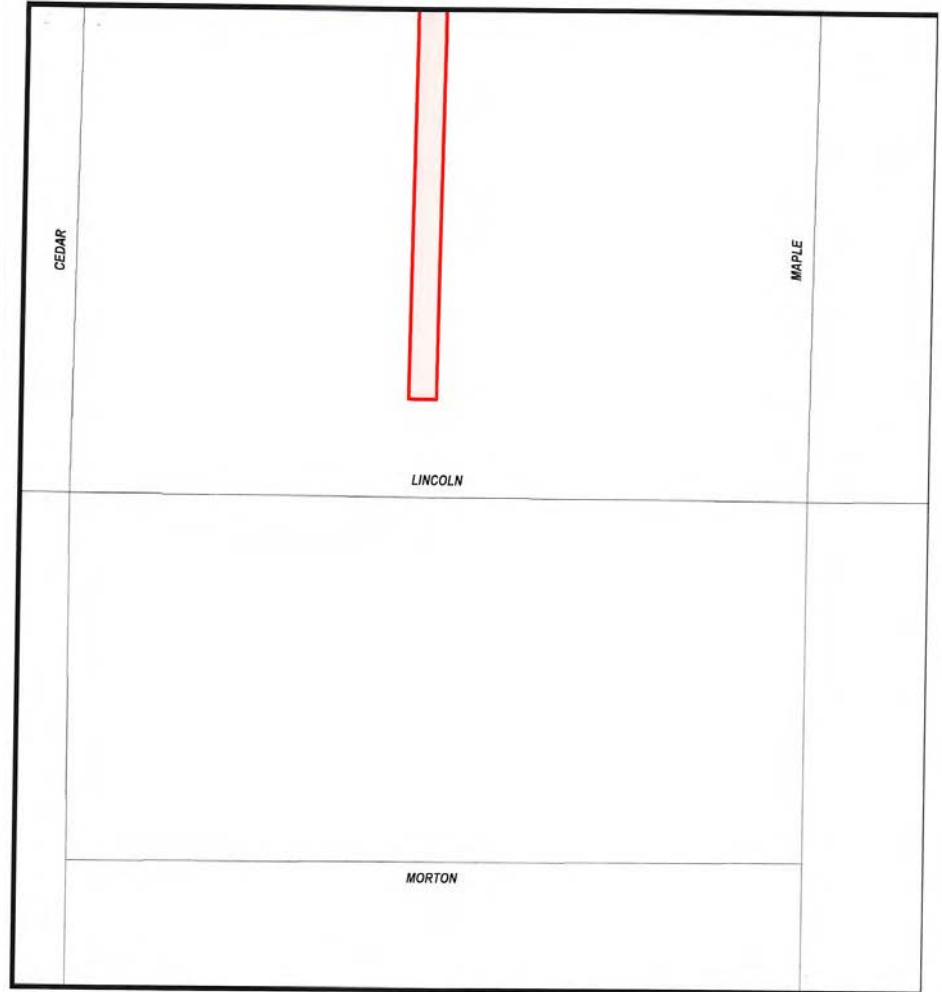
Exhibit "C"
 Drainage Guidance

Page 14 of 15

CALIFORNIA



1" = 400'



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

HIGH SPEED TRAIN

- FRESNO COUNTY
-  INLET BOUNDARY
-  HSR R-O-W LIMITS

Exhibit "C"
 Drainage Guidance

Page 15 of 15

CALIFORNIA



1" = 400'

Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Fresno Metro Flood Control Attachments.pdf - Continued

Exhibit "D"

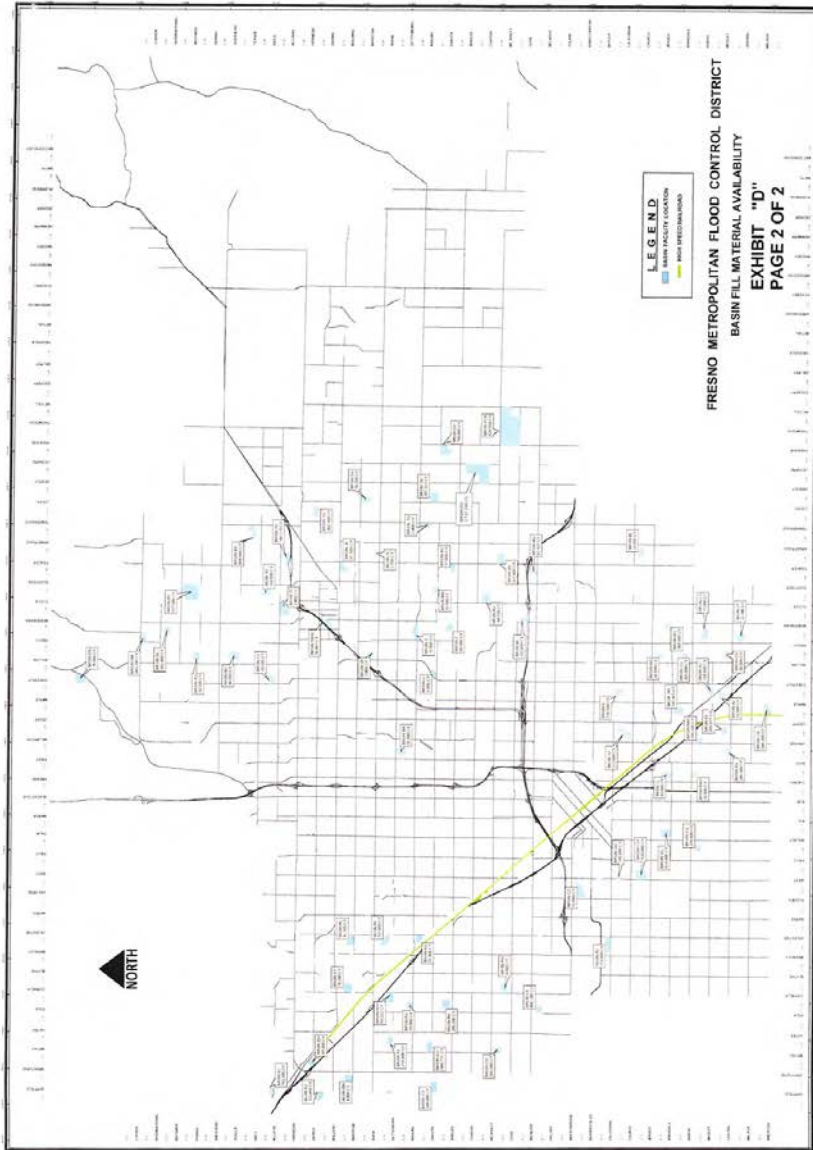
Table (Page 1) – Basin Fill Material Availability Summary

Diagram (Page 2) – Map of Basin fill Material Locations

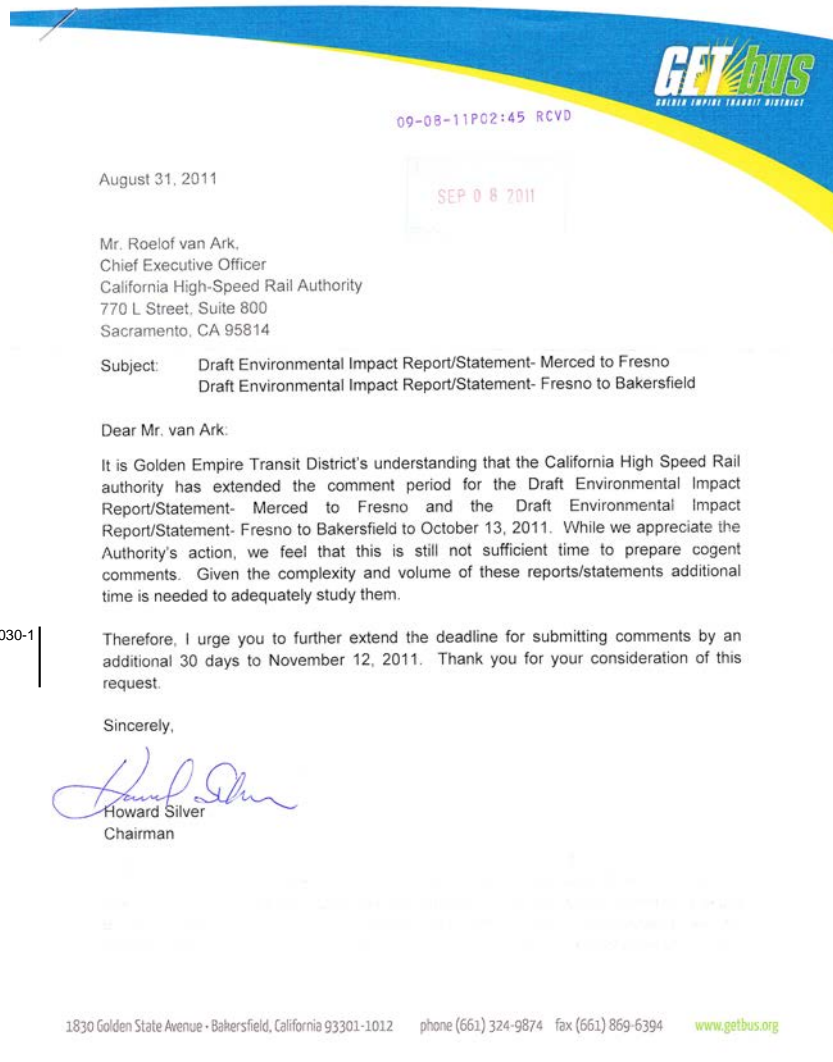
EXHIBIT "D"					
Page 1 of 2					
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT					
BASIN FILL MATERIAL AVAILABILITY SUMMARY					
Basin I.D.	Location	Remaining Cubic Yards to "E Grade"	Basin I.D.	Location	Remaining Cubic Yards to "E Grade"
1G	Temperance & Gould Canal	3,900	BW	Clovis & Dakota	15,000
3A	Helm & Shaw	2,000	BX	Temperance & Teague	808,690
3F	Shaw & Laverne	3,700	BY	Behmyer & Sunnyside	157,680
3G	Barstow & Locan	58,000	CD	Dakota & Garfield	380,000
4E	Stanfors & Bullard	67,500	CE	Maple & n/o American	596,300
5B/5C	Sierra & Minnewawa	39,401	CF	Peach & Central	23,480
7C	Alluvial & Clovis	2,800	CG	W. McKinley & N. Garfield	424,600
7D	Alluvial & Fowler	189,170	CH	W. McKinley & Bryan	305,000
7H	Temperance & Sierra	292,300	CJ	W. Belmont & N. Grantland	300,000
A	Floradora & Maple	135,500	CK	W. McKenzie & N. Peik	406,200
AE	Barstow & Santa Fe	42,500	CP	Jensen & Marks	224,500
AF	Shaw & w/o Brawley	101,000	CQ	W. North & S. Walnut	216,600
AG	Valentine & Ashlan	72,600	CS	Fruit & North	11,000
AH2	Gettysburg & Cornelia	64,322	CU	North & Willow	205,000
AI	Gettysburg & w/o Hayes	210,400	CV	Willow & Central	50,000
AJ	Ashlan & w/o Cornelia	20,000	CZ	Nees & Chestnut	10,500
AK	Dakota & Polk	200,200	DL	Minnewawa & Harvey	262,900
AN	Cornelia & Olive	9,000	DM	Peach & Copper	383,200
AQ	Willow & Perrin	19,500	DN	Frant Rd & s/o Willow	18,049
AR	W. Whitebridge & S. Cornelia	338,000	DO	Locan & Dakota	207,551
AS	W. California & S. Valentine	372,000	DP	E. Dakota & N. Highlands	700,000
AU	Unknown Street & Unknown Street	160,000	DS	East Side Dewolf n/o McKinley	3,137,290
AV	S. Elm & 41 Hwy	166,000	EF	Cornelia & Browning	78,340
AW1	Orange & North	105,200	EH	Bullard & Motel Drive	81,000
AW2	North & Cherry	10,000	EI	Garfield & Alluvial	163,500
AX	E Central & S. East	286,000	EJ	Garfield & Bullard	133,450
AY	Central & Cedar	265,017	EM	Barstow & Grantland	4,000
AZ	Chestnut & Golden State	138,950	EN	W. Gettysburg & N. Garfield	325,500
B/E	Gettysburg & First	35,000	EO	N. Bryan & W. Dakota	390,773
BC	Willow & Teague	89,000	FCB	Fancher Creek Detention Basin	626,559
BD	Vine & Helm	28,000	HH	Commerce & Maple	143,495
BDCB	Consolidated to 501	52,700	II2	Church & Orange	313,000
BG	S. Peach & S. Clovis	368,500	LL	Annadale & Cherry	83,600
BJ	Central & Maple	72,000	OO	West & Lorena	120,000
BL	Church & Armstrong	33,500	S	Ashlan & Peach	15,000
BP	180 Hwy & N. Sunnyside	135,000	SOB	Unknown & Unknown	280,000
BQ	Belmont & Fowler	92,425	SS	Annadale & Walnut	514,000
BR	N. Clovis & E. Lamona	180,500	T	E Airways & N. Clovis	65,000
BS	McKinley & Fowler	621,400	TT1	Jensen & West	130,000
BT	Nees & Marion	164,000	U	Chestnut & Dakota	5,500
BU	Clovis & Clinton	144,700	W	Minnewawa & Harvey	122,650
BV	Fowler & Shields	17,000	ZZ	Dry Creek & Crystal	12,000
				TOTAL	17,800,892

\\S2\engineering\environmental impact report letters\high speed train-fresno-bakersfield(mw).docx

Attachment to Submission L029 (Jerry Lakeman, Fresno Metropolitan Flood Control District,
October 13, 2011) - Fresno Metro Flood Control Attachments.pdf - Continued



Submission L030 (Howard Silver, Get Bus - Golden Empire Transit District, September 8, 2011)



L030-1

Therefore, I urge you to further extend the deadline for submitting comments by an additional 30 days to November 12, 2011. Thank you for your consideration of this request.

Sincerely,


Howard Silver
Chairman

1830 Golden State Avenue • Bakersfield, California 93301-1012 phone (661) 324-9874 fax (661) 869-6394 www.getbus.org

Response to Submission L030 (Howard Silver, Get Bus - Golden Empire Transit District, September 8, 2011)

L030-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission L031 (Jeffrey Cutherell, Greater Bakersfield Separation of Grade District, October 11, 2011)

Greater Bakersfield Separation of Grade District
1800 30th Street, Suite 260
Bakersfield, CA 93301

10-11-11A10:40 RCVD



October 5, 2011

Mr. Jeff Abercrombie
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

REF: EIR Comments and Recommendations for Central Valley Grade Separations

Dear Mr. Abercrombie:

L031-1

Thank you for the opportunity to present local agencies' comments to the High-Speed Rail Authority's (the "HSRA") EIR and local agencies' recommendations for the Central California High-Speed Rail design and build phase. The purpose of this letter is three-fold: to (1) follow-up on the meeting of July 14, 2011, with regard to the interface of Santa Fe Way and High-Speed Rail at Seventh Standard Road; (2) provide comments to the HSRA with respect to the EIR and future grade separations along the Santa Fe Way corridor north of Hageman Road; and (3) propose that our local agencies partner with the HSRA in the design, right-of-way acquisition and construction of certain early delivery features of the High Speed Rail.

The Greater Bakersfield Separation of Grade District, the County of Kern, and the Cities of Bakersfield and Shafter, in coordination with adjacent property owners, have been engaged in defining Specific Plan Lines for the alignments and limits of grade separations along the BNSF Railway at Kratzmeyer Road, Renfro/Jenkins/Reina Roads and Lerdo Highway. This effort has also entailed refinement of the West Beltway alignment and access configuration. The addition of the High-Speed Rail alignment alternatives along the BNSF corridor has required the development of alterations to the previous concept plans for the railroad grade separations and necessitated an accelerated time schedule for construction of the grade separations along Santa Fe Way.

Santa Fe Way is a significant regional north-south route, connecting metropolitan Bakersfield with the cities of Shafter and Wasco. As discussed at the July 14, 2011 meeting, HSRA desires to run the High-Speed train under the recently constructed Seventh Standard Road overhead, adjacent to the BNSF Railway. This alignment would restrict future widening of Santa Fe Way to four lanes (currently planned as an ultimate six-lane arterial) and would necessitate the construction of a wall along the westerly abutment. It was determined that the loss in north-south roadway capacity could be mitigated with the construction of a parallel route comprised of Burbank Street, Zachary Avenue, the West Beltway/BNSF/High-Speed Rail/Santa Fe Way grade separation, and Heath Road.

Mr. Abercrombie
October 5, 2011
Page 2 of 2

L031-1

The West Beltway is planned as an ultimate six-lane freeway. For that reason, the overhead should be constructed with a substructure for this ultimate facility and a superstructure for either two or four lanes. The connecting roadway should provide a minimum of two travel lanes and paved shoulders.

With respect to the proposed Reina Road crossing, the circulation plan calls for a southerly relocation of the crossing with connections to Renfro Road and Jenkins Road to provide a more efficient perpendicular crossing of the railroad and to provide for north-south circulation/travel. The design for the Kratzmeyer Road and Renfro/Jenkins/Reina Roads grade separations should provide for a minimum 55 m.p.h. stopping sight distance on the vertical curves. Both roadways are designated as six-lane arterial streets and therefore a six-lane substructure should be provided to allow for future widening. The superstructure on Kratzmeyer Road and Renfro/Jenkins/Reina Roads should provide for a minimum of four lanes and two lanes, respectively. The overhead structures also need to provide for a minimum of four travel lanes, bike lanes, and a median on Santa Fe Way, adjacent to the High-Speed Rail.

For the crossings north of Seventh Standard Road, it is understood that the High-Speed Rail project will construct a two-lane grade separation at Burbank Street. As with the crossings to the south, the substructure at Burbank Street should provide for ultimate future expansion to six lanes. Additionally, grade separations need to be provided at Riverside Drive and Lerdo Highway. A grade separation is needed at Riverside Drive to allow for future east-west connectivity along the Santa Fe Way corridor. While it is understood that the High-Speed Rail will be elevated at Lerdo Highway, construction of a grade separation with the BNSF Railway is needed at this time as it appears the High-Speed Rail will preclude future construction of the needed grade separation facility.

L031-2

Because the preliminary design work and right-of-way coordination have been accomplished by our local agencies and adjacent land owners, we recommend that the Santa Fe Way mitigation project (Burbank Street grade separation, West Beltway overhead and connecting roadways), the Kratzmeyer Road grade separation, and the Renfro/Jenkins/Reina Roads grade separation be accomplished as early delivery projects. We also recommend that the full scope of these early delivery projects, including design, right-of-way acquisition, utility relocation and construction, be accomplished by our local agencies through a Joint Agencies Agreement among the HSRA, the City of Bakersfield, the County of Kern, the City of Shafter and the Greater Bakersfield Separation of Grade District, with funding being provided by the HSRA.

Very truly yours,

Jeffrey Cutherell, President
Greater Bakersfield Separation of Grade District

Raul M. Rojas, Public Works Director
City of Bakersfield

Craig Pope, Director
County of Kern Roads Department

John Guinn, City Manager
City of Shafter

Attachments

cc: Mr. Thomas Tracy
Mr. John Popoff

Response to Submission L031 (Jeffrey Cutherell, Greater Bakersfield Separation of Grade
District, October 11, 2011)

L031-1

Refer to Standard Response FB-Response-AVR-04.

L031-2

Refer to Standard Response FB-Response-GENERAL-02.

Submission L032 (Ronald E. Brummett, Kern Council of Governments, September 30, 2011)



09-30-11P05:00 RCVD

September 1, 2011

Mr. Roelof van Ark
Chief Executive Officer
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Subject: Request Public Comment Period Extension for Bakersfield/Fresno High Speed Rail
Draft Environmental Impact Report / Draft Environmental Impact Statement

Dear Mr. van Ark:

L032-1


Kern Council of Governments respectfully petitions for an additional 30 days from October 13, 2011 to assist in the agency's review of the above-referenced document.

Because of its length and complexity, a 60-day public comment period is insufficient for Kern COG's staff, as well as other stakeholders and members of the public, to fully review and prepare comments regarding this EIR/EIS.

In addition, Kern COG staff is expending time to review the Merced/Fresno High Speed Rail Draft EIR/EIS relevant to the sections on the proposed heavy maintenance facilities sites.

Given these responsibilities Kern Council of Governments considers an additional 30 days' review period to be essential.

Sincerely,


Ronald E. Brummett
Executive Director

cc: Mr. Jeff Abercrombie
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento CA 95814

Kern Council of Governments
1401 19th Street, Suite 300, Bakersfield, California 93301 (661) 861-2191 Facsimile (661) 324-8215 TTY (661) 832-7433 www.kerncog.org

Response to Submission L032 (Ronald E. Brummett, Kern Council of Governments, September 30, 2011)

L032-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission L033 (Mike Maggard, Kern County Board of Supervisors, September 9, 2011)

BOARD OF SUPERVISORS

SUPERVISORS

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- Zack Scrivner District 2
- Mike Maggard District 3
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- Karen Goh District 5



KATHLEEN KRAUSE
CLERK OF BOARD OF SUPERVISORS
Kern County Administrative Center
1115 Truxtun Avenue, 5th Floor
Bakersfield, California 93301
Telephone 661-868-3585
TTY Relay 800-735-2929

SEP 09 2011

September 6, 2011

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

RE: Request to extend the CEQA/NEPA public comment period for the Draft Project Environmental Impact Report/Statement for the Fresno to Bakersfield Section High Speed Train (SCH# 2009091126) and Draft Project Environmental Impact Report/Statement for the Merced to Fresno Section High Speed Train (SCH# 2009091125)

Dear Mr. van Ark:

L033-1

The Kern County Board of Supervisors requests that the current public review period ending October 13, 2011 be extended 30 days to November 11, 2011 for both Project level EIR/EIS documents (SCH# 2009091125 and SCH# 2009091126) being circulated for the California High Speed Rail System sections through the Central Valley. This request is made in accordance with CCR section 15088, 15105, 15203 and 15207 of the amended CEQA guidelines.

The system includes major components in Kern County including the Bakersfield Station, potential locations for a Heavy Maintenance Facilities and the railway alignments. The purpose of CEQA and NEPA is to provide an opportunity for the general public as well as other agencies with specific expertise to review the described project and analysis and provide comments and suggestions for mitigation and the avoidance or reduction of impacts. The courts have directed and the CEQA guidelines have reflected six separate policy grounds that justify the requirement that lead agencies must seek and respond to public comments: sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns and soliciting counter proposals (CEQA Guidelines 15200). The Authority, as lead agency, has chosen to present two sections of the project in two separate but related documents with formats that are not consistent. These two sections of the system involve impacts and interests to over 2.2 million Central Valley residents and deserve a robust and careful public review process to ensure compliance with the purpose of CEQA and NEPA, not merely the legal requirements. In addition, these documents are presented as project level rather than program level documents, which require a greater level of assessment and review.

The delay in providing complete, accessible copies for public review, the different formatting and analysis style for two completely separate documents for two different segments of the same project for compliance with both CEQA and NEPA and the state-wide scope of the project meet the test for "unusual circumstances " requiring an extended review period as noted in the CEQA Guidelines (15105 subdivision a). There are no limitations under NEPA for a lengthened review period.

Mr. Roelof van Ark
Request to Extend CEQA/NEPA Public Comment
September 6, 2011
Page 2

The Kern County Board of Supervisors has been generally supportive of the High Speed Train which has been in formulation for many years. Affording the public and agencies an additional thirty (30) days for review of these voluminous, detailed documents is consistent with the high level of commitment the Authority has already shown to public involvement.

Sincerely,

Mike Maggard, Chairman
Kern County Board of Supervisors

MM1 TH LEGGEN EIR Chairman L033

- cc: County Administrative Office
County Counsel
Planning and Community Development Department
Roads Department
HSRA Jeffrey Abercrombie, Program Area Manager, Central Valley
City of Bakersfield
Senator Rubio
Senator Jean Fuller
Assemblywoman Shannon Grove

Response to Submission L033 (Mike Maggard, Kern County Board of Supervisors, September 9, 2011)

L033-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011)



KERN HIGH SCHOOL DISTRICT

BOARD OF TRUSTEES
J. Bryan Batey, President
Chad Vegas, Vice President Mike Williams, Clerk
Martha Miller, Member William R. Perry, Ed.D., Member
DONALD E. CARTER, Ed.D., SUPERINTENDENT

5801 SUNDALE AVENUE • BAKERSFIELD • CALIFORNIA • 93309-2924 • (661) 827-3100 • FAX: (661) 827-3301

October 13, 2011

Fresno to Bakersfield Draft EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

SUBJECT: DRAFT EIR/EIS COMMENT

The Kern High School District sent our Comment for the "Draft EIR/EIS Comment" via FedEx October 12, 2011 and was received by your office October 13, 2011 at 9:53 a.m. There was a clerical error in this copy and the following copy replaces that which you received October 12, 2011 at 9:53 a.m.

Sincerely,

Jack "Woody" Colvard
Director Facilities Planning

AN EQUAL OPPORTUNITY EMPLOYER



KERN HIGH SCHOOL DISTRICT

BOARD OF TRUSTEES
J. Bryan Batey, President
Chad Vegas, Vice President Mike Williams, Clerk
Martha Miller, Member William R. Perry, Ed.D., Member
DONALD E. CARTER, Ed.D., SUPERINTENDENT

5801 SUNDALE AVENUE • BAKERSFIELD • CALIFORNIA • 93309-2924 • (661) 827-3100 • FAX: (661) 827-3301

October 12, 2011

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

Subject: California High-Speed Train Project EIR/EIS Fresno to Bakersfield Section EIR/EIS Comments

To Whom It May Concern:

Kern High School District (KHSD or District) has reviewed the *California High Speed-Train Project EIR/EIS Fresno to Bakersfield Section* (EIR) in an attempt to ascertain whether potential impacts to District facilities have been adequately addressed and mitigated in accordance with the requirements of NEPA and CEQA. The District has determined that the proposed High-Speed Train (HST) "BNSF" and "Bakersfield South" Alternative Alignments will have significant impacts on Bakersfield High School (BHS). While some of these impacts are disclosed and discussed to some extent within the document, others lack appropriate analysis or are entirely absent. The comments presented below must be considered in context with the history, setting, function, and educational mission of the BHS campus. The following describes some of the salient facts regarding BHS and its operations.

BHS is one of 18 comprehensive high school campuses in KHSD. BHS (formerly known as Kern County High School) was the first high school in Bakersfield and in Kern County and thus has great historical significance to the community and to its many graduates. The high school was opened in 1893 and has operated continuously to the present. The campus is located in central Bakersfield, north of California Avenue, south of the BNSF Railroad tracks, west of "H" Street and east of the BNSF switching yard. The high school occupies 26 net acres. The campus was developed within city blocks, with public streets separating and dividing the campus into several distinct segments.

The BNSF alignment, if selected, would require the "taking" of the BHS Industrial Arts (IA) Building and parking. Other educational/classroom facilities are located less than 150 feet from the proposed HST right-of-way. The library, located on the second floor of Spindt Hall, would have an unobstructed line of sight of the elevated HST viaduct. The Bakersfield South alternative would also impact the campus and the educational environment as the nearest classroom facilities (the IA Building) would be less than 180 feet from the HST right-of-way.

The Industrial Arts (IA) Building complex comprises 85,000 square feet and 24 classrooms. It represents 17 percent of the total floor space of the BHS campus and 18 percent of the available classroom space. The building is eligible for historic consideration. The IA complex consists of two

Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - Continued

High Speed Rail Authority Letter
 October 12, 2011

buildings, the first constructed in 1923 and the second constructed in 1939. The building houses wood shops, auto shops, and other industrial/vocational education classrooms. It also contains independent studies classrooms, a weight room, two ROTC classrooms, the agriculture classroom, a custodial supply room, a testing center, a Title 1 tutoring center, and three computer labs, along with a secured parking facility for the BHS Band's travel trailers and four school vans. It has many "vintage" shop tools that probably cannot be replaced and must be housed in space with very high ceilings. The IA Building complex has features that are not available at other District comprehensive campuses.

The current "center" of the campus is a quad area known as Elm Grove. It is a landscaped, park-like open space area within the campus. It is an important gathering place and passageway through the various blocks of the campus. It is surrounded by historic eligible buildings including the IA Building on the North, Harvey Auditorium on the East, and Warren Hall on the South. The cafeteria and gymnasium are located to the West. If the BNSF alignment is selected and the IA Building is removed or significantly altered, the character of Elm Grove would be forever changed. The north side of Elm Grove would be framed with a viaduct for the HST just about 100 feet away.

BHS facilities are utilized for educational purposes from approximately 6:30 a.m. to 9:30 p.m., Monday through Friday. Some facilities are also used on weekends. The campus is a comprehensive high school with the primary mission of educating 9th through 12th grade students. Its facilities are also used in the evening hours as a charter school to educate non-traditional students who are working towards a high school diploma.

Current enrollment is approximately 2,822 students with a staff of 204. The school has a long-storied tradition of academic, athletic, and extra-curricular success. It is very common for multiple generations of a family to attend BHS. In Bakersfield, they say "Once a Driller, Always a Driller".

Students, alumni, and community members are very proud of BHS and its traditions, history, and culture. Any change to BHS that is considered by stakeholders to be detrimental to the campus would likely result in opposition to the proposed alignments, particularly the BNSF alignment, which would take the IA Building. Thus, it is important that the HSR Authority, through the EIR, fully address the impacts specific to the BHS campus and provide detailed information on proposed mitigation measures.

The impact of the HST on the BHS campus must also be considered in the context of California Department of Education (CDE) standards for the siting of new school campuses. Any changes in the campus site, including additions to the footprint or additions that add enrollment capacity are subject to these standards. This would include any changes proposed by the HSR Authority as a part of mitigation. For example, additional property acquired for the relocation of any buildings or new parking areas would be required to meet the standards, according to CDE officials.

Current California Education Code and the California Code of Regulations (CCRs) requirements and guidelines (Title 5, Div 1, Chapter 13, Subchapter 1, Article 1) provide Standards for School Site Selection. Tables referenced in those standards recommend that a comprehensive high school with an enrollment of 2,822 students, if built today, have a minimum net campus area of 67 acres. BHS has a net campus area of 26 acres. Any reduction in usable area that may occur as a result of the HST "taking" property or the requirement for noise, vibration, and/or safety setbacks will further enhance the discrepancy between the recommended land area standard and the current net land available. It is possible that any "take" or setback requirement will make the viability of the campus

High Speed Rail Authority Letter
 October 12, 2011

questionable. KHSD understands that any change in the school boundary will subject the District to current Title 5 standards. If a KHSD or CDE study suggests that the BHS campus is no longer viable because it cannot adequately meet current standards, the HSR Authority should be aware that relocating the entire campus may be a necessary mitigation.

If a proposed school site is within 1,500 feet of a railroad track easement, a safety study is required. The study must consider the cargo manifests, frequency, speed, grade, curves, safeguards, and other operating parameters. It should be noted that the entire BHS campus, due to its age, is located within 1,500 feet of a railroad easement. It stands to reason that HSR Authority proposing to obtain an easement within 1,500 feet of an existing school should do a similar safety study and provide substantial evidence to the owner of the school site that the proposed HST is safe. The EIR does not provide such a study and thus the District cannot adequately determine the safety and risk of the HST. To comply with CEQA, a rail safety study is required to be included in the EIR.

Title 5 also has standards with respect to the shape and length-to-width ratio of the campus (§14010). It states that the site must have a proportionate length-to-width ratio to accommodate the building layout, parking, and playfields that can be safely supervised and does not exceed the allowed passing time between classes. Because the EIR does not propose specific mitigation for impacts to the BHS campus, the District cannot ascertain whether these standards can be met.

Comments below provide a more comprehensive discussion of the District's specific concerns.

General Comments

- L034-1 | 1. The EIR lacks a detailed project description with respect to HST operations that may affect nearby sites, such as the Bakersfield High School (BHS) campus. The frequency of inbound, outbound and through trains is not stated. The speed profile through urban Bakersfield is not stated. The type of cargo that may be carried is not stated. Will hazardous materials be carried by the HST in small quantities? What is the time profile and schedule of trains operating in the urban Bakersfield corridor? What are the peak number of trains per hour and the time of the peak? These operating parameters are important factors in the analysis of impacts to nearby facilities. Without this information, the District cannot adequately assess safety, noise and vibration impacts.
- L034-2 | 2. The EIR does not provide site-specific impact analysis. It is difficult to specifically ascertain the impacts to BHS because the discussion of impacts and mitigation is broad, general, not calibrated to achieve an articulated standard, and not specific to a site. For example, what are the predicted noise levels and vibration levels at specific locations on the BHS campus, such as the library, Harvey Auditorium, and Griffith Field before and after mitigation? In the case of the Bakersfield South alignment, what will be the sound levels in the IA Building during the construction phase and operations phase?
- L034-3 | 3. The EIR does not provide specific mitigation measures that are applicable to a specific site. The EIR discusses mitigation in broad, general terms. It is not possible to ascertain what specific mitigation measures are proposed to mitigate a specific site impact. For example, "possible" sound walls are proposed that may be "up to 14 feet tall". In order to properly address the adequacy of mitigation for BHS, the District must have information on the specific location, height, and materials of construction for the sound walls (plus the operating parameters requested in 1 above) to independently determine whether the proposed sound

Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - Continued

High Speed Rail Authority Letter
 October 12, 2011

High Speed Rail Authority Letter
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- L034-3 | mitigation is adequate. The District must also know what specific acoustic mitigation is proposed for impacted buildings, such as Harvey Auditorium, Spindt Hall, the student cafeteria, and the library. More importantly, what standards are the proposed mitigation measures for noise and vibration intended to achieve? Only when the standards to be met are known will the District be able to determine if the education mission of BHS can be preserved with the proposed mitigation measures.
- L034-4 | 4. Much of the mitigation proposed is deferred mitigation. It is often proposed that the details of the mitigation are to be determined at a later time or in a subsequent analysis. Because the details of the mitigation are deferred, the District cannot determine whether the proposed mitigation is adequate under CEQA. Most importantly, the District cannot determine if the BHS campus will remain a viable educational facility. The CEQA Guidelines, as well as court cases, have held that it is ordinarily insufficient to defer formulation of mitigation measures to the future **without specifying performance standards** which would mitigate the significant effects of the project. (See, Guidelines §15126.4 (a)(1) (B); *City of Long Beach v Los Angeles Unified School District* (2009) 176 CA 4th 889, 915). The EIR lacks standards for noise and vibration mitigation to sensitive receptors such as the BHS campus. In *Communities for a Better Environment v. City of Richmond* (2010) 184 CA 4th 70, 95, the court stated in discussing deferred mitigation measures, the proper course of action "was not to defer the specification and adoption of mitigation measures [until after receiving further recommendations], but, rather, to defer approval of the Project until proposed mitigation measures were fully developed, clearly defined, and made available to the public and interested agencies for review and comment."
- L034-5 | 5. The EIR provides little analysis on safety and hazards for nearby properties. Some anecdotal evidence of the safety of other HST systems is provided. The HSR Authority is asking the public to rely on their assurances that computerized controls, fencing, barriers, grade separations, intrusion alarms, and so-called fail-safe safety mechanisms will provide adequate safety. The public has not been provided with sufficient evidence that the proposed safety measures will protect the safety of students and staff at BHS. The proposed BNSF alignment would be within 100 feet of a high school campus, and the Bakersfield South alignment within less than 150 feet. Some discussions with HSR officials have raised the possibility of student and/or faculty parking being placed under the elevated viaduct. The EIR does not provide adequate data for a reader to determine the safety of the HST or the viability or relocating parking under or near the viaduct. If the BNSF alignment is to be considered, a full risk analysis is needed to demonstrate the mathematical probability/risk of a HST accident affecting students or staff at BHS.
- L034-6 | 6. There is inadequate discussion and evaluation of construction phase impacts to the BHS campus. Most discussion and analysis is directed to residential impacts. Construction will primarily occur in daylight hours, at the same time that school will be in session. Pile driving, transportation of construction workers, materials deliveries, and other activities will be in direct conflict with pedestrian and vehicle traffic in and around the campus. Campus Way and 14th Street are the only daytime public road access to the BNSF alignment corridor. The BNSF alignment would have a greater impact to the BHS campus than the Bakersfield South alignment.
- L034-7 | 7. All mitigation required for BHS must be completed and in operation before construction can begin on the HST adjacent to the BHS campus. The loss of the IA Building classroom space

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- L034-7 | would fatally impair the mission of BHS and significantly reduce the District enrollment capacity. Noise, vibration, and other construction-related impacts would also impair the education mission of BHS. The HSR Authority is advised that the process of planning, designing, and constructing new education facilities for BHS may take several years. This issue is more critical for the BNSF alignment than for the Bakersfield South alignment.
- L034-8 | 8. The analysis for the Fresno-Bakersfield route stops at the Bakersfield station. The Bakersfield-Palmdale EIR/EIS will be analyzing any impacts occurring east of the Bakersfield station; however, CEQA requires public agencies to consider the reasonably foreseeable effects of their actions. Impacts to air quality, land use, and transportation would likely occur as a result from the Fresno-Bakersfield route to the east Bakersfield area, which isn't discussed in this EIR.
- L034-9 | 9. Repeatedly throughout the EIR, the BNSF alignment is described as "generally following the BNSF Railway right-of-way" or similar. Although technically true for many segments of the proposed rail, this statement is disingenuous, as it implies to a casual reader that the Project would be predominantly constructed within existing rail right-of-way. As contained in Volume III, Section B – Alignment Plans Part 2, the BNSF alignment within the Bakersfield Urban Subsection is segmented into 21 sheets. Of these 21 sheets, 14 (CB0769 through CB0776, CB0779 through CB0781, and CB0783 through CB0785) show a track alignment that, other than trending generally southeast and east, cannot realistically be described as "following" existing rail rights-of-way. As illustrated on these sheets, the BNSF alternative often deviates significantly from existing rails.
- L034-10 | 10. While the EIR attempts to address all of the potentially-affected resources along the Project's expansive project area, including a specific attempt to identify discussion related to schools (sidebar to the Table of Contents on Page 3.1-2), it is unfortunate that the document does not contain, in one unified location, assessments of impacts to schools as suggested within CEQA Guidelines Appendix G. Instead, a reader looking to uncover impacts to schools must review numerous seemingly unrelated sections of the EIR and cobble together a semi-clear picture of impacts and mitigation. The organization of an EIR should not require readers to "to sift through obscure minutiae or appendices" to find important components of the analysis. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 CA 4th 645, 659.
- L034-11 | 11. Pg. 3.2-6: The EIR presents a discussion of how the baseline year for traffic analysis was selected, and states that analysis is provided both for existing conditions (presumably 2010) and for 2035. CEQA requires that project impacts be measured against a current baseline (defined to be a date between the issuance of the NOP and the certification of the EIR.) While the EIR claims to be in compliance with the 2010 case *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale* (2010) 190 Cal.App.4th 1351, in fact that case specifically invalidated Sunnyvale's EIR for using a future baseline date rather than the CEQA-mandated date.
- L034-12 | 12. The EIR defends its decision to evaluate necessary mitigation based on the 2035 theoretical completion date of the Project as "more appropriate." Again, the Court in *Sunnyvale* opined that it could not uphold the use of the future baseline "since that approach contravenes CEQA regardless whether the agency's choice of methodology for projecting those future conditions is

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- L034-12 supported by substantial evidence." Simply, CEQA's requirements are clear, and cannot be circumvented by the lead agency just because doing so might seem to make sense. Selection of 2035 as the baseline for evaluation of traffic impacts violates CEQA and renders the EIR inadequate. The traffic analysis must be prepared using a current base year and the EIR recirculated. (See, *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 CA 4th 48.)
- L034-13 13. Pg 3.2-7: The EIR treats the stations and their specific trip generation as though they were typical commercial businesses, with trips distributed around the clock and typical AM and PM peak hours of 15% of the total daily volume each. No evidence is provided to back up this distribution analysis.
- L034-14 14. Train stations are unlike other commercial businesses in that traffic in and out of the stations is concentrated around the arrival and departure times of the trains. The EIR provides no information as to the proposed operational schedule of the HSR. The trip generation of each station will be dependent upon the number of trains per day and the arrival/departure schedule. It is unknown if the train schedule causes peak demands at the stations that coincide with the AM and PM peak hours on the existing road systems. Both locations of the proposed Bakersfield Station are approximately one mile east of Bakersfield High School; however, the EIR presents no analysis on the increase of traffic in conjunction with the peak demands resulting from BHS. Additionally, if there are only one or two trains per day, won't the peak hour generation for the station greatly exceed 15% of the daily total? The EIR leaves major gaps in the information it provides to readers, because of the gaps in the assumptions it makes about the actual operations of the stations in each of the three proposed locations (Fresno, Hanford, Bakersfield.) Without such analysis, neither the public nor the agencies responsible for the surrounding road systems can be correctly informed of the Project's potential impacts, rendering the EIR deficient.
- L034-15 15. Pg 3.2-8: The EIR states that the significance criterion for road segment impacts is a drop in the segment's level of service to LOS D. This may be appropriate for segments within some of the municipalities, but the City of Bakersfield require segments and intersections on their road systems to be mitigated to LOS C. Any segments or intersections (signalized or unsignalized) within the City of Bakersfield which are impacted by the Project to an LOS of D or below must be mitigated to LOS C. The EIR fails to correctly mitigate such segment and intersection impacts.
- L034-16 16. Figures 3.2-13 through 3.2-16: While each of these figures illustrates some aspect of the road and highway system around the station area as loosely described in the EIR text, none actually shows the location of the Bakersfield Station Area that is being analyzed. In order to provide adequate information to the reader, the Bakersfield Station area, and the selected specific location for the Bakersfield Station, must be shown on each figure. This is especially important as both locations of the proposed Bakersfield Station are in close proximity to BHS and it is difficult to ascertain direct or indirect impacts to the school resulting from HST implementation.
- L034-17 17. Table 3.2-23: The footnote to this table reveals that the City of Bakersfield has adopted a standard of LOS C for its intersections and roadway segments. The EIR lists 10 intersections that would be impacted to LOS D by either of the Project's proposed alignments through Bakersfield (Mt. Vernon Avenue/E. Brundage Lane (#8), P Street/California Avenue (#22), Union Avenue/Hayden Court (#29), Chester Avenue/Truxtun Avenue (#33), Q Street/Truxtun Avenue (#36), Mt. Vernon Avenue/Niles Street (#55), Union Ave/W. Niles Street (#57), Union
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- L034-17 Avenue/34th Street/Bernard Street (#63), Chester Avenue/W. Columbus Street (#64), and L Street/California Street (#67)). The Chester Avenue/Truxtun Avenue intersection is approximately ½ mile northeast of BHS, and as such, it may impact related street segments and intersections. Each of these 10 intersections must be identified as being significantly impacted under CEQA, and the Project must provide effective mitigation to reduce the impacts to a level of less than significance, if feasible. The EIR fails to provide mitigation for any of the 10 intersections and is therefore deficient.
- L034-18 18. Pp. 3.2-44, 45: Impacts from construction-related traffic are proposed to be mitigated by routing of vehicles to designated truck routes, including California Avenue. California Avenue is the primary corridor serving BHS. The document does not contain any mention or analysis of either congestion-related or safety-related impacts that may occur, particularly during peak hours, between construction-related and school-related vehicles and/or pedestrians. CEQA Guidelines §15126(a)(1)(D) requires that a lead agency analyze significant impacts that result from implementation of a mitigation measure. Since the level of significance in this instance has not been established or even discussed in the EIR, this standard has not been met. It should be noted that the temporary nature of an impact does not in and of itself render that impact less than significant.
- L034-19 19. The BNSF alignment would take the IA Building and would construct rail facilities within 100 feet immediately north of the remaining campus of BHS. The only existing access to this area for construction vehicles, equipment, and personnel consists of a system of city streets running through the BHS campus. Access from the North appears to be precluded by the presence of the existing BNSF rail lines. The EIR does not discuss any other logical avenue of approach to this construction area. Routing construction traffic through the actual school campus would potentially be a significant impact, and must be addressed. It should be noted that the temporary nature of an impact does not in and of itself render that impact less than significant.
- L034-20 3.3- Air Quality and Global Climate Change
- L034-20 20. Table 3.3-11: It is unclear as to the capacity the HST is expected to run to provide the amounts of emissions reductions that are described in the summary of regional changes in operational emissions. As there are no sources, or models cited, the air quality quantification seems to be merely speculation and not based on fact.
- L034-21 21. Pg. 3.3-67: This analysis is not logical. If, in fact, going through the SJVAPCD permitting process would ensure the health risk to be below the health-risk significance level, there would never be any significant impacts with regards to health-risk assessments, which is not the case. The EIR should analyze the health risk assessment for the sensitive receptors, including schools, in the vicinity of the Heavy Maintenance Facilities (HMF), all route alignments, stations, and proposed concrete batch plants. The analysis could only then determine if the impact is less than significant.
- L034-22 3.4- Noise and Vibrations
- L034-22 22. Pg. 3.4-40: The EIR states that "There is considerable evidence that increased annoyance is likely to occur for train noise with rapid onset rates". The EIR concludes that rapid onset noise
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- L034-22 will not be significant and its effects will be negligible because the effect is somehow confined to 45 feet from the tracks. The EIR is deficient because it does not provide any evidence or evaluation for this conclusion. It stands to reason that the effect may diminish with distance but it nevertheless will impact the BHS campus. Under the BNSF alignment, parts of the BHS campus will be located approximately 100 feet from the HST right-of-way. The EIR must provide analysis of this effect at the nearest points of the BHS campus. The analysis should consider annoyance that may occur in classrooms, the library, Harvey Auditorium, Elm Grove, and the athletic fields. Will the onset of a HST cause students and teachers to have to pause and interrupt teaching until after a train passes? Will a football official need to call a timeout as a train goes by before play resumes? If so, this impact will be disruptive to teaching and the mission of KHSD and BHS.
- L034-23 23. Pg 3.4-41 states that there are 86 Category 1, 2, and 3 land use sensitive receivers within the approximated vibration contour distances of the BNSF alignment centerline and that they are presented in Table 3.4-22; however, Table 3.4-22 states that only 40 residences, which are Category 2 land uses, would be sensitive receivers with regards to vibration. This contradiction is confusing and misleading. It is unclear how many Category 1 and 3 land use receivers would be impacted by operational vibration, and since every other alternative alignment uses the analysis used in the BNSF alignment, it is unclear how many and what types of sensitive receptors would be impacted by operational vibrations along the entire Fresno-Bakersfield alignment. This must be clearly analyzed to give the Authority the information necessary to make an informed decision.
- L034-24 24. Pg 3.4-44. N&V-MM #2: Construction of the BNSF alignment will transect BHS, which is considered a sensitive daytime receiver. The EIR states that a series of noise control mitigation measures will be implemented as necessary for nighttime and daytime. The construction vibration mitigation measure is weak and unenforceable. It is unknown if all mitigation measures in the series would be implemented or if a select few would be implemented. As there are no performance criteria associated with the mitigation, it is unknown, if, in fact, implementation of the measure would reduce construction vibration impacts to less than significant. The EIR must include specific mitigation that will quantifiably reduce individual impacts to a less than significant level. (See, Guidelines §15126.4 (a)(1) (B); *City of Long Beach v Los Angeles Unified School District* (2009) 176 CA4th 889, 915).
- L034-25 25. Table 3.4-14 and page 3.4-45: For the Bakersfield segment, the distance for severe noise impact is indicated as 1,300 feet. The table states there are four schools with severe impacts, but does not name or identify the schools. KHSD presumes that BHS is one of the impacted schools. This should be explicitly stated in the EIR so the public is fully aware of the impact. The 1,300-foot impact area encompasses the entire BHS campus. The Bakersfield South alignment will severely impact all but the southernmost areas of the campus. Sound barriers are proposed as mitigation but the analysis does not indicate the specific performance of the barriers. The sound reduction is estimated to be between 5 and 15 dB. The EIR proposes that the HSR Authority "work with the communities to determine how the use and height of the barriers would be determined using jointly developed performance criteria". The District is unable to determine what specific noise mitigation is proposed for BHS and cannot determine from the information provided whether it will be sufficient to reduce noise impacts to a less than significant level. The analysis of impacts and the development of effective mitigation have been deferred to a future date, contrary to the requirements of CEQA. Additional site specific analysis of the noise impacts at BHS needs to be completed so that a reader can determine if

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- L034-25 the sound mitigation is adequate to maintain the necessary educational/learning environment. The lack of site specific sound analysis renders the EIR deficient.
- 3.5- Electromagnetic Fields and Electromagnetic Interference
- L034-26 26. 3.5-12. The impact analysis of electromagnetic fields (EMF) and electromagnetic interference (EMI) on humans is not adequate. The EIR states "the EMF impacts on people in nearby schools... would be expected to be below the IEEE Standard 95.6 MPE limit of 9,040 mG for the public because...these levels are not expected to be reached." It is unknown whether these levels would be reached as there is no substantial evidence to support the conclusion. The proposed BNSF alignment would run directly over the BHS campus, which is considered a sensitive human receptor. It is misleading to state that any impacts to human exposure would be less than significant, when there is no data supporting the analysis.
- L034-27 27. The EIR does not contain any mention or analysis of the potential for EMF interference to wireless communications devices such as cell phones, wireless Internet communication systems, or hand-held radios. Of primary concern is interference to hand-held radios, as BHS employees communicate wirelessly across campus for security and maintenance purposes.
- 3.10- Hazardous Materials and Wastes
- L034-28 28. Pg. 3.10-11: The proposed BNSF alignment runs approximately 100 feet north of Bessie E. Owens Intermediate School (815 E. Eureka Street, Bakersfield); however, the EIR fails to mention the school on Table 3.10-4, Educational Facilities within 0.25 Mile of the Centerlines of Alignment Alternatives. Bessie E. Owens Intermediate School is the G.A.T.E. Magnet School for the Bakersfield City School District. It is a 4th-6th grade campus and serves approximately 500 students. Without the impact analysis of the HST to this school, the High Speed Rail Authority does not have the information necessary to make an informed decision with regards to hazardous impacts to the students that attend this school. The fact that the EIR contains no mention of Bessie E. Owens Intermediate School despite the fact that it would clearly be impacted by the Project speaks to the general lack of comprehensive analysis in the EIR regarding impacts to schools.
- L034-29 29. Pg 3.10-21. This section does not adequately address the issue of the potential for hazardous wastes to be found and uncovered in the rail corridor during construction. No mitigation is provided for this risk potential. The District should have been consulted on this issue in accordance with state law and CDE policies.
- L034-30 30. Pg.3.10-26: The EIR states, "Prior to construction, any schools within the construction footprint would be relocated..." however, there is no mention of where or when the relocation would take place. As such, there is no way to determine if there are any environmental impacts associated with the relocation of the school. If an entire school is relocated, it is inevitable that there would be some sort of environmental impact to the local neighborhood, likely consisting of traffic, safety, public facilities, and other concerns. These must be analyzed to give the decision-makers the ability to make an informed decision on the environmental impacts to the school and any potential relocation site. If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation shall be discussed. *Stevens v. City of Glendale* (1981) 125 CA 3d 986.

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3.11- Safety and Security

- L034-31 | 31. Pg. 3.11-19: The EIR states that the Bakersfield South alignment is 300 feet north of BHS. This statement is incorrect, and is inconsistent with the distance of 450 feet referenced on Page 3.16-76.. The HST right-of-way will be located approximately 180 feet north of the closest building, the IA Building. It should be noted that the north wall of the IA Building contains significant glazing (windows) that will face the HST viaduct.
- L034-32 | 32. Pg. 3.11-24 states that, "safety of construction workers and the public could be compromised during construction, potentially resulting in accidental injuries and deaths. Standard implementation of a construction safety and health plan during construction would reduce risks to human health during construction, and, therefore, effects would be negligible under NEPA and impact would be less than significant under CEQA for all alignment and HMF alternatives." This analysis does not take into account that the BNSF alignment runs directly through the BHS campus. There is not enough information provided in the EIR to determine that the 2,822 students and 204 staff members at BHS would not be harmed by construction mishaps. A more detailed safety plan, requiring specific safety measures on the BHS campus, must be included in the EIR to make any less than significant conclusion.
- L034-33 | 33. Pg. 3.11-24 also states that a 'detailed construction plan' and a 'traffic control plan' would address temporary road closures, detour provisions, allowable routes, and alternative access. Because of these two plans, the EIR has determined that any construction impacts on traffic would be less than significant. There is not enough information to come to that conclusion. As this is a Project level EIR, impacts to the school circulation must be addressed. On a typical school day, nearly 1,500 student and employee vehicles and approximately 40 buses enter or leave the site. During special events, such as football games and graduation ceremonies, the number of passenger vehicles entering and leaving can be greater. It is unknown how the proposed Project would impact those traveling to and from BHS.
- L034-34 | 34. Pg. 3.11-33: The EIR states, "Thus, if a derailment were to occur adjacent to a school or in a residential area, the train would remain within the HST right-of-way. Because the train would be contained in the HST right-of-way, the proposed Project would not substantially increase hazards to nearby schools... and impacts would be less than significant under CEQA." It is merely speculation to assume that the train would remain within the HST right-of-way, as evidenced by a recent HST crash in eastern China. On July 23, 2011, a HST lost power and another train crashed into it. Six cars derailed and four fell off of the viaduct, killing people underneath the railway. There is a chance, however small, that a similar derailment as seen in China could occur on the HST in California. The proposed BNSF alignment goes directly over BHS, a school with more than 2,800 students and 200 staff members. A derailment over BHS could be devastating. As there is a potential for derailment, the EIR must fully evaluate the mathematical probability of a catastrophic derailment in proximity to BHS.
- L034-35 | 35. Related to the previous comment: while the EIR makes an attempt to address safety concerns that may result from derailment, it does not discuss the possibility of debris being ejected from the viaduct either during a collision or during normal HST operation. Discussion, analysis, and mitigation of potential hazards as a result of projectile-like debris must be provided.

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L034-36 |

- 36. Appendix 3.11-A, Tables 3.11-A-1, A-2, and A-3: This appendix contains data related to train accidents between 2004 and 2009. Unfortunately, the data are for the Burlington Northern Santa Fe, Union Pacific, San Joaquin Valley, and Amtrak railroad operators. The data have virtually no relation to the potential safety and security of the proposed HST. It would seem appropriate that an appendix to the EIR Chapter discussing the safety and security of the proposed HST would actually contain results of computer modeling, statistical information, or other empirical evidence related to the safety and security of the HST itself and other HSTs currently operating around the world.

3.12- Socioeconomics, Communities, and Environmental Justice

L034-37 |

- 37. Pg 3.12-50 recognizes that "...the displacement of this [BHS's Industrial Arts] facility- as well as numerous businesses- in the Central District is considered a substantial effect under NEPA and significant under CEQA." Mitigation measure SO-6 addresses this potential impact and states, "In regards to Bakersfield High School, if the BNSF Alternative is selected through Bakersfield, the Authority will work with the school district on a replacement for the Industrial Arts Building in accordance with California Department of Education policies." The EIR goes on to state that implementation of this measure would reduce the significant impact to less than significant; however, the mitigation measure would be considered deferred mitigation in accordance with §15126.4 (a)(1)(B) of the CEQA Guidelines. There are no performance criteria associated with the mitigation measure, and additionally, the measure utilizes weak language which renders the measure useless (§21081.6(b) of CEQA statutes). As such, there is no way to determine the significance of this impact, much less assume a less than significant impact. The EIR must tie performance standards to its mitigation to determine if the impact would, in fact, be considered less than significant.

L034-38 |

- 38. Bakersfield High School was established in 1893 and has since become a foundation and landmark for downtown Bakersfield. BHS alumni and community members feel extraordinary pride because of the longevity and sense of community BHS has inspired. CEQA Guidelines §15064(e) states that if the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. The physical loss of the BHS Industrial Arts Building would potentially leave a physical and emotional void to the BHS community. The EIR has failed to address the social impact of the loss of the Industrial Arts Building on the BHS campus and should at least recognize that by removing a building on campus, the entire campus could be altered.

3.13 - Station Planning, Land Use, and Development

L034-39 |

- 39. Pg 3.13-27: The EIR states "For the most part, the... alternative alignments would follow existing transportation corridors where the land use patterns are already related to transportation; therefore, construction impacts related to the alteration of land use patterns would be minimized." This statement is both vague and disingenuous. A project-level EIR is required to address specific impacts to specific sites at all potentially-affected locations. Terms such as "for the most part" are not appropriately specific when describing impacts along a 100-plus-mile project corridor. Additionally, the presence of an existing transportation corridor does not imply that existing land uses adjacent to that corridor are intended to support, enhance, or be immune to impacts caused by that corridor. Contrary to the assertion that impacts would be minimized, the Project acknowledges in numerous locations that removal of various structures

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- L034-39 | and existing uses of residential, commercial, institutional, and recreational nature (i.e. uses not necessarily or even typically associated with transportation corridors) will occur. It should be noted that the temporary nature of an impact does not in and of itself render that impact less than significant.
- L034-40 | 40. Pg. 3.13-28: The EIR states that "The HST stations would potentially increase densities and TOD in Downtown Fresno and Downtown Bakersfield" and touts the potential for an increase in affordable housing. The proposed Downtown Bakersfield Station would be situated within the attendance boundary of Bakersfield High School. While increases in density and TOD along with the attraction of affordable housing are admirable results, the EIR contains no mention or analysis of increased student enrollment at local schools as a result of the Project.
- L034-41 | 41. Pg. 3.13-28: The EIR states that "The footprint of the entire project would require less than 0.01% of the four-county area and is not anticipated to result in any negative impacts on land use patterns" and that "Direct impacts...would be less than significant under CEQA." The acreage of land being occupied by the Project is essentially irrelevant in making a determination of the significance of an impact that may result from the Project. This is analogous to stating that a local expressway developed on a minute fraction of a city's incorporated area in the midst of a commercial, residential, or public area would be too small to have a significant impact to land uses. There is no relationship between the referenced Project characteristic and its potential to cause impacts.
- L034-42 | 42. Pg. 3.13-29: The EIR states that "The amount of land that would be acquired would constitute a small portion of the total commercial, industrial, and public land in the cities and counties, and would not result in any material changes in local or regional land uses or development patterns." It then states "Direct impacts from the conversion of land to transportation uses for the BNSF Alternative would be less than significant under CEQA." Similar to the previous comment, the rationale for these conclusions is not supported by substantial or even appropriate evidence.
- L034-43 | 43. Pg. 3.13-35: The EIR states that "HST Station Area Development Policies (Authority and FRA [2008] 2010) for land uses around the stations suggest the following:
- Creating a high-density development pattern in the surrounding area that includes...a mix of housing types (i.e. apartments, condominiums, and townhomes)."
- As indicated in an earlier comment, while promotion of mixed housing types and overall higher residential densities as part of TOD is an admirable goal, the EIR makes no mention of any impacts to schools as a result of increased student attendance.
- L034-44 | 44. Table 3.13-3: Under "Changes," the table indicates "Increased density of...multifamily residential uses likely". As in the previous comment, there is no discussion of impacts to schools that would result from an influx of population directly tied to and encouraged by the Project.
- L034-45 | 45. Pg. 3.13-42: The EIR concludes that there are no impacts to land use that would be significant or potentially significant under CEQA. As indicated in the comments related to Section 3.13, little evidence is provided to substantiate this conclusion. Analysis of impacts in Section 3.13

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- L034-45 | appears to consist predominantly of a statement of existing conditions, how the Project would change those conditions, and conclusions that impacts would be less than significant. These conclusions, as indicated above, are often predicated upon rationale that is irrelevant to the Project characteristic being discussed or without consideration of the potential for indirect Project impacts.
- 3.15 – Parks, Recreation, and Open Space
- L034-46 | 46. Pg. 3.15-18: The EIR states that "Construction activities would be limited to daytime hours, which would eliminate construction impacts in the evening or early morning hours." While this may serve as adequate mitigation related to certain Project impacts to certain receptors, limitation of construction to daytime hours would have a significant impact on the ability of BHS to provide an appropriate learning environment.
- L034-47 | 47. Pg. 3.15-21: The EIR states that "Construction activities for the BNSF Alternative would occur less than 200 feet from the playfields at Bakersfield High School." While this is true, it is also misleading, because other activity centers on the BHS campus, including the Harvey Auditorium and the campus quadrangle are within much less than 200 feet of the proposed right-of-way itself, let alone any construction staging area(s) that may be outside of the right-of-way.
- L034-48 | 48. Pg. 3.15-27: The EIR states that "The BNSF Alternative would pass within 100 feet of the recreational facilities on the Bakersfield High School campus and would require acquisition of the parking area adjacent to the Industrial Arts Building." The distance indicated is inconsistent with that contained on Page 3.15-21 (i.e. "less than 200 feet" vs. "within 100 feet"). Further, the statement is incorrect in that construction of the BNSF alignment would require acquisition of the entirety of the parking lot adjacent to the Industrial Arts Building, as well as the Industrial Arts Building itself. While the IA Building and the adjacent parking lot cannot be considered recreational facilities, this statement misrepresents the extent of existing BHS facilities that would need to be acquired to construct the BNSF alignment.
- L034-49 | 49. Pg. 3.15-29: The EIR fails to identify BHS Elm Grove as having a change in park character after completion of the HST Project. Elm Grove is the quad at BHS and is located adjacent to public streets. It is landscaped with turf and mature trees and park benches. As such, it functions as both open space and as a public park after school hours. The IA Building at BHS currently frames Elm Grove and blocks view of the BNSF railroad tracks directly to the North. Under the BNSF alignment, the IA Building would be demolished and replaced with a HST viaduct. Elm Grove would no longer be framed by a campus building but would have an open view to the HST viaduct. The changes in visual character and noise exposure would be a significant change in the character of the park-like setting. The District believes that the HSR Authority should consider this impact significant and thus mitigation is required. The failure to identify this impact makes the EIR deficient.
- L034-50 | 50. Pg. 3.15-32: Mitigation Measure (PC)-MM#1 indicates that "Respective jurisdictions would be consulted to establish appropriate compensation in terms of allowance or additional property to accommodate for displaced park use during construction." However, the mitigation measure would be considered deferred mitigation in accordance with §15126.4 (a)(1)(B) of the CEQA Guidelines. There are no performance standards associated with the mitigation measure, and

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- L034-50 additionally, the measure utilizes weak language which renders the measure useless (§21081.6(b) of CEQA statutes). The EIR must tie performance standards to its mitigation to determine that the impact has been mitigated to the extent feasible.
- L034-51 51. Pg. 3.16-76: The EIR incorrectly states that under the Bakersfield South alignment the Project guideway would be approximately 450 feet north of the BHS campus. The correct distance is approximately 180 feet north of the campus. The error in the distance to the campus causes the District to be concerned that the analysis of noise, vibration, and safety impacts may be deficient if incorrect distances have been used. The Authority should recheck all analyses of the Bakersfield South alignment impacts to verify that the correct distances have been used.
- 3.16 – Aesthetics and Visual Resources
- L034-52 52. Pg. 3.16-30: The EIR references "school buildings of undistinguished architecture." This characterization is presumably based upon the results of the Form DPR 523A prepared by JRP Historical Consulting, LLC (JRP) dated April 7, 2010, which determined that, of 20 buildings located on the campus of Bakersfield High School, only the Harvey Auditorium would qualify as a potentially historic property/resource pursuant to NRHP and/or CRHR. At the request of Kern High School District, J&R Environmental Consulting (J&R) conducted an analysis of the JRP form. J&R determined that, while the historical context of the JRP document was well-researched and well-written, the evidence presented leads to a conclusion contrary to that reached by JRP. At the District's further request, J&R is preparing a new Form DPR 523A as part of an Historical Architecture Assessment providing a new, independent analysis of the whole of the BHS campus. The preliminary conclusion is that BHS qualifies for listing on the National Register of Historic Places as a historic district. A resource identified as significant in an approved historical resource survey is presumed to be significant. Pub Res. Code §21084.1; CEQA Guidelines §15064.5 (a)(2). As such, any visual or other impacts must be analyzed as potentially significant. An executive summary of the independently-produced Historic Architecture Analysis is attached hereto, and the final report will be provided to HSRA. Based on the above, additional discussion, including the extent of impacts and proposed mitigation, must be included in the revised EIR to be circulated in the spring of 2012.
- L034-53 53. Pp. 3.16-30, 66: The EIR alternately describes the visual character of the area as "moderately low" and "moderate." The EIR must be internally consistent, particularly when describing the existing setting of a single resource in more than one place in the document.
- 3.17 – Cultural and Paleontological Resources
- L034-54 54. As discussed previously in the Chapter 3.16 comments, a Form DPR 523A prepared by JRP Historical Consulting, LLC (JRP) dated April 7, 2010, which determined that, of 20 buildings located on the campus of Bakersfield High School, only the Harvey Auditorium would qualify as a potentially historic property/resource pursuant to NRHP and/or CRHR. At the request of Kern High School District, J&R Environmental Consulting (J&R) conducted an analysis of the JRP form. J&R determined that, while the historical context of the JRP document was well-researched and well-written, the evidence presented leads to a conclusion contrary to that reached by JRP. At the District's further request, J&R is preparing a new Form DPR 523A as part of an Historical Architecture Assessment providing a new, independent analysis of the whole of the BHS campus. The preliminary conclusion is that BHS qualifies for

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- L034-54 listing on the National Register of Historic Places as a historic district. A resource identified as significant in an approved historical resource survey is presumed to be significant. Pub Res. Code §21084.1; CEQA Guidelines §15064.5 (a)(2). As such, any visual or other impacts must be analyzed as potentially significant. An executive summary of the independently-produced Historic Architecture Analysis is attached hereto, and the final report will be provided to HSRA. Based on the above, additional discussion, including the extent of impacts and proposed mitigation, must be included in the revised EIR to be circulated in the spring of 2012.
- L034-55 55. Pg. 3.17-37: The EIR incorrectly identifies Table 3.17-6 as containing a list of 52 historic properties or historical resources. This list actually appears in Table 3.17-7.
- L034-56 56. Pg. 3.17-80: The EIR indicates that noise impacts from construction are temporary and are not anticipated to affect historic resources. It should be noted that the temporary nature of an impact does not in and of itself render that impact less than significant. The EIR contains no specific reference to noise or vibration levels that would be experienced by receptors on the campus of BHS, either within or without classrooms or other buildings. Of particular concern are the Harvey Auditorium and the library, although construction noise and vibration would likely cause disruptions to the educational experience in any building on campus. Further, the District contends, based upon the findings of J&R Environmental Consulting, that construction and operational impacts due to noise would have the potential to significantly impact multiple historic structures on the Bakersfield High School campus.
- L034-57 57. Pg. 3.17-89: Mitigation Measure Hist-MM#1 indicates that "The HST Project will develop construction methods to avoid indirect adverse effects or indirect substantial adverse change to any historic properties (Section 106) or historic resources (CEQA) from vibration caused by construction activities." A simple requirement that a future plan be developed and followed is insufficient (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645). The mitigation measure would be considered deferred mitigation in accordance with §15126.4 (a)(1)(B) of the CEQA Guidelines. There are no performance standards associated with the mitigation measure, and additionally, the measure utilizes weak language which renders the measure useless (§21081.6(b) of CEQA statutes). As such, there is no way to determine the significance of this impact, much less assume a less than significant impact. The EIR must tie performance standards to its mitigation, and this must be addressed through revision to this mitigation measure.
- L034-58 58. Pg. 3.17-90: Mitigation Measure Hist-MM#4 indicates that historical properties/resources would be identified for relocation to avoid adverse effects, and that plan for relocation would be developed prior to construction. A simple requirement that a future plan be developed and followed is insufficient (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645). The mitigation measure would be considered deferred mitigation in accordance with §15126.4 (a)(1)(B) of the CEQA Guidelines. There are no performance standards associated with the mitigation measure, and additionally, the measure utilizes weak language which renders the measure useless (§21081.6(b) of CEQA statutes). As such, there is no way to determine the significance of this impact, much less assume a less than significant impact. The EIR must tie performance standards to its mitigation, and this must be addressed through revision to this mitigation measure.
- L034-59 59. Pg.3.17-90: Mitigation MeasureHist-MM#5 indicates that the properties subject to this mitigation measure will be "identified and treated in consultation with the landowner, or land-

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L034-59 | owning agencies, and the CEQA lead agency” and that “Project design options will be developed” to minimize adverse noise impacts. A simple requirement that a future plan be developed and followed is insufficient (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645). The mitigation measure would be considered deferred mitigation in accordance with §15126.4 (a)(1)(B) of the CEQA Guidelines. There are no performance standards associated with the mitigation measure, and additionally, the measure utilizes weak language which renders the measure useless (§21081.6(b) of CEQA statutes). As such, there is no way to determine the significance of this impact, much less assume a less than significant impact. The EIR must tie performance standards to its mitigation, and this must be addressed through revision to this mitigation measure.

3.19- Cumulative Impacts

L034-60 | 60. Pg. 3.19-12 states that the contribution of the HST alternatives to cumulative local transportation impacts would be... less than cumulatively considerable under CEQA. This seems to be unsubstantiated as there is no fair argument presented to support the less than significant conclusion. Tables 3.19-1 through 3.19-10 describe 154 new projects within the HST study area, 126 of which are transportation projects. There is no substantial evidence as to how the proposed Project, in addition to the 154 projects, would have a less than significant impact to traffic in the study area. Pursuant to §15384(b) of the CEQA Guidelines, substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

L034-61 | 61. Pg. 3.19-13: Although the CALINE4 air dispersion modeling evaluation indicated that the HST alternatives would cause a less than significant impact for Project CO emissions, it is unknown whether the HST alternatives, in conjunction with the 154 projects occurring in the foreseeable future, would still result in less than significant impacts from carbon monoxide. As Bakersfield High School is considered a sensitive receptor and is in the vicinity of the Bakersfield Station, it is unknown whether the HST Project would create hazardous CO emissions that would impact the school. As such, the CALINE4 analysis must be conducted again to include the additional projects.

Section 4F/6F Evaluation

L034-62 | 62. Pg 4-7: Elm Grove on the BHS campus should be considered for protection under Section 4(f). It is publically-owned, is open to the public and is adjacent to public streets, is used for outdoor recreation, and is considered a significant resource by the District. Elm Grove is an integral part of the historic-eligible BHS campus.

L034-63 | 63. Pg 4-18. The athletic fields at BHS are listed as not being impacted. The fields will be as close as 100 feet to the Project. The athletes and spectators will likely be adversely affected by noise and vibration. The sudden onset of HST noise will be particularly disruptive to athletic events. The sudden onset of noise has not been adequately addressed in the EIR. A finding of no impact is not justified because no analysis has been completed.

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Concluding Remarks

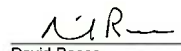
The District's analysis of the BNSF and Bakersfield South Alternative Alignments leads to an obvious conclusion and preference:

The BNSF alignment will have far greater significant and unavoidable impacts to the BHS campus than will the Bakersfield South alignment. The District's expert educational opinion is that the BNSF alignment will severely disrupt the educational mission of BHS during construction and ongoing HST operations. The loss of the IA Building and parking and their presumed relocation to a yet-to-be-determined location may present insurmountable challenges to the viability of the BHS campus. The District believes that the cost and time schedule for mitigation of the BNSF alignment will be far greater than mitigation required for the Bakersfield South alignment. It is imperative that the High-Speed Rail Authority take these comments into consideration and provide a revised project description and EIR/EIS that adequately documents, analyzes, and mitigates the many significant project impacts of both alignments.

Sincerely,


 Donald E. Carter, Ed.D.
 Superintendent

DEC/DR:bs


 David Reese
 Principal, Bakersfield High School

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L034-1

Refer to Standard Response FB-Response-GENERAL-21, FB-Response-SO-08, FB-Response-N&V-02.

The HST Operations and Service Plan Summary describes anticipated train frequency and is included as Appendix 2-C of the Fresno to Bakersfield Revised DEIR/Supplemental DEIS. As stated in Section 2.3 of Chapter 2, Alternatives, the Fresno to Bakersfield Section design criteria dictate 220-mph designs throughout. Train speed in the urban Bakersfield corridor would depend on train service (i.e., whether it is an express, limited-stop, or all-stop train). The HST is a passenger train. For information regarding project impacts related to the transport, use, storage, and disposal of hazardous materials and wastes, please refer to Section 3.10, Hazardous Materials and Wastes, Impact HMW#6 in Section 3.10.5.

L034-2

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-N&V-03.

The Revised DEIR/Supplemental DEIS provides additional detail of noise impacts on schools. As shown in Table 3.4-25, the existing exterior noise exposure averaged over the peak hour of the day is 70 A-weighted decibels (dBA) equivalent continuous noise level (Leq). With the proposed project on the BNSF Alternative, the noise during that peak hour would increase to 72 dBA Leq. The noise increase with the Bakersfield South or Bakersfield Hybrid alternatives would be 71 dBA Leq. The human ear generally does not notice an increase in noise until the increase reaches 3 dBA. Therefore, sound levels at Bakersfield High School would be significantly affected by noise.

L034-3

Refer to Standard Response FB-Response-GENERAL-01.

No sound walls or other acoustic mitigation are proposed for Bakersfield High School because the project would not result in a significant increase in noise at that location. Bakersfield High School is already subject to substantial noise from the BNSF railyard and main tracks, located along the north side of the campus, and from major streets, located on the east and south sides of the campus.

L034-4

Refer to Standard Response FB-Response-GENERAL-01.

The Revised DEIR/Supplemental DEIS has been revised to include more information on mitigation, including performance standards.

L034-5

The safety information on international HST systems provided in Section 3.11 of the EIR/EIS is not anecdotal evidence. The information consists of reports from reliable sources on overall system safety for a few countries and on specific HST accidents that have resulted in injuries and fatalities.

It is not possible to provide a mathematical probability/risk calculation for an accident on the California HST System that would result in injury to people next to the right-of-way. Such a calculation requires multiyear information on passenger miles traveled and on the number of accidents that result in offsite injuries and/or fatalities. There are no HST systems operating in the United States. Therefore, these data do not exist here.

Specific data on passenger miles traveled are not readily available for HST systems in other countries. According to news releases, the Japanese HST system carried approximately 6 billion passengers over 40 years between 1964 and 2004. Over that period there has never been an injury or fatality to people next to the right-of-way. In addition, no passenger fatalities have occurred on the Japanese HST system from derailments or collisions. There have been injuries caused by doors closing on passengers or their belongings. The French TGV is reported to have carried about 1.7 billion passengers between 1981 and 2010. Where the train operated on dedicated track there have been 8 passenger injuries from derailments and no injuries to people next to the right-of-way. High-speed train service has operated in Germany since 1991. No statistics on passenger miles traveled are readily available for the German HST system. The accident on the German HST system reported in Section 3.11 of the EIR/EIS resulted in 101 fatalities and 87 injuries to passengers but no injuries to people outside the right-of-way. High-speed rail service began in China in 2007. It is reported that the system had 796,000 passengers per day by 2010. As reported in Section 3.11, an accident in 2011 on the Chinese HST system resulted in 40 deaths and 72 injuries.

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L034-5

Some of the casualties of this accident were members of the public not riding the train but near the accident.

While a probability calculation cannot be made for the risk of injury to people next to the California HST System right-of-way, it is clear from the evidence that the risk is very low. HST systems throughout the world have operated for billions of passenger miles for several decades with no injuries to people not traveling on the train.

L034-6

Refer to Standard Response FB-Response-GENERAL-01.

Noise Impacts of Construction on Bakersfield High School.

Pile driving is identified as a construction noise source in the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (July 2012), which was prepared in support of the Revised DEIR/Supplemental DEIS and is available in conjunction with that environmental document. Section 3.4.3.3, Impact Assessment Guidance, of the Revised DEIR/Supplemental DEIS, discusses the assessment of noise impacts. The assessment followed FRA guidance and was based on the criteria listed in Table 3.4-1. As a sensitive land use, Bakersfield High School would be subject to the same criteria listed for residential land use in that table. Impact N&V #1 (Construction Noise) describes the screening distances for construction noise impacts and states that the project would have a significant effect on residential land use for CEQA purposes and that the "impacts to schools would be the same as all other sensitive receivers along the alignment" (i.e., significant).

Impact N&V #2 (Construction Vibration) discloses that because there are receivers present within the screening distances vibration impacts, with pile driving there is potential for severe vibration impacts during construction that would have substantial intensity under NEPA and would be significant under CEQA. Without pile driving, the impact would have moderate intensity under NEPA and would be less than significant under CEQA. However, after applying the screening criteria for vibration impacts (i.e., 70 feet of distance from any pile driving), the Revised DEIR/Supplemental DEIS concludes

L034-6

that no school would be subject to excessive vibration impacts.

The Revised DEIR/Supplemental DEIS identifies two mitigation measures that will be implemented to avoid an adverse effect on Bakersfield High School. The mitigation measures for construction noise and vibration are consistent with the mitigation measures given in the FRA guidance manual (FRA 2005a) (Section 10.1.3, Mitigation of Construction Noise, and Section 10.2.3, Construction Vibration Mitigation). These measures will be included in the contracts with design-builders to ensure that they are implemented. In response to this comment, Mitigation Measure N&V-1 has been revised, as follows, for greater clarity to ensure its full implementation.

Mitigation Measure N&V-1: Construction noise mitigation measures. The contractor will monitor construction noise to verify compliance with the noise limits established in Table 3.4-1 of the Revised DEIR/Supplemental DEIS. The contractor will have the flexibility to meet the FRA construction noise limits in the most efficient and cost-effective manner, subject to prior approval by the Authority or its designated representative. The contractor would have the flexibility of either prohibiting certain noise-generating activities during nighttime hours or of providing additional noise control measures to meet the noise limits. To meet required nighttime and daytime noise limits, the following noise control mitigation measures will be implemented, as necessary:

- Install a temporary construction site sound barrier near a noise source.
- Avoid nighttime construction in residential neighborhoods.
- Locate stationary construction equipment as far as possible from noise-sensitive sites.
- Re-route construction truck traffic along roadways that will cause the least disturbance to residents.
- During nighttime work, use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with spotters.
- Use low-noise emission equipment.
- Implement noise-deadening measures for truck loading and operations.
- Monitor and maintain equipment to meet noise limits.

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- Line or cover storage bins, conveyors, and chutes with sound-deadening material.
- Use acoustic enclosures, shields, or shrouds for equipment and facilities.
- Use high-grade engine exhaust silencers and engine-casing sound insulation.
- Prohibit aboveground jackhammering and impact pile driving during nighttime hours.
- Minimize the use of generators to power equipment.
- Limit use of public address systems.
- Grade surface irregularities on construction sites.
- Use moveable sound barriers at the source of the construction activity.
- Limit or avoid certain noisy activities during nighttime hours.

To reduce the noise related to pile driving to acceptable levels, an auger will be used instead of a pile driver to install the piles by drilling and casing.

In addition, Mitigation Measure N&V-2 will apply:

Mitigation Measure N&V-2: Construction vibration mitigation measures. Building damage from construction vibration is only anticipated from impact pile driving at very close distances to buildings. If pile driving occurs more than 25 to 50 feet from buildings, or if alternative methods, such as push piling or auger piling, can be used, damage from construction vibration is not expected to occur. Other sources of construction vibration do not generate high enough vibration levels for damage to occur. Typically, once a construction scenario has been established, preconstruction surveys are conducted at locations within 50 feet of pile driving to document the existing condition of buildings in case damage is reported during or after construction. Damaged buildings will be repaired or compensation paid.

Traffic Impacts of Construction on Bakersfield High School.

The HST is a design-build project for which plans have not been completed and construction details are not known with specificity. The construction activities that may affect traffic are known only in a general sense. Therefore, it is not possible at this time to identify the specific traffic impacts that construction may have on Bakersfield High School. The impacts identified by the commenter have been disclosed in Section 3.2.5.3 of the Revised DEIR/Supplemental DEIS. Impact TR #9 (Construction [Not Including

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Stations] Impacts on School Districts) describes the types of traffic impacts on schools that are expected to result from project construction, including conflicts with pedestrians and truck traffic from material deliveries. Impact TR #1 (Construction [Not Including Stations] Impacts on Circulation and Emergency Access) discusses additional construction worker traffic and material delivery impacts. Impact TR #1 includes impacts on schools.

To ensure that the traffic impacts of construction activities are kept below a level of significance, the project includes numerous design features that will be implemented through the contract with the future design-builder. The design features act to limit the potential for adverse impacts on traffic and thereby avoid the need for additional mitigation measures. The following pertinent design features will avoid significant effects of construction traffic on Bakersfield High School (see Section 3.2.6 of the Revised DEIR/Supplemental DEIS; the numbers below correspond to the numbers in that section).

- 1) Off-Street Parking for Construction-Related Vehicles. Identify adequate off-street parking for all construction-related vehicles throughout the construction period. If adequate parking cannot be provided on the construction sites, designate a remote parking area and use a shuttle bus to transfer construction workers to the job site.
- 2) Maintenance of Pedestrian Access. Prepare specific construction management plans to address maintenance of pedestrian access during the construction period. Actions to limit pedestrian access would include, but not be limited to, sidewalk closures, bridge closures, crosswalk closures, or pedestrian rerouting at intersections; placement of construction-related material within pedestrian pathways or sidewalks; and other actions that may affect the mobility or safety of pedestrians during the construction period. If sidewalks are maintained along the construction site frontage, provide covered walkways. Pedestrian access will be maintained where feasible.
- 3) Maintenance of Bicycle Access. Prepare specific construction management plans to address maintenance of bicycle access during the construction period. Actions to limit bicycle access would include, but not be limited to, bike lane closures or narrowing; closure or narrowing of streets that are designated bike routes; bridge closures;

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placement of construction-related materials within designated bike lanes or along bike routes; and other actions that may affect the mobility or safety of bicyclists during the construction period. Bicycle access will be maintained where feasible.

4) Restriction on Construction Hours. Limit construction material deliveries between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m. on weekdays. The number of construction employees arriving or departing the site between the hours of 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m. will be limited.

5) Construction Truck Routes. Deliver all construction-related equipment and materials on the appropriate truck routes. Prohibit heavy-construction vehicles from accessing the site via other routes.

8) Construction Transportation Plan. The design-builder will prepare a detailed Construction Transportation Plan for the purpose of minimizing the impact of construction and construction traffic on adjoining and nearby roadways. The Construction Transportation Plan will be prepared in close consultation with the pertinent city or county, and will be reviewed and approved by the Authority before commencing any construction activities. This plan will address, in detail, the activities to be carried out in each construction phase, with the requirement of maintaining traffic flow during peak travel periods. Such activities include, but are not limited to, the routing and scheduling of materials deliveries, materials staging and storage areas, construction employee arrival and departure schedules, employee parking locations, and temporary road closures, if any. The plan will provide traffic controls pursuant to the sections of the California Manual on Uniform Traffic Control Devices on temporary traffic controls (Caltrans 2012a) and will include a traffic control plan that includes, at a minimum, the following elements:

- Temporary signage to alert drivers and pedestrians to the construction zone.
- Flag persons or other methods of traffic control.
- Traffic speed limitations in the construction zone.
- Temporary road closures and provisions for alternative access during the closure.
- Detour provisions for temporary road closures. Alternating one-way traffic will be

L034-6

considered as an alternative to temporary closures where practicable and where it would result in better traffic flow than would a detour.

- Identified routes for construction traffic.
- Provisions for safe pedestrian and bicycle passage or for a convenient detour.
- Provisions to minimize access disruption to residents, businesses, customers, delivery vehicles, and buses, to the extent practicable. Where road closures are required during construction, limit to the hours that are least disruptive to access for the adjacent land uses.
- Provisions for farm equipment access.
- Provisions for 24-hour access by emergency vehicles.
- Safe vehicular and pedestrian access to local businesses and residences during construction. The plan will provide for scheduled transit access where construction would otherwise impede such access. Where an existing bus stop is within the work zone, the design-builder will provide a temporary bus stop at a convenient location away from where construction is occurring. Adequate measures will be taken to separate students and parents walking to and from the temporary bus stop from the construction zone.
- Advance notification to the local school district of construction activities and rigorously maintained traffic control at all school bus loading zones to ensure the safety of school children.
- Project Design Features 1-7 and 9-11.

9) Construction during Special Events. Provide a mechanism to prevent roadway construction activities from reducing roadway capacity during major athletic events or other special events that attract a substantial number of visitors. Mechanisms include the presence of police officers directing traffic, special-event parking, use of within-the-curb parking, or shoulder lanes for through-traffic, traffic cones, and so on. Through such mechanisms, roadway capacity would be maintained.

11) Additional Features in the Cities of Fresno and Bakersfield. In addition to the measures listed above, the Authority will also include the following in the cities of Fresno and Bakersfield:

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L034-6

- Maintain detection at signalized intersections where alignment changes or widening are necessary so that the traffic signal does not need to be placed on recall (fixed timing).
- Changeable message signs (CMS) will be employed to advise motorists of lane closures or detours ahead. The CMSs will be deployed 7 days before the start of construction at that location.
- Where project construction would cause delays on major roadways during the construction period, the project will provide for a network of CMS locations to provide adequate driver notification. For example, construction-related delays at the railroad grade separations that lead to SR 99 interchanges will require CMS placement to the east to allow drivers to make alternate route decisions.
- The Authority, in conjunction with the City of Fresno Public Works Department and the City of Bakersfield Public Works Department, will develop a traffic management plan for the surface transportation network to minimize potential impacts on public safety services.
- During project construction, alignment of roadways to be grade-separated and freeway overpasses to be reconstructed will be offset from the existing alignment to facilitate staged construction wherever possible.

(Measures specific to the city of Fresno are not pertinent and have been excluded.)

L034-7

Refer to Standard Response FB-Response-SO-08.

L034-8

The analysis of impacts has been extended to the east of the alternative Bakersfield station sites out to Oswell Street where the alternatives through Bakersfield merge.

L034-9

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10.

The phrase "generally following" was not intended to mean that the HST would be

L034-9

constructed within existing rail right-of-way. It is never stated in the EIR/EIS that the HST would be constructed within the existing rail right-of-way and as indicated in this comment, Volume III shows that the BNSF alternative is parallel and adjacent to the existing rail right-of-way.

L034-10

The impact analysis provided in Chapter 3 is organized according to environmental discipline and not according to specific types of land uses that could be affected. This is a common way to present the analysis in environmental documents. While the Revised DEIR/Supplemental DEIS does not provide the impacts on schools in a single location, it does contain a specific description of impacts on schools within each relevant environmental discipline discussed in Chapter 3.0.

L034-11

Refer to Standard Response FB-Response-GENERAL-22.

L034-12

Refer to Standard Response FB-Response-GENERAL-22.

L034-13

The peak-hour boardings were derived by multiplying the daily boarding trips by the peak-hour trip percentages. For inter-regional boardings, this percentage is 12%, and for daily local boardings, this percentage is 17%, based on data presented in Table 9 in Technical Memorandum, Phase 1 Service Plan, TM 4.2 (Parsons Brinkerhoff, 2008; page 11).

The peak-hour alighting trips are assumed to be 25% of the peak-hour boarding trips. It is assumed that this alightings percentage of peak-hour boardings applies to all arrival modes identified in the boarding category. This means that alighting passengers will depart the HST station via automobile pick-up, a vehicle that is parked at the station, a taxi, a rental car, or a transit vehicle.

It is also assumed that all the "auto dropping off boarding passengers" trips and the "auto picking up alighting passengers" trips will arrive and depart the station area during the same peak hour.

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L034-14

The Bakersfield Station analysis was based on a study area of intersections and roadway segments located within a sphere of influence that was determined in consultation with City of Bakersfield staff. Within the study area as a whole, the AM and PM commute times would be the peak travel times within the intersections and roadway segments of the station study area.

L034-15

The HST project is a federal and state project, and therefore is not required to meet the City of Bakersfield level-of-service (LOS) standards; rather it uses a common industry standard to apply across the Fresno to Bakersfield Section. The general criterion of "an increase in traffic that is substantial in relation to the existing traffic load and capacity" is applicable to the project-level analysis, as follows: To appropriately apply this general criterion to detailed analysis of each specific roadway system element (i.e., roadway segments, signalized intersections, and unsignalized intersections), the existing local standards and thresholds used in traffic analyses for potential station locations in 26 cities in 16 counties were examined. With that information, uniform, specific methods and criteria for traffic analysis of each roadway system element were derived at the level of detail necessary for project analysis. These include deterioration in LOS to below D, addition of 0.04 to the volume-to-capacity ratio for roadway segments already operating or projected to operate at LOS E or F (i.e., urban areas where a majority of the HST stations are anticipated to be located); and increase in delay of 4 seconds at signalized intersections and of 5 seconds at unsignalized intersections.

L034-16

The potential station footprints have been added to the figures in the Revised DEIR/Supplemental DEIS.

L034-17

The HST project is a federal and state project, and therefore is not required to meet the City of Bakersfield level-of-service (LOS) standards; rather it uses a common industry standard applied uniformly across the Fresno to Bakersfield Section. The general criterion of "an increase in traffic that is substantial in relation to the existing traffic load and capacity" is applicable to the project-level analysis, as follows: To appropriately

L034-17

apply this general criterion to detailed analysis of each specific roadway system element (i.e., roadway segments, signalized intersections, and unsignalized intersections), the existing local standards and thresholds used in traffic analyses for potential station locations in 26 cities in 16 counties were examined. With that information, uniform, specific methods and criteria for traffic analysis of each roadway system element were derived at the level of detail necessary for project analysis. These include deterioration in LOS to below D, addition of 0.04 to the volume-to-capacity ratio for roadway segments already operating or projected to operate at LOS E or F (i.e., urban areas where a majority of the HST stations are anticipated to be located), and increase in delay of 4 seconds at signalized intersections and of 5 seconds at unsignalized intersections.

L034-18

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-TR-01.

L034-19

Refer to Standard Response FB-Response-TR-01.

L034-20

Regional emission estimates along with the applicable sources and models for operational activities are provided in Appendix B and Appendix E of the Air Quality Technical Report (Authority and FRA 2012e).

L034-21

The quantitative health-risk analysis that was conducted for the proposed heavy maintenance facility (HMF) locations in the Revised DEIR/Supplemental DEIS states that there would be potential cancer risk impacts within 1,300 feet of the HMF property line. As presented in Section 3.3.6.3 of the Revised DEIR/Supplemental DEIS and in Figures 5.6-2 through 5.6-6 of the Air Quality Technical Report (Authority and FRA 2012e), there are no schools within 1,300 feet of the proposed HMF property line. Therefore, no significant impacts are expected on schools in the immediate vicinity of the proposed HMF sites.

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L034-22

The FRA guidance manual (FRA 2005a) states that onset rates can cause annoyance or surprise within 45 feet of the centerline of the line, but Bakersfield High School (BHS) will be farther than this distance. There are no expected impacts at BHS.

L034-23

A detailed Noise and Vibration Technical Report (Authority and FRA 2012i) was prepared and is referenced in Section 3.4, Noise and Vibration, of the Revised DEIR/Supplemental DEIS, and is available at the Authority's website. This document addresses and lists vibration impacts by land use category in Tables 6-41 through 6-47.

L034-24

Table 3.4-2 illustrates the Federal Transit Administration building damage vibration criteria for construction activities for schools. Schools would be located under Category IV, Buildings Extremely Susceptible to Vibration. If planned construction activities would cause vibration to exceed 0.12 peak particle velocity (PPV), or 90 vibration decibels (VdB), at the school, then implementation of Mitigation Measure N&V-MM#2 would occur at the time of construction.

L034-25

Bakersfield High School is within the severe noise impact contour distance, but specifically, this site will not be impacted by the implementation of the Bakersfield South alignment. The proposed height of the barrier is 14 feet in order to reduce noise exposure, but the final design may change the height of the barrier once the Authority works with the Bakersfield community to jointly develop performance criteria. A list of impacted schools has been added to the Noise and Vibration Section in the Revised DEIR/Supplemental DEIS.

L034-26

People and businesses in California use electric power and radio frequency (RF) communications for many purposes and services, in homes, businesses, farms, and factories. The intensive use of electric power and RF communications in California and

L034-26

in all developed countries has ensured that the potential health effects of electromagnetic fields and the resulting currents and voltages on people and animals have been thoroughly studied. As a result, the levels at which electromagnetic fields (EMF) and RF fields can cause interference or health or behavioral effects are well established. Broadly used international standards were created based on intensive investigation to ensure that:

- * EMF and RF fields and resulting stray currents and voltages are measured and controlled.
- * Fields do not disturb or interfere with people, equipment, or animals.

A useful comparison is to 735-kV utility power transmission lines that run up and down the state. EMF levels of 330 milligauss (mG) and 10 kilovolts per meter (kV/m) are typical magnetic and electric fields that occur at ground level under a 735-kV utility power transmission line at full load.

California HST traction power 60 Hz current will flow in the overhead contact system (OCS) and in the running rails to provide power to trains. The traction power system is called a 2x25 kV system because it uses 25-kV voltage for the trains and uses two nearby cables with opposite phase to distribute the power down the tracks. Currents in this HST 2x25 kV system create EMFs and static electric fields near the HST tracks. However, the HST levels will be lower than the fields typical of a 735-kV utility power transmission line. This is because the separation between the HST OCS cables is less, cable-to-cable voltage levels and cable current levels are less, and the HST cables are closer to the ground, which makes the cables closer to the reducing effect of the fields in the ground in comparison to the 735-kV utility power cables.

Technical Memorandum, EIR/EIS Assessment of CHST Alignment EMF Footprint, TM 300.07, shows that at the closest fence line to the HST tracks, the expected magnetic field is 60 mG, less than one-fifth the level from a transmission line (Authority 2012c). Since people can be inside the fence line only at passenger stations, the possible HST EMF exposure is:

- * Low compared to the 735-kV utility power transmission line.

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L034-26

* Low compared to the cited IEEE C95.6 standard.

Similarly, the electric field from the HST 25-kV, 60-Hz OCS will be low compared to the exposure from a 735-kV utility power transmission line.

For these reasons, EMF effects on people and equipment are expected to have negligible intensity under NEPA and the impact would be less than significant under CEQA.

L034-27

The California HST alternative track alignments pass near many wireless systems used by neighboring residents, businesses, public safety services, and governments.

The California High-Speed Train System is implementing an Electromagnetic Compatibility Program Plan (EMCPP) during project planning, construction, and operation to achieve and ensure electromagnetic compatibility (EMC) with neighboring systems and equipment, including radio communications. The purpose of the EMCPP is to ensure that the California HST System, including its trains, traction power system, and communications systems, does not interfere with neighbors or with HST equipment.

During the planning stage through the preliminary engineering design, the Authority will perform EMC and electromagnetic interference (EMI) safety analyses to identify existing radio systems at nearby uses, will specify and design systems to prevent EMI with identified neighboring uses, will require compliance with international standards limiting emissions to protect neighboring uses, and will incorporate these design requirements into the bid specifications used to procure radio systems and all other California HST systems, including trains, traction power systems, and communications systems. The implementation stage would occur using a 100% system design and will include final engineering design, monitoring, testing, and evaluation of system performance.

Section 3.5, Electromagnetic Fields and Electromagnetic Interference, of the Final EIR/EIS primarily considers electromagnetic fields (EMFs) at the 60-hertz (Hz) power frequency and at radio frequencies (RFs) produced intentionally by communications or

L034-27

unintentionally by electric discharges. EMI with intentionally produced communications and other energy sources is avoided primarily through the Authority's commitment to adhere to its EMCPP commitment to control EMI from all sources to levels compliant with broadly used international standards. The focus of the EMF/EMI analysis is on sensitive or susceptible RF equipment.

The California HST System would use radio systems for automatic train control, data transfer, and communications. The HST radio systems would transmit radio signals from antennas at stations and at heavy maintenance facilities (HMFs) along the track alignment and on locomotives and train cars. The California HST System may acquire two dedicated frequency blocks in the 900-megahertz (MHz) frequency range presently used by cellular telephone for use by automatic train control systems or it may use other licensed, exclusive-use frequencies. If used, this spectrum would be dedicated to HST System use, and EMI with other users would not be expected. Communications systems at stations may operate at Wi-Fi frequencies to connect to stationary trains; channels would be selected to avoid EMI with other users, including Wi-Fi systems at use at nearby schools (Authority 2011c, 2011g).

All HST radio systems will fully comply with applicable Federal Communications Commission (FCC) regulations, whose purpose is to ensure that authorized radio systems can operate without disturbance from all other authorized systems.

L034-28

The text of the Revised DEIR/Supplemental DEIS in Section 3.10, Hazardous Materials and Wastes, has been revised in response to your comment. Bessie E. Owens Intermediate School and Bessie E. Owens Primary School are included in Table 3.10-5. Table 3.10-4 is heavy maintenance facilities.

L034-29

Please see the discussion in Section 3.10.5 of the Revised DEIR/Supplemental DEIS under Impact HMW #2 – Inadvertent Disturbance of Hazardous Materials or Waste.

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L034-30

The text of the Revised DEIR/Supplemental DEIS in Section 3.10, Hazardous Materials and Wastes, has been revised in response to the comment. No entire schools will be relocated as a result of the HST.

L034-31

The Authority has checked its measurements, and the edge of the Bakersfield South Alternative right-of-way is approximately 300 feet north of the Industrial Arts building as reported in Section 3.11. The distance reference in Section 3.16 is to the main Bakersfield High School campus as is implied in the referenced paragraph.

L034-32

The BNSF Alternative does not run directly through the Bakersfield High School campus. It does go over the Industrial Arts building, which is located north of 14th Street across from the main campus of the high school and immediately adjacent to existing railroad tracks in the BNSF yard. As discussed in Section 3.11 of the EIR/EIS, project contractors will be required to develop and implement site-specific construction safety and health plans that address regulatory requirements to protect human health and property at construction sites. These plans are standard practice for all construction projects and are commonly implemented on large construction projects in urban areas and result in no injuries to the public or property damage.

L034-33

As discussed in Section 3.2.6 of the EIR/EIS, the Construction Transportation Plan will be prepared by the construction contractor in close consultation with the pertinent city or county, and will be reviewed and approved by the Authority before commencing any construction activities. This plan will address, in detail, the activities to be carried out in each construction phase, with the requirement of maintaining traffic flow during peak travel periods. Such activities include, but are not limited to, the routing and scheduling of materials deliveries, materials staging and storage areas, construction employee arrival and departure schedules, employee parking locations, and temporary road closures, if any. The plan will provide traffic controls pursuant to the sections of the California Manual on Uniform Traffic Control Devices on temporary traffic controls (Caltrans 2012a) and will include a traffic control plan. Construction transportation plans

L034-33

are commonly implemented for large construction projects in densely developed urban areas and result in minimal traffic impacts. As indicated in the EIR/EIS, the plan will be developed in close consultation with the City of Bakersfield, which will take into account among other things, the special traffic circumstances around Bakersfield High School.

L034-34

The BNSF Alternative does not go directly over the Bakersfield High School campus. It does go over one high school building north of the main campus that is located on the edge of the BNSF rail yard.

As discussed in Section 3.11 of the Revised DEIR/Supplemental DEIS, the crash in China referred to in this comment was caused by the failure of signaling equipment. This equipment was determined to have a flawed design that was not properly identified during its development. The official investigation found that the accident was symptomatic of a lack of emphasis on safety by the management of China's rapidly growing high-speed train industry. The safety of the California HST System is of paramount importance to the Authority, FRA, and the California Public Utilities Commission. Before initiating operations, the system must be certified by the State of California and FRA. This will require several years of testing all aspects of the system on the first set of tracks to be built in the Central Valley.

The safety information on international HST systems provided in Section 3.11 of the EIR/EIS is not anecdotal evidence. The information consists of reports from reliable sources on overall system safety for a few countries and on specific HST accidents that have resulted in injuries and fatalities.

It is not possible to provide a mathematical probability/risk calculation for an accident on the California HST System that would result in injury to people next to the right-of-way. Such a calculation requires multiyear information on passenger miles traveled and on the number of accidents that result in offsite injuries and/or fatalities. There are no HST systems operating in the United States. Therefore, these data do not exist here.

Specific data on passenger miles traveled are not readily available for HST systems in other countries. According to news releases, the Japanese HST system carried

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L034-34

approximately 6 billion passengers over 40 years between 1964 and 2004. Over that period there has never been an injury or fatality to people next to the right-of-way. In addition, no passenger fatalities have occurred on the Japanese HST system from derailments or collisions. There have been injuries caused by doors closing on passengers or their belongings. The French TGV is reported to have carried about 1.7 billion passengers between 1981 and 2010. Where the train operated on dedicated track there have been 8 passenger injuries from derailments and no injuries to people next to the right-of-way. High-speed train service has operated in Germany since 1991. No statistics on passenger miles traveled are readily available for the German HST system. The accident on the German HST system reported in Section 3.11 of the EIR/EIS resulted in 101 fatalities and 87 injuries to passengers but no injuries to people outside the right-of-way. High-speed rail service began in China in 2007. It is reported that the system had 796,000 passengers per day by 2010. As reported in Section 3.11, an accident in 2011 on the Chinese HST system resulted in 40 deaths and 72 injuries. Some of the casualties of this accident were members of the public not riding the train but near the accident.

While a probability calculation cannot be made for the risk of injury to people next to the California HST System right-of-way, it is clear from the evidence that the risk is very low. HST systems throughout the world have operated for billions of passenger miles for several decades with no injuries to people not traveling on the train.

L034-35

As shown in Figure 3.11-8, the HST tracks will be mounted on concrete slab track on concrete viaducts, such as the viaduct through Bakersfield. Therefore, the possibility of debris being present on the viaduct during operations is small, as shown in the figure. Tracks will be inspected every night when the system is not in operation and any substantial debris will be removed. Therefore, there is little likelihood of debris being ejected from the viaduct during normal HST operations. As discussed in Section 3.11 of the EIR/EIS, the system is designed to contain trains upright within the right-of-way in the event of a derailment, as shown in Figure 3.11-9. Therefore, it is unlikely that substantial amounts of debris would be ejected from the viaduct in the event of an accident.

L034-36

The safety information on international HST systems provided in Section 3.11 of the EIR/EIS is not anecdotal evidence. The information consists of reports from reliable sources on overall system safety for a few countries and on specific HST accidents that have resulted in injuries and fatalities.

It is not possible to provide a mathematical probability/risk calculation for an accident on the California HST System that would result in injury to people next to the right-of-way. Such a calculation requires multiyear information on passenger miles traveled and on the number of accidents that result in offsite injuries and/or fatalities. There are no HST systems operating in the United States. Therefore, these data do not exist here.

Specific data on passenger miles traveled are not readily available for HST systems in other countries. According to news releases, the Japanese HST system carried approximately 6 billion passengers over 40 years between 1964 and 2004. Over that period there has never been an injury or fatality to people next to the right-of-way. In addition, no passenger fatalities have occurred on the Japanese HST system from derailments or collisions. There have been injuries caused by doors closing on passengers or their belongings. The French TGV is reported to have carried about 1.7 billion passengers between 1981 and 2010. Where the train operated on dedicated track there have been 8 passenger injuries from derailments and no injuries to people next to the right-of-way. High-speed train service has operated in Germany since 1991. No statistics on passenger miles traveled are readily available for the German HST system. The accident on the German HST system reported in Section 3.11 of the EIR/EIS resulted in 101 fatalities and 87 injuries to passengers but no injuries to people outside the right-of-way. High-speed rail service began in China in 2007. It is reported that the system had 796,000 passengers per day by 2010. As reported in Section 3.11, an accident in 2011 on the Chinese HST system resulted in 40 deaths and 72 injuries. Some of the casualties of this accident were members of the public not riding the train but near the accident.

While a probability calculation cannot be made for the risk of injury to people next to the California HST System right-of-way, it is clear from the evidence that the risk is very low. HST systems throughout the world have operated for billions of passenger miles for

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L034-36

several decades with no injuries to people not traveling on the train.

L034-37

Refer to Standard Response FB-Response-SO-08.

L034-38

Refer to Standard Response FB-Response-SO-08.

L034-39

Refer to Standard Response FB-Response-LU-03.

The text of the Revised DEIR/Supplemental DEIS in Section 3.13, Station Planning, Land Use, and Development, has been revised in response to the comment to more clearly explain impacts related to the alteration of land use patterns.

L034-40

The Authority and the FRA refined the impact analysis of increased density on schools in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. The impacts are described in Section 3.2, Transportation; Section 3.4, Noise and Vibration; Section 3.10, Hazardous Materials and Wastes; and Section 3.12, Socioeconomics, Communities, and Environmental Justice.

L034-41

Refer to Standard Response FB-Response-LU-03.

The text of the Revised DEIR/Supplemental DEIS in Section 3.13, Station Planning, Land Use, and Development, has been revised in response to your comment to more clearly explain impacts related to acreage in the four-county area occupied by the project.

L034-42

As discussed in Section 3.13.5.3, although land acquired for the project would constitute

L034-42

a small portion of the total agricultural, industrial, residential, commercial, and public land in the four counties, all nine project alignment alternatives would result in permanent conversion of land in other uses to transportation-related uses. Overall, the effect of the permanent conversion of land for the project would have moderate intensity under NEPA and a significant impact under CEQA.

L034-43

The Authority and the FRA refined the impacts of increased density on schools in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. The impacts are described in Section 3.2, Transportation; Section 3.4, Noise and Vibration; Section 3.10, Hazardous Materials and Wastes; and Section 3.12, Socioeconomics, Communities, and Environmental Justice.

L034-44

The Authority and the FRA refined the impacts of increased density on schools in the Revised DEIR/Supplemental DEIS as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. The impacts are described in Section 3.2, Transportation; Section 3.4, Noise and Vibration; Section 3.10, Hazardous Materials and Wastes; and Section 3.12, Socioeconomics, Communities, and Environmental Justice.

L034-45

Refer to Standard Response FB-Response-LU-03.

L034-46

Refer to Standard Response FB-Response-SO-08.

The comment concerns the learning environment at Bakersfield High School, but the comment is made in reference to Section 3.15, Parks, Recreation, and Open Space, which covers recreational facilities at schools.

Not all construction impacts can be fully avoided. In these situations, measures will be

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L034-46

implemented as appropriate and necessary to minimize or mitigate these impacts. For example, where noise impacts on sensitive receptors would occur during project construction, temporary sound barriers will be installed, nighttime construction activity will be limited, and/or other measures will be implemented.

L034-47

Section 3.15, Parks, Recreation, and Open Space, of the Revised DEIR/Supplemental DEIS was revised to include the Elm Grove quadrangle ("campus quadrangle") and Harvey Auditorium as recreational resources within the Bakersfield High School campus. Section 3.15 states that construction activities for the BNSF Alternative would occur less than 100 feet from the playfields and recreation facilities at Bakersfield High School.

L034-48

The comment states that the Bakersfield High School Industrial Arts Building and the adjacent parking area would require acquisition by the Authority to allow for construction of the BNSF Alternative. However, the acquisition of the Industrial Arts Building and parking area is not discussed in Section 3.15, Parks, Recreation, and Open Space, because these structures are not considered a public park, recreation, or open space facility.

The acquisition of the Industrial Arts Building as a result of the BNSF Alternative is discussed in Impact SO #7, Disruption to Community Cohesion or Division of Existing Communities from Project Operation, in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Revised DEIR/Supplemental DEIS. Mitigation for relocation is discussed in Mitigation Measure SO-4, Implement measures to reduce impacts associated with the relocation of important facilities.

L034-49

Section 3.15, Parks, Recreation, and Open Space, of the Revised DEIR/Supplemental DEIS was revised to include the Elm Grove quadrangle and Harvey Auditorium as recreational resources within the Bakersfield High School campus. HST construction impacts are examined in Impact PK#1, Construction Impacts on Parks, Recreation,

L034-49

Open-Space Impacts, and School District Recreation Facilities, in Section 3.15 of the Revised DEIR/Supplemental DEIS. For associated mitigation measures, refer to N&V-MM#1, Construction Noise Mitigation Measures, and N&V-MM#2, Construction Vibration Mitigation Measures, in Section 3.4, Noise and Vibration, of the Revised DEIR/Supplemental DEIS. HST operational impacts to park character are examined in Impact PK#4, Project Changes to Park Character, in Section 3.15 of the Revised DEIR/Supplemental DEIS. For mitigation measures, refer to N&V-MM#3, Implement Proposed California High-Speed Train Project Noise Mitigation Guidelines, in Section 3.4 of the Revised DEIR/Supplemental DEIS, and AVR-MM#2a to AVR-MM#2f in Section 3.16, Aesthetics and Visual Resources, of the Revised DEIR/Supplemental DEIS.

L034-50

Refer to Standard Response FB-Response-GENERAL-01.

Mitigation Measure PC-MM#1, Compensation for Staging in and Temporary Closures of Park Property During Construction, has been revised in the Revised DEIR/Supplemental DEIS to explicitly identify performance standards as follows: "Alternative parks and recreational resources will include the installation of recreational facilities, trails, and landscaping on lands currently owned by the city but not already developed, or it will include temporary park development on open lands until the park can be reopened. Landscaping replacement will include replacement grass areas, tree replacement on a ratio of two 5-inch-caliber trees for every tree removed, and two shrubs for every shrub removed. All other facilities will be replaced or moved on a one-for-one ratio, including play equipment, benches, and the like."

L034-51

Refer to Standard Response FB-Response-N&V-02.

In the Revised DEIR/Supplemental DEIS, the methodology used to determine the distance from a park and recreation resource to an alternative alignment involved measuring from the location of the sensitive receiver, not from the property line of the resource.

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L034-52

The inventory and evaluation of the Bakersfield High School property conducted as part of the technical studies for the Fresno to Bakersfield Section (see the *California High-Speed Train Fresno to Bakersfield Historic Property Survey Report (HPSR)* [Authority and FRA 2011]) concluded that one of the buildings on campus was eligible for listing in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR): Harvey Auditorium. The Historic Property Survey Report (HPSR) also evaluated the campus as a potential district. The evaluation concluded that the campus as a whole is not eligible for either the NRHP or the CRHR as a district because the campus is not historically significant in the broader context of state or county education, it is not significant in the context of secondary education in the city, and it has undergone decades of changes that have resulted in a substantial loss of integrity. Not only has the campus been changed by the addition and demolition of structures over the years, but it also suffered a great deal of damage in the earthquakes of 1952. The subsequent construction and later modification of those buildings further changed the campus.

The NRHP guidelines state that “mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A [for events and trends].” Therefore, although the campus is generally associated with the history of both education and post-earthquake repair and construction in Kern County, extensive research revealed no evidence that the campus is demonstrably significant within these contexts. This conclusion is substantiated by the analysis and supporting documentation presented in the DPR 523 form completed in June 2010 and presented in the 2011 HPSR (Authority and FRA 2011). Primary and secondary sources were used to document the history of the school and the development of the campus, including material from the Bakersfield High School Archive, historic aerial photography, historic architectural plans, and extensive local and architectural press coverage, among many other sources. The citations and full reference list are provided in the DPR 523 form (Authority and FRA 2011, Appendix C).

Harvey Auditorium was found eligible for listing in the NRHP and the CRHR as an important work of local master architect Charles Biggar under Criteria C (NRHP) and 3 (CRHR).

L034-52

The California State Historic Preservation Officer (SHPO) concurred in the conclusions of eligibility for Harvey Auditorium and ineligibility for the remaining campus. See SHPO letter dated February 6, 2012 (SHPO 2012).

L034-53

In Section 3.16.4, Affected Environment, of the Draft EIR/EIS, commenter refers to apparent inconsistency in references to “moderately low” and “moderate” visual quality at Bakersfield High School. As explained in the text, the reference to “moderately low” quality refers specifically to views off-campus, where the views are strongly dominated by the surrounding rail yards. As stated in the text, the overall visual quality within the campus (i.e., from the perspective of viewers at the high school) is presented as “moderate” because views to the rail yards are screened by on-campus buildings and trees.

L034-54

The inventory and evaluation of the Bakersfield High School property conducted as part of the technical studies for the Fresno to Bakersfield Section (see the Historic Property Survey Report (HPSR) [Authority and FRA 2011c]) concluded that one of the buildings on campus was eligible for listing in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR): Harvey Auditorium. The HPSR also evaluated the campus as a potential district. The evaluation concluded that the campus as a whole is not eligible for either the NRHP or the CRHR as a district because the campus is not historically significant in the broader context of state or county education, is not significant in the context of secondary education in the city, and has undergone decades of changes that have resulted in a substantial loss of integrity. Not only has the campus been changed by the addition and demolition of structures over the years, but it also suffered a great deal of damage in the earthquakes of 1952. The subsequent construction and later modification of those buildings further changed the campus.

The NRHP guidelines state that “mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A [for events and trends].” Therefore, although the campus is

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generally associated with the history of both education and post-earthquake repair and construction in Kern County, extensive research revealed no evidence that the campus is demonstrably significant within these contexts. This conclusion is substantiated by the analysis and supporting documentation presented in the DPR 523 form completed in June 2010 and presented in the 2011 HPSR (Authority and FRA 2011c). Primary and secondary sources were used to document the history of the school and the development of the campus, including material from the Bakersfield High School archive, historic aerial photography, historic architectural plans, and extensive local and architectural press coverage, among many other sources. The citations and full reference list are provided in the DPR 523 form (Authority and FRA 2011c, Appendix C).

Harvey Auditorium was found eligible for listing in the NRHP and the CRHR as an important work of local master architect Charles Biggar under Criteria C (NRHP) and 3 (CRHR).

The California State Historic Preservation Officer (SHPO) concurred in the conclusions of eligibility for Harvey Auditorium and ineligibility for the remaining campus. See the SHPO letter dated February 6, 2012 (SHPO 2012).

L034-55

Comment noted. This error in the numbering of the tables in Section 3.17, Cultural and Paleontological Resources, has been corrected in the Revised DEIR/Supplemental EIS.

L034-56

Refer to Standard Response FB-Response-GENERAL-01.

As discussed in Section 3.17.2, Laws, Regulations, and Orders, the existence of the Section 106 Programmatic Agreement (Authority and FRA 2011e) provides an enforceable series of performance standards and stipulations to resolve any adverse effects caused by the project. Also, Mitigation Measure CUL-MM#10 will reduce to a less-than-significant level any operational noise impacts on historical resources or historic properties.

L034-57

Refer to Standard Response FB-Response-GENERAL-01.

As discussed in Section 3.18.2, Laws, Regulations, and Orders, of the EIR/EIS, the existence of the Section 106 Programmatic Agreement (Authority and FRA 2011e) provides an enforceable series of performance standards and stipulations to resolve any adverse effects caused by the project. As a legally binding agreement, those standards are adequate to serve as mitigation to any resource that may be considered a historical resource under the California Environmental Quality Act (CEQA), per Section 15126.4(2).

L034-58

Refer to Standard Response FB-Response-GENERAL-01.

As discussed in Section 3.17.2, Laws, Regulations, and Orders, the existence of the Section 106 Programmatic Agreement (Authority and FRA 2011e) provides an enforceable series of performance standards and stipulations to resolve any adverse effects caused by the project. As a legally binding agreement, those standards are adequate to serve as mitigation to any resource that may be considered a historical resource under the California Environmental Quality Act (CEQA), per Section 15126.4(2)].

L034-59

Refer to Standard Response FB-Response-GENERAL-01.

As discussed in Section 3.17.2, Laws, Regulations, and Orders, the existence of the Section 106 Programmatic Agreement (Authority and FRA 2011e) provides an enforceable series of performance standards and stipulations to resolve any adverse effects caused by the project. As a legally binding agreement, those standards are adequate to serve as mitigation to any resource that may be considered a historical resource under the California Environmental Quality Act (CEQA), per Section 15126.4(2)].

Response to Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - Continued

L034-60

The transportation analysis, by nature, is a cumulative evaluation, since the effects are projected out for the project's planning horizon and include many of the roadway projects listed in Appendix 3.19-B, Planned and Potential Transportation Projects. The regional transportation models used in the transportation analysis incorporate implementation of transportation projects that are funded through the 2035 horizon.

Characterization of cumulative transportation impacts as less than cumulatively considerable is not entirely consistent with the Revised DEIR/Supplemental DEIS. Section 3.19, Cumulative Impacts, does not identify significant cumulative impacts on transportation during construction of the HST alternatives in combination with other past, present, and reasonably foreseeable projects. During operation, the regional cumulative impact of the HST alternatives would be beneficial because the HST would take passenger vehicles off the road. However, at a local level, the project in combination with other past, present, and reasonably foreseeable projects would decrease the level of service (LOS) on some roadway segments and at intersections in the vicinity of HST stations—contributing to operating conditions below LOS D. This would be a significant impact under NEPA and a cumulatively considerable contribution to local traffic congestion under CEQA.

L034-61

The CALINE4 model is intrinsically a cumulative carbon monoxide (CO) hot spot analysis model because it takes into account the background CO concentrations and is comprised of all past and ongoing projects. Additionally, the traffic analysis presented in Section 3.2 of the Revised DEIR/Supplemental DEIS considered traffic resulting from all the various planned and potential future foreseeable projects listed in Appendix 3.19-B as well as the traffic due to the HST project. This traffic analysis was the basis for the CALINE4 CO modeling, and therefore is a cumulative analysis.

The intersections selected for the CO modeling were intersections that experienced large changes in traffic volumes or level of service. As described in Section 3.3.4.3 of the Revised DEIR/Supplemental DEIS, the worst-case receivers were chosen at 3 meters, 25 meters, and 50 meters from the intersection corner. The CO modeling analysis found that there was no significant impact from localized CO concentrations on these worst-case receivers, so there will be no significant impacts on sensitive receivers

L034-61

at Bakersfield High School, which is located further from these intersections.

L034-62

Elm Grove (also referred to as the "Quad") is a landscaped area with several round tables and benches, green spaces, walkways, and an informational kiosk. The Quad is bordered on three sides by public roadways (F Street, 14th Street, and G Street). However, during a site visit, F Street adjacent to the Quad was observed to be permanently closed to through traffic, and G Street was observed to be closed to through traffic during school hours. These street closures limit public access to the Quad. Further research indicated that the Quad appears primarily to be used by Bakersfield High School students. No documented use of the Quad during non-school hours could be found from a review of the Bakersfield High School website or the Kern High School District website. Also, the Bakersfield Department of Recreation and Parks does not include the Quad in its published list of public parks and community centers (available at <http://www.bakersfieldcity.us/recreation/Parks/ParkMapComp/bestmap.htm>). For these reasons, and consideration of agency precedent and primary uses of this facility, it was determined that the Quad is not eligible for protection under Section 4(f).

L034-63

An analysis of impacts on the athletic fields at Bakersfield High School is included in the Parks and Recreation chapter of the EIR/EIS (Chapter 3.15). These athletic fields do not provide walk-on public recreational access outside of school hours (i.e., not requiring prior reservations or fees). Therefore, the athletic fields are not considered a Section 4(f) property and are not addressed in Chapter 4.

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October 12, 2011

From: Jon L. Brady
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Chris Brewer
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To: Mr. Jeffrey O'Neal, AICP
Provost & Pritchard Consulting Group
286 West Cromwell Avenue
Fresno, CA 93711-6162

Via email: joneal@ppeng.com (Signed Hard Copy via post mail)

Re: Preliminary Phase II Results of Formal Evaluation of Bakersfield High School, Bakersfield, California as Part of the High Speed Rail Project

Dear Mr. O'Neal,

Mr. Brewer and I have completed our preliminary work on the Phase II evaluation of Bakersfield High School located in the city of Bakersfield, Kern County, California. We have made a preliminary determination that the high school campus appears to be eligible for the National Register of Historic Places under Criteria A and C as a historic district. It has further been determined that the campus appears to be a historical resource for the purposes of CEQA.

Below is the summary of our findings:

Comments are hereby submitted specific to the information and conclusions made about the Bakersfield High School campus on the DPR 523 forms in the Historic Property Survey Report completed by JRP Historical Consulting, LLC, for the California High-Speed Train Project EIR/EIS Fresno to Bakersfield Section.

While the document and forms are well-written and lend credibility to the consultancy of JRP Historical Consulting, LLC, the conclusions reached about the campus of Bakersfield High School are erroneous and contrary to the local conception of the historic campus and the guidelines for the evaluation of historic properties. We do not intend to attempt to educate the consultants or other reviewers, as they are professionals and should have a significant level of knowledge and expertise in the field. However, we are presenting for evidence, the Criteria for Evaluation of historic-era resources (buildings and structures) under the National Register of Historic Places and CEQA.

Information presented regarding the findings of the history and significance of these properties misleads the responsible reviewing agencies and the public as to the reality of the impacts of the project to historic resources that themselves have not been given full consideration of their historical significance. Since they are not adequately identified in the Historic Resources Evaluation Report (HRER), the actual environmental impacts are impossible to discern other than that they will be disastrous to the historic-era resources.

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When the failure to include relevant information occurs, a prejudicial abuse of discretion follows, which precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process. Unfortunately it is not just the Bakersfield High School campus that has been slighted in the review process and it can only be of great hope that others will speak up to defend the area's historic and cultural properties.

As professional historians/architectural historians, we categorically disagree with the assessment of this resource, the Bakersfield High School (BHS) originally known as the Kern Union High School. The BHS campus is unique as an institution of secondary education. It was the first such campus in the San Joaquin Valley south of Stockton. The campus encompasses nine blocks of the city of Bakersfield into a cohesive and identifiable campus unit. It has been known as a city within a city with nearly every service available to its students and faculty. The school is self-contained, and has been so for nearly its entire 117-year history.

Although the Criteria for Evaluation were used in a general sense in the study to evaluate properties along the entire proposed high speed rail route, they were applied sparingly on quite a number of properties in Bakersfield and perhaps other communities, including the campus of Bakersfield High School, a local, if informal, landmark for over a hundred years; the first of its kind in the south valley.

Quotations from the document's text are in *italics* and comments are in a normal font.

Below is the National Register of Historic Place's Criteria for Evaluation

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. *That are associated with events that have made a significant contribution to the broad patterns of our history; or*
- B. *That are associated with the lives of significant persons in our past; or*
- C. *That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- D. *That have yielded or may be likely to yield, information important in history or prehistory.*

Critique of the document's Evaluation of BHS

JRP Historical Consulting, LLC, identified the period of significance for BHS as extending from 1934 to 1948. The only building that it considered during this period was Harvey Auditorium that was designed by master architect, Charles H. Biggar. For the purposes of this letter report, we are defining the period of significance as extending from 1893 to 1960. The original consultants dismissed much of the campus as lacking in architectural merit and integrity. In that respect, it is understandable that they could not come to the realization that BHS had strong potential as a historic district. In this

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brief review, we demonstrate that the high school campus is a historic district that strongly reflects the life work of Charles H. Biggar.

The statement of significance on the document's DPR 523 form begins with an incorrect statement saying that the "high school does not have direct important association with historic events or trends."

Bakersfield High School is eligible for the National Register of Historic places under Criteria A and C. The school was founded in 1893 as the first high school serving the entire County of Kern. It has been in continuous use as an educational facility since 1893, and has significant associations with the agricultural, petroleum, and other professions in Kern County and the state of California. The school has produced dozens of professional sports figures during its history as well as a like number of musicians and actors. With its founding, the school represented a cultural shift in the community, providing a never-before-available higher-education opportunity to the children of Kern County.

The document's DPR 523 forms categorically rejects any potential eligibility indicating that the high school campus has either direct important association with historic events or trends... (Criterion A or 1), stating: "Under NRHP Criterion A and CRHR Criterion 1, the existing campus does not have direct or important associations within the context of the general growth of the city of Bakersfield and Kern County."

The form continues on to reject eligibility under Criterion B, properties associated with the lives of significant persons in our past, stating "Under NRHP Criterion B or CRHR Criterion 2, the campus is not significant as an historic district for direct or important associations with the lives of persons important to history." While some of the individuals who studied at Bakersfield High School might be considered important to history – for example, former Chief Justice of the Supreme Court and California Governor Earl Warren (1908), or New York Giants football player Frank Gifford (1948) – they do not have direct significant associations with the high school as defined under these criteria."(Criterion B or 2);"

While it is accurate to state that the individuals who attended high school here made their most significant achievements after their attendance, their career successes are largely due to the quality education provided at the school campus that allowed them to make such achievements. In other words, their careers were the result of their associations with the school and its campus.

The document continues to state: "The campus is also not significant as an historic district under NRHP Criterion C or CRHR Criterion 3. The campus may have had potential significance as an important work of a master because architect Charles Biggar designed most of the buildings constructed between 1922 and 1948, and by 1948 the campus was a good example of his school building design work. Additionally, two new buildings were added to campus immediately after the earthquake. These buildings, thus, do not represent the work of Charles Biggar. Instead, the majority of buildings on campus represent the work of C. Barton Alford, W.J. Thomas, and Harold Leydenfrost (their careers are discussed above.) The redesigned buildings were modest in style and execution, and do not embody enough of the distinctive characteristics of a type of architecture as required for significance under this criterion. The buildings also lack the

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high artistic value that would merit listing on a national or state register, and they do not appear to be the work of master architects or builders."

It is exactly the point that the campus "had potential significance as an important work of a master because architect Charles Biggar designed most of the buildings constructed between 1922 and 1948, and by 1948 the campus was a good example of his school building design work." The subsequent buildings finished by C. Barton Alford's firm were a direct result of Alford's association with Charles H. Biggar as his associate. It is also important to note that the statement about architects C. Barton Alford is erroneous and should be corrected. Alford's work is shown in the document. He is considered to be a local master architect, while Charles Biggar is more considered a regional Master.

"Until the earthquakes in 1952, the school underwent general expansion in line with growth in the city, county, and state. Its expansion is typical of the growth of a metropolitan high school and does not constitute a historically significant trend or pattern of development. Nor do any other events occurring at the school during this period meet the threshold of significance. The 1952 earthquakes were important events for Bakersfield and Kern County. They damaged or destroyed a significant number of buildings, leading to a widespread effort to rebuild; however, not all repaired, rebuilt, or new construction have importance within this context. Evaluation of buildings that were repaired, versus buildings that were razed for new construction, should recognize this difference because it is not likely that repair of an earthquake-damaged building, even extensive repair, would be considered important within the context of post-earthquake redevelopment. For an infrastructural repair, rather than a new building, to rise to the level of significance required under these criteria, it would need to be associated with a significant event or trend beyond the occurrence of damage and subsequent repair.

The statement of significance on the DPR 523 form saying that the "high school does not have direct important association with historic events or trends" is incorrect. Even later building repairs were designed by Barton Alford who worked for Charles Biggar for more than 10 years before starting his own firm. Alford had an intimate working knowledge of Biggar's work and it could be said that he continued on after Biggar died in 1946. The campus is a wonderful example of the career of Charles Biggar and his design team.

The document further states: Under NRHP Criterion A or CRHR Criterion 1, this high school does not have direct important association with historic events or trends. The original Kern County High School, now Bakersfield High School, was established at this site in 1893 as the first high school in the county, but none of the built environment resources of the first iteration of the school remain in existence. The high school grew steadily through its first few decades as it served the needs of the area's growing population. By the time the Dust Bowl brought a surge of immigrants to the San Joaquin Valley, the high school was already planning to accommodate an increasing number of students and the school commissioned designs for several new buildings in accordance with its ten-year plan. Between 1918 and 1926, nine buildings were constructed on campus. The growth did not stop, and by the end of the war Bakersfield High School counted no fewer than 15 buildings to serve the nearly 4,000 students. The 1952 earthquake, which damaged much of Bakersfield's building stock, wreaked havoc on the school. In response, the school hired the architectural team of C. Barton Alford and W.J. Thomas (Harold Leydenfrost would join the team and later replace Alford) to redesign

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and retrofit most of the buildings. Some, like the old Auditorium and Administration Building, were torn down. Others received extensive renovating. By 1960 several new high schools had opened throughout Kern County, including East Bakersfield, North High School, and South High School. The school continues to serve as the oldest high school site in the county; however, no buildings from the first three decades remain."

The enormity of the impact of Kern County High School, now Bakersfield High School, on the whole county is incalculable and is not accurately depicted in the document. Buildings from as early as the 1920s do remain, mostly in their original design. The entire campus as it existed in the 1920s still exists in the same format. Thousands of people have passed through the campus over the years, watching its slow and consistent pace of change in architectural design from the neoclassical designs of the 1920s to his ultra-modern architecture.

And, while it was the first high school in the county, this alone does not constitute an important event or trend under these criteria. Schooling in the county had occurred for decades, and secondary education was taught in primary schools prior to Kern County High School, and by the late 1920s two new high schools were built in Kern County: McFarland (1926) and Shafter (1928). NRHP guidelines state that "mere association with historic events or trends is not enough, in of itself, to qualify under Criterion A..." because the property must also have a specific important role within that context. The existing buildings of the Bakersfield High School campus do not date to the establishment of the first county high school and, therefore there is no direct important association with this event (US Department of Interior 1990: 12).

Until the earthquakes in 1952, the school underwent general expansion in line with growth in the city, county, and state. Its expansion is typical of the growth of a metropolitan high school and does not constitute a historically significant trend or pattern of development. Nor do any other events occurring at the school during this period meet the threshold of significance. The 1952 earthquakes were important events for Bakersfield and Kern County. They damaged or destroyed a significant number of buildings, leading to a widespread effort to rebuild; however, not all repaired, rebuilt, or new construction have importance within this context. Evaluation of buildings that were repaired, versus buildings that were razed for new construction, should recognize this difference because it is not likely that repair of an earthquake-damaged building, even extensive repair, would be considered important within the context of post-earthquake redevelopment. For an infrastructural repair, rather than a new building, to rise to the level of significance required under these criteria, it would need to be associated with a significant event or trend beyond the occurrence of damage and subsequent repair.

Regardless of whether the buildings are new or refurbished, the high school campus is also eligible for listing in the National Register of Historic Places under Criterion C at the local level of significance for its representation of the post-war modernization process of early Twentieth Century Neoclassical architecture into a more utilitarian style of design. However it is important to note that these modernizations for the most part are reversible and, with or without them, the campus itself is the more important eligible property.

Continuing, the form states: *"In most cases, it is more appropriate to consider repair work under NRHP Criterion C or CRHR Criterion 3 for design/architecture or method of construction. Buildings that were wholly designed and built after the earthquake should*

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be analyzed for potential direct importance within the context of post-earthquake design or technological response, or should be demonstrated to be important within another historical context. As an example, the Kern County Civic Administrative Center was built as an effort to consolidate several county offices that were previously scattered. County officials made a conscious effort to improve efficiency for access to public services. Additionally, the Civic Administrative Center was a large new complex of structures and was a substantial example of the rebuild effort, as well as representing the technological (engineering) response to the earthquake. Indeed, any project would need to meet this threshold. To meet these criteria, the property should represent an effort to significantly improve the facilities destroyed in the earthquakes, rather than simply replace them. Moreover, the property should have historic significance in scale and or design, and should be accomplished in direct response to the earthquake. Finally, the project would be eligible if its success also provided the impetus for other redevelopment projects".

The Civic Administrative Center is nothing more than a replacement building for facilities that were used prior to the 1952 earthquake and aftershock that severely damaged the old Kern County Courthouse. Although departments were temporarily separated after that event, the first replacement building at Truxtun and Chester Avenues re-consolidated the departments. The new Administrative building was constructed due to the over use of the first replacement administrative building. Locally called "the Taj Mahal" for the lavish furnishings in the Board of Supervisors' chambers and facilities, the building is simply an expansion of the other one to the west.

Research revealed that the rebuilding effort at Bakersfield High School represented a conscious effort to redesign and replace damaged or destroyed buildings. The project was also initiated immediately and in direct response to the earthquake, as repair work needed to be done to make buildings useable. The damage was so great administrators were having a difficult time running the school, the first day of classes was postponed and, when classes started, the school brought in temporary buildings to fulfill classroom needs. The Old Administration Building, Old Auditorium Building, the girls' wing of the Gymnasium, and a dorm building required demolition. Furthermore, Warren Hall, Ludden Hall, the Science Building, the Industrial Arts Building, the Agriculture Building, the boys' wing of the Gymnasium, and the Boiler Room needed extensive repair work. In response to the earthquakes, officials built a new Administration Building and Cafeteria. While school officials certainly attempted to improve the campus through new buildings, the primary goal was more basic: to open enough classrooms and school facilities so they could operate the school in a manner consistent with pre-earthquake standards. Therefore, this was not a significant attempt by officials to improve upon the old campus, and the buildings constructed in response to the earthquake do not appear to meet the criteria for listing in the NRHP or CRHR under NRHP Criterion A or CRHR Criterion 1. Under NRHP Criterion B or CRHR Criterion 2, these buildings have no direct important association with the lives of persons significant to history."

The very issue of eligibility has been missed here in that the entire campus as a district is the significant resource, not just individual buildings. It appears that the researcher is equating the past circumstances with present-day life and conditions. At the time, Goldie Griffith and KCUHS sports teams were champions in the state of California when sports teams were the primary measure of a community and/or its schools. Is it not significant enough to be at the top of the class statewide for years? After Church and Lodge, high school sporting events were the most important social events of their time.

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Whole communities turned out for games and lived and breathed football during the season. Championship teams drew region-wide crowds. Bakersfield High School and Kern County Union High School before it had the most successful high school sports teams in the Valley, winning championships one after another.

The document goes on to state: "Only Harvey Auditorium is architecturally significant under NRHP Criterion C and CRHR Criterion 3 as the work of local master architect, Charles Biggar. Biggar was a prolific and generally recognized master in his trade, working primarily in Bakersfield and Kern County. His oeuvre includes two buildings listed in the NRHP for their architectural significance: The Bakersfield Californian building (#83001183) and the First Baptist Church (#79000478; Figure 8), both in Bakersfield. He was also known for his work on important commercial buildings in Bakersfield, including the Fox Theatre, Tejon Theatre, and Haberfelde Building. Many of his designs, however, were for school buildings. When he drew plans for Harvey Auditorium, for instance, nearly all the buildings on campus were his. Additionally, he designed East Bakersfield High School's original buildings, as well as several throughout Kern County. The Harvey Auditorium was one of his last buildings, and demonstrated a shift in architectural styles. Moving away from revival styles – the First Baptist Church, for example, was done in a Richardsonian Romanesque with Spanish Revival influences – and Neoclassical style seen on campus, Biggar chose a Streamline Moderne style for the auditorium. Even the contemporary East Bakersfield High School auditorium represented a more Spanish Revival style. The trend incorporated in his design of the Harvey Auditorium represented a broader modern movement of the 1930s. While Harvey Auditorium features several utilitarian features, it also includes elements of Streamline Moderne, such as smooth concrete surfaces, horizontal and vertical banding, and rounded corners. An incarnation of the popular Art Deco, Streamline Moderne was less ornamental than its predecessor. It emphasized a stylized yet restrained modernism, featuring smoothed surfaces, flat roofs, curved walls, streamlined grooves, and glass blocks (McAlester and McAlester 1984: 465). Character-defining features for the auditorium include its massing, shape, flat roof, smooth concrete surface, horizontal and vertical bands, rounded corners, multiple double-door entrances separated by vertical columns, wide concrete steps and entrances, large frosted windows above doors, prominent projecting walls that bookend the west entrance, rows of multi-light metal awning windows, and flat concrete awnings with rounded corners. Other character-defining features: the orientation of the auditorium facing the central quadrangle and its visual relationship to the other campus buildings, including the Industrial Arts building complex.

The JRP consultants fail to note that prior to Biggar's work on the auditorium at BHS, he designed the "L" shaped Industrial Arts Building that stands adjacent to the original Industrial Arts Building. These two buildings demonstrate how Charles Biggar adapted to the demands of stronger materials along with concerns for safety in our public school system. The design of the "Moderne"-style new industrial building by Biggar is an important statement, architecturally, in how those that excel in their respective professions are willing to adapt with the times. The 1930s Industrial Arts Building reflects the shift in Biggar's thought process as it relates to architectural design and use of stronger and more contemporary materials.

The narrative continues with: "The remaining buildings are not individually significant for possessing distinctive characteristics of a type, period, or method of construction. They

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also are not important examples of a general architectural style and/or a specific architect's design. Additionally, while many were originally designed by Charles Biggar, most were redesigned in the post-earthquake period, removing most traces of his original plans. Those buildings that were not redesigned (north wing of Industrial Arts, Griffith Stadium, south wing Spindt Hall, Water Tower) are not significant examples of his work. They do not represent a particular phase of his career, an aspect of his work, or a theme of his profession. Instead, they are modest examples of his career. The north wing of the Industrial Arts Building is a modest Streamline Moderne building, featuring smooth concrete walls, a flat roof, and two entrances with "SHOPS" etched into the surround. Griffith Stadium is primarily utilitarian, as its main design is based on the function of seating a sports audience. The west wall features some Neoclassical elements, such as partially exposed full-height columns, and a cornice. Nonetheless this concrete structure features otherwise unadorned seats on the east side. The south wing of Spindt Hall also features Neoclassical details, like a cornice, partially-exposed columns, and elaborate decorative entrance surrounds. The Water Tower is a modest, utilitarian structure. These buildings are not significant for possessing distinctive characteristics of a type, period, or method of construction. They are not important examples of a general architectural style and/or a specific architect's design, and are not the work of master architects or builders. They also do not possess high artistic value, as required under these criteria."

In a district, buildings do not have to possess high artistic value themselves. They also do not have to be the best and finest examples of the architect's work. Charles Biggar's architectural designs for the school demonstrate the architect's work in progress as he grew older and more experienced in his practice; Biggar was able to use the Bakersfield High School campus as a pallet of design work, from his early neoclassical designs to his ultra-modern Industrial Arts Building and the culminating design of his life's work, Harvey Auditorium. It's all Charles Biggar, even the repair work under the Field Act in the 1930s to the mid-1940s.

A good narrative on the architects continues with an erroneous conclusion: "The architects C. Barton Alford, W.J. Thomas, and Harold Leydenfrost, who redesigned several buildings and prepared plans for the Cafeteria and new Administration Building, were not generally recognized for their greatness in architecture. Even though they had successful careers, they did not rise to the standards set under these criteria. Furthermore, the buildings imprinted with their design are modest examples of the International style. Therefore the buildings designed and redesigned by them are not eligible for listing in the NRHP or CRHR for their architecture. Alford and Thomas operated an architectural firm located in Bakersfield, receiving several Kern County projects during the mid twentieth century. Alford graduated from the University of Southern California in 1939, moving to Bakersfield to work as a draftsman with Charles Biggar's firm, Biggar & Associates. By 1943, he was employed as an inspector with the US Department of Education, but returned to Biggar & Associates by 1945, where he remained until starting a firm with W.J. Thomas in 1949. Alford and Thomas designed, among others, the Sierra Junior High School (1952), North High School (1953), and Kern County General Hospital (1955). In 1957, Alford and Thomas made Leydenfrost partner of the firm, and by 1960, Alford left to start his own company. Thomas and Leydenfrost designed Burroughs High School at Naval Ordnance Test Station at China Lake, the Haberfelde Ford Facility in Bakersfield, at least two East Bakersfield High School buildings, and several buildings at Kern Valley High School in Lake Isabella. In

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1954 and 1955, the Alford and Thomas-designed Cafeteria and Administration Building were built, and the boys' and girls' gyms were almost completely rebuilt. The Cafeteria and Administration building are modest examples of the International Style. The architectural characteristics of this style represented in these buildings include flat roofs, asymmetrical walls, broad cantilevered overhangs sheltering long walkways, and large window walls. The style in public and commercial buildings became popular in the mid twentieth century throughout the United States. The Gymnasium wings received lamella roofs, a popular roof form on gymnasiums for this period. In this form, an interlocking wood frame, creating a diamond pattern, supports a wood roof. These buildings are not significant for possessing distinctive characteristics of a type, period, or method of construction. They are not important examples of a general architectural style and/or a specific architect's design, and are not the work of master architects or builders. They also do not possess high artistic value, as required under these criteria.

It appears that researchers did not look at the buildings with any detail in mind. They clearly have distinctive characteristics of a type and period of construction. The gymnasias, for example, are wonderful examples of Lamella roofs and barrel vaults and represent the newest technology in engineering long-span structures at the time. They are wonderful examples of state-of-the-art technology and design of the late 1950s. The Industrial Arts Buildings, both north and south, are fine examples of their types of architecture, one being a streamline Moderne design and the other a modified neoclassical design with International elements. Harvey Auditorium is a classic Streamline Moderne building, eligible for the National Register of Historic Places on its own merits. Griffith Stadium is a wonderful Utilitarian structure remaining from the early days of the campus. Many of the other buildings are modified Neoclassical buildings with a strong International flavor. More importantly, the interior spaces of those buildings that were upgraded on the exterior, such as the south wing of the Industrial Arts complex, are generally original in design and materials. The building interiors remain as they did in their original design. For example, Warren Hall's half-basement classrooms and wide stairwells are reflective of the building's original design of spaciousness. Anyone who attended school there will remember this.

The narrative also erroneously states: *"The campus also includes several buildings and structures, such as the East Stands and Storage Building, Industrial Arts Prefabricated Building, Student Activity Building, Ludden Hall Auxiliary Building, Elm Grove Kiosk, and Sports Fields Prefabricated Buildings, which are modest and unremarkable utilitarian construction. As such, these buildings are not significant for possessing distinctive characteristics of a type, period, or method of construction. They are not important examples of a general architectural style and/or a specific architect's design, and are not the work of master architects or builders. They also do not possess high artistic value, as required under these criteria.*

Some of these buildings were later additions and, at the time of their construction, modern engineering and design had changed and there was no reasonable and economic method of retaining the then-current architectural style of the rest of the campus. Negative reference to these buildings only detracts from the real issue – that there is sufficient integrity of the campus as a whole to consider BHS as a historic district.

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The writing continues: *"Between 1952 and 1962, Thomas and Leydenfrost redesigned Ludden Hall, Spindt Hall's north wing, Warren Hall, the Science Building, and the south wing of the Industrial Arts Building. While the buildings remained, the brick siding, most roofs and windows, and most architectural details of the Biggar designs were removed. They were replaced with concrete siding, aluminum windows, and flat roofs. Importantly, most of the main entrances, which displayed the most prominent architectural details, were taken off the buildings, replaced with modest concrete entrance surrounds. The redesigned buildings were modest in style and execution, and do not embody enough of the distinctive characteristics of a type of architecture as required for significance under this criterion. The buildings also lack the high artistic value that would merit listing on a national or state register, and do not appear to be the work of master architects or builders.*

Under NRHP Criterion D or CRHR Criterion 4, these buildings are not significant as sources (or likely sources) of important information regarding history. They do not appear to have any likelihood of yielding important information about historic construction materials or technologies."

The problem with this statement is two-fold: The site of the old Polytechnic building in Elm Grove was previously occupied by the first county hospital in Bakersfield. At the time of the construction of the Polytechnic building over a century ago, bones, limbs, and other medical material were excavated from the site, they being the result of amputations and other medical procedures from the old hospital disposal. The second issue is the location of the Industrial Arts Buildings was part of the site what was once known as Reeder Hill, also known as the Yokut village of Woilu. The hill and village site were mostly removed with the construction of the San Francisco and San Joaquin Valley Railroad in 1898, but the land where the school sits was not all that disturbed until the construction of those buildings. Therefore Criterion D or 4 may actually apply to this resource.

Criterion A: Education

The Historic Context of the document is well-written and generally correct. Short of a few errors in historical fact, it accurately depicts the school's history. It also states the importance of the campus to the community, thus making it difficult to understand why the finding of "not eligible" was made.

The researcher's statements, *"Kern County's first high school matured into an important educational institution by the early twentieth century..."* and *"...county voters overwhelmingly passed a measure establishing its first high school district, with orders to immediately open a school in Bakersfield"* clearly demonstrate the significance to the population of Kern County of the founding of the high school and its continuing importance to the education of Kern County's youth.

The document states: *"NRHP guidelines state that "mere association with historic events or trends is not enough, in of itself, to qualify under Criterion A..." because the property must also have a specific important role within that context. The existing buildings of the Bakersfield High School campus do not date to the establishment of the first county high school and, therefore there is no direct important association with this event."*

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NRHP guidelines first state that “A property can be associated with either (or both) of two types of events:

- A specific event marking an important moment in American prehistory or history and
- A pattern of events or a historic trend that made a significant contribution to the development of a community, a State, or the nation.

NRHP Criterion A calls for properties that are associated with events that have made a significant contribution to the broad patterns of our history.

The application of National Register Criterion A states that “a property can be associated with either (or both) of two types of events:

- A specific event marking an important moment in American prehistory or history and
- A pattern of events or a historic trend that made a significant contribution to the development of a community, a State, or the nation.”

The above two statements demonstrate the specific event of the founding of the high school and the pattern of events or historic trend in the continuing maturation of the school into an important educational institution. Although the buildings from the original campus no longer exist, their replacements reflect the continuing effort and plan to provide a higher level of education for Kern County’s children. It is this pattern of events that have made such a significant contribution to the city and county. The campus is a whole unit of cohesively-planned buildings that are characteristic of a continually-changing campus design that reflects the historic fabric of its original character. The Bakersfield High School campus clearly does just that. It is a well-defined community of buildings that reflect the campus’ historic features with a moderately-modified design reflecting the normal changes through time.

The document then states: “The 20 buildings and structures recorded here are part of Bakersfield High School, which opened at this site in 1893 as Kern County’s first high school. At the time it was known as Kern County High School and classes operated out of two rooms in a nearby grammar school. Soon, though, the high school district built a new schoolhouse in what is now Elm Grove on campus. That building, called the Polytechnic School, and several others built prior to 1922, were demolished and replaced during subsequent decades. The building effort continued into the 1930s with Bakersfield architect Charles Biggar designing all campus buildings between 1918 and his death in 1946. This important effort included the planning for Harvey Auditorium, construction of which started near the end of the Great Depression and was finally completed after the close of World War II. Bakersfield High School during the post-war period changed dramatically when, in the summer of 1952, a series of earthquakes, including two major temblors, struck in and near Bakersfield. This disastrous summer left several buildings damaged beyond repair, and many others needing extensive rehabilitation work. The architectural team of C. Barton Alford, W.J. Thomas, and Harold Leydenfrost were hired to redesign the high school. Their work drastically altered the appearance of most of Biggar’s buildings, but added a unifying theme that remains today.

In the late nineteenth century, Bakersfield had successfully grown into a regional urban center for the surrounding southern San Joaquin Valley. Throughout the 1870s and

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1880s, Bakersfield experienced sustained growth based on Kern County’s sheep and cattle industry; later, it thrived as irrigation transformed Bakersfield’s hinterland into rich agricultural fields teeming with alfalfa and fruit orchards. By the 1870s, downtown Bakersfield boasted a county courthouse, town hall, several hotels, three saloons, and a brewery owned by Henry A. Jastro, city founder Captain (sic).” This should read Col. “Thomas Baker’s son-in-law. In 1874, the town replaced Havilah as the county seat, ensuring its continued growth. By 1888 Bakersfield added 145 town lots, greatly expanding the size of the platted city. Although the “great fire” destroyed nearly 150 businesses a year later, the town recovered in the ensuing decade. Having been bypassed by the Southern Pacific for neighboring Sumner (presently the incorporated neighborhood of East Bakersfield), the competing San Francisco & San Joaquin Valley Railway (soon acquired by the Atchison, Topeka & Santa Fe Railway [Santa Fe]) opened a Bakersfield station in 1897 (Bailey 1984: 37-39, 45; Baker 1937: 17-19; Hoover 1990: 121, 132-133; Robinson 1961: 24-28, 34; Lewis Publishing 1974: 232; Los Angeles Times 1898 May 29, 1898 Oct 20).

As the city’s economy, size, and infrastructure grew, more and more people found it to be a preferable place to live and raise families. Education and construction of school buildings had long been a part of the local community and by the 1890s demand grew for a secondary institution. From 800 residents in 1880, the city counted more than 2,500 ten years later, and due to the discovery of nearby oil, almost 5,000 by 1900, with an additional 11,000 people living in unincorporated Kern County at the this time. Elementary schools had already been established in the city, and by the late nineteenth century began preparing students for a university education, a demand of the growing populace. The University of California opened in the late 1860s; however, to get to the Berkeley campus, students needed an education higher than the state-required elementary courses. While some primary school teachers taught preparatory courses, many students missed out. Local demand for a high school also coincided with a growing national perception that an industrialized United States required a populace with a higher level of education. More than simple literacy – a significant goal of elementary schools – many industrial occupations required workers to understand new scientific and technological advances. Californians petitioned for a change, and the state legislature passed two high school bills in 1892 allowing counties and incorporated cities to form high school districts. Within two years, and with persistent lobbying from Kern County Superintendent of Schools Alfred Harrell, county voters overwhelmingly passed a measure establishing its first high school district, with orders to immediately open a school in Bakersfield. In January 1893, Kern County High School instruction began in two classrooms at Bakersfield’s Railroad Avenue Grammar School. Within two years, a new building was finished in present-day Elm Grove, fronting 14th Street (Figure 1). By the end of the decade, the high school had begun a four-year program and graduated several students, including its first black graduate, valedictorian Henry Edward Simpson (Hendrick 1980: 24; Blue and White 1993 Jan 12; Historic Population 1850-2000). Kern County’s first high school matured into an important educational institution by the early twentieth century. As attendance grew and coursework expanded, further elements were added to the high school educational program. Attendance at the high school rose from 25 original students, to 120 a decade later, and more than 300 by the early 1910s. Students from outlying areas were transported to Bakersfield where they lived during school sessions.

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Over time, the growing student body could choose from a wider selection of courses beyond the original intention of preparing young scholars for college, as the public soon called for something more. Students, many believed, should be educated for life. In response, the school opened Manual Training and Home Economics departments to oversee many of the new courses, such as domestic sciences, woodworking, electricity, drafting, and agriculture. The high school experience also evolved to include cultural and recreational activities as the school hosted dances, organized theater and musical performances, and offered sporting opportunities. (De Mel 1966). As in many school arenas, physical education and sporting activities became an important part of school life at Kern County High School. In 1917, the state passed legislation requiring the inclusion of physical education in the curriculum and the following year, a new \$65,000 gymnasium with a swimming pool was built to meet state requirements for student exercise. These changes also provided opportunities for students to participate in all forms of sports, but one sport in particular gained state-wide prominence and became a source of pride for several decades. Students at Kern County High School had already started a football squad at the turn of the century and it quickly became the school's most popular team. Coach Fayette Birch, a Stanford graduate, helped build the high school team into a competitive unit; however, it was D.M. "Goldie" Griffith, who arrived in 1908, and transformed the Drillers into a winning team. Griffith also headed the Mathematics Department and he took the Drillers to repeated undefeated seasons, nineteen San Joaquin Valley titles, and seven state championships. In 1926, the team averaged 60 points per game. His impact on the school was honored as early as 1923, when the new Charles Biggar-designed grandstands were named Griffith Stadium for him—the associated football field became known as Griffith Field (Figure 2). Griffith continued the Kern County High School success until his retirement from coaching in 1948 (Bakersfield Californian 1908 Sep 14, 1923 Sep 11, 1923 Dec 22, 1948 May 13, May 20; Blue and White 1937 Feb 18; Blue and White 1993 Jan 12; Hendrick 1980: 28; Los Angeles Times 1923 Jun 28; Wallace n.d.: 85-86, 102-103).

Widespread expansion of the Kern County High School campus in the 1910s and 1920s reflected the growth of Bakersfield and the surrounding community, as well as the general acceptance of high school education – a development witnessed throughout the state and country. Bakersfield's proximity to Kern County oil fields was a boon to the city during this period, and the high school honored this importance by naming its mascot the Drillers. In fact, the football coaches were notorious for bringing in "ringers" from the oilfields to play on the team, thus guaranteeing a tough game and victory. The 1910s, in particular, proved an oil-rich decade for Kern County that flooded the area, and Bakersfield in particular, with new citizens. The city's population nearly tripled, and by 1920 more than 18,500 people lived within its bounds. Many of these new arrivals elected to place their older children in high school, for, even though compulsory education required children to attend school through age 16, enforcement of this state law was lax. By 1915, the High School Board separated from the Bakersfield City School District and became the Kern County Unified School District. Kern County High School thus became Kern County Union High School, and contrary to what appears to be popular belief, the students called it KC or KCUHS, being proud of their autonomous school from the others in Bakersfield.

In 1920, enrollment at the high school was around 1,200 students, and school officials estimated that would rise to 1,400 in 1921. This expansion mirrored what was happening

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in the rest of the state, largely precipitated by the state legislature's 1902 authorization of a tax to fund high schools and technical schools. The statewide financing of secondary education brought about significant expansion, which included greater access for children of working class parents and ultimately the high school population in California jumped from 12,620 in 1900, to nearly 127,000 twenty years later (Bakersfield Californian 1921 Jul 26; Hendrick 1980: 24, 28; Wallace n.d.: 81).

At Kern County High School, this increased enrollment and expanded curriculum spurred the need for better and larger infrastructure to support campus operations. An early effort to improve the school started in 1906 when the Administration Building was constructed (demolished 1952). The building, designed by the San Francisco architectural firm Stone & Smith, was erected on the corner of 14th and F streets, but it did not completely meet the school's growing need and a third building was planned. Thomas B. Wiseman, a contemporary and sometimes partner of future Kern County High School architect Charles Biggar, then designed the Manual Arts Building, which was finished in 1911 at a cost of \$10,000 (demolished 1938). While these two buildings added significantly to the campus, the school board approved a fourth school building only a few years later. An Oroville Clark-designed Auditorium was added to the campus in 1914 (known commonly as the Old Auditorium from the mid 1930s until it was demolished in 1952). In the ensuing years, World War I occupied the attention of Bakersfield residents, but growth and expansion continued, pushing the school to meet new and challenging demands (Bakersfield Californian 1905 Nov 13, 1906 Jan 16, 1914 Jan 15; Wallace n.d.: 81-82).

After World War I, the school evaluated its needs for the future and determined that its present stock of buildings would hardly suffice for its growing student body. By 1921, the school predicted a post-war boom large enough to require a plan, and while noting that it would only construct any future buildings when the need arose, the school board announced preparations for two new buildings, additional shop buildings, and the new Griffith Stadium (discussed above).

Charles Biggar received his first commissions on campus for the Agriculture (1922) and Domestic Sciences Buildings (1922), already under construction when the report was prepared (Figure 3). The Domestic Sciences Building was renamed Ludden Hall in dedication to Arthur Ludden, who had recently died in a car crash. Biggar played an instrumental role in the expansion plans and he immediately followed this building with designs for Griffith Stadium (1923), the Science Building (1923), the Industrial Arts Building (south wing, 1924), the Boiler Room (1924), and the Library Building (the north wing of what is now Spindt Hall, 1925). Of this first wave of Charles Biggar-designed buildings, all have either been demolished (Agriculture Building) or significantly renovated in subsequent years (discussed in detail below) (Bakersfield Californian 1921 Jul 26, 1922 Mar 7, 1922 Apr 1, 1922 Sep 27, 1923 Sep 6, 1924 Dec 2; Wallace n.d.: 87, 116).

Charles Biggar greatly influenced the physical characteristics of the Bakersfield campus; however, his Kern County High School work was only one part of his long career. Charles Biggar was a prolific architect whose designs also laid the developmental groundwork for important public, commercial, and religious institutions throughout Kern County. Biggar began in his craft at the University of Illinois, moving on to the Ecole des Beau Arts in Paris in the early 1900s before returning to the states to take up private

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practice. His drafting work took him to Illinois, Tennessee, and Seattle, but he eventually settled in Los Angeles as head designer for the firm Morgan and Walls. Shortly thereafter, he partnered with Charles Kysor, and the duo planned the Los Angeles Public Library Vernon Branch, completed in 1915. World War I interrupted his design work, as he enlisted and served in the army. Biggar returned to his architectural career when the war ended. His post-war career took him farther inland, to the growing city of Bakersfield, where he opened his own successful firm. In addition to the Kern County High School buildings, Biggar designed the Haberfelde Building, Bakersfield Californian Building, Fox Theatre, the initial buildings at East Bakersfield High School, and numerous Kern County libraries, including the Delano, Mojave, and Shafter branches. He also worked extensively with other Kern County schools, drawing plans for the Roosevelt School's combination gymnasium and auditorium, Standard School's gymnasium in Oildale, the auditorium and administration building at Taft's Lincoln School, Horace Mann School's auditorium, and Conley Grammar School's auditorium in Taft. Biggar's connection with Kern County High School, though, became a constant source of employment. His 1920s buildings were received with such high regard he was called upon in the 1930s and 1940 6, 1937 Mar 12, 1941 Apr 8, 1944 Apr 27, 1946 May 17; Kern County Museum 2010; Pacific Coast Architecture Database 2009).

Important to this discussion is the 1933 Field Act that directed the State Division of Architecture to dictate standards for school reconstruction, establish a building code, and enforce a program of construction inspection for schools to ensure earthquake-resistant school structures. This came after the devastating 1933 Long Beach Earthquake that severely damaged a significant number of schools in Southern California. The structural failures of unreinforced masonry schools resulted in earthquake-resistant design and construction being mandated for public schools K through 12 and community colleges. The efforts of California Assembly Member Charles Field resulted in the passage of the Field Act on April 10, 1933. The law and its various revisions authorized the Division of Architecture of the State's Public Works Department to review and approve all public school plans and specifications, providing general supervision of the construction work. To date, no Field Act school has failed in an earthquake. However, many historic schools were demolished because of it. Bakersfield High School was fortunately not one of them.

During this period a variety of modern innovations to school plans were implemented, reflecting educational reforms of the time and encompassing advances in ventilation, illumination, hygiene, sanitation, school furnishings, and landscaping. Many schools constructed after the Long Beach Earthquake had a mix of classicism, Art Deco, and streamlining, now referred to as "PWA Moderne." New buildings utilized the latest technology and were frequently designed by prominent architects of the period. Bakersfield High School already had its prominent architect in Charles Biggar.

The narrative further states: "A Depression-era expansion might seem contradictory, given the economic situation as the decade before World War II brought severe hardships across the country, but Kern County Union High School's continued enrollment increases led to a renewed era of construction. The Great Depression brought high unemployment figures, but the Dust Bowl migration also drove many unemployed families into the San Joaquin Valley and to Bakersfield. The population influx during this economic nadir resulted in a need for change. Commercial and industrial businesses could not employ the growing masses, construction work generally

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suffered a lack of financial backing, and the housing stock in and around Bakersfield could not keep up with the demand. Compounding this devastating economic climate, enrollment at the high school continued to grow, and soon the high school's buildings were incapable of handling the large number of students. In the mid-1920s, more than 1,900 Kern County youth attended the school and nearly 2,500 attended the school during 1931. Enrollment for 1935 climbed to around 3,000 high school students, with an additional 600 attending Bakersfield Junior College, which opened began classes at the high school in 1913. The high school campus also hosted night school courses beginning in 1918, which attracted high enrollment and by 1935 nearly 1,000 students participated in night school. One suggestion made to the school board in the early 1930s would meet the demand for more facilities and could also employ out-of-work contractors: construction of the new auditorium (Bailey: 91-93; Bakersfield Californian 1931 Sep 23, 1934 Sep 10, 1935 Jan 25, 1935 Dec 6, 1942 Mar 9; Blue and White 1931 Oct 1; Stein 1973: 21-24, 51; Wallace n.d.: 52, 86, 110, 127).

The new auditorium would take a decade and a half to complete and in the meantime, the school added other buildings to campus, helping stimulate a suffering local economy while fulfilling the need for more classrooms. The junior college experienced the greatest growth during this period, as students sought to continue their education in hopes of going to a four year university. Non-transfer students also attended junior college, using the school as training for a particular trade, such as nursing, accounting, and electrical technology. Junior College became so popular that the nearly 500 students in 1931 overwhelmed the school's building stock. By the late 1920s, work was started on the junior college's new building at the corner of California Avenue and F Street. This three-part building was completed in the mid 1930s and featured a south and middle wing for the junior college and the north wing for high school classrooms and a cafeteria. The junior college classrooms were quickly filled, as enrollment for the 1935-36 school year topped 900 students. In the 1950s, this Biggar designed building was named after Earl Warren, a California governor and Chief Justice of the Supreme Court, who graduated from the high school in 1908 – although he did not continue at the junior college after commencement."

It should be noted that Bakersfield College did not exist until 1913. Again, this statement has the appearance of trying to diminish the significance of the high school campus. "Construction activity in the 1930s also included the Biggar-designed south wing of the library building. Opened in 1937, this concrete addition nearly doubled the size of the existing library. While it retained some of the architectural details of earlier buildings, a significant difference between this building and the older Biggar buildings was the lack of a brick veneer. The exposed concrete was apparently meant to accommodate earthquake safety laws put in place following the 1933 Field Act, which regulated the way school buildings were constructed after a devastating Long Beach earthquake. Biggar also designed plans to expand the Girls' Gymnasium (1937) and construct a new Water Tower (1933) in this decade. The high school district also made an important purchase of 20 acres in East Bakersfield, a site for which Charles Biggar would design a new high school to meet the city's growth (Bakersfield Californian 1931 Sep 23, 1934 Sep 10, 1935 Sep 5, 1935 Dec 5, 1936 Jun 1, 1936 Aug 5, 1936 Dec 18, 1937 Jan 1; De Mel 1966; Olson 2003; Wallace n.d.: 110, 127, 161; Warren 1956).

During this expansive period, one project more than any other met with controversy, delays, and growing anticipation. The new auditorium, at the time the city's biggest

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project ever, was designed to replace the outdated, small, and dangerous existing auditorium. However, while it was conceived in the early 1930s, construction did not start until later that decade, and it remained unfinished until three years after World War II. Kern County voters decided at least twice to put off paying for the new building before finally agreeing in 1935. The auditorium had topped a 1933 county-wide plan to spend nearly \$1.5 million on public works projects, but the following year, voters – who generally supported the project – could not muster the two-thirds majority needed for the \$230,000 auditorium measure. Even though a petition urged the school board to administer a second vote, the issue remained dormant for several years, while other projects – such as the library addition – moved forward. When a state engineer and the city's fire chief condemned the old auditorium in 1939, rendering it uninhabitable, the school board revisited the matter. Although school functions were relocated to the then new Fox Theater on H Street, public outcries complained about the need to replace a building that was less than 20 years old during a period when funds were short. In addition, many in the city wanted a civic auditorium for the entire community and believed the school's building would not suffice. Nonetheless, the alternative left to the school was costly – \$70,000 to bring the building up to code – and plans were drawn to build a new edifice following completion of the school's new shops building Bakersfield Californian 1933 Sep 6, 1933 Sep 20, 1934 Jul 2, 1934 Sep 12, 1934 Sep 15; 1935 Jul 11; 1939 Mar 28; 1939 Apr 18, 1939 Dec 8.)"

"This move seemed to assure that by the early 1940s students at the school could enjoy a new auditorium for their assemblies, plays, and performances. But timing was unfortunate, as World War II would interrupt completion of the building and set off a legal scuffle that nearly prevented the auditorium from ever opening. Planning for the new building began in earnest as the 1930s came to a close when a committee representing those who planned to use the auditorium established some general guidelines desired for the new building, including occupancy and basic design features. Based on this, the school board instructed Biggar to prepare plans for a 1,800-seat auditorium in early 1940. After a summer tour of America's South and East Coast, Biggar submitted working plans to the school's board of trustees in September; however, the board requested that final drawings reflect suggestions by Vern O. Knudsen, a consulting acoustical engineer. Biggar returned final drawings in December (Figure 5). With the project already delayed by a couple months, the board decided to change the site of the new building. It was originally planned for the block bounded by F, G, 13th, and 14th streets, but was moved one block east to save the old elm trees on that lot. This decision created Elm Grove, a quad-like park at the center of campus that features elms planted in the late nineteenth century. Once the new block was purchased – at a cost of \$43,000 – and cleared of existing buildings – for nearly \$200,000 – the site was ready for construction. Ashby & Opperman, a local general contracting firm, was awarded the project for its low bid for base construction, but the board disagreed with the company's submitted costs for subcontracted work, such as electrical, plumbing and heating, and ventilating. Those contracts were awarded individually. Crews broke ground in 1941 with a push to get the building opened by early 1943, with an estimated \$726,000 price tag (Bakersfield Californian 1939 Sep 5, 1939 Dec 12, 1940 Mar 12, 1940 Jul 13, 1940 Sep 24, 1940 Sep 27, 1940 Oct 17, 1940 Oct 31, 1940 Dec 28, 1941 Feb 27, 1941 Mar 11, 1941 Mar 18, 1941 Apr 9, 1941 Apr 17, 1941 Sep 12, 1941 Nov 11).

More than a third of the work on the auditorium was complete when the United States entered into war with Japan in December 1941 and non-essential private and public

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construction work across the country was quickly halted because materials, such as steel, were reserved for the war effort. Bakersfield's new auditorium was a non-essential project according to the United States government and as early as April 1942, subcontractors noticed materials were impossible to acquire. The school board, however, saw things differently. It pressed federal officials to grant a priority rating for the auditorium, which would free up sparse steel for the construction crews. Not surprisingly, the War Production Board (WPB) rejected the proposal, and subsequently the school board sought to make the subcontractors legally and financially responsible for the work they could not finish. While the legal dispute would continue throughout the war, inevitably construction came to halt. Laborers prepared the site for long-term inactivity, protecting it from weather damage and protecting students and citizens from accidents. The latter, however, was not entirely avoided, as one student died from a fall in early 1943 (Bakersfield Californian 1942 Feb 12, 1942 Apr 14, 1942 Apr 21, 1942 Apr 28, 1942 May 5, 1942 May 12, 1942 May 26, 1942 Jun 3, 1942 Jun 9, 1942 Jul 28, 1942 Dec 15).

It was only after the war in Europe ended that the auditorium standstill would be lifted, propelling construction toward a concrete end date. In late 1944, WPB representatives signaled that a European victory would free up restrictions on materials. But the legal dispute between the school board and contractors was never resolved, and threatened to derail the project. Hearings in the case brought by contractors and subcontractors concluded in early 1945, leaving it to Judge W.L. Bradshaw to decide how the wartime stoppage affected contracts between the school district and contractors. Building companies argued that when construction ended due to the war rationing, contracts were dissolved. They figured they should be paid for the work completed and new contracts should be written to cover future work. The school board, on the other hand, wanted work to continue under the old contracts, arguing that the contractors were responsible for completing work for which they were contracted. The companies would be paid when the work was finished. Even as Nazi Germany surrendered and the WPB gave the school's project a priority rating if construction began within 90 days, the issue remained in court. The cessation of war altogether in August, however, removed the 90-day restriction, leaving only the legal battle and increased cost to be determined. In November, the school board and contractors agreed to drop the case and continue construction after district voters approved an additional \$183,000 necessary for the auditorium's completion. Work resumed at the start of 1946, moving the school forward, finally, to a finish date (Bakersfield Californian 1944 Oct 10, 1945 Jan 11, 1945 Jun 7, 1945 Jun 8, 1945 Oct 25, 1945 Nov 8, 1945 Nov 9, 1945 Dec 1).

Construction moved steadily forward and the auditorium finally opened in 1948. Unfortunately, the building's architect died in 1946, and the president of the school board and strong proponent of the project since its inception, T.N. Harvey, died in late October 1948. On October 18, an at-capacity crowd of nearly 1,800 people gathered for the San Francisco Opera Company's performance of the Italian opera La Boheme, setting what the Bakersfield Californian called a record for the city's largest indoor assemblage. Harvey was present at the opening performance, but missed the dedication ceremonies on November 8th. In a tribute to his work on the auditorium project, the school board named the new building after Harvey during the open-house dedication that included a recounting of the history of the auditorium project. While it did not initially gain enough public support, over time, the project became the city's pet project. The original \$300,000 project was not preferred by voters in 1933, but would have provided students

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with a much needed replacement theater, local construction workers – many of whom were unemployed – with steady work, and the community with a large hall for local gatherings. It also had the backing of federal aid, part of President Roosevelt's New Deal programs. By the late 1930s, when the old auditorium was condemned, the plan turned into a half-million dollar modern building, with high-quality acoustical engineering and additional classroom space. As the United States propelled into World War II, the auditorium evolved into a \$726,000 unfinished construction site embroiled in a legal dispute that threatened its completion. By the end of the war, the school board and construction companies set aside their differences and proceeded forward on this nearly million-dollar venture. When it opened, the cost totaled \$1.25 million, and by all accounts appeared to be a great success, propelling the school into a post-war era that would soon face new and difficult challenges (Bakersfield Californian 1946 Jul 17, 1948 Feb 23, 1948 Oct 19, 1948 Nov 4, 1948 Nov 9; Bakersfield High School and College 1948) The post-war period was marked by rapid population growth, extensive development, and devastating earthquakes. The return of veterans and the associated population boom compelled the school district to pursue expanding the existing facilities within the county. By this time, Bakersfield High School (its official name after 1945) had reached its bounds. Attendance remained relatively unchanged in the subsequent decades, as increasingly more schools were added to the city. However, the present composition of Bakersfield High School was shaped largely by two disastrous earthquakes that rattled much of Kern County in 1952 and led to a significant effort to rebuild the region. The first, the Tehachapi Earthquake, hit in July and killed fourteen people. It was followed in August by the Bakersfield Earthquake, which killed two people and damaged or destroyed many buildings and structures throughout the city and surrounding area." The second earthquake noted here was in reality an aftershock of the Tehachapi or White Wolf Fault earthquake centering on Arvin, east of Bakersfield.

"Fortunately, Bakersfield High School students were on break and nobody was reported injured or killed on campus. The buildings, however, did not fare as well. Ultimately, the old Auditorium Building, in which classrooms were still being used, the Administration Building, the Girls' Gymnasium, and an apartment building located near the Junior College Building were torn down as a result of the earthquake. Additionally, the south wing of the Junior College Building and the Boys' Gymnasium were determined unsafe for use. The lack of facilities in which to teach high school forced the school to make immediate plans for temporary and long-term solutions (Bakersfield Californian 1952 Aug 8, 1952 Aug 16, 1952 Aug 18, Wallace n.d.: 190-200).

Not surprisingly, Bakersfield High School was not alone in this effort to rebuild. The city immediately began constructing a new city hall (see DPR 523 form 006-300-04), civic center (see DPR 523 form 00629001), and Mercy Hospital expansion.

Changes to municipal buildings did not occur immediately. For example, as seen in the following paragraph, City Hall was not built until 1956, and the Civic Center in 1959, seven years after the aftershock. It was well into the 1960s before most of the damage was repaired in the city of Bakersfield.

"The city and county focused foremost on repair and reconstruction of the damage and then turned to urban planning issues, such as traffic concerns, annexation proposals, and expanding social and civic services. Three hospitals in the area also renovated their facilities, spending \$7 million. Religious organizations built worship centers, industrial

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companies built warehouses, and commercial businesses built offices, while the city updated important civic buildings, constructing a new Civic Center that provided for improved government and public services. The Kern County Civic Administrative Center was constructed between 1956 and 1959, and correspondingly, there was steady growth in residential construction (Los Angeles Times 1954 Apr 25; Bailey 1984: 96-100; Rand McNally & Company, 1960; USGS Gosford 1954).

What followed was a plan to renovate or rebuild damaged and old buildings and construct new buildings to replace demolished facilities. Early in the process, school officials predicted it would take ten years to return the campus to full capacity; however, a \$17-million bond measure passed in January 1953 for all Kern County high schools helped push the various projects forward. Construction began immediately on the north and south wings of the Junior College Building.

The work on the building included removing the brick façade, replacing the roof, and removing many architectural details. The walls were coated with concrete, while original tile roofing was removed and replaced with a flat roof. Architectural elements, such as entrance surrounds and faux columns, were replaced with an accordion wall detail and projecting concrete columns. As one Bakersfield Californian article stated, the work performed on the Junior College Building set a pattern to be matched on other buildings. Namely, many of the architectural elements originally designed by Charles Biggar would be replaced with new plans that emphasized safety. The Boiler Room, Science Building, north wing of the Library, south wing of the Industrial Arts Building, and Ludden Hall received similar treatments by the early 1960s. Brick façades were almost universally eradicated, and a flat roof often replaced a tile-covered hip roof. Porticos, columns, pedestals, and other entryway features were also taken down, replaced with more modest entrance surrounds. The boys' and girls' gymnasium wings were torn down to the first floor and a lamella roof was added to the building. A cafeteria was built where the old Administration Building stood, and the new Administration Building was attached to the Junior College Building's north wing. In 1956, the Junior College moved to a new campus, and the building (hereafter Warren Hall) was renamed after Chief Justice Earl Warren.

When the Library Building was finished and dedicated in 1962, it was renamed Spindt Hall after former principal Herman A. Spindt. Unlike many of the other buildings, Spindt Hall retained its original roof, with tile roofing; however, fenestration was drastically reduced throughout. The tile roof on the south wing of the Industrial Arts Building was not replaced in kind, and like other buildings, it lost much of its original architectural character during reconstruction. Indeed, after reconstruction was finished, the entire campus had an entirely new appearance (Figure 6) (Bakersfield Californian 1952 Sep 20, 1952 Oct 14, 1953 Jan 29, 1953 Mar 10, 1953 May 25, 1954 Dec 31a, 1954 Dec 31b, 1955 Apr 11, 1955 Nov 16; Blue and White 1952 Sep 22, 1952 Oct 1, 1953 Sep 8, 1961 Aug 19; Thomas & Leydenfrost 1961; Wallace n.d.: 197-201, 204-205)." This is disputable statement. Many of the buildings were refurbished, but not all of them and the campus are still identifiable by those who attended high school before 1952. Continuing: "Since the early 1960s, major changes in secondary education in and around Bakersfield primarily took place at newer campus'. Indeed, the Kern High School District (KHSD) currently boasts 18 campus' and 35,000 students, not including three other Kern County high school districts and several unified school districts with high schools. Sixteen high schools in KHSD cover the City of Bakersfield. By the late 1960s,

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Attachment to Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - 1324_Carter_letter_101211_Attachment_v2.pdf - Continued

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construction projects at Bakersfield High School paled in comparison to other campus'. For example, an \$8 million bond issue in 1967 proposed building a new campus in northeast Bakersfield, adding a music building to East Bakersfield High School, and spending more than \$650,000 on building additions and improvements at North and South High Schools. At Bakersfield High School, the main project included improving classroom lighting for \$44,000. With the growing population and emphasis on new high schools, the distribution of students became increasingly more equal. In 1975, Bakersfield High School graduated 412 students, but was closely followed by all other Bakersfield campus': North High School graduated 405, Highland High School graduated 375, South High School graduated 343, East Bakersfield High School graduated 300, and Foothill High School graduated 297. This trend would continue, with the district continually adding new campus'. At present, the student distribution is relatively even. Bakersfield High School still maintains a high number of students, but other city schools, like Stockdale High School, Ridgeview High School, and Foothill High School, either have more students or are only close behind."

Bakersfield High still has the highest number of students. At any rate, 1975 statistics are irrelevant and meant to dismiss any argument of significance for the campus. "Changes to Bakersfield High School usually took the form of updating existing buildings. In 1968, for example, stairwells on Griffith Stadium were removed and the interior received updates, and in 1986 elevators were added to the Industrial Arts Building and Warren Hall. Not all changes were relatively minor, though. In 1977, a fire ravaged the Administration Building, requiring significant reconstruction to the interior and roof. Nonetheless, original architect C. Barton Alford worked with the school to prepare designs very similar to the original plans. Additionally, the Concessions Building was added east of the football field after 1981, as was the Ludden Hall Auxiliary Building. Around the same time, two Sports Fields prefabricated buildings were added to campus (Bakersfield Californian 1967 Sep 28, 1975 Jun 1, 1977 Aug 9; Stuhr 1986; US Department of Interior 1975, 1981; Wright & Metcalf 1968)."

The document states: "NRHP guidelines state that 'mere association with historic events or trends is not enough, in of itself, to qualify under Criterion A...' because the property must also have a specific important role within that context. The existing buildings of the Bakersfield High School campus do not date to the establishment of the first county high school and, therefore there is no direct important association with this event."

This is an inaccurate conclusion, since the significance of the high school is not in its original buildings, but in the combination of buildings over a period of time. More than 85 percent of the buildings on campus predate the 50-year rule for eligibility. Short of this fact, criteria considerations e and g could well apply.

The document further states: "Until the earthquakes in 1952, the school underwent general expansion in line with growth in the city, county, and state. Its expansion is typical of the growth of a metropolitan high school and does not constitute a historically significant trend or pattern of development. Nor do any other events occurring at the school during this period meet the threshold of significance. The 1952 earthquakes were important events for Bakersfield and Kern County. They damaged or destroyed a significant number of buildings, leading to a widespread effort to rebuild; however, not all repaired, rebuilt, or new construction have importance within this context."

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The 1952 events were an earthquake on the White Wolf Fault and a major aftershock a month later. The expansion and growth of the county's largest high school and junior college campus in the manner of Bakersfield High is a significant pattern of development.

The following is also an incorrect statement: "Evaluation of buildings that were repaired, versus buildings that were razed for new construction, should recognize this difference because it is not likely that repair of an earthquake-damaged building, even extensive repair, would be considered important within the context of post-earthquake redevelopment. For an infrastructural repair, rather than a new building, to rise to the level of significance required under these criteria, it would need to be associated with a significant event or trend beyond the occurrence of damage and subsequent repair."

This is not a standard interpretation of the guidelines. The 1952 earthquake and aftershock completely changed the face of Bakersfield into a nearly unrecognizable city. The Bakersfield High School campus, however, remained a solid, albeit somewhat damaged, representation of its historic past, retaining most of its campus buildings and much of its architectural design through retrofit. The normal changes of the retrofit process after the Bakersfield aftershock were more to demolish and rebuild rather than save existing buildings. This campus did the opposite in saving its historic community of buildings by utilizing the then-current standards for earthquake retrofit, thus retaining much of the original integrity of the buildings behind a covering of plaster and wire. These changes are reversible, like the windows in the south Industrial Arts Building. The school was founded in 1893 as the first high school serving the entire county of Kern. It has been in continuous use as an educational facility since its beginning, and has significant associations with the agricultural, petroleum, and other professions in Kern County and the state of California. The school has produced dozens of professional sports figures during its history as well as a like number of musicians and actors. With its founding, the school represented a cultural shift in the community, providing a never-before-available opportunity for higher education to the children of Kern County.

The DPR 523 specifically states: "Under NRHP Criterion A or CRHR Criterion 1, this high school does not have direct important association with historic events or trends. The original Kern County High School, now Bakersfield High School, was established at this site in 1893 as the first high school in the county, but none of the built environment resources of the first iteration of the school remain in existence."

The campus is the fourth-oldest high school campus in the San Joaquin Valley, founded in 1893. For eligibility it is not necessary that the original buildings themselves remain on the campus. The principal buildings of the current campus were constructed during the 1920s and 1930s, and they constitute the majority of the extant buildings and structures. Throughout history of school campuses in California, it is intended that buildings change, essentially as does the student body. Growth is a primary element of school campuses, especially those like BHS where the extensive square-footage of the property allowed for quality planning for growth and development. All schools have their own growth patterns and plans.

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Attachment to Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - 1324_Carter_letter_101211_Attachment_v2.pdf - Continued

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The narrative jumps around in historic time, presenting a scenario of jumbled dates back and forth and presenting a confusing time line for development of the campus. Stating: *"The high school grew steadily through its first few decades as it served the needs of the area's growing population. By the time the Dust Bowl brought a surge of immigrants to the San Joaquin Valley, the high school was already planning to accommodate an increasing number of students and the school commissioned designs for several new buildings in accordance with its ten-year plan." Between 1918 and 1926, nine buildings were constructed on campus. The growth did not stop, and by the end of the war Bakersfield High School counted no fewer than 15 buildings to serve the nearly 4,000 students. The 1952 earthquake, which damaged much of Bakersfield's building stock, wreaked havoc on the school. In response, the school hired the architectural team of C. Barton Alford and W.J. Thomas (Harold Leydenfrost would join the team and later replace Alford) to redesign and retrofit most of the buildings. Some, like the old Auditorium and Administration Building, were torn down. Others received extensive renovating. By 1960 several new high schools had opened throughout Kern County, including East Bakersfield, North High School, and South High School. The school continues to serve as the oldest high school site in the county; however, no buildings from the first three decades remain."*

Buildings from as early as the 1920s do remain, mostly with their original skeletal design. The entire campus as it existed in the 1920s still exists in the same building layout and design, short of the few that were demolished in the late 1930s due to the Field Act mandate.

The researcher's comment: *"while it was the first high school in the county, this alone does not constitute an important event or trend under these criteria."* Then indicating that *"Schooling in the county had occurred for decades, and secondary education was taught in primary schools prior to Kern County High School..."* reinforces the discussion that a centralized high school campus for Kern County was a significant event in education and socialization in the county, not diminishing the importance of the event. Further, the document states *"... and by the late 1920s two new high schools were built in Kern County: McFarland (1926) and Shafter (1928)."*

In fact, the schools constructed at McFarland and Shafter were initially considered to be satellite schools, offshoots of Kern County Union High School, to help educate children in the north county, rather than have them travel to Bakersfield either to stay in the campus' dormitories or to take the railroad from those communities every day. The rest of the county was still served by the main campus of the county's high school in Bakersfield until 1938 when East Bakersfield High School was constructed. During this time, architecture for the campus was still being designed by the regionally-significant architect Charles Biggar, including retrofits. Biggar was the architect of the original designs of the buildings. Other architects involved were also regionally significant and included C. Barton Alford, who worked first for Charles Biggar and continued on his own with W.J. Thomas after Biggar died in 1946. During his career, Alford designed significant buildings in Bakersfield, including the Tejon Theater, Sierra Junior High School, and the then-new Kern General Hospital, the stadium-like auditorium at North High School, and other local school buildings. Though not the master architect that Charles Biggar was, Alford certainly designed quite a number of significant buildings in Bakersfield and Kern County.

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The period of significance for the Bakersfield High School campus is 1893-1962, signifying the original construction date of the campus through the completion of alterations to the gymnasium. The campus has a unified visual character and retains a moderate degree of integrity. The entire campus a prominent institutional example of Charles Biggar's design work, although many of his buildings have been refurbished. The structure of the campus from the 1920s is intact.

Criterion B calls for properties "that are associated with the lives of significant persons in our past." Among the many who have attended and graduated from Bakersfield High School, the school has produced some of the best and brightest of California and the United States. Examples are Earl Warren - California Attorney General, three-term Governor of California, Chief Justice of the United States Supreme Court, Presidential candidate, and chairman of the Warren Commission; Kevin McCarthy - United States Congressman; Walter Stiern, California Senator; Dorothy Donahoe, State Assemblyperson; The city's Mayor, Harvey Hall; Spain Musgrove - former NFL defensive lineman; Jeff Buckley - former NFL football player; Michael Stewart - former NFL football player; Ric Drasin - actor, author, designer of the Gold's Gym and World Gym logos, and retired professional wrestler; Frank Gifford - Former New York giant, Member of the Pro Football Hall of Fame and former Monday Night Football commentator; Jeff Siemon - former NFL football player; Jeremy Staat - former NFL player; Robert Swift - former NBA player; Robert Duncan - Robert Symmes Duncan, American Poet, was a key figure in the San Francisco Renaissance; Theo Bell Former NFL football player; Pete Cross former NBA player; Larry Welz, noteworthy early contributor to underground comics movement; Dennis Ralston - Davis Cup Winner; and last but not least, Merle Haggard, who did not graduate but was a student from time to time. Many other lesser-known but equally significant graduates, writers, historians, attorneys and judges, researchers and musicians, and sports figures, attended Bakersfield High School, including this writer, who graduated in 1968.

Criterion C requires properties "that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction."

The BHS campus is eligible as a historic district and should have been evaluated as such, rather than dismissing the campus as a dissimilar collection of tired old buildings not worth taking additional time to investigate. Although the writing quality in the forms is quite professional, the conclusion reached by the researchers was incorrect. The campus' Harvey Auditorium, which is so obviously eligible individually, stands out as a premier building of the campus.

The DPR 523 states *"...while it was the first high school in the county, this alone does not constitute an important event or trend under these criteria. Schooling in the county had occurred for decades, and secondary education was taught in primary schools prior to Kern County High School, and by the late 1920s two new high schools were built in Kern County: McFarland (1926) and Shafter (1928)."*

Historic names of Bakersfield High School and dates of operation:

- Kern County High School 1893-1915
- Kern County Union High School 1915-1945

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Attachment to Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - 1324_Carter_letter_101211_Attachment_v2.pdf - Continued

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- Bakersfield High School 1945–present
- Bakersfield Junior College 1913-1956
- Bakersfield Adult (Night) School 1917-1985

Kern County Union High School (BHS) was the only high school in Kern County until 1938, when East Bakersfield High School was constructed and opened. The school's first name change occurred when "Union" was added after the high school separated from the Bakersfield City School District. Then it was known informally as K.C. or Kay See High School. The school was formally renamed Bakersfield High School by the School Board in 1945.

The school campus has been in the same location since its creation in 1893. Most of the original buildings are gone and a number of the buildings have been refurbished. Bakersfield's infamous 1952 earthquake and aftershock precipitated the reconstruction process to bring the buildings up to current earthquake code. The majority of the buildings on campus are multiple-floored. The campus' most prominent building, Harvey Auditorium, houses a large main theater as well as two smaller theaters, in addition to a number of classrooms. It has served as a venue for the local arts community since its construction in the late 1940s.

The campus has two Industrial Arts Buildings that house a functioning automotive garage, a wood shop, weight room and fitness center, and classrooms. It also houses the campus' archive and conservation class, another of the unique features of the campus. The present student population is over 2,800, one of the district's largest student bodies. At one time, in the 1960s, the campus population was over 5,000 students. As large as it appears, the BHS campus is one of the smallest campuses (26 acres) in the Kern High School District.

The Drillers have called Griffith Field their home field since 1923. The field features a monolithic concrete structure for home seating on the western home side with the Driller locker rooms inside it. The field is unusual in that the visiting eastern bleachers are located on the grass inside the track. The bleachers run from end zone to end zone with the front row only about 12 feet away from the sideline with nothing separating the fans from the field. Griffith Field can seat approximately 8,000 spectators. The Bakersfield High football tradition was the basis of the movie *The Best of Times* starring Kurt Russell and Robin Williams. The story is based on an actual football game in the mid-1970s between mighty Bakersfield High and the small insignificant Taft High School Wildcats.

The Drillers have been competing in football since 1896. The Drillers hold the California State records for most state football titles (7) and the most section championships (34), commonly called Valley Titles for being within the San Joaquin Valley. Bakersfield high has the most wins in California high school football History running neck and neck with Long Beach Poly at a close number two. The school also has championship wrestling, basketball, swimming, volleyball, and track teams.

Integrity

The document speaks of integrity: "*Harvey Auditorium generally retains integrity of location, design, setting, materials, workmanship, feeling, and association to its period of significance (1934-1948). Very little has changed since the building opened in 1948, and*

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the surrounding area has retained its character of a mixed-use urban setting. It also retains its visual and functional connection to the school."

As previously noted, JRP consultants identified the period of significance as extending between 1934 and 1948. If one considers Harvey Auditorium as the only eligible property then perhaps this period is acceptable. However, the period of significance for BHS should be 1893 to 1962. Given this set of parameters, one should look at the campus as a complete unit while differentiating between contributing and non-contributing elements of a proposed historic district. With respect to the entire campus, the integrity of all of the buildings should be more fully scrutinized.

It then states: "*Several buildings dating to the 1920s have lost integrity of that potential period of significance. These include Warren Hall, Ludden Hall, Science Building, Spindt Hall, Industrial Arts Building, Gymnasium, and Boiler Room. Spindt Hall and Industrial Arts Building were altered significantly when second wings were built onto the original edifices. Also, following the 1952 earthquakes, all of these buildings were significantly altered to repair damage done during the temblors or to bring them up to state building codes. These buildings, as well as Cafeteria and Administration Building, appear to retain integrity to the post-earthquakes build and rebuild work done between 1952 and 1962. However, all of the buildings lack significance and do not meet the criteria necessary for listing in either the NRHP or CRHR."*

Although the façade of Warren Hall was altered (materials), the massing, workmanship, location, design, and setting remain fairly well intact. It is partly for this reason that the statement of JRPs consultants as it relates to this building's lack of integrity is incorrect. Two other buildings also have integrity as related to their potential period of significance; these include the south building of the Industrial Arts complex designed in the Neoclassical style and the north building of the complex which was constructed in the 1930s in the Moderne style.

The old Neoclassic-style building of this complex underwent some changes to the façade and the roofline. The original fenestration and the entrance to the front façade were altered, but the original window piercings remained intact and now house energy-efficient windows. However, the fenestration on the other three elevations is original. Even with the ornamentation removed from the primary entryway, the integrity of the building as a whole exceeds 70%. The Moderne-style building of the Industrial Arts complex is a free-standing building with virtually no modifications. The interior spaces are as they were when this building was constructed. Consequently, the integrity of this building is excellent.

The document comments: "*Some of the buildings and structures on campus appear to retain integrity of a potential period of significance. Griffith Stadium has undergone some changes since it was built in 1923; however, the changes are minor and do not significantly diminish the overall integrity of the structure. Water Tower, East Stands and Storage Building, and Industrial Arts Prefabricated Building also retain integrity to their potential period of significance (1940s-1950s). Nonetheless, they all lack significance and do not meet the criteria necessary for listing in either the NRHP or CRHR. Modern buildings, like Ludden Hall Auxiliary Building, Student Activity Building, Sports Fields Prefabricated Buildings, Concessions Building, and Elm Grove Kiosk, appear to retain*

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Attachment to Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - 1324_Carter_letter_101211_Attachment_v2.pdf - Continued

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integrity. However, they also lack significance and do not meet the criteria necessary for listing in either the NRHP or CRHR.

Bakersfield High School does not retain integrity as a potential historic district to any potential period of significance. According to Department of Interior, for a district to retain integrity, "the majority of the components that make up the district's historic character must possess integrity." Moreover, a district does not retain integrity if it "contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment." Given the significant changes to the campus after the earthquakes of 1952, the campus does not retain the historic character of the 1920s Biggar-designed buildings. Moreover, several new and significant buildings were added since the 1920s, including Harvey Auditorium, Cafeteria, and Administration Building. The campus also does not retain integrity of the post-earthquakes design and rebuild period (1952-1962). As discussed, several buildings were redesigned or built after the earthquakes. But a significant number of the buildings were built before, and do not share the historic association of this rebuilding period. Moreover, the campus lacks historic significance as a district from any potential period of significance and does not meet the criteria for listing in either the NRHP or CRHR (US Department of Interior 1990: 46)"

ATTACHMENT A: HOLISTIC INTEGRITY CHART

The Bakersfield High School campus is eligible for the National Register of Historic Places as a historic district under Criteria A and C, and perhaps also D, depending on the level of significance placed on the probable buried artifacts from the old Woilu village site, and the old county hospital site. The physical campus remains as it was in the 1920s when Charles H. Biggar started designing new buildings and structures for the campus. Although some modifications have occurred to a number of the buildings on campus, the majority of them are still recognizable as the buildings they were more than 50 years ago. In fact, nearly all of the modifications to the buildings were completed outside the fifty-year requirement, making them potentially-eligible elements of a larger district. The environmental document should be refined and rewritten to reflect this and to make note of the significance of this community landmark.

If you have any questions regarding this proposal, please contact me at (559) 299-4695, (559) 285-3575 (Cell), or by e-mail (professorjlb@hughes.net).

Respectfully submitted:

/s/
Jon L. Brady, M.A.
Principal Architectural Historian/Owner

/s/
Chris Brewer
Principal Architectural Historian
Vintage Resources
179 East Pine Street
Exeter, CA 93221

2 Incls:
Attachment A – Integrity Chart
Attachment B – Photographs of Selected Buildings

Attachment to Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - 1324_Carter_letter_101211_Attachment_v2.pdf - Continued

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**HOLISTIC REVIEW OF BHS
 CAMPUS FOR INTEGRITY &
 SIGNIFICANCE**

Name Chris Brewer
 Date 10-11-2011

BUILDING	LOCATION	DESIGN	SETTING	MATERIALS	WORKMANSHIP	FEELING/ ASSOCIATION	TOTAL RATING
ENTIRE CAMPUS DISTRICT	100	70	100	75	95	95 95	630/700
FACADES	100	60	100	70	60	70 75	535/700
FOOTPRINTS	100	95	100	95	95	95 95	675/700
ELEVATIONS	90	80	100	80	80	85 85	600/700
BOUNDARIES	100	90	100	NA	NA	100 100	490/500
SURROUNDINGS	85	70	65	60	55	60 50	445/700
GREEN SPACE	85	90	95	80	80	80 90	600/700
STRUCTURAL	90	70	75	70	70	85 90	550/700
TOTAL DOWN							3985/5400 73.6%
TOTAL COUNTS	750	495	530	515	535	665 680	4170
TOTAL POSSIBLE	800	800	800	700	700	800 800	5400
TOTAL PERCENTAGE	93%	61.875%	66.25%	73.57%	76.43	83.125% 85%	74.46% 529,25/620 87.45%

ATTACHMENT B: PHOTOGRAPHS OF SELECTED BUILDINGS

Attachment to Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - 1324_Carter_letter_101211_Attachment_v2.pdf - Continued



Photo No. 1. View of façade of Warren Hall (Taken 9/28/2011).



Photo No. 3. View west toward façade of Ludden Hall (Photograph taken on 9/28/2011).



Photo No. 2. View northeast toward south wing of Warren Hall (Photograph taken on 9/28/2011).

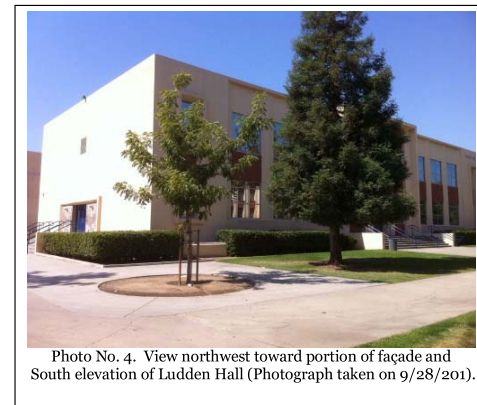


Photo No. 4. View northwest toward portion of façade and South elevation of Ludden Hall (Photograph taken on 9/28/2011).

Attachment to Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - 1324_Carter_letter_101211_Attachment_v2.pdf - Continued



Photo No. 5. View northeast toward west end of Gymnasium (Photograph taken on 9/28/2011).



Photo No. 7. View southwest toward north elevation of center section of gym (Photograph taken on 9/28/2011).



Photo No. 6. View west toward girl's gym (Photograph taken on 9/28/2011).



Photo No. 8. View east toward Boiler Room with red tiled roof (Photograph taken on 9/28/2011).

Attachment to Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - 1324_Carter_letter_101211_Attachment_v2.pdf - Continued



Photo No. 9. View of the interior of boiler room (note the original boilers in place; Photograph taken on 9/28/2011).



Photo No. 11. View northeast toward west elevation and facade Of 1920s Industrial Arts building (Photograph taken on 9/28/2011).

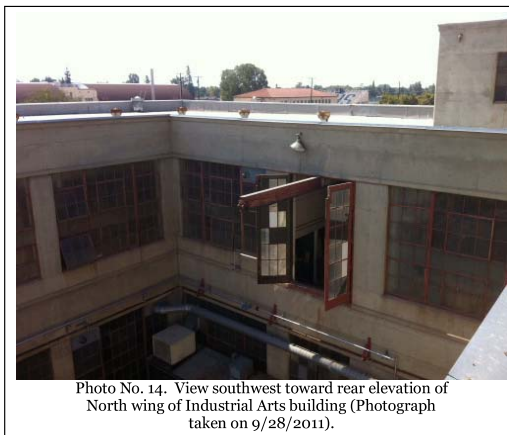


Photo No. 10. View northeast toward International style Cafeteria (Photograph taken on 9/28/2011).



Photo No. 12. View southeast toward north elevation Of 1920s Industrial Arts building (Photograph taken on 9/28/2011).

Attachment to Submission L034 (Donald (1), David (2) Carter (1), Reese (2), Kern High School District, October 13, 2011) - 1324_Carter_letter_101211_Attachment_v2.pdf - Continued



Submission L035 (Terri King, Kings County Association of Governments, October 13, 2011)



Kings County Association of Governments

339 W. "D" Street, Suite B, Lemoore, California 93245
(559) 582-3211 extension 2654 ♦ FAX (559) 924-5632
www.kingscog.org

Member Agencies: Cities of Avenal, Corcoran, Hanford and Lemoore, County of Kings

October 11, 2011

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

RECEIVED

10-13-11P04:02 RCVD

RE: FRESNO TO BAKERSFIELD DRAFT EIR/EIS COMMENTS

To Whom it May Concern:

Below you will find the Kings County Association of Governments' (KCAG's) response to the California High Speed Rail Authority's Fresno to Bakersfield Draft EIR/EIS. Following some general comments, KCAG has included some preliminary feedback on the Authority's recent decision to conduct a detailed analysis of the West Hanford Alignment for inclusion in the EIR/EIS in early 2012. The rest of the letter was written prior to the October 5 announcement and is organized to correspond with the section naming conventions of the existing draft EIR/EIS for your convenience. As the regional transportation planning agency for the Kings County area, KCAG's comments on the draft EIR/EIS focus on a regional analysis of the proposed HSR alignment and station location. KCAG's member agencies (Kings County and the cities of Avenal, Corcoran, Hanford and Lemoore) may be providing comments on the EIR/EIS that are specific to their agencies as they see fit.

L035-1 | As a general comment, the EIR/EIS identifies the Kings-Tulare Regional Station (KTRS) as a "potential station." We would like to request an impact analysis if there is no station in the Kings-Tulare region, particularly considering the proposed discontinuation of Amtrak service at Hanford and Corcoran. This would have a huge impact on our region in terms of greenhouse gas emissions, as residents would have to travel to Fresno or Bakersfield for train service. We would also like to see ridership projections and greenhouse gas (GHG) analyses both with and without the KTRS integrated into the document.

L035-2 | With the "independent utility" aspect, it has been suggested that if no further funding was available to complete the high speed rail system, the existing Amtrak service would then use the new rail line that would be connected to the BNSF rail line. If this were to occur, the question must be asked as to what happens to the current Hanford and Corcoran Amtrak stations and the investments made in each of the intermodal facilities, as well as the impacts to the local economy when these downtown stations are abandoned. The draft EIR/EIS does not identify mitigation measures to address this issue of the abandonment of existing Amtrak stations in either event.

L035-3 | Additionally, KCAG would like to clarify that our RTP does not state that HSR should not be along an Interstate 5 alignment as the EIR/EIS asserts. At the time our RTP was written, I-5 alignments were no longer under consideration by the CHSRA so they were not specifically included in some discussions of HSR. KCAG has supported HSR along either I-5 or SR 99.

L035-4 | KCAG would like to request a traffic analysis be included for the various KTRS parking options discussed in the draft EIR/EIS. Specifically, the traffic analysis for the KTRS includes analysis of the proposed 1,600 vehicle parking lot located at the proposed KTRS site. However, while the draft EIR/EIS notes that a portion of this parking could be placed in Hanford's central business district, the traffic impact of travel into Hanford to access new downtown parking is not analyzed. We would like to see an analysis and mitigation of the impact accessing downtown parking would have on our local transportation system. In addition, KCAG believes that the Authority should fund the construction of a parking structure, as its primary purpose would be to serve KTRS. A parking structure, as opposed to a surface lot, would support the idea of reducing the need for land around a station.

L035-5 | As you are undoubtedly aware, citizens, legislators, and local governments alike in this area have spoken in support of including an alternative alignment that follows the existing transportation corridor adjacent State Route 99 and the Union Pacific Railroad in the final EIR/EIS. As it stands, SR 99 alignments are no longer being considered by the Authority in this area. While we appreciate the addition of a second alignment alternative for analysis with the inclusion of the West Hanford alignment in early 2012, we respectfully request that SR 99 corridor also be included as an alternative alignment for analysis in the final EIR/EIS.

L035-6 | KCAG has recently been made aware of a planning study by the Lincoln Institute of Land Policy entitled "High-Speed Rail: International Lessons for U.S. Policy Makers" (http://www.lincolnst.edu/pubs/1948_High-Speed-Rail). This document provides a cautionary case study of a HSR station located outside the city of Avignon, France. The station is surrounded by protected wetlands and is outside Avignon's center in a manner similar to the proposed urban reserve and the KTRS. According to this report, the benefits of Avignon's HSR station are limited due to its location and inability to be fully incorporated into existing infrastructure.

This report concludes that the station's location serves as a "physical barrier" to its being integrated into the historic center (29). Ultimately, this distance put it in direct economic competition with Avignon's central business district. As stated in the report, "In terms of broader municipal impacts, the TGV station has become the primary gateway to the region at the expense of development activity around the conventional rail station in the city center" (31). It also indicates that, despite shuttle buses departing to/from the station in 15 intervals, "...most station visitors access the area by automobile using a network of roads that link nearby highways to 1,800 parking spaces in the station lots" (p. 31). KCAG feels this case study should be carefully considered by the Authority and all interested stakeholders moving forward, as it serves as a poignant reminder of outcomes that are not in line with local, state, or federal planning priorities. It underscores the need for comprehensive planning and capital improvements beyond available funding levels to achieve a sustainable KTRS.

Submission L035 (Terri King, Kings County Association of Governments, October 13, 2011) -
 Continued

L035-7

Preliminary Comments on Proposed West Hanford Alignment

As noted in an October 5 press release, the Authority intends to release an additional draft EIR/EIS in early 2012 that evaluates the "West Hanford Alignment." We are aware of two iterations of the proposed West Hanford Alignment, one that runs along 12 1/2 Avenue and one that runs along 13 1/4. A few general comments to consider are the proximity of this alignment to the new Sierra Pacific High School located at 13th Ave. and Grangeville Blvd., the College of the Sequoias center, an agricultural preservation area outlined in Kings County's 2035 General Plan, and the impacts of access to the potential station along the SR 198 corridor, including each of the interchanges spanning from 9th Ave. through to and including SR 41.

Section 1.0: Project Purpose, Need, and Objectives

L035-8

1. *The Link between a Rural Station Site and a Transit-Oriented, Mixed-Use Downtown is Unclear*

It is widely understood that the proposed KTRS is unique among all proposed HSR stations due to its status as a multi-county, regional transit hub. As is discussed in the EIR/EIS, the proposed KTRS site location is outside an urban center and surrounded by farmland. This does not inherently lend itself to TOD, mixed-use development, and other density-based sustainable planning practices associated with HSR stations in urban cores.

Page 1-21 of the EIR/EIS asserts that HSR "provides an opportunity to create transit centers in the central business districts, where mixed land uses (residential, commercial, and business uses) and urban densities are best suited... Worldwide and national examples demonstrate increased land values adjacent to large multimodal centers to develop more densely around stations." While we appreciate that this is likely to be true for proposed site locations in downtowns (such as Fresno and Bakersfield) this does not hold true to KTRS, which is in unincorporated Kings County.

As such, we would like to see a discussion of the unique status KTRS holds among proposed station sites in addition to an explanation of how its location will preserve agriculture and benefit our central business districts. While we have heard the notion of maintaining properties adjacent KTRS as an "urban reserve" until growth naturally occurs in that area, the 3+ mile distance between the KTRS location and Hanford's downtown core will remain.

Were this area to urbanize in fifty or so years, for example, it could establish a competing business district that would detract from Hanford's existing downtown, as has been noted above in the case study of Avignon, France.

L035-9

2. *Clarification on the San Joaquin Valley Blueprint and County-Specific Blueprints*

Section 1.3.1 references the San Joaquin Valley Blueprint process, an unprecedented planning effort the eight valley metropolitan planning organizations launched in 2005. It should be noted that, in addition to the valley-wide effort, each of the individual eight counties undertook county-specific Blueprint processes that outlined goals, priorities, and smart growth planning objectives. There are planning principles specific to the Kings County Blueprint that were outlined during our county-specific public outreach efforts. The eight county-specific Blueprints provide a more detailed look at each county's planning priorities. We would like to request that the Kings County Blueprint Principles, which are available for review on our website's planning page, be evaluated and integrated into the EIR/EIS.

L035-10

Section 2.0: Alternatives

1. *Clarification on the West Hanford Alignment*

The EIR/EIS asserts that "...the Hanford West Bypass would be located between the cities of Hanford and Lemoore, an infill area where local plans seek to guide future development" (2-25). While we understand additional information will be included in a future draft EIR/EIS, it would be helpful to clarify that this alignment is adjacent to the unincorporated community of Armona.

L035-11

2. *Discrepancies between Table 2-8, Figure 2-24, and Section 3.2*

As mentioned in the Section 3.2 portion of this letter, there are inconsistencies regarding the SR 198 widening project in Kings County. This project is currently under construction with SR 198 slated to become an operational four-lane expressway in 2012. This is appropriately reflected in Table 2-8 but is then listed as a "proposed improvement" in Figure 2-24. It should be updated to reflect its status as a four-lane expressway prior to the HSR construction start. This should also be considered when outlining proposed mitigation measures.

L035-12

3. *Central California Railroad Authority and Interregional Goods Movement Study in Freight Section*

Senator Michael Rubio's SB 325 was enacted this year which created the Central California Railroad Authority with membership from Merced, Tulare, Kings, Fresno and Kern counties. This bill is intended to maintain short-line railroad service in the San Joaquin Valley, which would work to increase goods movement via freight rail and decrease freight trips via truck. Furthermore, the San Joaquin Valley MPOs are currently conducting an interregional goods movement study as a way to outline more sustainable strategies for goods movement in the valley, such as increased freight rail opportunities. It could be helpful to touch on both of these in the freight rail section (page 2-49) of the no project discussion.

L035-13

4. *Creating an Agricultural Lands Figure to Accompany Figures 2-32 & 2-33*

In reviewing Figures 2-32 (BNSF alternative without shared right-of-way) and Figure 2-33 (BNSF alternative showing opportunity for shared right of way), KCAG would like to see a figure illustrating HSR right-of-way in relation to agricultural lands and segments of the alignment which do not follow existing rights-of-way. This would provide better visual perspective as to the right-of-way requirements needed for HSR and agricultural operations to occur as symbiotically as possible.

L035-14

5. *Evaluating Telecommuting in Travel Demand and Ridership Forecasts*

Section 2.5 provides a discussion of Cambridge Systematics' travel demand forecasts for HSR in the future. KCAG is curious if these ridership estimates take into consideration the rise in telecommuting and other such technologies for their calculations of HSR commuter and work trips.

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 Continued

L035-15

6. Clarification on Station Area Development Policies Discussion

The discussion of the Authority's Station Area Development Policies on page 2-94 focuses on policies for stations located in urban cores. KCAG appreciates that, because the KTRS site is unique among proposed station sites in the HSR system, land use planning for this area is not necessarily in accordance with the outlined Station Area Development Policies, lest it encourage sprawl. KCAG would like to see a discussion detailing the complex land use planning issues surrounding KTRS and an acknowledgment in the EIR/EIS that the Authority's Station Area Development Policies are not entirely feasible in the surrounding area. In addition, effective transit planning for KTRS would likely require the displacement of existing multi-modal transit stations in downtown cores, such as the Kings Area Rural Transit Center and the adjacent Hanford Amtrak station, where significant investments have been made.

L035-16

Section 3.2: Transportation

1. State Route 198 Mitigation Measures

On pages 3.2-17, 3.2-31, 3.2-37, and 3.2-63, State Route 198 is listed as having one lane in either direction east of State Route 43. State Route 198 is in the process of being widened to two lanes in each direction with an anticipated completion date of 2012. The mitigation measures proposed for SR 198 were designed for a 2 lane system instead of the 4 lane system we will have next year. As such, KCAG requests the mitigation measures proposed for SR 198 be reevaluated with its status as a four lane expressway in mind.

KCAG opposes the signalization of intersections on this 4-lane facility as discussed on page 3.2-90. KCAG's RTP includes long-range projects to construct interchanges on SR 198 at the intersections of 2nd, 6th, and 9th Avenues. With KCAG's request for additional analysis of the local transportation system for accessing parking in downtown Hanford, the potential need to construct an interchange on 9th Avenue and modifications to the Central Hanford/Reddington St. interchange should be analyzed as well. Funding for these projects should be provided as a mitigation measure.

L035-17

2. Roadway Classifications

On Page 3.2-24 (Figure 3.2-9), the draft EIR/EIS identifies Lacey Blvd. as a local street. Other areas of the document identify Lacey Blvd. as an arterial (See Transportation-Technical Analysis Report, Page 4.3-2). In addition, roadway segments of Grangeville Blvd. from 10th Ave. to SR 43 and Lacey Blvd. from 10th Ave. to SR 43 will be impacted by this project. These two road segments are designated as arterials and should be included in the traffic impact analysis.

L035-18

3. Technical Correction: Kings County General Plan

Table 3.2-1 incorrectly lists Kings County's General Plan as having been last updated in 1997. Its 2035 General Plan update was adopted by the Kings County Board of Supervisors in January 2010.

L035-19

4. Potential Discontinuation of Amtrak Service at Hanford, Corcoran

KCAG supports the notion of Amtrak serving as a feeder service for the HSR system (3.2-43). Since the inception of California's HSR project, KCAG has adamantly vocalized its support of maintaining our existing transportation infrastructure in Kings County, particularly the Amtrak stations in Hanford and Corcoran. This sentiment is in line with the local planning priorities of our citizenry as evidenced through the Kings County Blueprint process' planning principles:

Improve air quality through enhanced commuter connectivity by implementing alternative transportation modes and enhancing existing modes, and supporting the continuation of Amtrak passenger rail service through Kings County on the existing BNSF alignment (Kings County Blueprint Planning Principles August 27, 2008).

The EIR/EIS' assertion that Amtrak service could be discontinued in Hanford and Corcoran following completion of HSR (3.2-48) is disconcerting because it is in direct conflict with the planning principles outlined by stakeholders during the Kings County Blueprint process. KCAG also has concerns regarding the economic impact discontinued service could have on Hanford and Corcoran's downtowns, whose roles as multi-modal transportation hubs contribute to the success and viability of downtown merchants. The discontinuation of Amtrak service in Kings County would be tantamount to a disinvestment in our downtowns. The increased potential for downtown deterioration, in combination with the unknown status of redevelopment funding, could create serious problems as we begin developing our 2014 Sustainable Communities Strategy document as per the requirements of SB 375, as investment in urban cores is one of the most common strategies for rural communities.

Furthermore, KCAG does not agree with the assumption that "existing riders would shift to HST service as it becomes available" (3.2-48). Currently, a one-way ticket from Hanford to Fresno costs \$5 on Amtrak. Given our region's socioeconomic composition, we are uncertain that a simple migration of all of Kings County's current Amtrak passengers to HSR is economically feasible. We would like to see a discussion of the impacts a discontinuation of Amtrak would have on Kings County residents and proposed mitigation measures both in the Transportation and Environmental Justice sections of this document, as we believe it pertains to both.

L035-20

5. Access to KTRS via SR 43

The draft EIR/EIS notes that primary access to the proposed KTRS will be via direct access from SR 43 between the SJVRR and Grangeville Blvd. and Figure 2.4 of the Transportation Technical Analysis Report also shows a map identifying this access. It is highly unlikely that Caltrans would allow a direct access connection from the highway. Access to the proposed KTRS will most likely be required off of Grangeville Blvd.

L035-21

6. SR 43 and SJVRR Grade Separation

The draft EIR/EIS states that the segment of SR 43 from SR 198 to Grangeville Blvd. will be adversely impacted with the development of a HST station. Mitigation measures as identified on Table 3.2-32, page 3.2-91, specify construction of an additional travel lane on SR 43. Since this segment of SR 43 crosses the SJVRR, construction of a grade separation may be required, and as such Caltrans' long range plans for SR 43 specifies the need to install a grade separation structure at this location at the time of road widening.

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 Continued

L035-22 7. *SR 43 and Lacey Blvd. Mitigation*

The draft EIR/EIS states that the intersection of SR 43 and Lacey Blvd. will be adversely impacted with the development of a HST station. Mitigation measures as identified in Table 3.2-21 specify installation of a traffic signal system to improve operations and LOS. The Traffic Impact Study fails to address the issue of the SR 43 and Lacey Blvd. intersection being in too close proximity to the SR 43 and SR 198 interchange westbound off ramp. In discussions with Caltrans regarding their state highway system, they have stated that relocation of the SR 43 and Lacey Blvd. intersection further north from the existing location will be necessary in the future to accommodate left turn movements onto Lacey Blvd. Mitigation measures need to address this issue and provide for the relocation of the SR 43 and Lacey Blvd. intersection.

L035-23 8. *Independent Utility Clause of ARRA Funding*

As we understand it, there is a caveat to American Reinvestment and Recovery (ARRA) funding that requires the HSR project to be able to function as an "independent utility" in the event the project does not get fully completed. CHSRA staff has stated that, if this is the case, the HSR track proposed through Kings County could function as an Amtrak "express service" that would curtail and/or eliminate Amtrak service in Kings County by bypassing Corcoran and Hanford's existing Amtrak stations.

If this were to happen, we would like to see a discussion of the independent utility scenario in this document as it would have serious repercussions for our communities in the event HSR is not fully completed. We are specifically looking for information as to how CHSRA intends to mitigate any diminished Amtrak accessibility to local residents should this independent utility scenario come to fruition.

L035-24 9. *Downtown Parking Garages Discussed but Traffic Impacts Are Not Analyzed*

In different parts of the EIR/EIS, there are references to having a 1,600 space parking lot at the KTRS site (Table 3.2-38). However, the document also states that "...the Authority may provide a portion of the Kings-Tulare Regional Station parking in downtown Hanford, Visalia, and/or Tulare..." instead of at the KTRS station site (3.2-65).

KCAG supports the notion of downtown garages with shuttle service to/from the station as it would support our downtown merchants. However, the traffic impact of travel into Hanford to access new downtown parking is not mentioned in this discussion. We would like to see an analysis and mitigation of the impact access to downtown parking structures would have on our local transportation system.

L035-25 10. *Maps in this Section Should Include All Existing Amtrak Stations*

We would like to request that maps in this section be updated to include all existing Amtrak stations to show that the existing Amtrak stations at Hanford and Corcoran would be discontinued.

L035-26 11. *Naming Conventions for State Route 43*

It would be helpful to make the naming convention for State Route 43 consistent in this document. It is listed as 8th Avenue, Central Valley Highway, or State Route 43, which may create confusion.

L035-27 12. *Technical Correction: 7th and 6th Avenues*

On pages 3.2-64, 3.2-89, 3.2-90, Table 3.2-19, 3.2-21, 3.2-32, 6th and 7th Avenues are labeled as 6th and 7th Streets. This should be updated to reflect their being "avenues" to avoid confusion. To clarify, numbered streets run east/west within the city of Hanford and numbered avenues run north/south in the county's jurisdiction.

L035-28 **Section 3.3: Air Quality and Global Climate Change**

1. *Overview of the General Conformity Process*

The draft EIR/EIS provides an overview of the general conformity process and how this differs from the transportation conformity process. Page 3.3-2 states "...there may be some smaller highway elements of the project that will be dealt with through the case-by-case modification of the regional transportation plan (RTP) consistent with transportation conformity." KCAG would like some clarification on this section so we have a clearer understanding regarding what will be expected of us for inclusion in our 2014 Regional Transportation Plan.

L035-29 2. *EMFAC 2011*

As of September 27, 2011, the Air Resources Board has released EMFAC 2011, which is replacing EMFAC 2007. Will the analysis in this section be updated for the Final EIR/EIS to reflect this change?

L035-30 3. *Modeling High Speed Rail in 2014 Regional Transportation Plan*

The EIR/EIS indicates that "it is anticipated that the next revision of the Fresno COG, KCAG, TCAG or Kern COG RTPs will include the operation of the HST..." (3.3-38). With high speed rail being unprecedented in the United States, KCAG will need guidance on how to adequately include the HSR project in our 2014 Regional Transportation Plan modeling activities. This includes ridership forecasts, coordinated population projections from DOF/the Authority, and employment projections and other demographic inputs from the Authority.

L035-31 4. *Air Quality Benefits from VMT Reductions Apparently Offset by Operational Emissions*

Page 3.3-48 asserts that the Fresno to Bakersfield area will not enjoy improved air quality as a result of HSR. While "motor vehicle emissions would decrease," these would be "offset by operational emissions associated with the train itself" (3.3-48). KCAG will be developing a county-wide climate action plan following receipt of an SGC planning grant. It is disheartening that the San Joaquin Valley will not realize any of the air quality benefits from HSR that will apparently be seen in other parts of the state.

L035-32 **Section 3.12: Socioeconomics, Communities, and Environmental Justice**

1. *Technical Correction: Prisons at Avenal and Corcoran*

A sentence on Page 3.12-21 identifies one of Kings County's state prisons as being in Wasco (which is a community in Kern County). This sentence should be corrected to reflect Kings County's state prison facilities in Corcoran and Avenal, respectively.

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 Continued

L035-33

Section 3.13: Station Planning, Land Use, and Development

1. *Technical Correction: KCAG's RTP Schedule*

Page 3.13-4 incorrectly asserts that KCAG's most current RTP was adopted in 2007 and that we are in the process of updating our 2011 Regional Transportation Plan. KCAG shared the same RTP schedule as Fresno COG, TCAG, and Kern COG. This section should be updated to indicate our most current RTP, the 2011 RTP, was adopted in June 2010.

L035-34

2. *Creating a Tie between Kings/Tulare Station and GHG Reductions from Land Use*

From a statewide perspective, the link between HSR and reductions in greenhouse gases is evident. From a regional perspective, the link between the proposed KTRS site and reductions in local greenhouse gases, vehicle miles traveled and interregional trips is decidedly obfuscated. The passage of Senate Bill 375 in 2008 placed an increased emphasis on linking land use and transportation planning by incorporating more sustainable infrastructure into local planning decisions.

The EIR/EIS rightly asserts that Fresno and Bakersfield's HSR station locations will facilitate the revitalization of adjacent downtown areas and increase transit-oriented development (TOD) in nearby neighborhoods (3.13-25). As such, the proposed Fresno and Bakersfield stations are examples of how the built environment can reduce transportation-related GHG.

In contrast to the proposed Fresno and Bakersfield stations, KTRS is outside an urban core. Given the rural nature of the proposed KTRS location, KCAG supports the Authority's preference for "[discouraging] growth in the agricultural area around the Kings/Tulare Regional Station (Page 3.18-28)" lest it contradict SB 375 by encouraging leapfrog-style development in an unincorporated area. However, with a lack of adjacent TOD and urban land uses surrounding KTRS, local GHG reductions associated with land use are not readily apparent. This is compounded by the proposed abandonment of Hanford and Corcoran's Amtrak stations, which serve as key resources in maintaining the long-term viability of our downtowns.

As mentioned previously, the no project alternative analysis in the Station Planning, Land Use and Development chapter (section 3.13.5.B) asserts that the presence of HSR in Fresno and Bakersfield's downtowns will encourage more TOD than a no project alternative. This section does not provide any analysis of KTRS, let alone an explanation as to how the KTRS would encourage TOD in other locations while adjacent properties remain an urban reserve. KCAG believes section 3.13.5.B needs to include a no build analysis of KTRS and an explanation as to how the built scenario and its urban reserve (of which we are supportive) will bolster sustainable land use planning like TOD in our cities. We feel the EIR/EIS needs to outline further mitigation measures in the form of capital improvements beyond providing \$600,000 in local planning funding to encourage TOD in appropriate locations (e.g. downtowns). This would effectively create a tie to KTRS's location and reductions in GHG from land use planning and ensure that California does not replicate Avignon's TGV station

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L035-34

As the MPO for Kings County, KCAG is required by law to demonstrate how our county will achieve GHG emission reduction targets established by the Air Resources Board. KTRS' location outside an urban core does not inherently lend itself to increased walkability or accessibility by bicycle. This is exacerbated by the EIR/EIS' inclusion of a 1,600 vehicle parking lot adjacent the station site, which appears to encourage single occupant vehicle trips (SOV) to/from the station rather than encourage alternative modes of transportation. As such, we feel the EIR/EIS should include mitigation measures in the form of capital improvements that would serve to connect KTRS with our region's existing multimodal infrastructure. This could work to discourage SOV trips to/from the station and help reduce VMT in our region. An example would be to provide for connectivity to KTRS via bicycle/pedestrian paths.

L035-35

3. *Show City/County Boundaries in Figures 3.13-3, 3.13-4*

We request that Figures 3.13-3 and 3.13-4 be labeled with city land use designations and county land use designations.

L035-36

Section 3.14: Agricultural Lands

1. *Restoration of Construction Staging Areas*

When discussing the disruption of agricultural activities for HSR construction, the EIR/EIS indicates the following"

"Some agricultural land outside of the permanent right-of-way would be used for construction activities such as staging areas and material laydown areas. This land would be leased from the landowner and used for 1 to 3 years for construction. After construction, the land would be restored to its original condition and returned to the owner (3.14-36)."

While certainly outside of our wheelhouse as a Metropolitan Planning Organization, many KCAG staff, as San Joaquin Valley natives, have familiarity with agricultural practices. From a farming perspective, we do not think it is possible to restore land that has been used as a construction staging area to its original condition for agricultural purposes. Furthermore, if it were to be done successfully, we believe this could pose a serious public health hazard and would be detrimental to the farmers on whose properties these sites are located.

Depending on what types of materials are used in this staging area, it could become classified as a "brownfield" site. The EPA study *Brownfields and Urban Agriculture* lists "fluoride, metals, nitrate, pathogens, petroleum products, phenols, radioactivity, sodium, solvents, and sulfate" as common contaminants for railroad tracks and yards (http://www.epa.gov/brownfields/urbanag/pdf/bf_urban_ag.pdf, pp. 8). The study concludes that this is an interim report and EPA will continue to evaluate "urban agriculture reuse standards." (pp.16). Though a construction staging area would not be in an urban location, we believe this study is comparable and provides an overview of preliminary steps needed to attempt to restore a HSR staging area to an agricultural purpose. Ultimately, we believe this would severely limit what sorts of crops could be grown on the sites (if, in fact, any could) and would have notable economic impacts on local farmers.

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 Continued

L035-37

3.18: Regional Growth

1. *HSR-Induced Growth Allocation between Kings and Tulare Counties*

Table 3.18-16 shows Kings and Tulare's HSR-induced population as being 3% over their respective RTPs' 2035 population projections. Given that the proposed location of the regional station is in Kings County, KCAG believes this would make Kings County a more attractive locale to prospective new residents than Tulare County, which is roughly 14 miles away from the station site. The relative attractiveness of Kings County over Tulare County would likely skew population increases so that Kings County would yield more new residents than Tulare County would. This would, in turn, pose greater impacts on our local street network and land use patterns than are discussed in this section.

L035-38

3.19: Cumulative Impacts

1. *Inconsistency with Projected GHG Emissions from Operations, Transportation*

When discussing GHG emission reductions, page 3.19-13 states:

"...HST alternatives would decrease GHG emissions by reducing vehicle and aircraft trips as described in Section 3.3, Air Quality and Global Climate Change. This reduction in GHG emissions would more than offset the increase in GHG emissions associated with project facilities."

However, this appears to be in conflict with Section 3.3, Air Quality and Global Climate Change, which states:

"Motor vehicle emissions would decrease in the region as a result of the HST project. These reductions, however, would be offset by operational emissions associated with the train itself (the HST would be powered by electricity from the regional power grid), by station operations, and by HMF operations (3.3-48)."

These sections should be made consistent with one another based on the results of the analysis conducted by the Authority in developing the draft EIR/EIS.

L035-39

2. *Solar Infrastructure Projects*

The draft EIR/EIS indicates the only solar energy development projects planned in the area are in Kern County (3.19-17). There are several solar energy projects in Kings County near Corcoran and Avenal. KCAG requests the Authority check with staff from Avenal, Corcoran, and Kings County to identify these solar projects for inclusion in this discussion.

L035-40

5.0: Project Costs and Operations

We understand that the updated HSR business and financial plans are slated to be released November 1, 2011. We want to confirm that these documents will be fully integrated into the final EIR/EIS. The draft EIR/EIS notes the estimated cost of construction for this segment has increased. If the updated financial and business plans show a further increase in cost, this should be incorporated into the final EIR/EIS and be included in the additional analysis requested if the entire HST system is not built.

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L035-41

Appendix 2C

1. *Figures 4 & Table 1 Do Not Include KTRS*

The Horizon Year 2035 Service Plan Basic Train Stopping Pattern (Figure 4) and Horizon Year 2035 Train Stopping Patterns – Typical Peak and Off-Peak Hours (Table 1) do not include the KTRS. We would like to see the peak/off peak information for KTRS in these graphics.

L035-42

Transportation Analysis Technical Report

1. *Naming Conventions for State Route 43*

It would be helpful to make the naming convention for State Route 43 consistent in this document and section 3.2 of the EIR/EIS. It is listed as 8th Avenue, Central Valley Highway, or State Route 43, which may create confusion.

L035-43

2. *Kings County Bicycle Plan Date*

Page 4-21 should be updated to reflect the 2005 Kings County Bicycle Plan. We are in the process of updating this plan and should have it completed by the end of the calendar year. 4.3.7

L035-44

3. *Bicycle and Pedestrian Access*

KCAG supports the report's statement that "the stations would include bicycle racks, pedestrian connections to the existing sidewalks, and bicycle lanes and facilities..." (5-110).

L035-45

4. *Proposed Mitigation Measures for SR 198*

KCAG has questions regarding the proposed signalization of intersections along State Route 198 as mitigation measures for HSR (5-126). Modeling analysis and Figures 5.3-2 and 5.4-3 appear to include SR 198's widening to a four lane expressway in the 2035 scenario. KCAG's travel demand model has these improvements in 2012. However, this is not reflected in Figures 5.4-4, 5.5-2a, and 5.5-2b or the mitigation measures of proposed signalization. As indicated earlier, KCAG opposes the installation of signals on this 4 lane facility. Our RTP includes long range projects to construct interchanges at the intersections of 2nd, 6th and 9th Avenues along SR 198.

L035-46

Community Impact Assessment Technical Report

1. *Technical Correction: Table 3-1*

Table 3-1 should be updated to reflect KCAG's most recent RTP, the 2011 RTP, and our most recent Transit Development Plan, updated in 2009. In addition, as an MPO, KCAG does not have local land use authority. Table 3-1's name, Local Land Use Policies, implies that we do.

L035-47

2. *Census Figures for City of Corcoran*

Page 4-6 provides a discussion of Corcoran's population statistics per the US Census Bureau's American Community Survey. It is worth noting that inmates at Corcoran State Prison are factored into the city's population and demographic figures.

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Continued

As presented in the Draft EIR/EIS, the Kings County Association of Governments believes that the analysis of the Project fails to identify critical impacts to the Kings County region. We also believe that mitigation measures identified are not adequate to ensure that significant effects are mitigated to less than significant levels. Thank you for your consideration of these comments. Please do not hesitate to get in contact should you have any questions.

Sincerely,

KINGS COUNTY ASSOCIATION OF GOVERNMENTS



Terri King, Executive Director

CC: Larry Spikes, County of Kings
Melissa Whitten, City of Avenal
Kindon Meik, City of Corcoran
Hilary Straus, City of Hanford
Jeff Britz, City of Lemoore

Response to Submission L035 (Terri King, Kings County Association of Governments, October 13, 2011)

L035-1

Neither the Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005) nor the Fresno to Bakersfield Section EIR/EIS proposes to discontinue Amtrak service at Hanford and Corcoran. There is no such proposal with or without the HST project.

L035-2

The Authority is coordinating the HST project with Caltrain, which is responsible for Amtrak service in California. There are no plans to terminate Amtrak service to Hanford and Corcoran. Ridership indicates that these two communities make good use of Amtrak service. In 2011, there were 199,291 Amtrak boards and alightings in Hanford and 27,424 in Corcoran (Amtrak 2011).

As described in the Revised 2012 Business Plan (Authority 2012a), the HST tracks built as part of initial operations will be available for use by Amtrak. These tracks could be used for express service from the Bay Area to the southern terminus of train service by the San Joaquins, and the existing BNSF Railway tracks could be used to continue to provide service to Hanford and Corcoran.

L035-3

The comment does not identify where this statement is located within the Draft EIR/EIS. The Kings County Association of Governments' support of the High-Speed Train (HST) Project along I-5 or SR 99 is noted.

L035-4

Please refer to Impact #13 of Section 3.2 for an analysis of impacts on parking from the Kings/Tulare Regional Station—East Alternative and —West Alternative.

L035-5

Refer to Standard Response FB-Response-GENERAL-02.

L035-6

The comment indicates that a case study of a HST station located in France in an area surrounded by agricultural uses has not been integrated into the historic center of the

L035-6

town. As stated in Section 3.13.5.3, growth around the Kings/Tulare Regional Station is neither desired nor anticipated due to land use planning policies around the station.

L035-7

Refer to Standard Response FB-Response-GENERAL-02.

The Authority examined a study area approximately 3 miles wide on the west side of the city of Hanford for alternative alignments. In the vicinity of Hanford, the study area stretched from 12th Avenue west to 15th Avenue. After considering this alternatives analysis, the Authority Board selected two alternatives and a station site for analysis in the Revised DEIR/Supplemental DEIS. The *Fresno to Bakersfield Supplemental Alternatives Analysis Report* (Authority and FRA 2010a) is available on the Authority's website.

A single alignment was evaluated in the vicinity of the schools referenced in this comment. That alternative would be located west of 13th Avenue in the vicinity of these schools. Potential project impacts on the schools are discussed in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Final EIR/EIS.

L035-8

The commenter is correct that the King-Tulare Regional Station is not located in an urbanized area and its therefore different from the Fresno and Bakersfield stations. The Final EIR/EIS incorporates revisions to the discussion of this station that clarify that neither of its alternative locations would be an urban site, nor would the Authority encourage transit-oriented-development or other urban development in the vicinity of whichever of the locations is selected.

The revised discussions, including Section 3.13 (Station Planning and Land Use), identify the incompatibility of the sites with surrounding land uses and the potential growth-inducement on surrounding lands, and suggest a number of measures to reduce those impacts. These include minimizing the construction of parking structures in advance of demand, providing regular shuttle service from downtown Hanford and other nearby cities (which has the added advantage of encouraging HST riders to continue to

Response to Submission L035 (Terri King, Kings County Association of Governments, October 13, 2011) - Continued

L035-8

go to these downtowns), and making an effort to obtain willing-seller conservation easements on nearby agricultural lands. None of these are expected to reduce the station's impact to a less-than-significant level.

L035-9

The Final EIR/EIS incorporates revisions that clarify that the San Joaquin Valley Blueprint included county-specific blueprints. The discussion of the Blueprint and the project's consistency with that regional planning process is provided for information only. As discussed in Section 3.13, Station Planning, Land Use, and Development, as a state project, the HST System is not subject to local and regional plans.

L035-10

In response to your comment, the text of the Revised DEIR/Supplemental DEIS has been revised in Chapter 2, Alternatives, Section 2.4.3.

L035-11

The legend included in Figure 2-24 of Chapter 2, Alternatives, has been revised in response to your comment.

L035-12

San Joaquin Valley short-line railroad service and opportunities to increase goods movement via freight rail are discussed in Section 2.4 as well as in Section 3.2, Transportation, Section 3.14, Agricultural Lands, and Section 3.18, Regional Growth.

L035-13

Figures depicting typical track profiles are provided in Chapter 2, Alternatives, Section 2.2.4 of the Revised DEIR/Supplemental DEIS. These track profiles illustrate typical right-of-way requirements whether adjacent to agricultural or other types of land. Please refer to Section 3.14, Agricultural Lands, for more information about the potential effects on agricultural lands for the project alternatives, as well as relevant mitigation measures.

L035-14

The forecasts in the EIR/EIS do not take account of changes in trip patterns that may

L035-14

have occurred since roughly the 2000-2005 period. Changes appear to have occurred since then, according to travel surveys made in May 2011 to support the Draft 2012 Business Plan (Authority 2011a). The survey showed a similar overall volume of intercity trips as previously found, but fewer long commute trips and more business trips. Overall, the effect was to generate somewhat fewer HST riders.

The EIR/EIS analyses use the reasonably highest forecast to assess negative impacts, and if ridership is lower, the negative impacts will be less than those assessed. At the same time, benefits such as energy savings and air pollution reductions are based on lower forecasts, and the Business Plan financial analysis is based on a range of yet lower forecasts.

L035-15

The Authority and FRA have expanded the discussion of the environmental setting and impacts for the Kings/Tulare Regional Station in the Revised DEIR/Supplemental DEIS. The expanded discussion is included in Section 3.13, Station Planning, Land Use and Development. There are no plans to discontinue Amtrak service to the Hanford station. As discussed above, once the HST is in operation, Amtrak is likely to remain as a feeder service, providing both access to HST stations and train service between San Joaquin Valley cities that do not have HST stations. As discussed in Section 2.2.4 of the Revised DEIR/Supplemental DEIS, if a Kings/Tulare Regional Station is included in the HST project, shuttle service to downtown Hanford is expected to be a part of that station's operation. As a result, downtown Hanford will continue to be readily accessible to train riders, whether arriving on the Amtrak line or from the HST station.

L035-16

The upgrade of SR 198 to four lanes (construction beginning in November 2009) was included in the traffic analysis. This was documented in the HST *Fresno to Bakersfield Section: Transportation Analysis Technical Report*, July 2012, page 4-28 (Authority and FRA 2012j). With regard to the signalization of intersections on SR 198, the California High-Speed Rail Authority will continue to coordinate with the City of Hanford, Kings County Association of Governments, and Caltrans during the procurement stage to come to agreement upon the appropriate level of roadway improvements.

Response to Submission L035 (Terri King, Kings County Association of Governments, October 13, 2011) - Continued

L035-17

The figure referred to (Figure 3.2-15 in the Revised DEIR/Supplemental DEIS) does not intend nor claim to depict arterial roadways. The figure exhibits Interstate, State Routes, and Local roads pertinent to the HST project. For these purposes, Lacey Boulevard was considered to be a local roadway.

The study intersections and roadway segments for the analysis were defined at each of the three station area locations in consultation with representatives at the public works and transportation planning agencies for Kings County and the California Department of Transportation (District 6, Fresno). For the Kings/Tulare Regional Station-West, Lacey Boulevard was analyzed between 13th Avenue and 12 ½ Avenue, and between 12th Avenue and Campus Drive. Grangeville was not expected to receive increased traffic due to the addition of a HST station.

L035-18

Reference date was updated in the Revised DEIR/Supplemental DEIS.

L035-19

Refer to Standard Response FB-Response-GENERAL-13 and FB-Response-GENERAL-12.

The impact analysis of changes in conventional passenger rail service has been revised in the Revised DEIR/Supplemental DEIS.

L035-20

The HST project proposes a new roadway connecting to SR 43. The Kings/Tulare Regional Station-East Alternative would have direct access off of this roadway.

L035-21

The HST will not preclude Caltrans or another entity from completing future road improvement projects. The Authority will work with Caltrans and local jurisdictions to identify transportation projects that could be affected by the implementation of the HST project.

L035-22

The HST will not preclude Caltrans or another entity from completing future road improvement projects. The Authority will work with local jurisdictions to identify future transportation projects that could be affected by the implementation of the HST project.

L035-23

Refer to Standard Response FB-Response-GENERAL-13.

L035-24

Please refer to Impact # 13 of Section 3.2 for analysis of impacts on parking from the Kings/Tulare Regional Station-East Alternative and -West Alternative.

L035-25

Refer to Standard Response FB-Response-GENERAL-12.

The location of existing Amtrak stations have been included on the maps in Section 3.2.

L035-26

The naming convention of SR 43 will be consistent in the Final EIR/EIS.

L035-27

Corrections to "avenues" will be made in the Final EIR/EIS.

L035-28

The Fresno to Bakersfield Section of the HST project is not subject to the transportation conformity rule. However, if the project requires future actions that meet the definition of a project element subject to transportation conformity, additional determinations and associated analysis will be completed as may be required.

L035-29

EMFAC2007 was used because EMFAC2011 has not yet been approved by the U.S. Environmental Protection Agency (EPA) for conformity purposes. Depending on when the EPA approves the use of EMFAC2011, the Final EIR/EIS will be updated

Response to Submission L035 (Terri King, Kings County Association of Governments, October 13, 2011) - Continued

L035-29

accordingly.

L035-30

The Fresno to Bakersfield Section of the HST project is not subject to the transportation conformity rule. However, if the project requires future actions that meet the definition of a project element subject to transportation conformity, additional determinations and associated analysis will be completed as required.

L035-31

Operation of the high-speed train (HST) project would result in an overall decrease in pollutant and greenhouse gas (GHG) emissions in the basin. This decrease is the overall summation of predicted emission decreases primarily due to reductions in motor vehicle miles traveled and airplane trips (refer to Section 3.3 of the Draft EIR/EIS). The estimated overall reductions, however, include predicted emission increases due to vehicular and equipment operations near the HST stations, operation of the project's heavy maintenance facility, power plant emissions from the electrical requirements of the HST system, and increases in emissions during construction. The payback period of GHG emissions from the construction period was estimated to be less than 6 months, as discussed in Section 3.3.6.3 of the Revised DEIR/Supplemental DEIS.

L035-32

This text has been corrected.

L035-33

The Authority and FRA have revised the date for the adoption of the *2011 Kings County Regional Transportation Plan* (KCAG 2010) in Section 3.13, Station Planning, Land Use, and Development, of the Final EIR/EIS.

L035-34

Refer to Standard Response FB-Response-GENERAL-12.

The commenter agrees that the project will reduce greenhouse gases from a statewide perspective, but states that the project may not achieve the same results in the area

L035-34

around the Kings/Tulare Regional Station. The Kings/Tulare Regional Station would serve residents of Tulare County and eliminate the need for vehicle trips to the Fresno or Bakersfield stations for those residents. This reduction in vehicle miles traveled would reduce regional greenhouse gases, which is captured in the analysis in Section 3.3.6.3, High-Speed Train Alternatives, of the EIR/EIS. The HST project includes no plans to discontinue Amtrak service to the Hanford station or any other station/platform along the Fresno to Bakersfield Section corridor (see FB-Response-GENERAL-12 for a discussion of the impact of the HST project on existing Amtrak service).

The No Project Alternative assumes that the site of the Kings/Tulare Regional Station would continue to be used as it exists or in accordance with current land use designations around the station. In the case of the Kings/Tulare Regional Station–East Alternative site, while most of the station study area is currently used for agriculture, the *2035 Kings County General Plan* (Kings County Board of Supervisors 2010a) identifies this area as potentially subject to development in the long term. The station site would be located in an area designated in the *Kings County General Plan* as "Urban Fringe," in an area that is also designated as a secondary sphere of influence (SOI) for the City of Hanford. The Urban Fringe land use category is intended to represent residential, commercial, and industrial land uses immediately adjacent to the cities of Corcoran, Hanford, and Lemoore, including the unincorporated land within the city limits of Hanford.

In the case of the Kings/Tulare Regional Station–West Alternative, the station area is planned for long-term rather than immediate development. It is located in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a primary SOI. The Kings/Tulare Regional Station–West site is designated in the *2035 Kings County General Plan* (Kings County Board of Supervisors 2010a) as Limited Agriculture, as is all adjacent land to the west, north, and east of the station site. Parcels to the south/southwest of the station site, in the Armona Community Plan (Kings County Board of Supervisors 2010b), are designated Very Low Density Residential, Multiple Commercial, and Reserve Multiple Commercial.

However, as stated in Section 3.13.5, Environmental Consequences, of the EIR/EIS, growth around the Kings/Tulare Regional Station is not desirable, and the Authority

Response to Submission L035 (Terri King, Kings County Association of Governments, October 13, 2011) - Continued

L035-34

would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station location that is chosen by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. Therefore, at this point the Authority does not anticipate transit-oriented development growth around this station and does not plan on reserving funding for this local planning.

To discourage unplanned growth in the area surrounding the station sites, the Authority plans to provide less parking at the stations than demand estimates indicate and to work with local communities such as Hanford, Visalia, and Tulare to provide parking at satellite lots in those communities, with transit service to the stations. The Kings County Regional Bicycle Plan (KCAG 2011), which includes the Kings County Cross County Path, is a plan for a 13-mile (21-kilometer) multi-use (pedestrian/bicycle) pathway traversing a major portion of Kings County from west to east. The Kings County Cross County Path would be located in the vicinity of the Kings/Tulare Regional Station–East or the Kings/Tulare Regional Station–West, and if constructed, would provide multimodal opportunities to access the station.

L035-35

Figures 3-13-3 and 3-13-4 show existing land uses within a half-mile buffer of the planned HST station areas and are not intended to show city or county land use designations.

L035-36

See Volume I, Section 3.14, Project Design Features, and for specific information on the potential for physical deterioration, see Volume I, Section 3.12, Impact SO #17. Also see Volume I, Section 3.12, Mitigation Measure SO-7.

L035-37

Refer to Standard Response FB-Response-GENERAL-03.

See Section 3.18.3 for information on the methodology used to conduct the analysis.

L035-38

Section 3.3.6.3 of the Revised DEIR/Supplemental DEIS has been updated to state that motor vehicle emissions would decrease in the region as a result of the project. These reductions, however, would only be partially offset by operational emissions associated with the train itself (the HST would be powered by electricity from the regional power grid), by station operations, and by heavy maintenance facility/maintenance of way facility (HMF/MOWF) operations. The reduction in emissions due to motor vehicles and airplane emissions would be greater than the projected emission increase as a result of operations, resulting in net decrease in greenhouse gas emissions.

L035-39

The text of the Revised DEIR/Supplemental DEIS has been revised in response to your comment in Appendix 3.19-A, Planned and Potential Projects and Plans. Additional solar projects within Kings County near Corcoran and Avenal have been added to the cumulative impacts analysis.

L035-40

As discussed in Section 1.6, Revised 2012 Business Plan, of the Revised DEIR/Supplemental DEIS, the Revised 2012 Business Plan (Authority 2012a) also does not change the “full system” for the HST System in the Central Valley as defined and analyzed in the Fresno to Bakersfield Section Project EIR/EIS. The Fresno to Bakersfield Section, which is part of the spine of the HST System, will be constructed in the near term to the ultimate design of two dual-mainline tracks with four tracks at stations and will meet all the performance objectives identified in Chapter 2, Alternatives. However, the Revised 2012 Business Plan (Authority 2012a) lays out a new phasing strategy for initiating service and integrating service with intercity commuter rail services as an initial step for HST operations.

The Fresno to Bakersfield Section EIR/EIS assumes that HST service will be operational for Phase 1, which will connect San Francisco with Los Angeles via the Central Valley by 2020, and Phase 2, which will extend service to Sacramento and San Diego beginning in 2027. The full system analysis for the EIR/EIS is based on a future year of 2035. The Revised 2012 Business Plan indicates that the Initial Operating System (IOS) construction will be completed in 2018, with initial service starting in 2022. The Phase 1

Response to Submission L035 (Terri King, Kings County Association of Governments, October 13, 2011) - Continued

L035-40

build-out will be operational in 2028, and Phase 2 (full system operation) will occur well beyond the 2035 full system operations envisioned in the Fresno to Bakersfield Section EIR/EIS.

The revised phasing assumptions for the Fresno to Bakersfield Section would not alter the construction impacts outlined in the Fresno to Bakersfield Section EIR/EIS. However, the operational impacts of the HST System would be expected to be lower under the Revised 2012 Business Plan in 2020 and 2027 and for the full system build-out in 2035 than the levels presented in this EIR/EIS. Impacts would be lower than those identified in this EIR/EIS because fewer trains are expected to be operational before 2035 under the Revised 2012 Business Plan than assumed in the EIR/EIS. With fewer trains operating, the expected ridership under the Revised 2012 Business Plan would be lower and impacts, such as traffic and noise, associated with the train operations in 2035 would generally be less than the impacts presented in this EIR/EIS. Similarly, the benefits accruing to the project (e.g., reduced vehicle miles traveled [VMT], reduced greenhouse gas [GHG] emissions, reduced energy consumption) would be less than the benefits presented in this EIR/EIS (see Appendix 1-A, Revised 2012 Business Plan). As with the impacts, the benefits would continue to build and accrue over time and would eventually reach the levels discussed in this EIR/EIS for the full system. A specific time frame has not been set for the implementation of Phase 2; that time frame will depend on funding availability and direction from the Board of Directors of the California High-Speed Rail Authority.

Other features of the blended approach, as defined in the Revised 2012 Business Plan, would not have any direct implication for the analysis that was performed for the Fresno to Bakersfield Section, because this HST section will be constructed to its ultimate HST track configuration in the near term as part of the IOS. The capital costs for the Fresno to Bakersfield Section did not change with the Revised 2012 Business Plan, but the operational costs would incrementally grow over a longer period because the number of trains operating and the ridership would take longer to build to the level envisioned in the EIR/EIS. The interim use of the IOS first construction track for upgraded Amtrak service could have environmental impacts that differ from those analyzed in this EIR/EIS. However, there are no plans for this service at this time and such plans would require future cooperative agreements between the Authority and entities associated with

L035-40

operation of the Amtrak San Joaquin service. As a result, the operational characteristics of that interim use are unknown at this time, and an analysis would be speculative. For that reason, interim use has not been analyzed in this EIR/EIS. Service upgrades for the Amtrak San Joaquin service and its potential for environmental impacts would be assessed, as appropriate, by the operating agency before the initiation of that service. For more detail, see Appendix 1-A, Revised 2012 Business Plan.

L035-41

Although a specific schedule with stops at the Kings/Tulare Regional Station is not presented, the impact on transportation and parking of stopping four local trains per peak hour has been evaluated and is discussed in the document. Further, the impacts on noise, vibration, dust, and related issues of operating up to 11 trains per hour per direction at the peak and 7 trains per hour per direction at the off-peak has been evaluated. The addition of Kings/Tulare Regional Station to these graphics will not change the conclusions or assessments.

L035-42

All instances of "8th Avenue," "Central Valley Highway," and "SR 43" will be referred to as "SR 43" in Section 3.2 of the Final EIR/EIS.

L035-43

The reference to the 2011 *Kings County Regional Bicycle Plan* (KCAg 2011) was updated in the Revised DEIR/Supplemental DEIS.

L035-44

Refer to Standard Response FB-Response-GENERAL-11.

The HST project mitigation will not preclude a jurisdiction or entity from future roadway or pedestrian and bicycle improvements.

L035-45

Refer to Standard Response FB-Response-GENERAL-08.

Response to Submission L035 (Terri King, Kings County Association of Governments, October 13, 2011) - Continued

L035-45

The widening of State Route (SR) 198 to four lanes was included in the traffic assessment. As stated in Table 5.5-3, Level-of-Service Summary Analysis for Mitigated Study Intersections under Future plus Project Conditions, of the Fresno to Bakersfield Transportation Analysis Technical Report (Authority and FRA 2012j), the intersections with SR 198 were analyzed under with-mitigation-implemented scenarios, which include the installation of signals. The intersections of 2nd Avenue/SR 198, 7th Street/SR 198, and 6th Street/SR 198 are all predicted to perform at level of service (LOS) B or C under the future plus project plus mitigation scenario.

The California High-Speed Rail Authority will continue to coordinate with the City of Hanford, the Kings County Association of Governments (KCAG), and the California Department of Transportation (Caltrans) during the procurement stage to agree on the required level of roadway improvements associated with the HST project.

L035-46

Table 3-1 in the Community Impact Assessment Technical Report has been updated to include this language.

L035-47

The inclusion of the prison population in population estimates is noted in multiple places: for example, in the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12.4.1, for Corcoran and Wasco population discussions, and in Section 4.1.1.1 of the Community Impact Assessment Technical Report.

Submission L036 (Tony Barba, Kings County Board of Supervisors, September 30, 2011)



**COUNTY OF KINGS
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RICHARD FAGANDES - DISTRICT 5
HANFORD & HOME GARDEN

September 27, 2011

09-30-11P05:02 RCVD

Mr. Thomas J. Umberg, Chairperson
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

**RE: Extension of Draft EIR/EIS Comment Period – Fresno to Bakersfield HSR
SCH # 2009091126**

Dear Mr. Umberg:

The Kings County Board of Supervisors has attempted in good faith to coordinate with the California High Speed Rail Authority and its assigns in working cooperatively to resolve proposed High Speed Train project conflicts and impacts with the County's local plans and resources. Our first coordination meeting was held on April 19, 2011 at which time the Authority's project manager for the Fresno to Bakersfield Section, Jeff Abercrombie and consultant staff Tom Tracy and Bryan Porter were made aware of a number of project conflicts with local plans and resources, but provided little to no project details or answers. Then on June 7, 2011, in a follow up coordination meeting, Jeff Abercrombie representing the Authority failed to answer any of the questions posed by County officials, but instead referred the County and the public to await the release of the Project EIR/EIS, as all the answers would be in there. The Authority and its assigns have not been forthcoming with project specific information or a specific proposal that is not subject to change, randomly throughout the series of meetings prior to the public release of the EIR/EIS.

Our preliminary review indicates that the project EIR/EIS is not in compliance with State and Federal law and provisions established to protect to public. In addition, the Authority has failed to make available to the public all documents referenced in the EIR/EIS. Due to the unwillingness of the Authority and its assigns to provide timely and relevant project information, the County as well as other impacted parties of interest have had to simply rely upon reviewing the 30,000 pages of EIR/EIS technical documents to try to gain a clear understanding of this project proposal and means by which the Authority will mitigate potential impacts here in Kings County. The minimal review time of 45 days to consider all 30,000 pages of the technical documents was extended by Authority staff an additional 15 days.

However, this total 60 day time frame is a totally inadequate amount of time for Kings County and the public in general to conduct a thorough review of the EIR/EIS. A simple mathematical check of the time required for the average member of the public to actually read the 30,000 page EIR/EIS reveals that it would take that person 104 days reading approximately 288.5 pages per day to read the entire document if they read 24 hours per

L036-1

day, 7 days a week, with no sleep or breaks. Clearly it is physically impossible for anyone to read the EIR/EIS in the current 60 day review period, especially if that person must rely upon a paper copy available at the public libraries due to the library's limited hours of operation.

Therefore, in the public's interest, Kings County adamantly requests that the Fresno to Bakersfield Section EIR/EIS comment review period be extended to a minimum of six (6) months to ensure that an adequate allowance of time is provided to Kings County and the public so that the public's trust is upheld in protecting the public health, safety and welfare of residents within Kings County. A similar request has been made by the J.G. Boswell Company, other local land owners and communities that will be impacted, and Kings County hereby reinforces the need for additional EIR/EIS comment review time.

Sincerely,

Tony Barba
Chairman
Kings County Board of Supervisors

- cc: GLCDG
Kings County Farm Bureau
Joseph Szabo
Jim Costa
Nancy Sutley
US EPA
US ACE
Dave White, USDA
Governor
Senator Michael Rubio
Assemblyman David Valadao
Brian Leahy, DOC
Karen Ross, CDA
Dan Chin, Hanford
Willard Rodamel, Lemoore
Larry Hanshew, Corcoran
Harlin Casida, Avenal
Manuel Cunha, Nisei
CHSRA Authority Exec. Dir. VanArk
Jim Wadsworth, J.G. Boswell

Response to Submission L036 (Tony Barba, Kings County Board of Supervisors, September 30, 2011)

L036-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission L037 (Larry Spikes, Kings County Office of County Administrator, September 21, 2011)



OFFICE OF COUNTY ADMINISTRATOR

COUNTY OF KINGS
GOVERNMENT CENTER

LARRY SPIKES
COUNTY ADMINISTRATIVE
OFFICER

L037-1

Ms. Rebecca Nicholas
September 21, 2011
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September 21, 2011

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Ms. Rebecca Nicholas
JV Public Affairs Manager
California High-Speed Train Project
Fresno-Palmdale Region
URS Corporation
Public Affairs Manager
2870 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833

VIA E-MAIL & U.S. MAIL
rebecca.nicholas@urs.com

Re: California High Speed Rail Authority Project
Regarding Fresno to Bakersfield Segment

Dear Ms. Nicholas:

On September 13, 2011, you left me a phone message to talk about the California High Speed Rail Authority ("Authority") and Federal Railroad Administration's ("FRA") visit to the Central Valley for high speed train public hearings. You suggested a meeting on September 21, 2011, but were "not sure if this is doable with your coordination process."

Later that day, we connected by phone and I also had in my office Deb West, the County's Assistant County Administrative Officer and Colleen Carlson, the County's Counsel. We inquired whether your call was at the request of FRA in response to the Kings County Board of Supervisors' August 2, 2011 letter to FRA seeking coordination. We also asked who would attend such meeting and whether there was a proposed agenda. You were not aware of an agenda and did not know specifically who would attend from FRA, but indicated you thought it would be more at a "staff level". You agreed to check and get back to me. At that time, I shared that I would be in Sacramento and County Counsel would be in an all-day hearing, and Deb West would be participating in a visit with Senator Rubio on the 21st so it was not a good day. I did offer that the Board meets every Tuesday and would be available any Tuesday in October. I also offered that I would discuss any other dates presented upon your return call. None have been transmitted to me.

1400 W. LACEY BOULEVARD, HANFORD, CALIFORNIA 93230, (559) 582-3211, FAX 585-8047

Instead of a return call, you responded on Friday, September 16, 2011 at 3:53 P.M. by forwarding an email message between FRA's legal counsel, Christopher Van Nostrand, and Jeff Abercrombie. The e-mail indicated both the FRA and the Authority "would like to meet at a staff level", not in a government to government coordination. The full text of the e-mail follows and its content is disturbing and misinformed for the reasons explained below:

"Jeff,

As you know, FRA has offered to meet with Kings County at the staff level and made all reasonable efforts to set up a meeting while we are in the Central Valley for the next two weeks. FRA believes that if the County is requesting a meeting, it is appropriate for FRA and Authority staff to meet with their counterparts at the County rather than the entire Board to address any questions they might have regarding the DEIR/DEISs or the Projects in general. Because the issues are likely of a technical nature, this is also the appropriate venue for these discussions so that any questions can be addressed by subject matter experts with detailed knowledge of the Projects. We are willing to meet with County staff and will continue to make ourselves available for such a meeting but will not meet with the entire Board at this time.

We are also holding the five public hearings over the next two weeks (in addition to the informal information sessions held in the past) and, like all members of the public and interested state and local governments, they may attend and provide either oral or written comments on the documents. This method of public involvement is provided under NEPA and we encourage them to participate in the process to ensure their concerns are heard. Any comments provided by the County will become part of the public record and we will include responses to substantive comments in the Final EIR/EIS. If they have any question please feel free to give us a call. Thanks.
Chris Van Nostrand"

It is important to respond in specific detail to the misinformed statements of Mr. Van Nostrand:

1. **Statement:** "FRA has offered to meet with Kings County at the staff level and made all reasonable efforts to set up a meeting while we are in the Central Valley for the next two weeks." [Emphasis added.]

Response:

a. One phone call from you on behalf of FRA inviting the County to attend a meeting on one specific date with an unknown agenda and unknown attendees does not constitute "all reasonable efforts."

b. The invite seems disingenuous for the reasons explained in response number two below.

Submission L037 (Larry Spikes, Kings County Office of County Administrator, September 21, 2011)
- Continued

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2. **Statement:** "FRA believes that if the County is requesting a meeting, it is appropriate for FRA and Authority staff to meet with their counterparts at the County rather than the entire Board to address any questions they might have regarding the DEIR/DEISs or the Projects in general."

Response:

- a. The invite seems disingenuous in light of the response the Board of Supervisors received from Joseph C. Szabo, Administrator of FRA, to its twenty-one page request for coordination. It took Mr. Szabo 40 days to simply thank the Board in form letter fashion for its interest in the project and altogether ignored the Board's formal request for a government to government coordination meeting.
- b. Mr. Van Nostrand apparently was not informed that each time the County attempted to coordinate with the Authority, it had both the County's technical staff and the full board of supervisors present to discuss of the issues of concern and unresolved conflicts between local planning and health safety and welfare concerns and the proposed project.
- c. Mr. Van Nostrand fails to explain why FRA is refusing to coordinate with the Board and County's technical staff and why his approach is more "appropriate."
- d. The invite appears, like most other "meetings" the Authority has conducted regarding this Project, to be designed simply to put a check mark in the "done with Kings County" box.

3. **Statement:** "...like all members of the public and interested state and local governments, they may attend and provide either oral or written comments on the documents. This method of public involvement is provided under NEPA and we encourage them to participate in the process to ensure their concerns are heard."

Response:

- a. The County is adamant that its rights under NEPA and related regulations adopted by the Department of Transportation, Federal Railroad Administration [FRA Docket No. EP-1, Notice 5; Effective 5/26/99] are distinct from that of the members of the general public. This has been detailed to both the Authority and the FRA in prior correspondence.
- b. The FRA through its legal counsel is now attempting to discuss "technical matters" that should have been addressed and coordinated in the environmental assessment period - not the comment period. The CEQ and FRA regulations on environmental process specifically require that local agencies and the local "authority/officials" should be consulted "at the earliest practical time" regarding the following potential impacts: (1) Air quality, (2) Water quality, (3), Noise and Vibration, (15) Land use, existing and planned, (16) Impacts on the socioeconomic environment....(18) Public health, (19) Public safety..... Because this simply had not been done by the Authority, the County Board of Supervisors attempted to coordinate with the Authority on these specific subjects. The Authority's response is that it was not required to do so, yet it clearly was. Because of this deprivation and failure by the Authority, the Board attempted to coordinate with FRA, and the Board is now being told to act as the public. The Board is not the public, it is the local authority referred to in the environmental regulations and has been deprived of due process which affects the public the Board represents.

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On behalf of the Kings County Board of Supervisors, I reiterate their request for coordination of the Project and sincerely offer to assist in arranging a date and time for this purpose.

Sincerely,

COUNTY OF KINGS

By: 
Larry Spikes, County Administrative Officer

cc: Kings County Board of Supervisors

Thomas J. Umberg, Chairperson
California High Speed Rail Authority
770 "L" Street, Suite 800
Sacramento, CA 95814

Joseph C. Szabo, Administrator
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

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Response to Submission L037 (Larry Spikes, Kings County Office of County Administrator,
September 21, 2011)

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Refer to Standard Response FB-Response-GENERAL-16.

Submission L038 (Tim Bowers, Kings County Office of Education, October 13, 2011)



October 12, 2011

Fresno to Bakersfield Draft EIR/EIS Comment
 770 L Street, Suite 800
 Sacramento, CA 95814

These comments on the Draft Environmental Impact Report/Statement ("DEIR") for the Fresno to Bakersfield Section of the California High-Speed Train System ("Project") are submitted by the Kings County Office of Education ("Kings COE") on behalf of the Kings COE, Kit Carson Union School District, Kings River-Hardwick Union School District, Lakeside Union Elementary School District, and Pioneer Union School District (collectively, "School Districts"). Attached hereto is the Kings COE response to the Notice of Preparation of the DEIR, which is incorporated herein by reference ("Scoping Letter").

The School Districts and Kings COE acknowledge the political climate of this issue in the Central Valley. This response is based on our concern for the students, schools, and school districts in Kings County. It is not meant to question the legitimacy of the Project, but to ensure that the DEIR properly addresses the potential impacts on schools.

Consultation with School Districts and Kings COE

As a preliminary matter, the High Speed Rail Authority ("HRA") and Preparers of the DEIR failed to consult with the Kings COE or any school district in Kings County regarding the DEIR. The only outreach to schools in Kings County appears to be a "community survey interview regarding EJ outreach efforts" on March 9, 2011, at Kit Carson School District, though it is unclear whether this outreach related specifically to school issues. (DEIR, 7-28.) The DEIR does not identify any other consultation with school districts or the Kings COE. This is particularly troubling since the Kings COE specifically requested such consultation in its Scoping Letter.

CEQA requires the lead agency to consult with and seek comments on the DEIR from "local agencies which have jurisdiction by law . . . which exercise authority over resources which may be affected by the project." (CEQA Guideline, § 15086(a)(3).) In Kings County, Hanford Joint Union High School District, Kings River-Hardwick School District, Lakeside School District, Corcoran Unified School District, Kit Carson Union School District, and Kings COE exercise authority over schools that may be affected by the Project; yet Preparers failed to consult with these entities in preparing the DEIR. The Kings COE and the School Districts could have provided information necessary to analyze potentially significant environmental impacts and worked with the Preparers to develop appropriate mitigation of such impacts. Since no consultation was conducted,

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the DEIR fails to include critical information related to schools that is necessary for thorough environmental review and mitigation of any potentially significant impacts.

L038-2

DEIR Formal Comment Period

In the Scoping Letter, Kings COE requested that the DEIR be circulated for at least 90 days. The HRA has provided only a 60 day comment period. Given the depth and complexity of the DEIR and its related documents, this comment period is insufficient to allow a thorough and coordinated review of the document by the impacted school districts and the Kings COE. Public agency boards typically meet once or twice a month and all meetings must be properly noticed in advance of those meetings. The 60 day time period was inadequate to review the document, prepare responses and allow the boards of all school districts to coordinate on such responses.

We request that any future comment periods run for at least 90 days, which would be sufficient if the Project analysis was divided by County. To the extent that Project sections include multiple counties, a 120 day period would be more appropriate to allow sufficient time for review of such a voluminous document.

L038-3

The DEIR fails to set forth a detailed description of the Project and the environmental setting.

To comply with CEQA, the preparer of an EIR must make a genuine effort to obtain and disseminate information necessary to the understanding of impacts of project implementation. (See CEQA Guidelines § 15151; *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1236.) An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. (CEQA Guidelines, § 15151.) In so doing, an EIR must set forth a reasonable, detailed and accurate description of existing environmental settings, including both natural and man-made conditions, such as public facilities. (See CEQA Guidelines §§ 15125 (c) & 15360.) As set forth below, because Preparers failed to obtain certain information from the School Districts, the DEIR fails to set forth a reasonable, detailed and accurate description of the project description and environmental conditions.

Project Description

A project description should describe the Project in a manner that readers can clearly understand. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal. App.3d 185, 193.) "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefits against its environmental cost . . ." (*Id.*, at p. 192.) The project description in the DEIR is not stable or finite because it does not state that the Kings/Tulare station is part of the Project; instead, it refers to the station as "potential" throughout the document. In

Submission L038 (Tim Bowers, Kings County Office of Education, October 13, 2011) - Continued

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contrast, the description of the Bakersfield and Fresno stations, are clearly part of the defined Project and understood by the reader to be part of the Project. The ambiguity related to the Kings/Tulare Station appears to have resulted in a truncated review of the potential environmental impacts of the station location, including specifically a failure of the DEIR to evaluate certain foreseeable impacts related to Kit Carson School, which is located less than a mile from the proposed station location. Such impacts are addressed in further detail below.

L038-4

Information and Analysis Related to Schools

As set forth below, the DEIR fails to provide certain information related to schools; as a result, the related analysis of the potential environmental impacts on schools is flawed.

Identification of School Districts

The DEIR does not identify the school districts that are impacted by the Project. The Project runs through Hanford Joint Union High School District, Kings River-Hardwick Union School District, Lakeside School District, Corcoran Unified School District and Kit Carson Union School District. Such identification is necessary for the reader to understand which school districts will be physically divided by the rail line so the reader can understand the related impacts.

Planned School Sites

The DEIR fails to incorporate information related to master-planning completed by school districts in the Project area. School districts prepare master plans to address long term planning and growth. The master plans include existing and proposed locations for schools, as well as planned attendance boundaries. The Preparers of the DEIR should have coordinated with school districts to obtain these master plans so that the DEIR could identify proposed school sites and analyze potential environmental impacts of the Project related thereto.

A revised DEIR should analyze the master planning undertaken by the school districts, and should address the relocation of future school sites that are currently located within the study area of the rail lines, heavy maintenance facility and station.

Attendance Boundaries

The DEIR does not describe the current attendance boundaries for school districts impacted by the Project. Disclosing boundary information, including the location of each school and its attendance area, is necessary for the reader to understand the flow of traffic to and from the school sites and how the Project might impact such traffic. Further, such analysis would show the walking and bicycling routes for students and how such paths could be impacted by the Project. Finally, such information might reveal socioeconomic impacts on the existing community, if the rail line physically cuts off an enclave of the

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school district from the school itself, which often serves as a community center. These issues are addressed in further detail below.

School District Revenue Analysis

In various sections of the DEIR, the document addresses potential impacts to school district funding, with the conclusion in each instance that the Project will not have a significant impact on schools because funding will not be impacted. However, the description of school district funding is flawed because it does not address all types of school district funding and how property values potentially impact such funding.

Most California school districts receive "revenue limit funding." Revenue limit funding is per-student funding received by a school district from the State, based on the actual attendance of students. Each school district in California has its own revenue limit based on the type of school district it is, its size, historical spending patterns and other variables. Revenues raised by local property taxes pay for each school district's funding, with any deficit of a school district's revenue limit contributed by the State. However, when local tax revenues exceed the revenue limit for a school district, those districts are entitled to keep any overages and the State does not provide any additional funding. This funding method is referred to as "basic aid." Funding for a school district can change from revenue limit to basic aid depending on the property taxes generated within the District. The DEIR fails to describe this issue. As a result, it fails to analyze what impact the potential short term construction and long term operation of the Project might have on property values and how, in turn, the property values could impact the school funding. Ultimately, if the school funding changes as a result of a shift in property values, so too will the level of service that can be provided to students in a school district.

Additionally, the DEIR failed to describe the effect of the Project removing property tax base on school district cash flow. Currently, school districts that are more reliant on the state aid portion of funding, as opposed to property tax portion, are facing cash flow shortage because the State is deferring approximately 38% of the state aid until the next fiscal year. Property taxes are received during the fiscal year, in December and April. Removing property from the tax rolls will shift revenue limit receipts from property tax to state aid. An increase in state aid will result in an adequate "fund balance," but the actual money will be tied up in State receivables. To the extent that the Project will cause property tax rolls to go down, it will exacerbate the existing problem.

Environmental Impact Analysis

Background

The Community Impact Assessment, which supports certain of the DEIR's findings, provides some background for understanding the relationship between the Project and the schools. It indicates that there are at least twelve schools in Kings County, from Ponderosa to Corcoran, that are located within the study area for the Project.

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Submission L038 (Tim Bowers, Kings County Office of Education, October 13, 2011) - Continued

Specifically, it identifies Kit Carson Elementary School as a "key community facility identified on the boundary of the study area in Ponderosa." (Community Impact Assessment, 4-48.) Near Kit Carson Elementary School, "[a]bout half of all homes would be displaced by ROW or from removal of access; other homes would be very close to ROW. A large construction staging area would be sited just west of the community and permanent station built, bringing traffic, noise, and visual impacts to a formerly quiet rural residential area." (Community Impact Assessment, 5-6.) "The project would affect community character, social interactions, and community cohesion by displacing half of the households and by exposing the remaining rural residential homes to increased traffic, noise and visual impacts." (Community Impact Assessment, 5-9.)

Similar conditions were identified in Hanford and Corcoran. With respect to Hanford, "Eight of the schools are located in the study area." (Community Impact Assessment, 4-49.) In Corcoran, three schools are in the study area. (Community Impact Assessment, 4-49.) "The displacements, along with the increased noise and visual impacts associated with the HST project, could affect social interactions, community cohesion, and the perceived quality of life in Corcoran." (Community Impact Assessment, 5-9.)

While the Community Impact Assessment indicates that displacements and other impacts could significantly affect the communities and schools from Hanford to Corcoran, the DEIR fails to adequately analyze many of the potential impacts on schools, including noise impacts, electromagnetic interference, safety, hazardous materials, traffic, socioeconomic, communities and environmental justice, and energy. These issues, along with concerns about operation costs and the potential impacts on schools, are addressed below.

Noise and Vibration

The DEIR analysis fails to provide enough specificity for the reader to understand which schools are potentially impacted by noise and vibration and what mitigation is proposed to reduce those impacts to a less than significant level. The DEIR states that "[s]creening distances indicate whether any noise-sensitive receivers are near enough to the proposed alignment for a noise impact to be possible." (DEIR, 3.4-16.) For "quiet suburban/rural," which describes the impacted schools in Kings County, the distance is 1,200 feet. (DEIR, 3.4-16.) "Vibration study areas are defined within the FRA vibration screening distances as ranging from 220 feet for institutional land uses to 275 feet for residential land uses." (DEIR, 3.4-17.)

For the BNSF Alternative Alignment, a total of eight schools in Kings County are identified as having "moderate" noise and vibration impacts from the Project. Four schools in Kings County are identified as having "severe" noise and vibration impacts. (DEIR, Figure 3.4-5.) However, the DEIR does not appear to identify which schools are impacted, but rather generally describes the number and the impact. This general information does not provide the reader sufficient information to understand which schools are impacted.

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With respect to mitigation of noise and vibration impacts, the DEIR describes a menu of potential mitigation measures: 1) installation of sound barriers next to the track; 2) installation of sound insulation in existing buildings; and 3) acquiring easements over properties severely impacted by the noise and vibrations where the sound barriers or insulation cannot reduce the impact to a level that is less than significant or if the cost to do so is too high. (DEIR, 3.4-45.) The DEIR does not identify which of these mitigation measures would be available for the schools. Moreover, given the fact that four of the schools are identified as being subject to "severe" noise and vibration impacts, it is unclear whether suitable mitigation is actually available. School districts, unlike private homeowners, are not likely to favor an easement that effectively exchanges money for the "inconvenience" of the noise impact because the learning environment would be severely disrupted. Additionally, educational programs include indoor and outdoor activities; therefore, of the menu of options, the only mitigation measure that would appear acceptable would be sound barriers. However, it is not clear from the DEIR that sound barriers would be required near all impacted schools.

L038-6

Electromagnetic Fields and Electromagnetic Interference

The DEIR only addresses the Project's potential interference with Electromagnetic Fields with respect to sensitive medical equipment. However, the Project has the potential to have significant impacts related to electromagnetic interferences for Kings COE and schools in the Project area, as set forth below.

Compliance with California Code of Regulations

Title 5 of the California Code of Regulations, Section 14010 sets forth standards for school site selection. Subsection (c) identifies the following required distances from the edge of power line easements: 1) 100 feet for 50-133 kV line; 2) 150 feet for 220-230 kV line; and 3) 350 feet for 500-550 kV line. The DEIR should identify this standard and analyze whether this distance is met for every existing and proposed school site potentially impacted by the Project. If the distance requirement is not met, the HRA should work with the affected school districts and California Department of Education to identify appropriate mitigation measures.

Wireless Internet Service

Kings COE operates a wireless internet service for all school districts in Kings County. The internet service is for classroom, student, and administrative use. The internet service and connection is critical to the operations of the school districts and the Kings COE. The DEIR fails to acknowledge the wireless network, study the potential impacts, or determine whether mitigation may be necessary. The DEIR should be revised to evaluate this issue and if there is significant impact, the HRA should work with the Kings COE to develop appropriate mitigation.

Submission L038 (Tim Bowers, Kings County Office of Education, October 13, 2011) - Continued

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Radio

Kings COE has its own radio frequency for operation of hand held radios. These radios are used for on and off-campus communication. The radio frequency is a critical part of school safety, allowing wireless communication in the event of an emergency. Many school districts also use hand held or base radios for two way communication. The DEIR should be revised to analyze whether the Project may interrupt radio services, thereby causing a potentially significant safety impact. If an impact exists, the HRA should work with the Kings COE and affected school districts to develop appropriate mitigation measures.

L038-7

Safety and Security

The analysis in the DEIR of potential safety and security impacts of the Project is limited to the risk of train derailment. As a result, the DEIR analyzed only those schools within .25 miles of the centerline from the tracks of a station. "Derailment of a train during a seismic event or other natural disaster could be a substantial safety hazard to these schools . . . if the train left the HST right-of-way and collided with other structures or people on adjacent properties. . . . [A] basic design feature of an HST system is to contain train sets within the operational corridor. Thus, if a derailment were to occur adjacent to a school . . . the train would remain within the HST right-of-way . . . [and] the proposed project would not substantially increase hazards to nearby schools and resulting effects are considered negligible under NEPA and impacts would be less than significant under CEQA." (DEIR, 3.11: 33-34.)

However, potential safety and security impacts of the Project on schools extend beyond train derailment. The Project may alter existing home-to-school routes, which could create new safety issues, such as ensuring safe walking and bicycling routes. The DEIR indicates that one mitigation strategy will be "[i]mplementing temporary, long-term, and permanent road closures to re-route or detour traffic away from construction activities. Handrails, fences, and walkways would be provided for the safety of pedestrians and bicyclists." (DEIR, 2-97.) However, it is unclear from the proposed mitigation what safeguards will be put in place to ensure that such routes will be safe for children to travel alone.

Moreover, the DEIR does not address any potential new safety concerns related to locating a station near Kit Carson School. Public transportation centers often serve as gathering areas for transients, creating an increased threat to children's safety. The DEIR should evaluate the potential impact on the school of altering the rural environment to one that is transient in nature. Specifically, it should be evaluated whether location of a station so near an existing school is a compatible use. If it is, safeguards must be put in place to ensure safe travel to and from school, as well as protection of the students during the school day.

L038-8

Hazardous Materials and Waste

With respect to the evaluation of hazardous materials and waste that might be uncovered or utilized during Project construction, the DEIR indicates:

"School locations are important to consider because individuals particularly sensitive to hazardous materials exposure use these facilities; additional protective regulations apply to projects that could use or disturb potentially hazardous products near or at schools. The California Public Resources Code requires projects that would be located within 0.25 miles of a school and might be reasonably expected to emit or handle hazardous materials to consult with the school district regarding potential hazards."

(DEIR, 3.10-21.)

With respect to analysis, the DEIR states:

"Prior to construction, any schools within the construction footprint would be relocated; this would eliminate any further impact to these schools. . . . However these standard procedures would not obviate the potential for the accidental release of an extremely hazardous substance . . . in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code within 0.25 mile of a school. Because of the potential for the accidental release of extremely hazardous materials, the effect of HST construction related to routine transport and handling of hazardous or acutely hazardous materials within 0.25 mile of an existing or proposed school would be moderate under NEPA, and the impacts would be potentially significant under CEQA."

(DEIR, 3.10: 22-27.)

However, the DEIR fails to properly identify schools that might be subject to this impact. As noted above, the Preparers did not evaluate the master plans of any school districts to determine whether "proposed schools" might be affected. The DEIR should address the potential hazardous materials impacts on any proposed schools and require the prescribed mitigation measure HMW-MM#1 identified in the DEIR with respect to those locations. (DEIR, 2.10-29.)

L038-9

Traffic

The DEIR fails to address the potential traffic impacts on schools caused by the Project. In its Scoping Letter, the Kings COE specifically identified the need for the DEIR to analyze the potential impacts on home-to-school transportation caused by the Project. Hanford Joint Union High School District, Kings River-Hardwick School District, Lakeside School District, Corcoran School District and Kit Carson Union School District

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will all have HSR lines cross through their school districts. As a result, parents and students in each of those districts may be required to find new routes to school. The new routes may cause students that are currently within walking distances of their school to now qualify for transportation services, at additional cost to the school districts.

The DEIR does not describe the current attendance boundaries for these school districts. Evaluation of the location of each school and the area that feeds each school is necessary to understand the flow of traffic to and from the school sites and how the Project might impact such traffic. Further, such analysis would show the typical walking and bicycling routes students would take to the schools to determine whether such paths would be impacted by the Project.

Any changes in home-to-school traffic patterns may also create potential safety concerns, as addressed in the Security and Safety section above. Specifically, while proposed mitigation appears to contemplate handrails, bicycles lanes and other safety features for travel on new routes, it is not clear that the new routes will be safe for younger children to walk to and from schools. For instance, if the new walking route includes underpasses, children could be exposed to a greater threat of physical harm from transients who might utilize such underpasses as shelter.

The DEIR should be revised to include an analysis of all potential changes to school-related traffic to determine whether the impact is potentially significant and what specific mitigation may be required. The Project proponents should work with the Kings COE and impacted school district to develop appropriate mitigation. Such mitigation could include payment of a fee to offset the school districts additional transportation costs incurred as a result of the Project or additional safety features in the design of proposed new routes for crossing the HSR lines.

L038-10

Socioeconomics, Communities and Environmental Justice

With respect to the issues addressed in the Socioeconomic, Communities and Environmental Justice portion of the DEIR, there are two specific issues related to schools that have not been adequately addressed. The first issue is the Project's potential to divide established school district communities. The second issue is the potential impact of the Project on school district funding.

Dividing Established Communities

As noted in the DEIR, under CEQA, the Project has significant impact if it "physically divides an established community," or "results in substantial adverse physical impacts associated with the provision of new or physically altered community and governmental facilities or with the need for new or physically altered community and governmental facilities, the construction of which could cause significant environmental impacts." (DEIR, 3.12-9.) "The study area for direct and indirect impacts on population, communities, and environmental justice is defined as the 0.5-mile radius from the centerline of the BNSF Alternative, as well as the 0.5-mile radius around station locations

L038-10

or access points, maintenance, and other support facilities." (DEIR, 3.12-9.) With respect to schools, this study area is flawed.

Instead, the approach taken in the DEIR should have been based on the principle that "[t]here is a civic center at each and every public school facility and grounds within the state[.]" as prescribed by the Legislature. (Educ. Code, § 38131(a).) Based on that principle, the DEIR should have evaluated the potential impact on the entire school community that the Project would have by physically dividing both the school district and the attendance boundaries for a particular school. The impact area should not have been determined by the distance of the school from the rail lines, but rather how the rail lines divide the attendance area or school district. This requires first identifying the impacted school districts and then reviewing any impacted attendance boundaries. From this information, the DEIR could analyze potential impacts of the Project physically cutting off certain residential areas from their local school, which also may serve as the local park and community center. If a portion of an attendance area is physically cut off from an existing school, and for instance, children are required to travel further to reach the school, community identity can be lost. As noted, the DEIR fails to identify the school districts or the school attendance boundaries; as a result, the community analysis is flawed and should be revised.

School District Funding

As described above, the DEIR description of school district funding is flawed because it fails to describe the two pronged approach of "revenue limit" and "basic aid" funding in California. As a result, the DEIR fails to analyze how development of the Project may alter the property tax base and potentially impact the amount of revenue received by a school district. The amount of revenue received has a direct impact on the level of service that can be provided by a school district. The analysis in the DEIR should be modified to accurately describe school district funding, analyze any impacts thereto and provide mitigation as appropriate.

On a related point, the DEIR fails to evaluate the potential impact of the Project on school district enrollment for the loss of agricultural jobs and the increase in construction jobs and jobs to support operation of the Project. Enrollment will be impacted by the loss of agricultural jobs, residential displacements for the rail line, and the increase in construction jobs and jobs to support operation of the Project. Yet, the DEIR concludes that "very little effect is expected to occur on school district funding as a result of project operation." (DEIR, 3.12-73.) This conclusion is incorrect; the DEIR fails to address the potential impacts of Project construction and operation on each separate school districts, including the potential impacts of students moving from one school district to another and the related budget, operational and facilities issues.

Agriculture is the economic backbone of Kings County. The report estimates a loss of 42 jobs in Kings County due to the loss of agricultural land. If the jobs will be lost in one school district, the impact could be significant in terms of revenue. For example, if the lost jobs translated into a loss of 50 students in Kit Carson School District, this would

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represent nearly 13% of its average daily attendance and correspondingly, cause a 13% reduction in revenue. The DEIR should be revised to analyze in what school districts the jobs are likely to be lost, what student generation rate is associated with those jobs, and what the impact may be on particular school districts.

On the other hand, the DEIR must also evaluate the number of jobs that will be generated by construction and operation of the Project and provide an estimate of the number of students that will be generated as a result of those jobs. Construction jobs could create a spike in attendance during construction, only to have a decline after the construction is complete. A spike in attendance is very disruptive to school districts that may require additional facilities during the construction and then have excess space after construction is completed.

Finally, the DEIR fails to address Project impacts on a school district's assessed valuation and its corresponding ability to issue and pay back general obligation bond debt. By converting property that can be taxed to tax-exempt, school districts may not be able to support higher general obligation bond authorizations or issuances. As a result, school districts may not be able to build facilities necessary to house students. This is a direct impact on the community. The DEIR should analyze these potential impacts and work with the impacted school districts to provide appropriate mitigation to offset the potential loss in revenue, either through payment of a fee or agreement that the Project property will not be tax exempt.

L038-11

Public Utilities and Energy

To operate effectively, schools need reliable and affordable electrical energy. The DEIR analyzed the electrical needs of the Project but it failed to determine if that demand can be met by the current infrastructure or what impacts the new demands by the Project might have on the existing electrical requirements of and costs to schools.

It is projected that 8.32 GWHs per day is needed for the operations of the trains. (DEIR, 3.6-39.) The DEIR concludes that even with this usage, there will be a net energy savings as a result of the Project due to the reduced air and automobile travel. (DEIR, 3.6-39.) While there may be a net energy savings, the savings appears to relate to other forms of energy, such as oil; the DEIR does not address how the new electrical power will be generated. In fact, the DEIR indicates that "[s]ignificant long-term operation and direct energy impacts would occur if the HST would place a substantial demand on regional energy supply or require significant additional capacity, or significantly increase peak and base period electricity demand." (DEIR, 3.6-14.) The DEIR should analyze the regional energy demands and determine whether the existing electrical grid is sufficient to supply HSR.

It is Kings COE's understanding that the cost to build the electrical grid is shared by all consumers for power transmission. Upgrading, improving, and moving power lines for the benefit of Project will increase the cost for all customers. The analysis does not

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address whether the increased capacity of the power grid will be paid by the Project or borne by all customers.

L038-12

Project Costs and Operations

DEIR, Section 5 addresses the cost estimates for the Project. It shows both the capital costs and the estimated annual operating costs, but does not appear to provide a revenue estimate and how such revenue will offset annual operating costs. Furthermore, since the Project is anticipated to be phased from both construction and operational perspectives, any operational cost/revenue analysis should be based on such phasing to determine whether the rail system will run at a deficit.

If the Project runs at a deficit, to the extent that any deficit is offset by State general fund resources, it could have a direct and significant impact on K-12 education. As set forth above, all revenue limit school districts receive a substantial portion of their funds directly from the State. If the Project operates at a deficit, the money needed to offset the deficit could be pulled from K-12 resources. The DEIR should address the projected operational expenses and revenues and evaluate any potential impact on other State programs to the extent the projections confirm that the Project could operate at a deficit.

Finally, to the extent the Project will impact the bonding capacity of the State, funding available for school district facilities could be negatively impacted. School districts rely heavily on statewide bonds to fund new school facilities. For most districts, the state school facility program, funded by statewide bonds, matches local resources. For "financial hardship" school districts and all county offices of education, including at least three districts in Kings County and KCOE, all funding for school facilities comes from the State bond program. Any additional State general obligation bond funds needed by the Project could impact schools in two ways. First, the additional bonds for the Project will compete against the ability to successfully pass a new school bond, which will be needed in the next two years. Second, increased debt service of any additional state bond issue will require more payments from the State general fund. The additional bond payments could require cuts to other programs, including K-12 education. The DEIR should address additional Project bond requirements and the potential impact on school bonds and the State budget.

L038-13

Proposed Route Change in Kings County

On October 5, 2011, HRA issued a press release indicating that it will circulate a supplemental DEIR analyzing an alternate route through Kings County. The comments in this letter address the current DEIR, but also more generally address foreseeable impacts of the Project on schools. Kings COE and the School Districts request that all of the issues addressed in this letter be reviewed and included in the environmental analysis in the supplemental DEIR. Furthermore, the Kings COE and School Districts request that HRA consult with all impacted school districts regarding the potential impacts addressed in this letter and any other impacts identified in the supplemental review prior to circulation of the supplemental DEIR. Such consultation should include gathering

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Submission L038 (Tim Bowers, Kings County Office of Education, October 13, 2011) - Continued

L038-13

relevant information related to school districts (including but not limited to review of master plans and attendance boundaries) and meeting with school district and county office administration to review potential school impacts.

Based upon the description of the proposed West Hanford alignment in the Visalia-Tulare-Hanford Feasibility Study (July 2007), Hanford Joint Union High School District, Pioneer Union School District and Armona Union School District appear to be divided by the newly proposed alignment. Additionally, the following schools are located within approximately one mile of the Project and therefore may be potentially impacted:


- Sierra Pacific High School (Hanford Joint Union High School District)
- Pioneer Elementary School (Pioneer Union School District)
- Frontier Elementary School (Pioneer Union School District)
- Armona Elementary School (Armona Union School District)
- Parkview Middle School (Armona Union School District)
- College of the Sequoias – Hanford Campus
- Hanford Christian School
- Armona Union Academy
- Western Christian School


Each of these entities should be consulted in preparation of the supplemental DEIR.


Conclusion


Based upon the foregoing, the High-Speed Rail Authority should revise and re-circulate the DEIR to address the issues outlined in this comment letter. Kings COE and the affected school districts look forward to working with the High-Speed Rail Authority to provide the necessary information to accurately analyze the potential school issues and develop measures that will adequately mitigate significant impacts of the Project on schools. If you have any questions regarding these comments, please contact Stephen Corl, Assistant Superintendent, Business Services, Kings County Office of Education at 559-584-1441.


Sincerely,


Tim Bowers
Kings County Superintendent of Schools
Kings County Office of Education


Todd Barlow
Superintendent
Kit Carson Union School District


Cathlene Anderson
Superintendent
Kings River-Hardwick Union School District


Dale Ellis
Superintendent
Lakeside Union Elementary School District


Diane Cox
Superintendent
Pioneer Union School District

Response to Submission L038 (Tim Bowers, Kings County Office of Education, October 13, 2011)

L038-1

As indicated in this comment, CEQA Guidelines require the lead agency to consult with and request comments on the Draft EIR from local agencies that exercise authority over resources that may be affected by the project. It is unclear if a school is considered a resource under CEQA, since the intent of the law is to inform the public and decision makers of project impacts on the physical environment. However, the Authority provided a Notice of Availability (NOA) of the Draft EIR/EIS to the Kings County Office of Education (COE) and all the school districts in Kings County, and provided the Kings COE with a copy of the Draft EIR/EIS, thereby meeting this CEQA requirement.

Comments on the Draft EIR/EIS from the Kings COE, local school districts, and schools were used in preparing the Revised DEIR/Supplemental DEIS.

L038-2

Refer to Standard Response FB-Response-GENERAL-07.

L038-3

Refer to Standard Response FB-Response-GENERAL-21, FB-Response-N&V-02, FB-Response-HMW-01.

The text of the Revised DEIR/Supplemental DEIS has been revised to include evaluation of potential impacts on Kit Carson School in response to your comment in Section 3.12, Socioeconomics, Communities, and Environmental Justice. Please also refer to Appendix 3.12-B, Effects on School District Funding and Transportation Bus Routes, and Appendix 3.12-C, Children's Health and Safety Risk Assessment.

The Kings/Tulare Regional Station was included in the project as a "potential" station, indicating that the Authority and FRA had not yet decided whether the station would be constructed. Since publication of the Revised DEIR/Supplemental DEIS, the Authority and FRA have committed to constructing a Kings/Tulare Regional Station in the vicinity of Hanford as part of the project. The Kings/Tulare Regional Station is no longer considered a "potential" station. Construction timing would be based on ridership demand in the region, and would occur during Phase 2 of the statewide project, sometime after 2020.

L038-4

Refer to Standard Response FB-Response-SO-05.

School districts were identified and analyzed on Figure 5-1 in the Community Impact Assessment Technical Report (Authority and FRA 2012g). Schools potentially displaced by the project were identified in Section 5.2.5 of the report. Mitigation Measure SO-4 addresses the need to minimize impacts associated with the relocation of important facilities. See Volume I, Section 3.13, Station Planning, Land Use and Development, for an analysis of the land use types impacted by the project. The Authority has been in contact with school districts, and no proposed school sites occur within the proposed alignment right-of-way. To minimize disruption, the Authority will consult with impacted schools to identify suitable relocation alternatives for the facilities before land acquisition begins. Volume I, Section 3.12, Impact SO #15 addresses the potential for changes in school district funding from residential relocations and property tax revenue changes. An appendix was created to specifically address these issues in-depth. Please see Volume II, Appendix 3.12-B, for analysis of the potential effects on school district funding.

L038-5

Refer to Standard Response FB-Response-N&V-02, FB-Response-N&V-05.

The updated EIR addresses which schools are moderately and severely affected.

L038-6

People and businesses in California use electric power and radio frequency (RF) communications for many purposes and services in homes, businesses, farms, and factories. The intensive use of electric power and RF communications in California and in all developed countries has ensured that the potential interference effects of electromagnetic fields (EMFs) and the resulting currents and voltages on equipment have been thoroughly studied. As a result, the levels at which EMFs and RF fields can cause impacts on other systems are well established. Broadly used international standards were created based on intensive investigation to ensure that:

* EMFs, RF fields, and their resulting stray currents and voltages are measured and controlled.

Response to Submission L038 (Tim Bowers, Kings County Office of Education, October 13, 2011) - Continued

L038-6

* Fields do not disturb or disrupt systems and equipment of passengers or neighbors.

The California HST alternative track alignments pass near many wireless systems used by neighboring residents, businesses, public safety services, and governments.

The California High-Speed Train Project is implementing an Electromagnetic Compatibility Program Plan (EMCPP) during project planning, construction, and operation to achieve and ensure electromagnetic compatibility (EMC) with neighboring systems and equipment, including radio communications. The EMCPP purpose is to ensure that the HST project, including its trains, traction power system, and communications systems, does not interfere with neighbors or with HST equipment.

During the planning stage through the preliminary engineering design, the Authority will perform EMC/EMI safety analyses to identify existing radio systems at nearby uses, will specify and design systems to prevent EMI with identified neighboring uses, will require compliance with international standards limiting emissions to protect neighboring uses, and will incorporate these design requirements into bid specifications that will be used to procure radio and all other California HST systems, including trains, traction power systems, and communication systems. The implementation stage would occur using a 100% system design, which includes final engineering design, monitoring, testing, and evaluation of system performance.

Section 3.5, Electromagnetic Fields and Electromagnetic Interference, of the EIR/EIS primarily considers EMFs at the 60-hertz (Hz) power frequency and at RFs produced intentionally by communications or unintentionally by electric discharges. EMI will be avoided from intentionally produced communications and from other energy sources primarily through the Authority's commitment to adhere to its EMCPP to control EMI from all sources to levels compliant with broadly used international standards. The focus of the EMF/EMI analysis is on sensitive or susceptible RF equipment.

The California HST System would use radio systems for automatic train control, data transfer, and communications. HST radio systems would transmit radio signals from antennas located at stations and at heavy maintenance facilities (HMFs) along the track alignment and on locomotives and train cars. The HST may acquire two dedicated

L038-6

frequency blocks in the 900-megahertz (MHz) frequency range presently used by cellular telephones for use by automatic train control systems or may use other licensed, exclusive-use frequencies. If used, this spectrum would be dedicated for HST System use, and EMI with other users would not be expected. Communications systems at stations may operate at Wi-Fi frequencies to connect to stationary trains; channels would be selected to avoid EMI with other users, including Wi-Fi systems at use at nearby schools. Details are available in Technical Memorandum 300.03 (Authority 2011g) and Technical Memorandum 300.04 (Authority 2011c).

Most radio systems procured for HST System use are expected to be commercial, off-the-shelf (COTS) systems conforming to Federal Communications Commission (FCC) regulations at Title 47, Code of Federal Regulations, Part 15, which contain emissions requirements designed to ensure EMC among users and systems. The Authority will require all non-COTS systems procured for California HST System use to be certified to be in conformity with FCC regulations for Part 15, Sub-part B, Class A devices. California HST radio systems will also meet emissions and immunity requirements designed to provide electromagnetic compatibility with other radio users that are contained in the European Committee for Electrotechnical Standardization (CENELEC) EN 50121-4 standard for railway signaling and telecommunications operations (CENELEC 2006).

All California HST radio systems will fully comply with applicable FCC regulations, whose purpose is to ensure that authorized radio systems can operate without disturbance from all other authorized systems.

L038-7

As shown in Appendix 2-A of the EIR/EIS, the BNSF Alternative would result in the closure of four roads in Kings County. Two of those closures would not result in out-of-direction travel. The closure of 9th Avenue 0.3 mile southeast of the Kings River would result in 2.25 miles of out-of-direction travel. Jersey Avenue would be closed 0.1 mile east of SR 43, resulting in 0.75 mile of out-of-direction travel. The Hanford West Bypass Alternative would require the closure of short segments of Elder Avenue and South 10th Avenue, both of which would result in 1 mile of out-of-direction travel.

Response to Submission L038 (Tim Bowers, Kings County Office of Education, October 13, 2011) -
Continued

L038-7

Comprehensive improvements to transportation infrastructure within the HST study area, including safe paths to schools, would be planned and constructed by other agencies under projects other than the HST project and would be funded through separate funding sources. The Authority is the state entity responsible for planning, constructing, and operating the HST system. Local municipalities, counties, and Caltrans are responsible for planning, constructing, and maintaining the roadway, pedestrian, and bicycle infrastructure in communities throughout the state. The HST project would improve roadway, pedestrian, and bicycle paths in locations where the HST system would affect those facilities. For example, if a pedestrian facility were disrupted due to the HST alignment or station design, the project would provide an alternative pedestrian access.

The Authority is not aware of any specific studies that indicate that the HST station would be a place where homeless people congregate. The Kings/Tulare Regional Station options (east or west) are located in an area of Hanford with limited urban development, usually an indicator of low homeless populations, so the Authority does not anticipate that the station would become a place where homeless individuals would congregate. The Authority's security provider will be tasked with ensuring that station locations create a positive experience and will be locked/closed at appropriate times to ensure security.

L038-8

Table 3.10-5 lists all existing schools within 0.25 mile of the proposed project alignments. During preparation of the Revised DEIR/Supplemental DEIS, local school districts were contacted to determine their plans for proposed new schools. No proposed schools were identified within 0.25 mile of the alignments.

L038-9

Refer to Standard Response FB-Response-TR-02.

HSR policy is to provide roadway overpasses approximately every 2 miles, resulting in no more than 1 mile of out-of-direction travel for vehicles, including school buses, to cross the HST tracks. In most locations in the Fresno to Bakersfield Section, roadway overpasses would be provided more frequently, approximately every mile or less,

L038-9

because of the existing roadway infrastructure. While school bus routes are not specifically analyzed in the Revised DEIR/Supplemental DEIS, the frequency of roadway overpasses would minimize rerouting and limit out-of-direction travel to approximately 0.5 mile in nearly all locations in the project area. As aboveground crossings, the overpasses will allow others to see pedestrians and bicyclists, including children, who are on the structure. Also, see FB-Response-TR-02. Figures 2-27 through 2-30, and 2-45 through 2-47 in Section 2.4 of the Revised DEIR/Supplemental DEIS provide illustrations of the locations of road closures, overcrossings, undercrossings, and modifications. Appendix 2-A of the EIR/EIS lists the roadway modifications Appendix 2-A of the EIR/EIS lists the roadway modifications.

The project will be designed to prevent conflicts with other vehicles, pedestrians, and bicyclists, thus providing a safety benefit for children in the study area. (Refer to Section 3.11, Safety and Security, for complete information on safety plans and procedures.) The alternatives also include construction of overpasses in communities, allowing for access over the project and current existing railway corridor. These overpasses would again improve safety for children in the area over the No Project Alternative.

L038-10

Refer to Standard Response FB-Response-SO-05.

Also see Volume II, Technical Appendix 3.12-B, for analysis of the potential effects on school districts.

L038-11

Refer to Standard Response FB-Response-PU&E-02.

California's electricity grid would power the proposed HST System. The HST project would set a priority on the use of renewable energy sources and would not require the construction of a separate power source, although it would include the addition and upgrade of power lines to a series of substations positioned along the HST corridor. Management of California's electricity infrastructure and power supply involves demand forecasting, which includes buffer, or reserve, electricity generating capacity above

Response to Submission L038 (Tim Bowers, Kings County Office of Education, October 13, 2011) -
Continued

L038-11

expected peak demand that is available to call upon as needed. The Fresno to Bakersfield Section of the HST is estimated to require 78 megawatts (MW) of peak demand, which is within existing reserves. Utilities would consider this demand when estimating their necessary reserve.

L038-12

Chapter 7 of the *Revised 2012 Business Plan* (Authority 2012a) provides projections that under all of the revenue and operating and maintenance cost scenarios considered by the Authority, the project generates positive net cash flow from operations, beginning with the initial year of operations. The *Revised 2012 Business Plan* is available on the Authority's website. This comment asks for an analysis of what may happen to school funds from the State General Fund and bond issues if the project did not generate a positive net cash flow and required state subsidies. Such an analysis would be purely speculative and not appropriate under CEQA or NEPA.

L038-13

Comments from the Kings County Office of Education, school districts, and local schools on the Draft EIR/EIS were taken into consideration in preparing the Revised DEIR/Supplemental DEIS. Impacts on schools in appropriate disciplines are called out specifically in Chapter 3.0 of the EIR/EIS. The Authority is in the process of meeting with each school district crossed by project alternatives.

Submission L039 (David Robinson, Kings County Sheriff's Office, September 19, 2011)

Program-wide - RECORD #482 DETAIL

Status : Action Pending
Record Date : 9/19/2011
Response Requested : Yes
Contact Category : Environment Review Question
Stakeholder Type : Elected Official
Submission Date : 9/19/2011
Submission Method : Website
First Name : David
Last Name : Robinson
Professional Title : Sheriff
Business/Organization : Kings County Sheriff's Office
Address :
Apt./Suite No. :
City : Hanford
County : Kings
State : CA
Zip Code : 93230
Telephone : 5595841431
Email : dave.robinson@co.kings.ca.us
Fax :
Cell Phone :
Add to Mailing List : Yes
Comment Type : Issue (concern, suggestion, complaint)
Stakeholder Comments/Issues : I concur with the recent request for a six month extension on the EIR/EIS response period. I would like to join the request for the six month extension. I have been reviewing the document and it is voluminous. I am preparing a response and I will not have enough time under the current review period.
Email Subscription : Bakersfield - Palmdale, Merced - Fresno
Subscription Request/Response : URL:
[http://sites.activatedirect.com/chsra.gov/pb_commentSubmit.php?fn=David&ln=Robinson&em=dave.robinson%40co.kings.ca.us&city=Hanford&state=CA&zip=93230&interest=Elected+Official§ions\[\]=Bakersfield+-+Palmdale§ions\[\]=Merced+-+Fresno](http://sites.activatedirect.com/chsra.gov/pb_commentSubmit.php?fn=David&ln=Robinson&em=dave.robinson%40co.kings.ca.us&city=Hanford&state=CA&zip=93230&interest=Elected+Official§ions[]=Bakersfield+-+Palmdale§ions[]=Merced+-+Fresno)
Response:
OK
EIR/EIS Comment : Yes
General Viewpoint on Project : Unknown

L039-1

Response to Submission L039 (David Robinson, Kings County Sheriff's Office, September 19, 2011)

L039-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission L040 (Donald Mills, Kings County Water District, October 10, 2011)

KINGS COUNTY WATER DISTRICT
200 North Campus Drive
Hanford, CA 93230

(559) 584-6412 Fax (559) 584-6882

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October 6, 2011

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10/10/2011
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TO : CA High Speed Rail Authority DATE: October 10, 2011

FAX # : (916) 322-0827 TIME: 8:39 a.m.

FROM : Don Mills PHONE : (559) 584-6412

Number of pages in this transmittal including cover: 3

If there is a problem with receipt of this transmission, or have received this transmission in error, please call our office and ask to speak to the SENDER : _____

Thank you!

Kings County
Water District

200 North Campus Dr.
Hanford, CA 93230
Phone (559) 584-6412
Fax (559) 584-6882
kcwdh2o@scglobal.net

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General Manager

Don Mills

VIA FAX 916-322-0827 & U.S. MAIL

Board of Directors
CALIFORNIA HIGH SPEED
RAIL AUTHORITY
770 L Street, Suite 800
Sacramento, CA 95814-3359

Re: Fresno to Bakersfield Draft EIR/EIS Segment of HST Project
Merced to Fresno Draft EIR/EIS Segment of HST Project
Kings County Water District Request for Extension of Comment Period

Dear Chairman and Members of the Board:

Kings County Water District is located in the north east corner of Kings County and includes approximately 140,000 acres of small farms and dairies. This area is a thoroughly developed irrigated agricultural region with extensive networks of local and on-farm water infrastructure that has come into being over the last 130 years. The District Board of Directors and its staff has attempted in good faith to review the above DEIR/S. The document, however, is massive and consists of 17,000 pages when all technical memoranda are included. For many months prior to release of the DEIR/S the Authority provided little to no project details or answers. The typical pattern of the Authority's representatives was to decline to answer specific questions, but instead to refer affected parties and the public to await release of the DEIR/S for answers to questions.

Our preliminary review indicates that the DEIR/S is not in compliance with State and Federal law and provisions established to protect the public and the environment. It appears that the project will plow through scores and scores of farm properties in Kings County including Williamson Act land, prime farmland and other high value protected agricultural lands. In addition, the Authority has failed to make available to the public all documents referenced in the DEIR/S. Due to the unwillingness of the Authority to provide timely and relevant project information, the District as well as other parties in interest have had to rely on a necessarily cursory review of 17,000 pages of environmental documents in an attempt to gain a clear understanding of the project and the means by which the Authority plans to mitigate potential impacts (many of which are not disclosed at all or inadequately disclosed). The minimal review time of 45 days to consider 17,000 pages of technical documents was extended by Authority staff an

¹The Fresno-Bakersfield DEIR/S and technical appendices presented on the Authority's web site total approximately 17,000. The Authority also released the Merced to Fresno DEIR/S and those documents total 24,119 pages meaning the

Ground Water Recharge • Water Education • Water Conservation

Submission L040 (Donald Mills, Kings County Water District, October 10, 2011) - Continued

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Board of Directors
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RAIL AUTHORITY
October 6, 2011
Page 2

additional 15 days. However, this total 60 day time frame is totally inadequate amount of time for the District and the public to conduct a thorough, meaningful review of the DEIR/S. Simply to read 17,000 pages in 60 days is the equivalent of reading a 280 page book every day for 60 days, and simultaneously being able to produce a meaningful critique of all that was read. These numbers show the absurdity of the 60 day review period offered by the Authority. In fact, the 60 day review period violates the public education, public participation and due process requirements of CEQA and other applicable law.

Clearly it is physically impossible for anyone to read the DEIR/S in the current 60 day review period, especially if that person lacks internet access and must rely upon a paper copy available at selected public libraries due to limited hours of operation. The main branch of the Kings County library in Hanford contains only the three volumes of the DEIR/S for the Fresno to Bakersfield segment of the project. None of the technical memoranda are available. None of the environmental documents for the Merced to Fresno segment of the project are available. None of the documents are in a language other than English.

Therefore, in the public's interest, the District most strongly requests that the Fresno to Bakersfield segment DEIR/S and its companion Merced to Fresno DEIR/S comment review period be extended to a minimum of six (6) months, through mid February 2012, to ensure an adequate period of time is provided to the District and the public so that the public interest is upheld in protecting the public health, safety and welfare, and the environment. Similar requests have been made by the California Farm Bureau Federation, Kings County Farm Bureau, the County of Kings, other local land owners and communities that will be impacted, and the District hereby reinforces the need for an adequate DEIR/S comment review time as required by CEQA, the CEQA Guidelines, and by due process requirements.

Very truly yours,

KINGS COUNTY WATER DISTRICT

By: 
Donald R. Mills, General Manager

public and impacted parties were given 45, and later 60, days to review 41,000 pages of environmental documents about the biggest public works project ever undertaken in the history of the San Joaquin Valley, if not of the State.

Response to Submission L040 (Donald Mills, Kings County Water District, October 10, 2011)

L040-1

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-07,
FB-Response-GENERAL-27.

Submission L041 (Steven Stadler, Kings River Conservation District (KRCO), October 13, 2011)



October 7, 2011

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

Re: Fresno to Bakersfield Draft Environmental Impact Report/Statement

Dear Sir or Madam:

The Kings River Conservation District (District) is a multi-county special district created in 1951 to manage resources within the watershed on the lower Kings River. The District serves constituents in an area comprising 1.2 million acres in portions of Fresno, Kings and Tulare counties. The District is the local sponsor for the Kings River Channel Improvement Project, a federal flood project authorized under the Flood Control Act of 1944, and operates and maintains 140 miles of flood protection levees along the Kings River system.

The District has reviewed the Fresno to Bakersfield Section High-Speed Train (HST) Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and is submitting the following comments:

Hydrology and Water Resources

1. The EIR/EIS fails to address increased flood risk resulting from the proposed alignment. The proposed alignment crosses the Kings River Designated Floodway at three locations. The document states on page 2-59 that the bridges will clear the Cole Slough and Kings River levees by approximately three feet. This reduced clearance is not sufficient for channel and levee operations and maintenance activities which include vegetation removal, levee grading, levee patrolling, levee inspection, extermination of burrowing animals, animal burrow removal, downed tree removal, flood fighting, and levee repairs. Heavy equipment is typically used for maintenance, repairs and emergency flood fighting efforts including mowers, tractors, backhoes, motor graders, earth movers and long-reach excavators. Operations and maintenance of levee sections adjacent to the alignment will also be severely affected because of limited access and the District will be unable to perform levee repairs or flood-fighting under certain scenarios. As a result, people are exposed to a significant risk of injury or death and property exposed to a risk of loss. The District recommends either: (a) elevating those sections of the alignment that cross flood project levees and channels to an elevation that allows unobstructed operations and maintenance activities; or (b) constructing the crossing utilizing a

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Fresno, California 93725
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www.krcd.org

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California High Speed Rail Authority
October 7, 2011
Page 2

reinforced-concrete structure to eliminate levee maintenance and mitigating access issues by providing turnarounds, underpasses, and/or additional access locations.

2. The EIR/EIS recognizes the fact that the proposed railway is located within a 100-year flood hazard area but fails to recognize the impacts that the alignment will substantially alter the existing drainage pattern within the floodplain. Table 3.8-9 indicates that the alignment crosses the Cole Slough floodplain for 0.38 miles with an elevated crossing for only 0.06 miles. Similarly, the alignment crosses the Dutch John Cut floodplain for 0.35 miles with only 0.13 miles of the crossing elevated and the alignment crosses the Kings River floodplain for 1.86 miles with only 0.12 miles of the crossing elevated. During a major flood when these floodplains would be inundated, waters are expected to flow across these floodplains parallel to their respective channels. These floodwaters will be impeded by the at-grade alignment portions of the alignment and redirected. The inundation depths and velocities of the redirected overland flood flows will be significantly higher than those encountered at similar conditions without the alignment. The District recommends either: (a) elevating those sections of the alignment that cross the floodplain; or (b) performing flood studies to analyze and mitigate the effects of redirected flows.
3. The EIR/EIS recognizes the fact that Federal Emergency Management Agency (FEMA) flood mapping is Zone A and is based on approximate methods for the Cole Slough, Dutch John Cut, and Kings River floodplains but fails to appreciate the potential impacts of constructing the crossing without establishing a proper design water level elevation. These potential impacts will expose people and structures to additional flood risk and create additional flood hazard areas. These potential impacts include: (a) an inability to raise levee elevations, widen floodways, or construct setback levees should subsequent study demonstrate that additional flood-carrying capacity is required within the floodway to accommodate 100-year flows; (b) an inability to accredit levees to FEMA standards resulting in the creation of additional flood hazard zones; and (c) an inability of the floodway crossing to pass 100-year flood flows. The District recommends elevating those sections of the alignment that cross the floodplain or performing flood studies to better quantify flood hydrology and determine design water elevations for flood conditions.
4. The EIR/EIS does not identify all the facilities that will be required to accommodate flood operations and maintenance activities and fails to analyze the impacts of these facilities. The 15% design drawing set included in Volume III the EIR/EIS shows the Cole Slough crossing but does not show the Dutch John Cut or the Kings River crossings. Facilities such as turnarounds, access roads, and underpasses are typically shown in design drawings at this point in the design process. Considerable detail has been provided for pedestrian and road crossings at other locations but similar detail has been omitted for the floodway and floodplain crossings. The environmental impacts of these facilities cannot be properly assessed without an appropriate level of information describing the intended structures. The District recommends including additional detail on the floodway and floodplain crossings in the EIR/EIS and properly assessing the impacts of these structures.

L041-1

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Submission L041 (Steven Stadler, Kings River Conservation District (KRCD), October 13, 2011) -
Continued

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5. The EIR/EIS fails to address the potential for increased flood risk resulting from inaccessible levee sections. These sections include sections directly over the proposed alignment and sections that are made inaccessible by levee failure. Locations on the flood project levees in the vicinity of the crossing are currently accessible from an upstream and downstream point. In the event of a levee failure or emergency repair, access from either side is often needed to remedy the failure or make emergency repairs. The proposed alignment blocks access in the vicinity of the crossing. The District recommends either: (a) elevating the alignment to permit heavy equipment and vehicle traffic on the levee crown roadways; or (b) providing an undercrossing on the landside of each levee bank to facilitate heavy equipment and vehicle traffic under the railway.
6. The EIR/EIS fails to address the hazard posed by the accumulation of debris carried by flood flows at the crossing. During flood flows, debris will pass down flood channels and become lodged at crossings or water control structures. Owners and operators of these structures are required to remove this debris to protect the structural integrity of their facilities and to prevent upstream flooding impacts from increased water levels. It is common for large trees to fall into the river at the locations upstream of the proposed crossings. The design of the crossing does not address this maintenance need and the document does not address the potential impacts of debris accumulation at the crossing and the increased risk of loss, injury and death due to flooding caused by debris accumulation. The District recommends addressing these maintenance issues in the EIR/EIS and assessing the impacts of performing and failing to perform these maintenance activities.
7. The EIR/EIS fails to recognize that the California Department of Water Resources and the U.S. Army Corps of Engineers (USACOE) are engaged in an effort to update hydrological studies for various rivers in the Central Valley, including the Kings River. The updated hydrology has the potential to identify new flood hazards and to revise design flow conditions and water surface elevations for 100-year flood protection. This fact is not recognized in the EIR/EIS. The District recommends that the EIR/EIS assess the impacts of potential changes to design hydrology with respect to flood risk and flood insurance requirement.
8. The EIR/EIS fails to address the potential for the alignment to create inadequate emergency access across the Kings River in the event of flooding of the proposed State Highway 43 underpass. The underpass would be generally prone to flooding from typical storm events but this risk is substantially increased given that the underpass is within the 100-year flood hazard area and subject to overland flood flows. The nearest alternate Kings River crossings are 6th Avenue near Kingsburg (upstream) and DeWoody Avenue in Laton (downstream). Flooding of the underpass would obstruct flood fighting efforts and would substantially increase the risk of loss, injury and death due to flooding. The District recommends either: (a) assessing the impacts of the underpass with respect to flood risk; or (b) reconfigure the crossing to eliminate the State Highway 43 underpass.
9. The EIR/EIS fails to address the potential for the alignment to create inadequate emergency access to properties bordered by the Cole Slough, the Dutch John Cut

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and the proposed rail alignment. These properties are currently accessed from a number of locations along State Highway 43. The proposed railway alignment and configuration severs access to these properties. A single bridge across the Kings River parallel to the alignment is proposed for accessing these properties. An incident on or adjacent to the bridge may make access to and from these properties impossible. This would obstruct flood fighting efforts and would substantially increase the risk of loss, injury and death due to flooding. The District recommends that the EIR/EIS address impacts to flood risks caused by limited access and mitigate these risks by providing additional access to the isolated properties.

10. The EIR/EIS fails to recognize that the current alignment and configuration will require modifications to the maintenance and operations of the Kings River Channel Improvement Project, a federal flood project, and will require approval by the USACOE under 33 U.S.C. 408. The document states on page 2-59 that the bridges will clear the Cole Slough and Kings River levees by approximately three feet. The project, as currently configured, does not propose changes to flood project channels or levees but the proximity of the project to those channels and levees creates a substantial impact to the functioning of the project and flood protection measures. These substantial impacts include: (a) an inability to maintain a vegetation-free zone around the levee as required by USACOE standards; (b) an inability to grade the levee to prevent rutting as required by USACOE standards; (c) an inability to exterminate burrowing animals and remove animal burrows as required by USACOE standards; (d) an inability to patrol the levee during flood flows as required by the Kings River Channel Improvement Project Operations and Maintenance Manual; and (e) an inability to perform flood fighting activities or effectuate levee repairs as required by the Kings River Channel Improvement Project Operations and Maintenance Manual. The District recommends that the EIR/EIS recognize the need for design approval of the various floodway crossings by the USACOE under 33 U.S.C. 408.

11. The EIR/EIS makes the conclusion that construction and operation impacts related to hydrology and water resources as a result of implementing the Fresno to Bakersfield segment of the HST alternatives would be less than significant under the California Environmental Quality Act (CEQA) and negligible under the National Environmental Policy Act (NEPA). The District has submitted comments related to hydrology and water resources that demonstrate significant impacts and effects under CEQA and NEPA. The CEQA significance conclusion and the NEPA impact summary should be reevaluated with due consideration given to each of these comments.

L041-2

Transportation

12. The EIR/EIS fails to address the potential for the alignment to create inadequate emergency access across the Kings River in the event of flooding of the proposed State Highway 43 underpass. The underpass would be generally prone to flooding from typical storm events but this risk is substantially increased given that the underpass is within the 100-year flood hazard area and subject to overland flood flows. The nearest alternate Kings River crossings are 6th Avenue near Kingsburg

Submission L041 (Steven Stadler, Kings River Conservation District (KRCd), October 13, 2011) -
Continued

California High Speed Rail Authority
October 7, 2011
Page 5

L041-2

(upstream) and DeWoody Avenue in Laton (downstream). Flooding of the underpass would impact the passage of regular traffic and emergency traffic. The District recommends either: (a) assessing the impacts of the underpass with respect to transportation and emergency services; or (b) reconfigure the crossing to eliminate the State Highway 43 underpass.

13. The EIR/EIS fails to address the potential for the alignment to create inadequate emergency access to properties bordered by the Cole Slough, the Dutch John Cut and the proposed rail alignment. These properties are currently accessed from a number of locations along State Highway 43. The proposed railway alignment and configuration severs access to these properties. A single bridge across the Kings River parallel to the alignment is proposed for accessing these properties. An incident on or adjacent to the bridge may make access to and from these properties impossible. This would impact the flow of regular traffic and emergency traffic to these properties and make vehicular evacuation of the properties impossible. The District recommends that the EIR/EIS address impacts to transportation and emergency services caused by limited access and mitigate these risks by providing additional access to the isolated properties.

14. The EIR/EIS makes the conclusion that construction and operation impacts related to transportation as a result of implementing the Fresno to Bakersfield segment of the HST alternatives would be less than significant under CEQA and negligible under NEPA. The District has submitted comments related to transportation that demonstrate significant impacts and effects under CEQA and NEPA. The CEQA significance conclusion and the NEPA impact summary should be reevaluated with due consideration given to each of these comments.

Please feel free to contact me if there are any questions about the above comments or if consultation with the Kings River Conservation District is needed. I can be reached by telephone at (559) 237-5567 extension 115 or by e-mail at ssadler@krcd.org.

Sincerely,



Steven Stadler, P.E.
Deputy General Manager of
Flood Control and Environmental Resources/Chief Engineer

SPS/sjs

cc: Jay Punia, CVFPB
Col. William J. Leady, USACE

L11-0143
File: 700.01.03

Response to Submission L041 (Steven Stadler, Kings River Conservation District (KRCDC), October 13, 2011)

L041-1

Refer to Standard Response FB-Response-GENERAL-21.

(1) The three locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed considering the Kings River Conservation District concerns. To address the topics of channel and levee operations and maintenance activities, the clearance between the top of levee and the underside of the proposed bridges has been increased from 3 feet to a minimum of 18 feet, and the access on the landside of each levee bank has been improved. An equipment design study was prepared that found that this levee clearance was sufficient for equipment access and levee maintenance by the heavy equipment owned by the Kings River Conservation District. Increasing the clearance, providing adequate access on the landside of each levee bank, and providing access to and from the top of the levee to the landside of each levee should allow channel and levee operations and maintenance activities to continue with minimal impact.

(2) The three locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed considering the Kings River Conservation District concerns. To address the topics of channel and levee operations and maintenance activities, the clearance between the top of levee and the underside of the proposed bridges has been increased from 3 feet to a minimum of 18 feet, and the access on the landside of each levee bank has been improved. The HST will be on an aerial structure across the Kings River Complex and the structure soffit should be at least 10 feet above 100-year flood elevation everywhere in the floodplain

(3) It is recognized that the FEMA flood mapping is Zone A in the vicinity of the proposed alignment. To address KRCDC's concern (a) about raising levee elevations in the future, the distance between the top of levee and underside of the proposed bridges is being increased from 3 feet to a minimum of 18 feet and access is being enhanced on the landside of each levee bank. This would allow space for the levee height to increase while still allowing channel and levee maintenance and operation activities to continue by accessing the levee and channel from the landside toe of the levees. To address KRCDC concern (b) about the inability to accredit levees to FEMA standards, the levees

L041-1

do not seem to have been used in the FEMA Zone A determination, since the Zone A floodplain extends beyond the levees. This would imply that the accreditation of the levees may not result in additional flood hazard zones. A Conditional Letter of Map Revisions (CLOMR) based on a detailed study will need to be prepared at later design stages to convert Zone A floodplains to either Zone AE or Zone AO floodplains. To address concern (c) about maintaining the ability pass the 100-year flood flows. The structure soffit would be at least 15 feet above the estimated 100-year floodplain.

(4) Refer to Master Response FB-Response-GENERAL-21. The three locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed considering the Kings River Conservation District concerns. To address the topics of channel and levee operations and maintenance activities, the clearance between the top of levee and the underside of the proposed bridges has been increased from 3 feet to a minimum of 18 feet, and the access on the landside of each levee bank has been improved. Increasing the clearance, providing adequate access on the landside of each levee bank, and providing access to and from the top of the levee to the landside of each levee should allow pedestrian and vehicle crossings as well as channel and levee operations and maintenance activities to continue with minimal impact. Details of the bridge crossings and bridge access roads would be developed at later stages of design.

(5) The locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed considering the Kings River Conservation District concerns. To address channel and levee operations and maintenance activities, the clearance between the top of levee and the underside of the proposed crossings has been increased from 3 feet to a minimum of 18 feet, and the access on the landside of each levee bank has been improved. Increasing the clearance, providing adequate access on the landside of each levee bank, and providing access to and from the top of the levee to the landside of each levee should allow channel and levee operations and maintenance activities to continue with minimal impact.

Response to Submission L041 (Steven Stadler, Kings River Conservation District (KRCD), October 13, 2011) - Continued

L041-1

(6) Refer to Master Response FB-Response-GENERAL-21. The proposed increased clearance to a minimum of 18 feet above the top of levee and over 15 feet clearance throughout the floodplain should be able to provide adequate freeboard for debris crossing. Pier design, where piers are proposed in Dutch John Cut and the old Kings River channel, will consider approaches to minimize potential debris accumulation. Also note that details of the bridge crossings would be developed at later stages of design.

(7) Potential changes to design hydrology criteria are speculative and the Revised DEIR/Supplemental DEIS does not address this issue. The design of the HST crossings will be based on the estimated 100-year event or other relevant design event in effect at the time the hydraulic analysis is conducted

(8) Changes to roadway access as a result of the HST are addressed in Chapter 3.2, Transportation. Similar to other road underpasses in Central Valley floodplains, road underpasses at HST crossings would require pump stations that will pump runoff out of the low point of the road. SR43 would be modified at the HST crossing just north of Cole Slough. The SR43 underpass is not located within the 100-year floodplain, as mapped by FEMA FIRMs. In the event of extreme storm events such as the 100-year event, flood flows would continue to be pumped out of the underpass and discharged to adjacent areas. Caltrans Roadway Drainage Guidelines are to use a 2% (50 year) design storm for conventional State highways and freeways for depressed highway sections that require pumping. A 4% (25-year) design storm may be used for road undercrossings that require pumping (Chapter 830, Caltrans Highway Design Manual [Caltrans 2012b]).

(9) The Kings River Complex will be crossed on an aerial structure. Access to the properties bordered by Cole Clough, the Dutch John Cut and the proposed rail alignment will still be possible on the same local roads as at present.

(10) The Revised DEIR/Supplemental DEIS recognizes that USACE would permit the crossings under Section 408 or 208.10. See Section 3.8.6, Project Design Features,

L041-1

under flood protection. The project design analyzed in the Revised DEIR/Supplemental DEIS had bridges with 4 feet of clearance of the Cole Slough and Kings River levees (please see Volume III: Section A – Alignment Plans). Subsequent consultation with Kings River Conservation District regarding levee maintenance activities has led to a modification of the profile at these crossings to allow 18 feet of clearance at the levees. An equipment design study was prepared that found that this levee clearance was sufficient for equipment access and levee maintenance by the heavy equipment owned by the Kings River Conservation District.

(11) The locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed considering the Kings River Conservation District concerns. To address the topics of channel and levee operations and maintenance activities, the clearance between the top of levee and the underside of the proposed bridges has been increased from 3 feet to a minimum of 18 feet, and the access on the landside of each levee bank has been improved. Increasing the clearance, providing adequate access on the landside of each levee bank, and providing access to and from the top of the levee to the landside of each levee should allow channel and levee operations and maintenance activities to continue with minimal impact. The floodplain of the Kings River Complex will be crossed on an aerial structure. Clearance in the floodplain is generally greater than 15 feet. For the above reasons, which have been added to the Final EIR/S, it was determined that the impacts to the floodplain would be less than significant under CEQA and negligible under NEPA.

L041-2

Refer to Standard Response FB-Response-S&S-01.

Changes to roadway access as a result of the HST are addressed in Section 3.2, Transportation. Similar to other road underpasses in Central Valley floodplains, road underpasses at HST crossings would require pump stations that will pump runoff out of the low point of the road to either a municipal drainage system or detention basin. SR 43 would be modified at the HST crossing just north of Cole Slough. The SR 43 underpass is not located within the 100-year floodplain, as mapped by the Federal Emergency Management Agency Flood Insurance Rate Maps. In the event of extreme storm events such as the 100-year event, flood flows would continue to be pumped out of the

Response to Submission L041 (Steven Stadler, Kings River Conservation District (KRCD), October 13, 2011) - Continued

L041-2

underpass and discharged to adjacent areas.

Submission L042 (Kenneth Bergevin, Ed.D, Richland School District, August 29, 2011)



District Superintendent
Dr. Kenneth R. Bergevin

Board Members
Tony Aguirre
Tammy Criswell
Cain Maldonado
Steve Mann
Deanna Rodriguez-Root

331 SHAFTER AVE
SHAFTER, CALIFORNIA 93263
(661) 746-8600
FAX (661) 746-8614

Golden Oak Elementary
(661) 746-8670

Redwood Elementary
(661) 746-8650

Sequoia Elementary
(661) 746-8740

Richland Junior High
(661) 746-8630

08-29-11P03:35 RCV

AUG 29 2011

August 24, 2011

Fresno to Bakersfield Draft EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

Attn: Jeff Abercrombie, Area Program Manager Central Valley

Re: Draft EIR/EIS

Dear Mr. Abercrombie,

L042-1

The Richland School District has reviewed the initial plans of the rail alignment for the Fresno to Bakersfield route passing near Shafter CA and our school site, Sequoia Elementary. This school is located at 500 West Fresno Ave in Shafter CA. We believe that in the Draft EIR our school is misidentified as the "Richland Senior Elementary School." In reviewing the Shafter-Wasco Bypass route, we believe that Sequoia Elementary is the school site identified as "within one-fourth mile of the proposed high speed train project."

L042-2

To be clear, one-fourth of a mile is about 1,320 feet. Accordingly, this rail project will pass less than 1,320 feet from our existing school. The California Department of Education (CDE) has very specific guidelines for school site selection. If a school district wanted to build a school within 1,500 feet of a rail line they would have to comply with the California Code of Regulations (CCR) Title 5, the specific regulation is:

Proximity to Railroads

When evaluating a site near railroad tracks, a study should be conducted to answer the following questions (See CCR, Title 5, Section 14010(d)):

1. What is the distance from the track easement to the site?
2. Are the tracks mainline or spur?
3. What kinds of cargo are carried?
4. What is the frequency of rail traffic, and how does the rail traffic schedule relate to the school time schedule?

AN EQUAL OPPORTUNITY EMPLOYER

L042-2

5. Is the proposed site near a grade, curve, bridge, signal, or other track feature?
6. What is the need for sound and safety barriers?
7. If pedestrians or vehicles must cross the tracks, are there adequate safeguards at the crossing?
8. Are there high-pressure gas lines near the tracks that might rupture in the event of derailment?

While most railroads have detailed instructions for handling hazardous materials, no setback distance between railroad tracks and schools is defined in law. However, the California Code of Regulations, Title 5, Section 14010(d), established the following regulations pertaining to proximity to railroads:

If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track, need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossing, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.

The National Transportation Safety Board has called for a uniform standard separation of at least 100 feet between hazardous materials storage and production facilities and mainline railroad tracks. Hazardous materials authorities have evacuated homes within a radius of 1,500 feet to 2,500 feet of railroad accidents when toxic gas and explosives were involved.

The Richland School District would ask that the Draft EIR/EIS consider the above requirements for a safety study as detailed by the CDE, and provide mitigation solutions acceptable to the CDE and the School District should the rail route come within 1,500 feet of Sequoia Elementary School.

L042-3

Please keep our School District up to date on the issues we have raised concerning the rail alignment near our school. Please contact my office with any questions or additional clarifications.

Sincerely,

Kenneth Bergevin, Ed.D
Superintendent

cc: City of Shafter, John Guinn, City Manager

AN EQUAL OPPORTUNITY EMPLOYER

Response to Submission L042 (Kenneth Bergevin, Ed.D, Richland School District, August 29, 2011)

L042-1

Refer to Standard Response FB-Response-SO-05.

Detailed analysis on the impacts on schools and children are found in Appendix 3.12-B, Effects on School District Funding and Transportation Routes, and Appendix 3.12-C, Children's Health and Safety Risk Assessment. These appendices describe the breadth of potential impacts on schools, as well as environmental health and safety risks to children.

Sequoia Elementary is a school in the Richland-Lerdo Union School District (or Richland School District) and is correctly identified in the Revised DEIR/Supplemental DEIS, Volume II, Appendices 3.12-B and 3.12-C.

L042-2

An analysis of project safety effects on schools based on the criteria provided in California Code of Regulations, Title 5, Section 14010, is provided in Section 3.11.5.3 (Safety and Security) of the Revised DEIR/Supplemental DEIS.

L042-3

The project team has met with the Richland School District and will continue to provide information as the project progresses. The school has been added to the stakeholder database to continue to receive updates.

Submission L043 (Ernest Mendes, Riverdale Public Utility District, October 7, 2011)

10-07-11P01:03 RCVD

Riverdale Public Utility District

Post Office Box 248
20896 Malsbary
Riverdale, California, 93656

Phone (559) 867-3838
FAX (559) 867-3182

DIRECTORS:

Ernest Mendes, President
James Petty, Vice President
Doyle Talley, Director
Chad Swearingen, Director
Michael McMillan, Director

October 4, 2011

VIA FAX 916-322-0827 & U.S. MAIL

Board of Directors
CALIFORNIA HIGH SPEED
RAIL AUTHORITY
770 L Street, Suite 800
Sacramento, CA 95814-3359

Re: Fresno to Bakersfield HSR Draft EIR/EIS – SCH 2009091126
Riverdale Public Utility District Request for Extension of Comment Period

Dear Chairman and Members of the Board:

The Riverdale Public Utility District is located in south east Fresno County near the northern border of Kings County. The area is a thoroughly developed agricultural region with dense local and on-farm water infrastructure to support the dense agricultural development that has come into being over the last 130 years. The District Board of Directors and its staff has attempted in good faith to review the above DEIR/S. The document, however, is massive and consists of at least 17,000 pages when all its technical appendices are included. For many months prior to release of the DEIR/S the Authority provided little to no project details or answers. The typical pattern of the Authority's representatives was to decline to answer specific questions, but instead to refer effected parties and the public to await the release of the Project DEIR/S as all the answers would be provided in that document. The Authority and its representatives have not been forthcoming with project specific information or a specific proposal that is not subject to change throughout various meetings prior to the public release of the DEIR/S.

Our preliminary review indicates that the DEIR/S is not in compliance with State and Federal law and provisions established to protect to public and the environment. In addition, the Authority has failed to make available to the public all documents referenced in the DEIR/S. Due to the unwillingness of the Authority to provide timely and relevant project information, the District as well as other impacted parties of interest have had to simply rely upon reviewing the 17,000 pages of environmental documents to try to gain a clear understanding of this project proposal and means by which the Authority will mitigate potential impacts in Fresno and Kings County. The minimal

Board of Directors
CALIFORNIA HIGH SPEED
RAIL AUTHORITY
October 3, 2011
Page 2

review time of 45 days to consider all 17,000 pages¹ of the technical documents was extended by Authority staff an additional token 15 days.

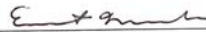
However, this total 60 day time frame is a totally inadequate amount of time for the District and the public to conduct a thorough, meaningful review of the DEIR/S. Simply to read 17,000 pages in 60 days means reading the equivalent of reading a 280 page book every day for 60 days, and simultaneously be able to produce a meaningful critique of all that was read. These numbers show the absurdity of the 60 days review period offered by the Authority. In fact, the 60 day review period is meaningless and makes a mockery of the public education, public participation and due process goals of CEQA.

Clearly it is physically impossible for anyone to read the DEIR/S in the current 60 day review period, especially if that person must rely upon a paper copy available at the public libraries due to the library's limited hours of operation.

Therefore, in the public's interest, the District most strongly requests that the Fresno to Bakersfield Section EIR/EIS comment review period be extended to a minimum of six (6) months, through mid February 2012, to ensure that an adequate period of time is provided to the District and the public so that the public trust is upheld in protecting the public health, safety and welfare and the environment. Similar requests have been made by the California Farm Bureau Federation, the County of Kings other local land owners and communities that will be impacted, and the District hereby reinforces the need for and adequate DEIR/S comment review time as required by CEQA, the CEQA Guidelines, and by due process requirements.

Very truly yours,

RIVERDALE PUBLIC UTILITY DISTRICT

By: 
Ernest Mendes, President
Board of Directors

L043-1

¹The Fresno-Bakersfield DEIR/S and technical appendices presented on the Authority's web site total approximately 17,000. The Authority also released the Merced to Fresno DEIR/S and those documents total a similar amount, meaning the public and impacted parties were given 45, and later 60, days to review 30,000 plus pages of environmental documents about the biggest public works project ever undertaken in the history of the San Joaquin Valley, if not of the State.

Response to Submission L043 (Ernest Mendes, Riverdale Public Utility District, October 7, 2011)

L043-1

Refer to Standard Response FB-Response-GENERAL-07.

Submission L044 (Raul Mendez, Stanislaus County Environmental Review Committee, September 21, 2011)



09-21-11P04:27 RCVD

CHIEF EXECUTIVE OFFICE
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Chief Executive Officer

Patricia Hill Thomas
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STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

September 19, 2011

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

SUBJECT: ENVIRONMENTAL REFERRAL – CA High Speed Rail Authority
– Draft Environmental Impact Report /Statements for Central
Valley Sections Available

Ms. Wall:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Raul Mendez, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

RM:kg

L044-1

Response to Submission L044 (Raul Mendez, Stanislaus County Environmental Review Committee,
September 21, 2011)

L044-1

The Authority appreciates the time that Stanislaus County took to review the EIR/EIS.

Submission L045 (James May, Tulare County Flood Control District, October 13, 2011)

Fresno - Bakersfield - RECORD #1359 DETAIL

Status : Action Pending
Record Date : 10/27/2011
Response Requested : No
Stakeholder Type : Government
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : James
Last Name : May
Professional Title : P.E.
Business/Organization : Tulare County Flood Control District
Address : 5961 So. Mooney Blvd
Apt./Suite No. :
City : Visalia
State : CA
Zip Code : 93277
Telephone :
Email : JMay@co.tulare.ca.us
Email Subscription : Fresno - Bakersfield
Cell Phone :
Add to Mailing List : Yes
Stakeholder Comments/Issues : We were not copied on the formal review submittal, the following comments are based upon the online materials.

L045-1

The EIR/EIS fails to address altered flood risk resulting from the proposed alignment.

An outreach telephone call from URS early last week, indicated that the alignment(s)(?) through Tulare County, were roughly along Hwy 43. This would place the HST facility in Zone A, Zone AH, and Zone AO Flood Hazard Areas, along most of it's route. There are no defined flood ways indicated. The above FHAs are produced by Deer Creek, and the White River distributary (not mentioned in the EIR/EIS). We are unable to determine how flooding and flood zone encroachments will be addressed.

The reference to Deer Creek at the Pixley Wildlife Refuge as a small ditch is incorrect, as evidenced by this past Winters storm water flows which breached the Road 88 crossing as well as the adjacent levee systems upstream and downstream. The resultant flooding closed Avenue 56 and nearly closed Hwy 43. Bottom width is approximately 20 feet and 10 feet deep.

The grade separations shown at Avenue 24 and Avenue 56 will require fill for nearly their full length beyond the ramps.

James May, Jr. PE
 Tulare County Flood Control District
 5961 So. Mooney Blvd
 Visalia, CA 93277

EIR/EIS Comment :

Yes

Response to Submission L045 (James May, Tulare County Flood Control District, October 13, 2011)

L045-1

Refer to Standard Response FB-Response-HWR-02, FB-Response-HWR-03.

Please see FB-Master Response-47 for clarification on the floodplain impact analysis. In addition, descriptions of the Deer Creek channel were revised in the Revised DEIR/Supplemental DEIS.

Submission L046 (Douglas Davis, Tulare Lake Resource Conservation District, September 20, 2011)

TULARE LAKE RESOURCE CONSERVATION DISTRICT

P.O. Box 985
Corcoran, California 93212
Telephone: (559) 992-3145

09-20-11 11:05 RCVD

September 15, 2011

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

Re: Request for Extension of EIR/EIS Comment Period, Fresno to Bakersfield Section

Dear Chairman and Members of the Board,

L046-1

The Tulare Lake Resource Conservation District requests an extension of time to review the EIR/EIS document of at least 180 days. The initial 45 day comment period, later extended 15 days to October 13, 2011, is not sufficient time to review and comment on the lengthy EIR/EIS document.

Thank you for your consideration.

Respectfully Submitted,

Douglas E. Davis
Douglas E. Davis
District Manager

Response to Submission L046 (Douglas Davis, Tulare Lake Resource Conservation District,
September 20, 2011)

L046-1

Refer to Standard Response FB-Response-GENERAL-07.